

Attachment B

***June 2012 Council Report – Planning Proposal –
Industrial Service Centre (Corner of Victoria Street
and Newton Road, Wetherill Park)***

KEVIN KUO - STRATEGIC LAND USE PLANNER

FOR ACTION

Meeting Date: 26/06/2012

Target Date: 26/06/2012

Notes:

89: Issue: Planning Proposal – Industrial Service Centre (Corner of Victoria Street and Newton Road, Wetherill Park)
Premises: 449 Victoria Street and 96 Newton Road, Wetherill Park (Lot 304 DP 1098762 and Lot 4 DP 851250)
Applicant: GAT & Associates
Gerard Turisi
Frances Turisi
Owner: Abbca Investments Pty Ltd – Directors: Joe Abbonizio and Robert Carafa (449 Victoria Street, Wetherill Park)
Mr F Dolso & Mr M Dolso (96 Newton Road, Wetherill Park)
Zoning: General Industrial 4A
File Number: qA139001

MOTION: (Huynh/Mooshi)

That Council:

1. Not include 'neighbourhood shops' in this LEP as permissible on the subject site.
2. Inform the Department of Planning and Infrastructure that it wishes to commence the Gateway Determination Process to amend Part 4, Clause 25 of the Fairfield LEP 1994 to permit the following uses (including associated floor space restrictions) with Council consent on the land at Wetherill Park shown edged heavy black on the map marked "Fairfield LEP 1994 (Amendment No. 133) shown in Attachment C to the report.
 - Hotel with ancillary conference rooms (up to 7000m2)
 - Medical Centres (up to 300m2)
3. Allow a 60 place Child Care Centre on the subject site as per Council's May 2010 resolution and amend the SSDCP accordingly.
4. Provide the Executive Manager Environmental Standards with the delegation to authorise the planning proposal and associated information including the amended SSDCP (to be prepared by Council officers to reflect Council's decision on this item) to be submitted to the Department of Planning and Infrastructure pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.

CARRIED UNANIMOUSLY

ACTION TAKEN BY OFFICER

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SUBJECT:

Issue: Planning Proposal – Industrial Service Centre (Corner of Victoria Street and Newton Road, Wetherill Park)

Premises: 449 Victoria Street and 96 Newton Road, Wetherill Park (Lot 304 DP 1098762 and Lot 4 DP 851250)

Applicant: GAT & Associates
Gerard Turisi
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(449 Victoria Street, Wetherill Park)
Mr F Dolso & Mr M Dolso (96 Newton Road, Wetherill Park)

Zoning: General Industrial 4A

FILE NUMBER: qA139001

PREVIOUS ITEMS: 78 - Outcomes Committee - 11 May 2010
44 - Ordinary Council - 27 April 2010
44 - Outcomes Committee - 13 April 2010

REPORT BY: Kevin Kuo, Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Determine its position on '*neighbourhood shops*' with regards to whether it wishes to permit them as additional permitted uses on the subject site given previous decisions on this matter.
2. Inform the Department of Planning and Infrastructure that it wishes to commence the Gateway Determination Process to amend Part 4, clause 25 of the Fairfield LEP 1994 to permit the following uses (including associated floor space restrictions) with Council consent on the land at Wetherill Park shown edged heavy black on the map marked "Fairfield LEP 1994 (Amendment No. 133) shown in AT-C.

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- Hotel with ancillary conference rooms (up to 7000m²)
 - Medical Centres (up to 300m²)
 - Neighbourhood Shops (up to 80m²) - *Subject to Council's decision on Recommendation No. 1.*
3. Determine whether it wishes to allow a 60 place child care centre on the subject site as per Council's May 2010 resolution and amend the SSDCP accordingly, or alternatively retain the current maximum child capacity identified in Council's City Wide DCP 2006 which limits childcare centres to 40 places.
4. Provide the Executive Manager – Environmental Standards with the delegation to authorise the planning proposal and associated information including the amended SSDCP (to be prepared by Council officers to reflect Council's decision on this item) to be submitted to the Department of Planning and Infrastructure pursuant to s.55 of the Environmental Planning and Assessment Act 1979.

Note: This report deals with a planning decision made in exercise of a function of Council under the EP & A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Item 78 - Central Services Facilities, 25 May 2010 - Ordinary Council	40 Pages
AT-B	Zoning & Aerial Map of Subject Site	2 Pages
AT-C	Fairfield LEP 1994 (Amendment No. 133) - Land Application Map	1 Page
AT-D	Planning Proposal to provide for a Human Services Hub, GAT & Associates (May 2012)	43 Pages
AT-E	Amended Site Specific DCP for the Subject Site (dated June 2012)	6 Pages

SUMMARY:

At the Ordinary Council meeting in May 2010, Council resolved not to proceed with the Central Services Facilities (CSF) Strategy identified in the Employment Lands Strategy (ELS) 2008 which sought to allow the consolidation and extension of existing industrial service nodes that would provide a range of small scale retailing and service uses that would primarily serve the daily needs of the Wetherill Park industrial area. In addition, Council also resolved to consider allowing specific uses (ie childcare centre, hotel and medical facilities) with associated floor space and size restrictions at the vacant site at 449 Victoria Street and 96 Newton Road, Wetherill Park (corner of Newton Rd and Victoria Street) subject to lodgement of a planning proposal and Site Specific Development Control Plan (SSDCP).

Council is now in receipt of a planning proposal from GAT and Associates (applicant) submitted on behalf of the owners of 449 Victoria Street and 96 Newton Road (corner of

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Newton Rd and Victoria St), Wetherill Park requesting an amendment to the Fairfield LEP 1994 to allow a number of additional uses with associated floor space limits consistent with Council's May 2010 resolution with the addition of small scale shops and services that would serve the daily needs of the nearby workforce.

The applicant has also submitted a Site Specific DCP for the subject site that will inform the proposed future development through controls relating to lay out, setbacks, car parking, advertising, streetscape, amenity and drainage/flooding.

BACKGROUND/HISTORY:

Below is a chronology of events detailing the history:

- In December 2005 the State Government release the Metro Strategy 2005 which guides growth in the Sydney region from 2004-2031 and embodies major decisions on the location of urban growth, new housing areas, employment, transport, schools and hospitals.
- In 2007, the State Government release the Draft West Central Sub Regional Strategy (SRS) to support Metro Strategy 2005 and identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2031, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.
- Council prepares an Employment Lands Strategy (ELS) in 2008 in response to employment targets identified in the Metro Strategy and Draft SRS and to assist in Fairfield's transition to the Standard LEP Instrument. The ELS recommends the retention of existing industrial zoned land for the purposes of employment uses and recommends the development of industrial service centres/Central Services Facilities(CSFs) at 2 existing service centres (Greenway Plaza and Victoria Street Business Centre) and a vacant site at the south western corner of Victoria street/Newton Road intersection (subject site). The purpose of these CSFs are to provide a range of retail and commercial uses that will service the daily needs of the local industrial workforce.
- Spot rezoning submitted to Council in June 2008 for the subject site to enable development for the purpose of a CSF which Council resolves to process as part of Council's annual review LEP 1994 in October 2008
- Department of Planning and Infrastructure (DoPI) object to the spot rezoning proceeding in a letter dated 14 April 2009 stating that the proposal would facilitate development of offices outside of a strategic centre.
- The applicant makes representation to the DoPI who clarify its position in a letter to Council (dated 21 October 2009) stating that "...there are elements

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of the proposal to expand the Newton Street CSF that are not opposed. These include non-commercial uses to service the day-to-day needs of the people who work and live in the local area, such as a gym, childcare centre and neighbourhood shops".

- A separate letter (dated 16 November 2009) to the applicant (carbon copied to Council) also confirms that the "...majority of the proposed land uses listed in [the applicants] letter would be supported by the Department. These uses include the service retail component, a restaurant, hotel, child care centre and gym" and suggest that the applicant continue to liaise with Council to prepare a revised proposal for the site that is consistent with the DoPI's comments.
- Council reconsider its position on CSFs at the May 2010 Council meeting, in light of comments raised by the DoPI which limit the range of services originally anticipated to be provided by the CSF and concerns raised by some Councillors regarding the impact of CSFs on surrounding Town Centres.

At that meeting, Council resolves to no longer proceed with the CSF Strategy identified in the ELS on the basis that the Standard Instrument LEP mandates neighbourhood shops as being permissible in the industrial area and that this would sufficiently address the day to day needs of the industrial workforce (relevant resolution below, however full report and resolution shown in AT-A).

1. *That Council notify the owners of the subject sites that no longer wishes to pursue the Central Services Facilities strategy, taking into consideration the existing retail and business uses in the industrial area and the provision in the standard LEP instrument which allows for neighbourhood shops which will sufficiently address the day to day needs of the industrial workforce (refer to Note below).*
 2. *That the owner of 96 Newton Road and 449 Victoria Street be notified that Council will consider the following uses with associated floor space limits specified below upon lodgement of a planning proposal and site specific DCP for Council's consideration:*
 - *Childcare centre – accommodating up to 60 places*
 - *Hotel (and conference centre rooms being ancillary to the hotel up to 7,000m²)*
 - *Medical facilities up to 300m²*
- In December 2011, the applicant submits a revised Planning Proposal and SSDCP as per Council's resolution.

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- Council resolves to make '*neighbourhood shops*' a prohibited use in the higher density residential zones (ie R1,R3 and R4), and General and Light Industrial Zones (ie IN1 and IN2) in considering the Comprehensive Fairfield LEP 2011 in May 2012.
- The applicant amends the Planning Proposal to include neighbourhood shops and shops in addition to the original uses being sought as per Council's May 2010 resolution.

THE SITE:

The subject site comprises 2 vacant triangular lots (449 Victoria St and 96 Newton Road) located on the south western corner of Newton Road and Victoria Street.

The subject site is bisected by a concrete drainage channel (located on the south eastern edge of 449 Victoria Street). The combined site area is 17,569m² and has a frontage along Victoria Street of 167m with a frontage of along Newton Road of 114m. Refer to AT-B for aerial map.

An existing multi-storey business centre (Victoria Street Business Centre – 119 Newton Rd) is located directly east of the subject site and is affected by existing site specific LEP provisions allowing retail and commercial uses as additional uses on the site with associated floor space restrictions (ie 200m²). A tavern is also located on the same land as the existing business centre.

CURRENT ZONING:

The subject site is currently zoned General Industrial 4A under the Fairfield LEP 1994 (refer to AT-B for zoning map). As the proposal is seeking to develop uses consistent with the Council resolution of May 2010 (ie medical centres, childcare centres and hotel) as well as small scale shops, the proposed uses are not considered to be permissible in the zone (except child care centres).

An assessment of the proposed amendment to the LEP 1994 to permit the subject uses is discussed below under Zoning Issues.

PROPOSED AMENDMENT TO THE FAIRFIELD LEP 1994:

The proposal seeks to amend Part 4, clause 25 Special provisions relating to particular land to allow the following additional uses and associated floor space/size restrictions on the subject site to enable development for the purposes of 'human services hub':

- Child care centre accommodating up to 60 places
- Hotel up to 7,000m² (with ancillary conference rooms)
- Medical Facilities up to 300m²

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- Shops and Neighbourhood Shops limited to a total of 80m² per shop

The applicant has identified that the above shops would include chemists, fruit and vegetable shop, hairdresser, newsagency, delicatessen, post office, beautician, dry cleaner, photocopy centre, or other uses that demonstrate that their business directly serves the daily needs of the industrial area/workforce.

The proposal seeks to create a service hub that serves the daily needs of the local workforce and the floor space restrictions seek to ensure this hub does not impact significantly on surrounding town centres.

The proposed amendment will also need to be reflected in the Draft Comprehensive LEP 2011 and it is anticipated that the new instrument will include the additional uses as part of Schedule 1 Additional permitted uses and be identified on the Key Sites Map accordingly.

ASSESSMENT OF THE PROPOSAL:

Consideration of Strategic Planning Framework (State, Regional and Local)

Metropolitan Plan for Sydney 2036 and Draft West Central Sub Regional Strategy 2007

Released in December 2010, the Metropolitan Plan for Sydney 2036 replaces the Metropolitan Strategy 2005 revising targets for the employment and residential targets mentioned in the previous section. Furthermore, as the Draft West Central Sub Regional Planning Strategy 2007 was based on the 2005 Strategy, it is considered that the targets identified in the SRS are in need of an update. Notwithstanding the above, it is considered that the planning proposal has regard to the findings of the relevant Metropolitan Plan and Sub Regional Strategies as the proposal will be seeking to retain existing industrial zoned land for employment uses.

Fairfield Employment Lands Strategy 2008:

As mentioned, Council resolved not to proceed with the CSF strategy identified in the ELS 2008 which had included the subject site. Whilst Council's May 2010 resolution sought to restrict the types of uses that it would consider on the subject site when compared against the wide range of business and office premises that was originally envisaged under the CSF strategy, it is considered that the proposal is still consistent with the findings of the ELS 2008 as the proposal will result in development that will still provide services and uses that will meet the needs of the local area. Furthermore, the proposal is not seeking a zoning change and will retain the General Industrial zone as recommended in the ELS 2008.

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Consideration of Local Planning Controls

Fairfield LEP 1994

The additional uses being sought are generally consistent with Council's May 2010 resolution. However, the applicant is also seeking to carry out neighbourhood shops and shops limited to 80m². The issue of neighbourhood shops is a term from the Standard Instrument LEP which forms the basis of Council's Draft Fairfield LEP 2011 and is discussed in the next section. However, the proposed additional use of *shops* is not supported as this would permit general retailing that would not be consistent with Council's stated intention for this node. The definition of *shop* as identified in the Fairfield LEP 1994 is:

Shop means a building or place used for the purpose of retail sale, auction sale, hire or display for the purpose of sale or hire of goods, materials and merchandise, but does not include a building or place elsewhere defined in this plan.

While the applicant has identified the type of shops they will be seeking to allow on the site, chiefly businesses that service the daily needs of the industrial workforce including newsagency, hairdresser, post office, dry cleaner etc; including shops as an additional use will enable more general retailing (such as fruit and vegetable shops, shoe shops, clothing shops etc) not considered appropriate on the site. Allowing shops as an additional use, notwithstanding the applicant's proposal to restrict the size to 80m² per shop is not supported due to the potential to attract general retailing uses more suitably located in surrounding centres rather than within this industrial service node.

The proposal also seeks to allow child care centres (limited to 60 places) as an additional use on the subject site. It is noted that child care centres are currently permissible in the General Industrial 4A zone and therefore not required to be listed as an additional permitted use as part of this planning proposal.

With regards to the size limit for the child care centre, Chapter 13.1.1 of Council's City Wide DCP 2006 sets the maximum capacity for child care centres to 40 children across the City. As this is more restrictive than Council's previous resolution which stipulates a limit of 60 places, it is considered that Council either retain the existing control of 40 places as per Council's DCP or alternatively amend the SSDCP to include provisions for a 60 place child care centre on the subject site only as a special case.

Draft Fairfield LEP 2011 – Neighbourhood Shops and associated Service Uses

Council has made a number of decisions with regards to neighbourhood shops which it would need to clarify with regards to determining whether it wishes to consider allowing these uses on the site:

Item 78 – Central Service Facilities (May 2010)

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As mentioned above, Council resolved the following in May 2010:

1. That Council notify the owners of the subject sites that no longer wishes to pursue the Central Services Facilities strategy, taking into consideration the existing retail and business uses in the industrial area and the provision in the standard LEP instrument which allows for neighbourhood shops which will sufficiently address the day to day needs of the industrial workforce

And subsequently resolved as follows:

Item 1 – Fairfield Draft Comprehensive LEP (May 2012)

In considering the Draft Comprehensive LEP in May 2012 and the results of public exhibition, Council resolved the following with regards to neighbourhood shops:

- 1.7 The land use 'neighbourhood shops' be made a prohibited use in the zoning table for the following zones:

R1 Residential
R3 Residential
R4 Residential
IN1 General Industrial
IN2 Light Industrial, and;

shop top housing' be made a prohibited use in the R1 and R4 Residential zones as Council is concerned that the Neighbourhood Shops and Shop top housing as permissible uses could allow the development of multiple shops on individual lots in these zones. In addition, there is great concern that if these shops are allowed they will adversely affect the ability for residential development to occur in the high and medium density areas as set out in Council's Residential Strategy, particularly in close proximity to Town Centres.

Officer Comment

The May 2010 resolution provides the basis for not proceeding with the CSF strategy as identified in the ELS 2008 due to neighbourhood shops being a compulsory use in the General (IN1) and Light Industrial (IN2) zones. The applicant has subsequently submitted a planning proposal and site specific DCP in December 2011 on the basis that neighbourhood shops would be permissible on the subject site in addition to the other uses identified in Council's previous resolution.

The May 2012 resolution seeks to remove neighbourhood shops which are a compulsory permitted use in the Standard Instrument LEP from the relevant zones mentioned above. It is noted that while Council's position on neighbourhood shops is clear, given the previous resolution in May 2010, there was an understandable expectation by the applicant that neighbourhood shops would be permissible on their site.

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Taking into account the above resolution, it is considered defensible and justifiable that neighbourhood shops would be appropriate on the subject site only, as they would form part of the mix of uses to provide for the daily convenience needs of the surrounding work force given Council's previous decision on this matter. It is therefore considered that Council would still be able to retain its position to prohibit neighbourhood shops across the R1, R3, R4, IN1 and IN2 zones generally (refer to Note below) and allow neighbourhood shops on this site.

***Note:** Council is still awaiting a response from the DoPI with regards to Council's proposal to prohibit neighbourhood shops. However, given they are a mandatory permitted use in the subject zones early verbal advice suggests it is unlikely the DOPI will support the Council's current position.*

It is therefore requested that Council clarify its position on whether it wishes to consider allowing the subject site to accommodate neighbourhood as additional uses on the subject site given past decisions on the matter.

However, should Council determine that it wishes to allow the applicant to carry out neighbourhood shops the following issues would need to be considered:

Neighbourhood Shop Uses

As mentioned, the applicant is seeking to allow neighbourhood shops on the site other small scale shops/services. The proposal identifies the following types of activities they would be seeking to allow and include chemists, fruit and vegetable shop, hairdresser, newsagency, delicatessen, post office, beautician, dry cleaner, photocopy centre, or other uses that demonstrate that their business directly serves the daily needs of the industrial area/workforce. The applicant is proposing to potentially create a node that would include the issues raised above as well as uses already permitted such as take away food and drink premises to provide a mix of uses that would be a focus point for providing services to the local workforce.

The definition of neighbourhood shops as identified in the Draft LEP 2011 is:

Neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live and work in the local area, and may include ancillary services such as a post office, bank or dry cleaning but does not include restricted premises.

Clause 5.4 of the Draft LEP 2011 also restricts retail floor area of neighbourhood shops to 80m².

It is considered that only a small number of these uses proposed (eg. Chemist and newsagency) would appropriately fall within the strict definition of 'neighbourhood shop' due to the focus on limited retailing permitted. As such, delicatessens and fruit and

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vegetable shops are considered to be a 'shop' rather than a 'neighbourhood shop' as these activities have the potential to cluster and draw customers from outside of the local area and would not be consistent with the neighbourhood shop definition.

The table below provides an example of what Council officers consider to be neighbourhood shops that would be appropriate on the subject site that could be included in the DCP/SSDCP (note that any uses not stipulated in the below table would be assessed on its merits at the DA stage to ensure the proposal complies with the neighbourhood shops definition):

Businesses	Neighbourhood Shops (max 80m2)
	Convenience Shop/mixed business
	Chemist
	Newsagency
	Bakery

Other Uses Proposed by the Applicant for the Service Node

Small scale service uses proposed by the applicant as falling under the definition of shop, such as hairdressers, post office, beautician, dry cleaner and photocopy centres are not considered to fall within the definition of 'neighbourhood shop'.

The issue of whether these uses should be permitted in a "service node" has already been debated by Council while the original Employment Lands Study identified this as an option Council has made a clear policy decision not to pursue a node.

However, even if Council chose to review this position and allow a more expansive service node there is currently no planning mechanism in the Standard Instrument to enable these services to establish without other unsatisfactory impacts.

It is considered that the proposed service uses (ie hairdresser, post office, beautician, dry cleaner and photocopy centre) being proposed by the applicant would be most appropriately defined as a business premises under both the Fairfield LEP 1994 and the Standard Instrument LEP. See below:

Fairfield LEP 1994

Business premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities or in which there is carried on an occupation or profession, but does not include a building or place elsewhere defined in this plan.

Standard Instrument LEP

business premises means a building or place at or on which:

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(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

Including *business premises* as an additional permitted use could potentially enable a wider range of uses such as betting agencies, travel agencies, funeral home etc that would not be appropriate to the intention of the proposal as these would serve a demand outside of the daily needs of the local industrial workforce.

In order to ensure this issue was fully considered Council Officers investigated whether there would be alternate options available to Council in case it wishes to review its previous decision on service nodes. The only options identified were:-

Option 1 – Identify specific businesses

Council could seek to identify the specific service uses being proposed by the applicant by specifically nominating the type of businesses the Draft LEP amendment seeks to permit (ie hairdresser, post office, beautician, dry cleaner and photocopy centre). However it is noted that the DoPI are unlikely to support this as they have generally required Council to include specified land use terms from the dictionary of either the Fairfield LEP 1994 or Standard Instrument LEP.

Option 2 – Propose new land use definition: “Industrial Service Use”

Under this option, Council could request that the DoPI consider introducing a new land use term to the Standard Instrument LEP – Industrial Service Use. ‘Industrial service uses’ would be included in the Standard Instrument LEP in order to provide the planning framework to enable small scale service uses in appropriate locations within industrial/employment areas to meet the day to day needs of the local area. If this was possible then industrial service uses could also complement neighbourhood shops in specified locations within the industrial/employment areas (such as the subject site) and would provide a better mix of uses consistent that would facilitate a service node while controlling potential adverse impacts on Town Centres through size and use restrictions. Customers requiring major services, shopping or grocery needs would need to travel to surrounding centres due to the limited small scale services proposed to be carried out under neighbourhood shops or industrial service uses in these locations.

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However, it is noted that this option is unlikely to be supported by the DoPI as this amendment would have State wide implications requiring the Standard Instrument LEP to be amended affecting all NSW Councils.

Accordingly, it appears Council does not have any satisfactory alternate arrangements that would permit the operation of a service node as indicated in the applicant's submission without other unsatisfactory impacts.

OTHER ISSUES

Site Specific Development Control Plan (SSDCP)

The applicant has also prepared a SSDCP shown in Appendix 1 of AT-D as supporting information for the proposal.

The SSDCP includes a Concept Plan on page 2 showing 4 building footprints over the subject lots (2 building footprints on either side of the existing stormwater channel) and are based on flood risk assessment and modelling of the site given possible flow implications. The plans show 3 bridges over the channel (2 vehicular and 1 pedestrian).

It is noted that these are concept plans only and the resulting development subject of any future development application may vary. The purpose of the layout is to demonstrate whether the site can accommodate the development being proposed and deal with the potential impacts/constraints of the stormwater channel running through the site. Drainage issues are discussed in further detail below.

It is envisaged that the SSDCP will provide the framework that will guide the future design of the development. The SSDCP provides controls relating to lay out, setbacks, car parking, advertising, streetscape and amenity and drainage/flooding. It is noted the SSDCP does not include provisions for floor space ratios and building heights, however, this is consistent with Chapter 9 Industrial Development from Council's City Wide DCP 2006 as the scale and bulk of development in the Wetherill Park industrial area are assessed on its merits.

However, it is considered that the SSDCP should also include further information including definition and specific controls including floor space/size limits identified in Council resolution as part of supporting the subject LEP amendment. The SSDCP, as submitted by the applicant also does not deal with the proposed new land uses such as neighbourhood shops, and variation to the maximum capacity of childcare centres as discussed above. Accordingly, should Council resolve to allow the above uses, it is proposed that the SSDCP be amended to include the following in Section 8 (shown highlighted in AT-E):

Section 8 – Specific Land Use Controls

- Section provides background behind Council's resolutions and subsequent LEP amendment

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Section 8.1 – Special Provisions relating to Child Care Centre and Neighbourhood Shops

8.1.1 Child Care Centre

- Section stipulates that only one (1) child care centre can accommodate 60 places and that any additional centres will be required to comply with the max size requirements in the City Wide DCP (40 places)
- Child care centre development required to comply with Chapter 13 Child care centres in Council's City Wide DCP.

8.1.2 Neighbourhood Shops

- Section defines neighbourhood shops
- Includes restriction on retail floor area to 80m²
- Includes a table indicating the type of businesses that would comply with the neighbourhood shops definition.

It is anticipated that the amended SSDCP would be public exhibited concurrently with the Draft LEP amendment and subsequently included in Council's City Wide DCP as an addendum to Chapter 9 – Industrial Development.

Flooding Issues

Council's Natural Resource Section has undertaken a review of Cardno's flood investigation report (dated 5 July 2011) in preparation of the planning proposal and had initially identified a number of issues with the flood model.

These issues had included a proper representation of downstream flow conditions in the model as well as modifications to the proposed development to ensure that there is no flood impact on surrounding properties.

In response, Cardno issued an addendum to their report on 4 August 2011 in which the identified issues were addressed. In particular walls, were placed around sections of the site boundary to modify flood behaviour and were found to restrict flood impacts on neighbouring properties to within acceptable limits. Accordingly, the flood protection and freeboard requirement for the development shall be based on the flood modelling run including the blockage factors applied to the culvert under Victoria Street, as stated in Cardno's report.

Should development be altered from what was previously reviewed, or alternatively the Office of Water include any new requirements that may affect the flood behaviour, Council will request that further modelling be carried out as part of the development application stage.

Council's Natural Resources Branch have also raised the issue of whether the landscaped area in the north east corner of the site is proposed to be use for on-site detention, as the applicant will need to determine how this will drain to the main channel and ensure the

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existing services in this area are not adversely affected. However, this issue can also be dealt at the development application stage.

Accordingly, Council's Natural Resource Branch do not raise objections to the planning proposal to proceed.

Bridges over the Stormwater Channel

According to the concept plans, the applicant is proposing to construct 3 bridges (2 vehicular bridges and 1 pedestrian bridge) over the existing stormwater channel. The purpose of these crossings is ensure the site is developed as a single service node by improving connectivity over the site (ie ensure that customers can access their services from within site rather than having to exit onto the road in order to access the other side of the stormwater channel). Developing the 2 lots in isolation would also create undesirable traffic impacts in generating additional traffic movements at the corner of Newton Rd and Victoria Street.

However, Council's Stormwater Drainage Policy – adopted in September 2002 states that "*Structures will not be permitted to encroach upon easements to drain water*" (clause 1.6 Easements). The main reasons behind this position are:

Maintenance

- Structures within the easement can hinder plant and machinery during maintenance and repair work of the concrete channel
- Structures can create obstructions to necessary repair work to the concrete panels of the channel

Public Liability

- The future maintenance of the proposed structures may require access to the concrete channel by contactors. This could potential generate unnecessary risk and public liability issues to Council.

In addition to contradicting Council's Stormwater Drainage Policy, it is also noted that Council have received previous requests to construct bridges over the channel which Council officers have refused due to the significant adverse asset management issues this would raise with regards to the maintenance and public liability issues mentioned above. Council's Assets Branch have indicated that allowing bridges in this instance could potentially set an undesirable precedent weakening Council's policy position and increase Council's own maintenance and repair costs due to the increased obstructions along the channel.

However, further discussion was subsequently carried out between Council's Asset Engineers and the applicant to determine whether this issue could be resolved. The Assets team acknowledge that given the constraints of the site and the potential planning benefits such as improving connectivity and permeability of the site and reducing vehicle movements to and from the site, these may provide special circumstances for which to

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potentially consider a variation in this instance. Further review of the site by Assets also indicates the following points:

- the site provides a strategic access point to the channel for upstream renewal and maintenance works.
- it is well positioned to significant roads that will assist the logistics of plant and machinery, and
- establishing private access arrangements will assist Council to more efficiently carry out renewal and maintenance works programmes in the future

It is also noted that maintenance and repairs, liability, indemnity, and access can be addressed by way of an 88B instrument which forms part of the Deposited Plan and identifies and details the terms and conditions of the easement. As the existing stormwater channel currently lies wholly along the south eastern boundary of 449 Victoria Street, to ensure unrestricted access from both sides of the channel, the existing 88B for both sites would be required to be amended, or alternatively a new 88B prepared accordingly.

While it is still the Asset team's preference to prohibit bridges/crossing over easements/stormwater channel and maintain Council's policy position, the Assets team concede that due to the special circumstances of the site from an asset management point of view, the potential planning benefits, and the ability to control the maintenance and liability issues through an 88B instrument, it is considered that a variation to the Policy could be supported in this instance only.

Traffic Issues

Council's Traffic Branch have not raised any objections to the proposed amendment to the LEP at this stage. However, they have requested that a traffic study detailing the traffic generation and subsequent impacts upon the Newton Road/Victoria Street intersection be submitted at the DA stage.

Economic Impact and Public Interest

In considering the economic impact in a planning context, the issue to consider is not the impact on any individual competitor to any business but instead the overall impact on the availability of goods, services and facilities to the local community. Given the restricted nature of additional uses being sought, the associated floor space and size restrictions, and the intention of the node to service the daily needs of the local industrial workforce, it is considered that the proposal will not have a significant adverse impact on surrounding Town Centres.

It is also noted that the subject site is currently vacant. Accordingly, the proposal is likely to trigger investment in the area through redevelopment, and provide a service node that will provide a wider range of services to meet the daily needs of the local area.

OUTCOMES COMMITTEE

Meeting Date 12 June 2012

Item Number.

Section 55 of the Environmental Planning and Assessment Act (EP & A Act 1979)- Planning Proposal:

In order to submit the Draft LEP Amendment to the Gateway Rezoning Process for the DoPs consideration, s.55 of the EP & A Act 1979 requires a Planning Proposal to be prepared by the relevant Planning Authority. In this case the relevant planning authority is Council.

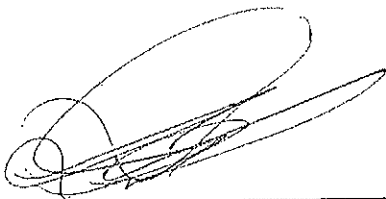
It is therefore recommended that Council provide the Executive Manager – Environmental Standards with the delegation to authorise the planning proposal and associated information including the amended SSDCP (to be prepared by Council officers to reflect Council's decision on this item) to be submitted to the Department of Planning and Infrastructure pursuant to s.55 of the Environmental Planning and Assessment Act 1979

CONCLUSION:

Based on the above assessment, it is recommended that Council resolve to inform the Department of Planning that it wishes to commence the Gateway Determination Process to amend the Fairfield LEP 1994 to permit the following additional uses on the subject site:

- Hotel with ancillary conference rooms (up to 7000m2)
- Medical Centres (up to 300m2) and
- Neighbourhood Shops (up to 80m2)

The proposal is consistent with Council previous resolutions regarding the site and is also generally consistent with Council's Employment Lands Strategy. A Site Specific DCP will also be exhibited with any Planning Proposal exhibition to ensure all of Council's policy issues are resolved in one process.



Kevin Kuo
Strategic Land Use Planner

Authorisation:

Manager Strategic Land Use Planning
Executive Manager Environmental Standards

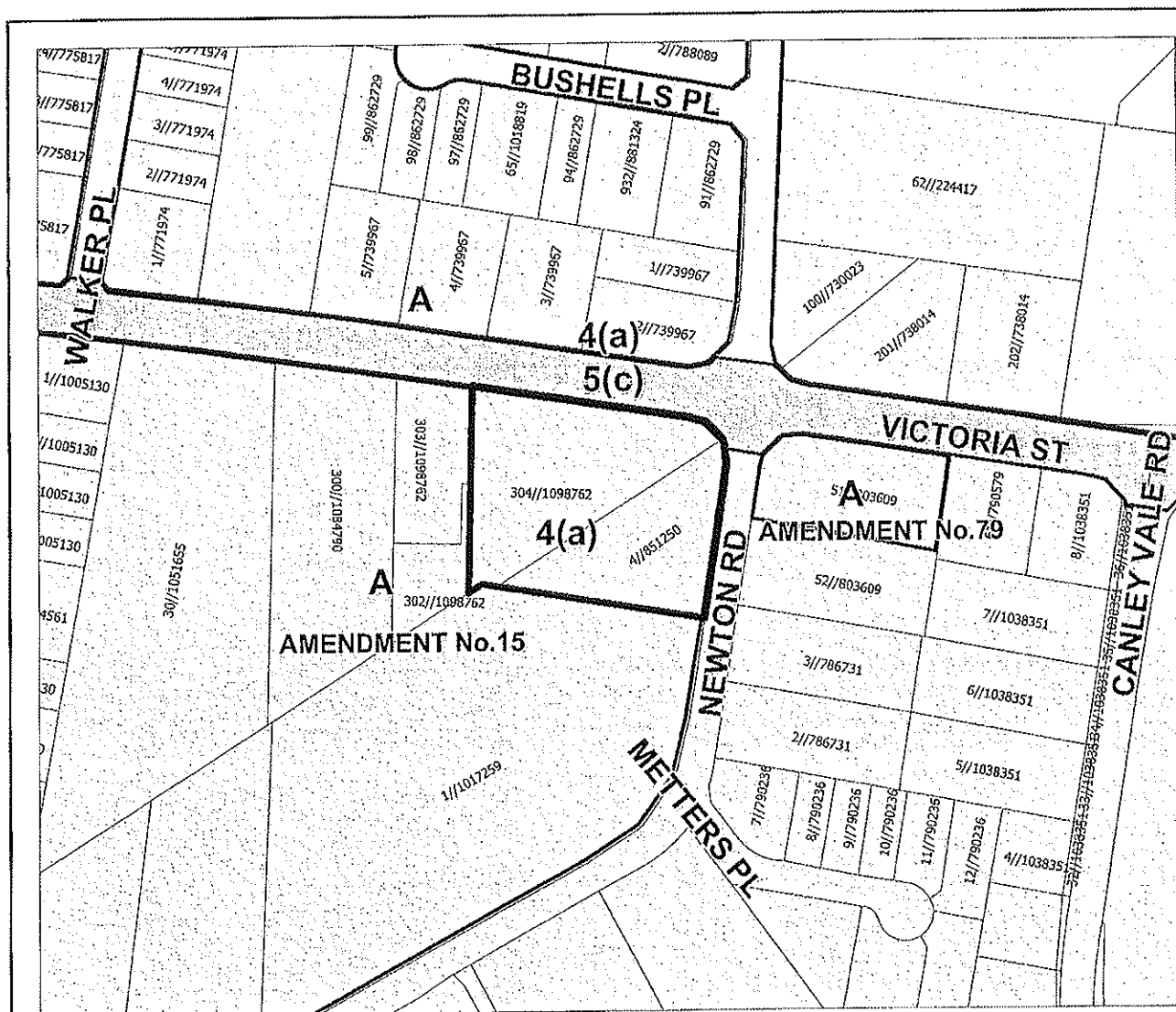


Outcomes Committee - 12 June 2012

File Name: OUT120612_20

***** END OF ITEM *****

AT-B



LEGEND

- 4(a)** 4. INDUSTRIAL
(a) Industrial - General
- 5(c)** 5. SPECIAL USES
5(c) Sub Arterial Road and
Sub Arterial Road Widening

SUBJECT SITE



SCALE 1:4,000

SUBURB: Wetherill Park

FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994 AMENDMENT No. 133 - Zoning Plan

DRAWN BY: L. RAO

PLANNING OFFICER: K. KUO

COUNCIL FILE No. QA 139001

CERTIFICATE ISSUED UNDER
SEC. 65 E.P. A. ACT, 1979 DATE:

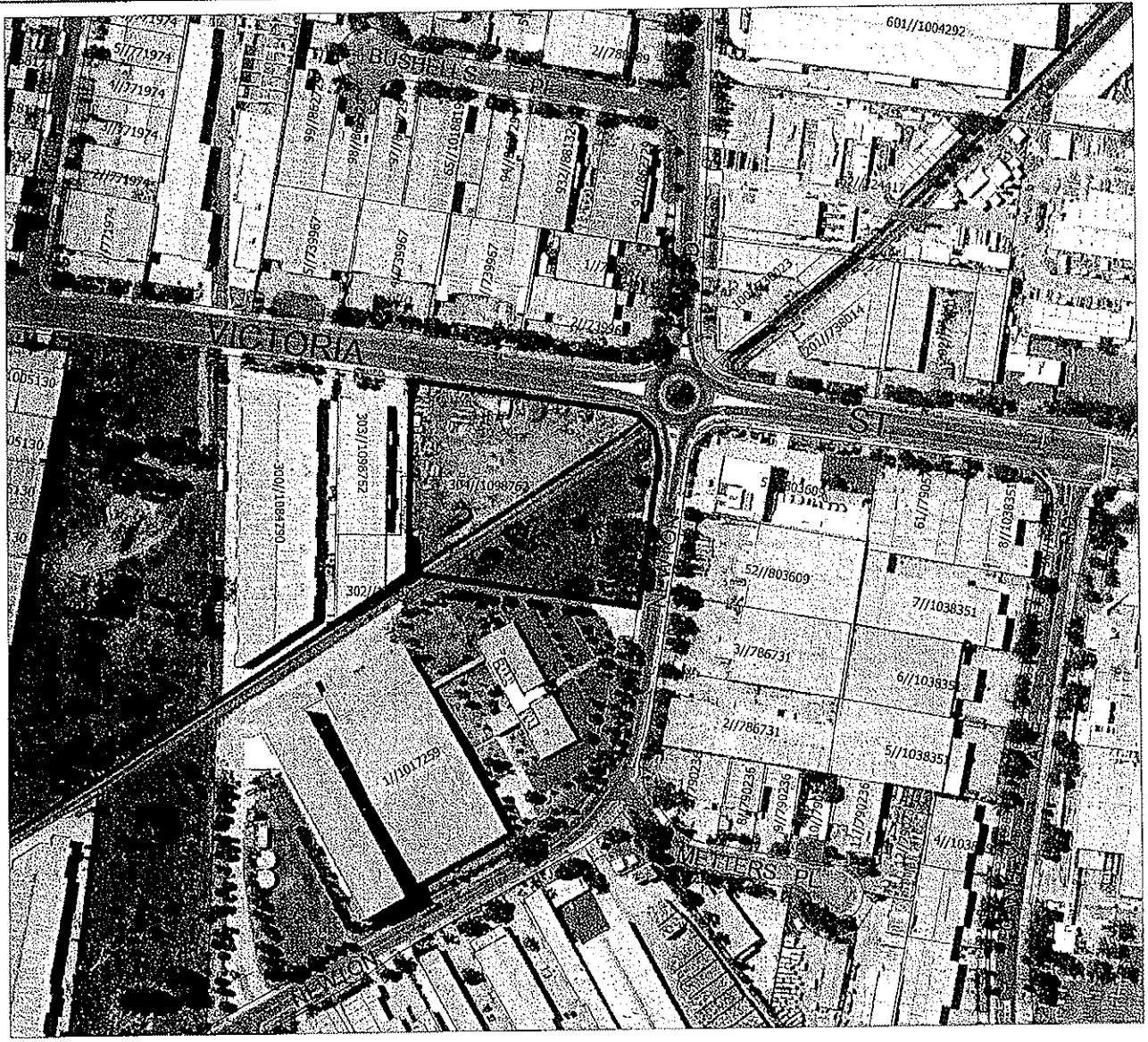
STATEMENT OF RELATIONSHIP WITH OTHER PLANS:
AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994
(AS AMENDED)

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, (AS AMENDED)

SENIOR PROJECT
OFFICER

DATE

A7-B



Subject Site

SCALE 1:4000

SUBURB: WETHERILL PARK

FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994 AMENDMENT No. 133 - Aerial Map

DRAWN BY: L. RAO 31/05/2012

PLANNING OFFICER: K. KUO

COUNCIL FILE No: Q A 139001

CERTIFICATE ISSUED UNDER
SEC. 65 E.P.A. ACT, 1979. DATE:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS:
AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994
(AS AMENDED)

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, (AS AMENDED).

SENIOR PROJECT
OFFICER

DATE

AT-C



AMENDMENT No. 133

SCALE 1:4000

SUBURB: WETHERILL PARK

FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994 AMENDMENT No. 133

DRAWN BY: L. RAO

31/05/2012

PLANNING OFFICER: K. KUO

COUNCIL FILE No: QA139001

CERTIFICATE ISSUED UNDER
SEC. 65 E.P.A. ACT, 1979. DATE:

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CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, (AS AMENDED).

SENIOR PROJECT
OFFICER

DATE

AT-D

Planning Proposal

PLANNING PROPOSAL
TO PROVIDE FOR A
HUMAN SERVICES HUB

Prepared by

GAT & Associates
Town Planners
BASIX/Energy Assessors
ABGR Assessors

PROPOSED AMENDMENT TO
FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994
INTERSECTION OF VICTORIA STREET &
NEWTON ROAD, WETHERILL PARK

Sydney Office

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DECEMBER 2011
(Revised MAY 2012)

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1.0 INTRODUCTION

1.1 Preamble

This Report has been prepared to explain the intended effect of, and justification for, a Planning Proposal in relation to the south-western corner of intersection of Newton Road and Victoria Street Wetherill Park.

Development adjoining to the south-eastern corner of this intersection is used and developed as a Central Services Facility (CSF).

The proposal is to create on the subject site a 'human services' hub to directly serve the daily needs of the industrial workforce; in addition to those uses permitted on the site.

The subject site is currently a vacant allotment of land and is sited at an intersection which is a major focal point for vehicle movements within the Wetherill Park precinct. This intersection also plays a strong visual point as a place of arrival/destination within Wetherill Park, created by the roundabout.

Our office has also been engaged to prepare a Planning Proposal on behalf of both ABBCA Construction Pty Ltd and United Investments being the owners of the property. A holistic and positive approach has been undertaken by our office in the preparation of this submission.

The site is currently zoned General Industrial 4(a) (Refer to Figure 1) under Fairfield Local Environmental Plan 1994 (FLEP 1994). It is noted that under draft Fairfield Local Environment Plan 2011 (DFLEP 2011) that the site is proposed to be IN1 – General Industrial. (Refer to Figure 2)

This Report has been prepared to accompany a formal Council request to prepare a Planning Proposal to amend the current LEP and proposed draft LEP to:

- ☐ Amend Schedule 2 of FLEP 1994 and Schedule 1 of draft FLEP 2011 to allow 'human service' uses, neighbourhood shops and shops to directly serve the daily needs of the industrial workforce on the subject site; in addition to those uses permitted under the zone.

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In the circumstances, the purpose of the Planning Proposal is to implement the adopted planning initiatives of Council in a timely manner, and remedy the type of uses permissible of the land which is unnecessarily restricting the redevelopment potential of the site.

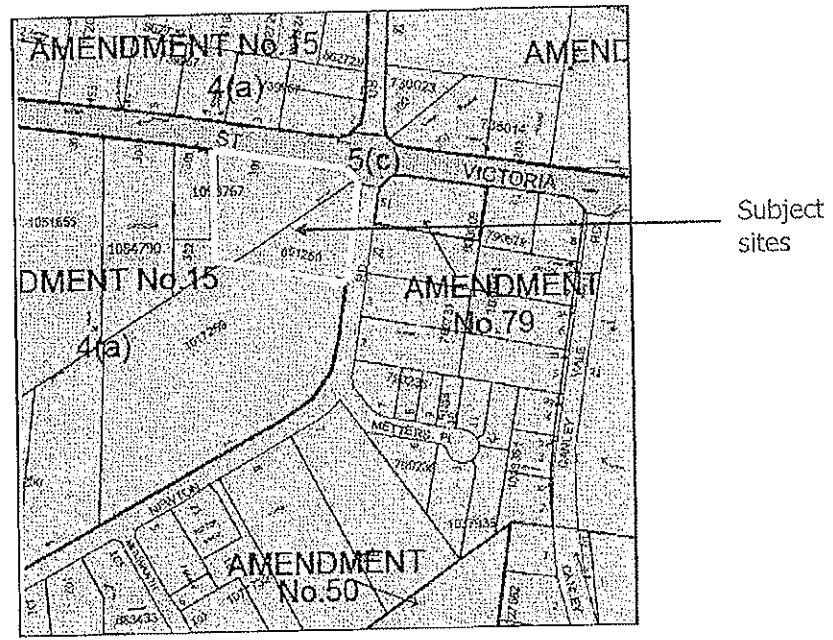


Figure 1: Zoning extract from Fairfield LEP 1994

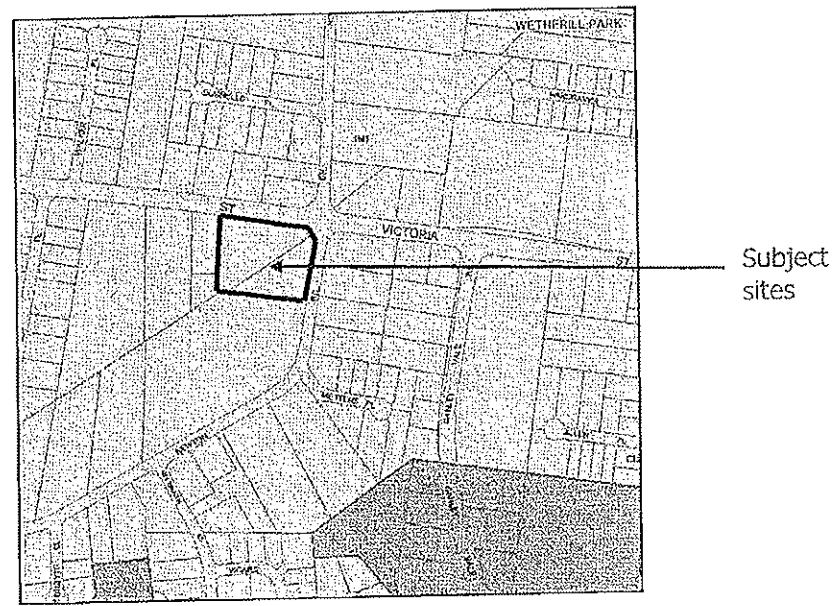


Figure 2: Zoning extract from draft Fairfield LEP 2011

1.2 Purpose

This Report has been prepared pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and accompanying Regulation. To that end, it:

- ☐ identifies the site and describes the surrounding locality;
- ☐ describes the nature and purpose of the proposed Local Environmental Plan amendment;
- ☐ identifies the relevant planning controls and land use strategies; and
- ☐ provides a preliminary assessment of the proposed Local Environmental Plan amendment against the provisions of Section 55(2) of the Environmental Planning & Assessment Act 1979 to assist in the preparation of a formal Planning Proposal.

2.0 SITE AND CONTEXT

2.1 Site Details

The subject site is located on the south western corner of the intersection of Victoria Street and Newton Road, Wetherill Park. Victoria Street is a main road in the Fairfield Local Government Area which runs east – west linking the Wetherill Park industrial area to the Cumberland Highway.

The subject site is known as No. 449 Victoria Street and No.96 Newton Road Wetherill Park. The property is also known as Lot 304 in DP 1098762 and Lot 4 in DP 851250.

The subject site is currently bisected by a concrete drainage channel. The site in question has a frontage to Victoria Street of approximately 166.78 metres while frontage of Newton Road is approximately 114.475 metres. The southern boundary of the site measures approximately 146 metres, whereas the western boundary the measures 350.52 metres. The site has a fall from each street frontage to the centre of the site, where the concrete drainage channel is located. Refer to Figure 3 – Aerial Map.

The overall site area is approximately 20,000sqm in size and is currently vacant. (Refer to Photographs 1 - 3)

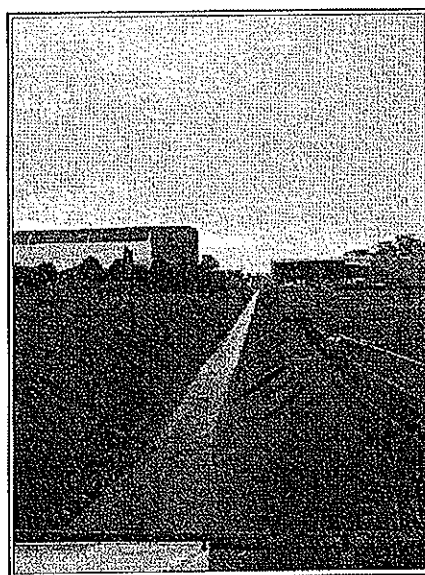
Given the land size, access to and from the site is easily available and given the flat terrain, there are no foreseen access issues which could arise through any redevelopment of the site.



Photograph 1: Newton Road site, south of the drainage channel.



Photograph 2: Subject site looking directly west, as viewed from the existing "CSF" zone.



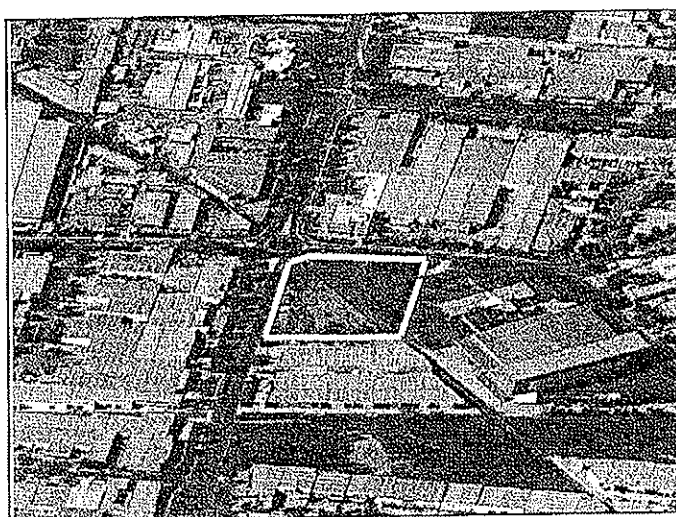
Photograph 3: Existing concrete channel that bisects the subject site.

2.2 Site Context

The site is located within Wetherill Park being a well established urban precinct, approximately 30 kilometres west of the Sydney CBD. It is characterised by a diversity of land uses and building forms extending over multiple development eras, including both residential and industrial development types.

The Horsley Drive, a main arterial road within the Fairfield Local Government Area runs east – west; and dissects the suburb in two. This results the industrial land being located to the north and residential land to the south of this road.

The two main roads which service the Wetherill Park industrially zoned area are Victoria Street and Newton Road. The intersection of these two roads supports the creation of a node, which is emphasised through the existing development located on the south eastern corner of the site being land to be appropriately zoned as a Central Services Facility use. (Refer to Photographs 4 and 5)



Subject sites

Aerial Photo of Subject Site (No. 449 Victoria Street and No.96 Newton Road Wetherill Park) - Source: NearMap

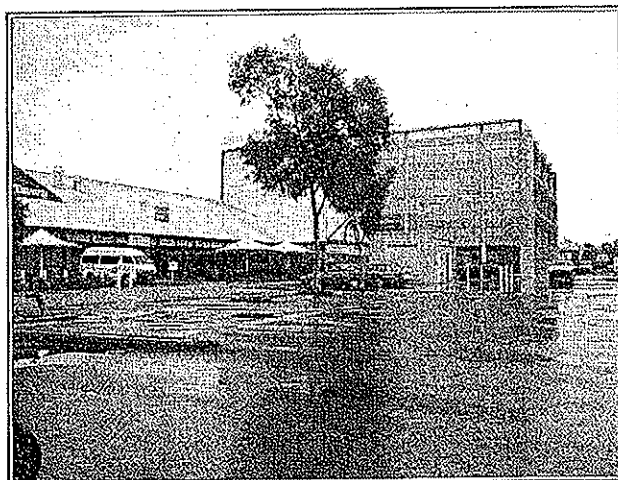
As provided by the aerial snapshot above, the sites context, from a broader perspective the fact that it has become a node further justifies in our opinion the creation of Human Services Hub on this site to supplement the existing Central Services Facility located immediately east of the subject site.

In more immediate terms, the surrounding development is currently zoned Industrial 4(a), with the exception of Amendment No. 79 to the Fairfield LEP that creates the existing "CSF" zone to the south east. On this basis, the land to the north, south and west of the subject site are being used for industrial purposes. These uses comprise of:

- ☐ North: small industries including Total Tools, Riga Rubber and JR Turk;
- ☐ South: DHL;
- ☐ East: Gloria Jeans, Westpac Offices, Travel Agent and Real Estate; and

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□ West: V & N Glass Pty. Ltd.

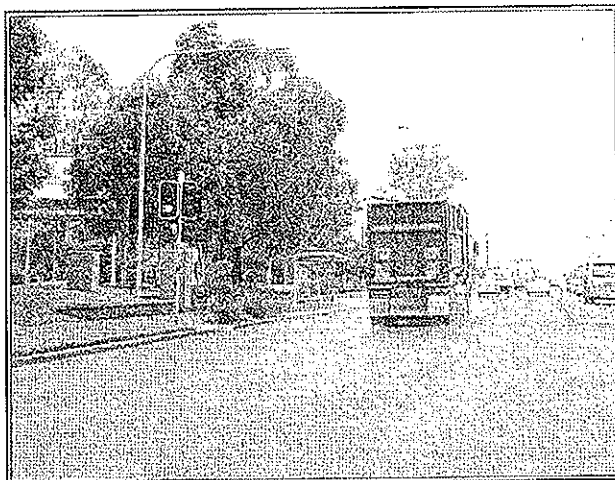


Photograph 4: Existing "CSF" zone located at the south-eastern corner of the intersection of Victoria Street and Newton Road, Wetherill Park



Photograph 5: The existing "CSF" building located to the south-eastern corner of the intersection of Victoria Street and Newton Road.

The Parramatta to Liverpool TransitWay is located approximately 200m east of the subject site. This TransitWay runs along Victoria Street (Refer to Photograph 6) providing good transport linkages to both the Parramatta and Liverpool CBD's as well as other sub-regional and local centres.



Photograph 6: Victoria Street noting the Parramatta to Liverpool Transitway Bus corridor on the northern side.

3.0 BACKGROUND

3.1 Context

The site is located within the area affected by Draft FLEP 2011. At the time of writing this submission, draft FLEP 2011 is at a stage where it is almost ready for exhibition; pending approval from the Department of Infrastructure in the form of a Section 65 Certificate.

Since the initial submission to Council the draft LEP has been exhibited a report considered by the elected Council for submission to the Department of Infrastructure.

Under draft FLEP 2011, the subject site is to be zoned IN1 – General Industrial; as is the surrounding land.

The Sub Regional Metropolitan Strategy (west central) has identified Wetherill Park as the largest industrial precinct in the West Central Subregion at approximately 600 hectares. It notes that as a result of its size, this precinct accommodates all industrial land use categories – that being manufacturing, utilities, urban services, freight and logistics.

The Strategy identifies for the Fairfield area that a total of 15,000 new jobs need to be created by the year 2036. This represents a growth of 26.3%.

In addition, the Strategy acknowledges that the demand for additional employment lands can be met by intensification and not necessarily through the creation of new employment land.

As noted previously in this report, the area is highly accessible by the Parramatta – Liverpool Transitway. In addition, the M7 Motorway is only a few minutes' drive west, accessed from The Horsley Drive.

The Wetherill Park industrial precinct has developed since the 1970s and 1980s and provides a diverse range of manufacturing, warehousing and service industries. The precinct offers the largest industrial area across the Fairfield LGA, accommodating some 3,300,000m² of industrial gross floor area.

It is important to understand the background and the employment trends which have changed. There has been a significant change to employment trends with a reduction in the agricultural and manufacturing sectors being replaced by service sectors such as retailing, property, recreational and personal services.

Therefore, the change in the sectors also signifies a change in which manner the land is used. New technologies together with new infrastructure have created new employment hubs. These changes have placed greater pressure to established employment nodes. The retention of industrial land therefore becomes an integral part in fulfilling long term employment strategies for a local community and for local government.

On this basis, it is important to provide a range of facilities and businesses within close proximity to this employment area, including a choice of support services, specialists and the like. These services would serve the daily needs of the industrial workforce.

We submit that the proposed rezoning of the site to create a Human Services Hub and allow additional uses will complement the character of the surrounding development and supplement the existing Central Service Facilities located to the east of the site.

Clearly the draft Local Environmental Plan provides for an opportunity to rectify this relationship.

3.2 History

Council, at its Outcomes Committee meeting on 8 February 2005, considered a report which reviewed the implications of the Metropolitan Strategy, particularly with regard to the future of employment lands in the Fairfield LGA.

This report recommended the following:

1. *That Council endorse the inclusion of an Employment Lands Study Project in the draft budget for 2005-2006 for consideration by Council as part of its budget processes.*
2. *That a further report be prepared on the Café Siena and Greenway Plaza rezonings for Council consideration.*
3. *That Council not proceed with any further spot rezonings for any site or sites in any industrial areas in Fairfield until the abovementioned Employment Lands Study is completed.*

Subsequent to the approval from the Department of Planning regarding funds to undertake an economic review on Council's employment lands, consultants Hill PDA were engaged to undertake an Employment Lands Study.

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In June 2007, Council resolved that the Employment Lands Strategy be placed on exhibition for a period of 28 days.

The strategy was exhibited from 18 July 2007 to 17 August 2007 during which time 9 submissions were received from business owners and other stakeholders.

The Outcomes Committee, at its meeting of 17 February 2008, considered a report which addressed the submissions made during the exhibition period. Having regard to these submissions, Council resolved amongst other matters, the following:

"That Council adopt the Fairfield Employment Lands Strategy as publicly exhibited, subject to the following:

- a. That the configuration of the Victoria Street Central Services Facility for the Fairfield Employment Lands Strategy be option 4 as identified in attachment D."*

By letter dated 7 April 2008, Council has requested that we formally submit a site specific rezoning application.

Based on this request, a formal submission was lodged in June 2008. Council at its Ordinary meeting on the 21 October 2008 resolved to include the subject site as part of Council's annual review of its Fairfield Local Environmental Plan 1994.

The Council advises that the Department of Planning by letter dated 14 April 2009 does not support the CSF rezoning on the basis that:

"...is inconsistent with the Draft West Central Subregional Strategy as it would facilitate the development of commercial offices outside of an identified Strategic centre."

As a result, representations were made to the Department of Planning in September 2009 to express concern and explain our client's proposal for the site in detail. By letter dated 16 November 2009 the Department changed its position and was prepared to support the proposal provided:

"...site should be focused on servicing the day-to-day needs of the people who work and live in the local area."

In this light, the majority of the proposed land uses you have listed in your letter would be supported by the Department. These uses include the service retail component, a restaurant, hotel, child care centre and gym."

AT-D

Planning Proposal

The Department of Planning in its letter also suggested that discussions continue with Fairfield Council and that a revised Planning Proposal be prepared that is consistent with the above.

Despite the concerns raised by the Department of Planning, the site also presented issues relating to flooding and management of the existing concrete channel.

This issue took some twelve (12) months to resolve between Council and the Office of Water. During this time Cardno Pty. Ltd was engaged to undertake a flood risk assessment and flood modelling of the site given possible flow implications within the catchment.

Subsequently, due to the lapsing of time and issues surrounding the subject site relating to flooding; Fairfield Council requested that a fresh rezoning application be lodged.

This Planning Proposal is submitted in response to this request.

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4.0 LEGISLATIVE CONTEXT

The Environmental Planning & Assessment Amendment Act 2008 and the Environmental Planning & Assessment Amendment (Plan Making) Regulation 2009 commenced on 1 July 2009, and incorporate amended provisions relating to the making of environmental planning instruments.

The amended provisions introduced a system known as the '*gateway plan-making process*', intended to streamline the plan making process so that environmental planning instruments can be prepared, considered and approved in a much shorter timeframe.

Section 55(1) of the Environmental Planning & Assessment Act, 1979 specifies that before an environmental planning instrument is made, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument, and sets out the justification for its making ('the Planning Proposal').

Section 55(2) specifies that the Planning Proposal is to include a statement of objectives and intended outcomes of the proposed instrument, an explanation of the provisions that are to be included in the proposed instrument, the justification for those objectives, outcomes and provisions, maps to be adopted by the proposed instrument, and details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Further, the Department of Planning has published "*A Guide to Preparing Planning Proposals*" (July 2009), to explain the format and content of a Planning Proposal to be prepared by the relevant planning authority.

4.1 Objectives or Intended Outcomes

In general terms, the objective or intended outcome of the proposed Local Environmental Plan amendment is to facilitate development for the purpose of additional human service' uses, neighbourhood shops and shops to directly serve the daily needs of the industrial workforce on the subject site; in addition to those uses permitted under the zone.

It is our view that the location of these services and facilities on the site provides for opportunities where the local workforce and persons visiting the area can obtain a service which cannot be provided elsewhere or the immediate vicinity. On this basis, the Human

Services Hub will mean that the workforce will not have to travel outside the Wetherill Park Employment Area for their day to day needs.

4.2 Explanation of Provisions

The provisions of the Planning Proposal comprise the amendment to Fairfield LEP 1994 and draft Fairfield LEP 2011 in the following manner:

- Amend Schedule 2 of FLEP 1994 and Schedule 1 of draft FLEP 2011 to allow 'human service' uses, neighbourhood shops and shops* to serve the needs of the local workforce on the subject site; in addition to those uses permitted under the zone. The agreed uses with Council are:
 - Childcare centre, accommodating up to 60 places;
 - Hotel and conference rooms up to 7,000m²; and
 - Medical facilities up to 300m²;

* Shops include:

- Chemist, fruit and vegetable shop, hairdresser, newsagency, delicatessen, post office, beautician, dry cleaner, photocopy centre; or other uses that demonstrate that their business directly serves the daily needs of the industrial area/workforce.
- **Note:** shops would be limited to 80m² in gross floor area.

4.3 Justification

Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal stems from the analysis of Hill PDA Consulting, on behalf of Fairfield Council prepared an Employment Lands Strategy for which the main purpose was to provide a vision as well as an appropriate planning framework to attract employment generating uses into the Local Government Area.

The report explored and assessed employment trends together with population workforce characteristics. The Hill PDA report assessed the characteristics of the Wetherill Park Industrial area under Section 10, headed Precinct 12.

The report acknowledges the existing Central Service Facility (CSF) zone, which is located to the south eastern corner of Victoria Street and Newton Road and supports the extension of the subject site as identified on page 102 of the Hill PDA report.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is considered the most appropriate means of achieving the objective or intended outcome on the basis of its specificity with respect to the subject land and the nature of future development.

3. *Is there a net community benefit?*

The Planning Proposal will provide a net community benefit on the basis that:

- The site is well serviced by bus transport.
- The site had good connectivity and access to major transport routes.
- The Planning proposal will provide sufficient flexibility regarding the type of uses permissible in the zone.
- The additional uses will provide an opportunity for a range of business, entertainment and community uses that will serve the needs of people who work in and visit the Wetherill Park precinct.

The provision of the additional service uses will not be in competition with commercial zones. It is simply to permit uses, which provides services for the local workforce rather than encouraging the workforce to hop in motor vehicles to access such services outside their employment node.

- Any future development of the site for commercial purposes will encourage employment opportunities both during construction and for future uses.
- Provision and opportunities for additional services and uses will encourage nearby existing and future employees to walk and cycle in the locality.
- There has been a significant change to employment trends with a reduction in the agricultural and manufacturing sectors being replaced by service sectors such as retailing, property, recreational and personal services.

The change in the sectors also means a change in which manner the land is used. New technologies together with new infrastructure have created new employment hubs. These changes have placed greater pressure to established employment nodes.

The retention of industrial land becomes an integral part in fulfilling long term employment strategies for a local community and for local government.

- Under the Metropolitan Strategy prepared by State Government, and highlighted in bold, the potential impacts for the Fairfield Local Government Area in terms of employment, employment lands and the economy are as follows:

"Redevelopment of existing areas – Fairfield comprises the Smithfield/Wetherill park employment area together with older employment areas at Yennora and Lansvale. The Strategy aims to regenerate these existing employment areas."

As a result of new industries and the expansion of the M7 employment hub will mean there are greater opportunities for major industrial development to occur. This aligns with the statements made that Fairfield has a greater blue collar worker influence based upon its demographics, which would support such nodes.

Based on the above, this Planning Proposal will regenerate the Wetherill Park precinct through the introduction of 'human services' hub which is very much needed by the workforce in this precinct to support their daily needs.

From a Planning perspective, the location of these services and facilities on the site provides for opportunities where the local workforce and persons visiting the area can obtain a service which cannot be provided elsewhere or the immediate vicinity. On this basis, the Human Services Hub will mean that the workforce will not have to travel outside the Wetherill Park Employment Area for their day to day needs.

- The encouragement of land uses in clusters is an option to encourage regeneration and retention of existing established industrial areas. The creation of new nodes will aid in this strategy.

- Despite the ideology that Employment lands are being lost by the suggested changes in this Planning Proposal; we submit that the proposal protects and ensures improved support services to the industrial uses within the area. This is even more important when the M7 employment precinct includes separate neighbourhood areas which are providing services, which are being sought by this proposal. Such services being uses that meet the needs of the local employment hub.

The failure to include these additional uses will mean that the Wetherill Park precinct will be left behind as it cannot compete within the market place as a place of destination. This could over time impact the employment regeneration and retention as a viable employment precinct.

- The creation of a new node from a land use cluster supports the principle to create as a place of destination. This will be detailed further in this report. Therefore, the creation of a new node as an urban focal point will be seen as reinforcing this employment precinct as a major hub and a stimulus for economic development.

- Wetherill Park generates significant employment having employment numbers of 15,500 people. With so many major businesses located in this precinct, the provision of support services would not necessarily be out of context. This is the same philosophy used for the creation of the neighbourhood centres within the M7 employment hub. Uses within the M7 employment hub, are like those sought by this application.

The nature of these businesses would be servicing the local needs of the work force from a day to day perspective rather than encouraging the workforce to hop into their vehicles and travel to alternative town centres to obtain services. Therefore, the creation of such a built form as a focal point is seen to be an economic advantage, as a hub.

- The fact is with new technology advancements and the corporation of business parks and the like out of traditional CBD locations, a creation of this node would be a supportive outcome and a solution for this precinct.
- Referral to table six of the Hill PDA report demonstrates that although the population growth in the Fairfield Local Government area is only 0.04% over a 10-year period, the population growth on surrounding local government areas range from 3.6% to 6.5%.

The increase in population over time reinforces the demand for the need for additional employment land and that the employment land can be more than for simply industrial uses.

In addition, the Hill PDA report, specifically Section 10.14 and Appendix 3 supports the creation of a hub in this location where the uses directly serve the daily needs of the industrial area/workforce.

- Under the NSW Government Metropolitan Strategy, as identified under Fairfield City Plan adopted by Council on the 17 April 2007, there will be 95,500 new dwellings and 35,000 new jobs to the west central sub region by the year 2031. Therefore with the population increase over the years, even outside of Fairfield local government area, the proposed creation of the Human Services Hub to supplement the existing "CSF" zone provides an ability to create regeneration and retention.
- As part of the M7 Master Plan, there have been a number of neighbourhood centres which have been identified within the overall employment precinct. This acknowledgement, from a land use point of view, takes into consideration the need and the expectations of the workforce population. The traditional workplace environment has moved on. It is a place which requires more than simply a snack or a meal or the ability to enjoy a break from the workplace. Today, people within these employment precincts require access to a far greater range of facilities and services in close proximity to their workplace. The rationale of these changing factors, which have influenced the trend are as follows:
 - A changing pattern of work.
 - A social interaction in the workplace.
 - A need to balance work and family commitments.
 - A focus on sustainability.
 - A focus on the need for lifelong learning.
 - Multiculturalism.
 - A rising expectation at the workplace that supports the wellbeing of the workforce.

This Planning Proposal seeks to draw from this model.

- The nature of the workforce in terms of hours has changed with longer hours and greater part time, casual and temporary work being available.
- The design of employment neighbourhoods and their location of facilities and services in ways which enhance walk ability and

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reduce vehicle kilometres travelled is a strong sustainable key outcome in any planning.

Therefore, the introduction of a hub within the Wetherill Park precinct would reinforce some of those sustainability issues, which would reduce the need for the workforce to be travelling in greater numbers outside of the existing employment precinct to potentially obtain access to such services.

- The creation of the creation of Human Services Hub on this site to supplement the existing Central Services Facility located immediately east of the subject site reinforces this site as a node and further supports the principles that are stated above.

It is also of interest to note that the neighbourhood centres which have been created within the M7 employment hub have been located on key intersections and do not have a lineal form.

- To provide designated service areas that accommodate a full range of human services and community facilities acknowledging the changing need of the workplace. The controls created for the M7 employment hub allows uses which have been deemed as satisfactory community services, which would meet the daily needs of the workplace include the following:

- Childcare Centres
- Commercial premises
- Community facilities
- Mixed Businesses
- Recreational area
- Refreshment rooms
- Shops.

- For the proposed site, the provision of other services of a lesser scale and nature assists in the economic opportunities available in the area, created by the additional 'human services' for which this proposal seeks.

- The creation of a Human Services Hub on the subject site to supplement the Central Services Facility "CSF" zone allows uses, which would meet the need of the employment precinct of Wetherill Park. The provision of this hub would in effect cut back the potential problem in the long term for Council that businesses may relocate to other areas such as the M7 employment hub where such services are available. These centres are not centres which are in competition with other

retail areas but simply to deal with the ongoing change in the workplace demands.

- The expansion of this hub reinforces and ensures the longevity of Wetherill Park as an important employment precinct and also takes into consideration the potential growth of the area through the release and the expansion of its population.
- The importance of this particular objective is that the creation of appropriate land use planning ensures and protects the longevity of existing employment precincts which will otherwise be taken over by new precincts which maybe outside of the Council's Local Government Area such as the M7 employment hub.

Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

In December 2005, the State Government published a Regional Plan for Sydney known as the City of Cities - A Plan for Sydney's Future ("the Metropolitan Strategy"). The Metropolitan Strategy was prepared to guide the growth of the Sydney Region for the next 25 years, and embodies major decisions on the location of urban growth, new housing areas, employment, transport, schools and hospitals.

The State Government anticipates that Sydney's population will increase by 1.1 million people between 2004 and 2031, necessitating an additional 640,000 dwellings and 500,000 jobs

In July 2007, the *Draft West Central Subregional Strategy* was released by the State Government to provide more detailed guidance as to how the objectives of the Metropolitan Strategy can be applied at the local and subregional level.

The *Draft West Central Subregional Strategy* identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2031, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.

In the circumstances, the Planning Proposal will reasonably contribute to employment targets and facilitate Councils vision for the Wetherill Park Employment Precinct.

5. *Is this planning proposal consistent with the local Council's Community Strategic Plan or other Local Strategic Plan?*

It is considered that the proposal to create a 'human service' hub on the subject site, in addition to those uses permitted by the zone would be consistent with the report prepared by Hill PDA and discussions with the Department of Planning. This report acknowledges the existing Central Service Facility (CSF) zone, which is located to the south eastern corner of Victoria Street and Newton Road and supports the creation of a hub on the subject site.

The Hill PDA report that acknowledges the importance of such a facility as it provides for the daily needs of the working population in an industrial area. The report also states that it should not be limited to the following uses, being conference centre, banks, copy centre, business supply centre, dry cleaning, delicatessen, health club, gymnasium, saloon/day spa, etc.

6. *Is this planning proposal consistent with applicable state environmental planning policies?*

The relevant state environmental planning policies include State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land.

SEPP No. 55 specifies that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is, or is likely to be contaminated, and if the land is, or is likely to be contaminated, whether the land requires remediation before the land is developed for the proposed use.

The site is a vacant site. There is no known contamination issues associated with this land.

Given the site's previous non history in terms of use, it is unlikely the site is contaminated. However, a contamination report can be prepared and any issues would be able to be resolved as part of any development proposal.

The future development of the site will be the subject of assessment pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The relevant Section 117(2) Directions (as amended) comprise Direction

1.1 - Business and Industrial Zones, Direction 3.4 - Integrating Land Use and Transport, Direction 5.1 - Implementation of Regional Strategies, Direction 6.1 - Approval and Referral Requirements, Direction 6.3 - Site Specific Provisions, and Direction 7.1 - Implementation of the Metropolitan Strategy.

Direction 1.1 - Business and Industrial Zones

Direction 1.1 generally aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The Direction specifies that a Planning Proposal must give effect to the objectives, retain the areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services.

The proposed amendment to rezone this site provides for, and encourages employment growth through the provision of services to meet the day to day needs of the workplace both in terms of day to day convenience and services to manage the industry and businesses in this locality.

The creation of the Human Services Hub to supplement the Central Services Facility "CSF" zone allows for uses which are more conducive to today's employment hubs like those created within the M7 industrial hub.

We submit that it is imperative, given that the Wetherill Park precinct is one of the largest hubs at present, to ensure employment retention and regeneration with the creation of a service area in this location which will ensure the longevity of this employment precinct.

Given the limitation being placed on the nature of the uses which would be proposed in this location, it would not create any impacts on the other retail centres in terms of hierarchy.

The economic report prepared by Council's consultant, Hill PDA Consulting, also has supported the proposed uses on the subject site. As detailed in the planning submission the proposed development is also conducive to the Metropolitan Strategy as detailed.

Direction 3.4 - Integrating Land Use and Transport

Direction 3.4 generally aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight.

The Direction specifies that a Planning Proposal must locate zones that are consistent with the aims, objectives and principles of "Improving Transport Choice - Guidelines for planning and development" (DUAP 2001), and "The Right Place for Business and Services - Planning Policy" (DUAP 2004).

The Planning Proposal is consistent with the aims and objectives relating to urban consolidation. The site is located within the heart of the Wetherill Park Industrial area and has good access to road and bus networks which provide connectivity to regional and sub regional centres.

In addition, the proposed uses will allow for services that require a reduction in the need of the motor vehicle to access services that would otherwise be outside of the Wetherill Park Industrial Estate.

Direction 4.1 – Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

In accordance with the current acid sulfate maps available at the Council, the subject site is not affected.

Based on the above, Council can be satisfied that there is no restriction required which will impact development of the site from an acid sulphate perspective.

Direction 4.3 – Flood Prone Land

Direction 4.3 generally aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.

As canvassed in this report, extensive modelling was undertaken by Cardno Pty. Ltd to undertake a flood risk assessment and flood modelling of the site given possible flow implications within the catchment. This assessment was undertaken the satisfaction of both Council and the NSW Office of Water.

On this basis, although the proposal alters flood prone land; this matter has been resolved through the extensive modelling

undertaken by Cardno in accordance with NSW Government's Flood Prone Land Policy.

Direction 5.1 - Implementation of Regional Strategies

Direction 5.1 generally aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The Direction specifies that a Planning Proposal must be consistent with a regional strategy released by the Minister for Planning.

The *Draft West Central Subregional Strategy* identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2031, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.

The Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate the timely implementation of the multiple resolutions of Council regarding the strategic direction for the site and immediate surrounds.

Direction 6.1 - Approval and Referral Requirements

Direction 6.1 generally aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Direction specifies the general concurrence, consultation and referral mechanisms, and the Planning Proposal will satisfy those requirements.

The amendment does not alter any requirements in reference to the approval and referral requirements stipulated in the current Local Environmental Plan. Therefore the rezoning request is not in conflict with this direction.

Direction 6.3 - Site Specific Provisions

Direction 6.3 generally aims to discourage unnecessarily restrictive site specific planning controls.

The Direction specifies the general content of an environmental planning instrument must not introduce any development standards

or requirements in addition to those that already apply in the existing or proposed zone.

The Local Environmental Plan amendment is site specific and although there is no recommendation that any specific standards be implemented, we note that the request would align with the aims and objectives of the Fairfield Local Environmental Plan.

The provision of the site specific request fits within a broader employment strategy, which links back to the Hill PDA report as part of Council's Employment Lands Strategy.

In general terms, the creation of a Human Services Hub and introduction of additional 'human service' uses on the subject site in addition to those uses permitted under the zone, will supplement the existing Central Services Facility located across the road. This will be inconsistent with the adopted planning initiatives of Council. These controls will govern the type of the development for the site.

Therefore there is no conflict with the objective of this direction.

Direction 7.1 - Implementation of the Metropolitan Strategy

Direction 7.1 generally aims to give legal effect to the visions, and use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

The Direction specifies that a Planning Proposal shall be consistent with the Metropolitan Strategy.

The economic and employment outcomes of the Metropolitan Strategy are being met by this proposal.

The Metropolitan Strategy identifies for the Fairfield area that a total of 15,000 new jobs need to be created by the year 2031. This is a growth of 26.3%.

The Strategy acknowledges that the demand for additional employment lands can be met by intensification and not necessarily through the creation of new employment land.

The relevance of this is quite important and more so within Wetherill Park which is a substantial employment hub. This proposal therefore aligns with Action 1.9 of the Metropolitan Strategy, which stipulates that policies need to be created to facilitate the use of old industrial areas.

The provision of this Human Services Hub provides for services which

meet the needs of the workplace environment which reflect the changes in the workforce trends. These issues have been previously canvassed in this Planning Proposal.

Therefore, it is imperative that Council's controls facilitate retention of existing established areas. We submit that this rezoning submission accords with this strategy and aligns with the planning philosophy which is evident in the M7 employment hub, where neighbourhood centres are being created.

The proposal meets the principles of the Metropolitan Strategy. The following comments are made in response to the seven strategies, which are:

- A. Economy and Employment
- B. Centres and Corridors
- C. Housing
- D. Transport
- E. Environment and Resources
- F. Parks and Public Places
- G. Implementation and Governance

The following comments are:

- Economy and Employment

The proposed development provides new jobs to meet Sydney's growth and meets the targets stipulated within the West Central Subregional Strategy. The economic employment benefits have been well documented in this submission and in the Hill PDA report.

- Centres and Corridors

The recommended restriction by the Hill PDA Report of an area between the 15,000sqm to 16,000sqm of floor area within the one hub ensures that the designated centres and corridors will not be impacted by this proposal. We therefore submit that the proposed zoning is not in conflict with the Metropolitan Strategy.

- Housing

The proposed development is simply for employment purposes. Notwithstanding the above, it is important to note that the area is surrounded by new residential areas and therefore the provision of additional employment in this area will only support State and Local Councils housing strategies.

▪ Transport

The Wetherill Park area is serviced by public transport in the form of buses. The site is in close proximity to the Parramatta to Liverpool Bus Transitway. In addition, the site has reasonably good access to motorways being the M7, M4 and M5 via The Horsley Drive and Cowpasture Road.

Good access will ensure the longevity of this employment precinct.

▪ Environment and Resources

The existing land is zoned industrial and the proposal simply allows for additional uses on the land to provide services to meet the daily needs of the local workforce as well as daily needs of industries in the area that will in return support this precinct as an employment hub.

That fact that the proposal will provide such service means that the likelihood of travel by people within the workplace will be minimised and therefore support sustainability issues by improved air quality being achieved through the reduction of the need to use motor vehicles.

The proposal will provide strategies to manage water and energy to minimise the impact on natural resources.

▪ Parks and Public Places

The proposed scheme does not provide any designated parks or public places in terms of public lands. Notwithstanding the above, future development will provide for public areas from a public domain perspective as part of the built form. Therefore, urban design principles will ensure, given the proposed uses, that passive areas can be created.

▪ Implementation and Governance

The proposed development attempts to maximise existing infrastructure, which ensures the ongoing viability of such facilities.

Under the circumstances noted above, the Planning Proposal will reasonably contribute to subregional housing targets, and facilitate

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the timely implementation of the multiple resolutions of Council regarding the strategic direction for the site and immediate surrounds.

Environmental, social and economic impact

8. *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 Planning Proposal will not affect any critical habitat or threatened species.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no environmental effects likely to arise as a consequence of the Planning Proposal that cannot be adequately controlled as part of the development assessment process.

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

The Planning Proposal will reasonably contribute to subregional employment targets and facilitate the implementation of Council's vision regarding the strategic direction for the site and immediate surrounds.

State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

The site is serviced by all necessary public infrastructures.

12. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

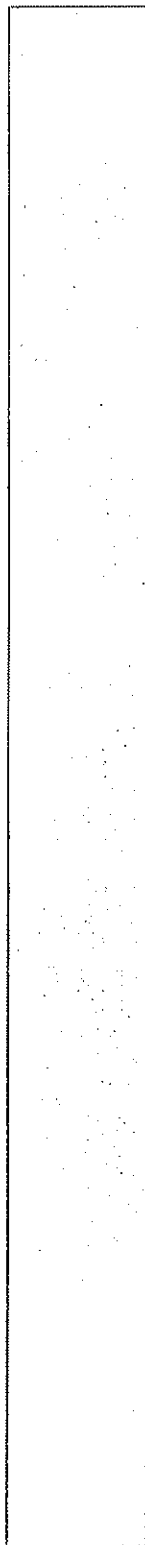
Any comments from State and Commonwealth public authorities can be responded to if required.

4.4 Community Consultation

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Planning Proposal

The community consultation process will be implemented in accordance with Section 57 of the Environmental Planning and Assessment Act 1979



5.0 ANALYSIS OF SCHEMATIC DESIGN

To assist Council in its consideration of this Planning Proposal our client has engaged Bongiorno Hawkins & Associates to prepare indicative schematic diagram (Refer to Appendix A - not to scale) to illustrate what form of development is likely to occur should give favourable consideration to this Planning Proposal.

On this basis, the diagram depicts and demonstrates the following:

- Development of the land at the corner of the site adjacent to the channel to provide a natural setting, therefore re-enforcing the site as a destination and focal point.
- Provision for a range of uses; including, but not limited to: childcare, medical facilities, hotel/motel, gymnasium, and take away food premises with an opportunity for basement parking and an active street frontage.

The nature of these businesses would be servicing the local needs of the work force from a day to day perspective rather than encouraging the workforce to hop into their vehicles and travel to alternative town centres to obtain services.

- Up to three (3) crossings over the existing drainage channel; two being cambered cross over's and one possible pedestrian bridge located in the centre of the site.
- A 10m landscaped setback to the Victoria Street frontage and a 5 metre landscaped setback to the Newton Road frontage.
- A 24 metre building line setback to Victoria Street boundary and a 23 metre building setback to the Newton Road boundary.
- Provision for freeboard for both the 1:20 and 1:100 flood events flood events.
- Car parking to meet the needs of the development, both at basement, ground level and additional storeys if required.
- Indicative building foot prints for four (4) pad sites located within the setbacks prescribed above. These foot prints are based on a flood risk assessment and flood modelling of the site given possible flow implications within the catchment. This assessment was undertaken the satisfaction of both Council and the NSW Office of Water.

- Provision of vehicular access from both street frontages.
- Provision of landscaping to complement and enhance the development, including perimeter planting to the southern and western boundaries.
- The proposal is set out as a gateway estate, which when built will from an urban perspective, facilitates a strong urban outcome.

We submit that this will have a far better outcome from a land use perspective which will be reinforced by the roundabout and ability to have varying architectural forms, which reinforce the hub of the Wetherill Park industrial estate. The concentration of a hub in one mass has a more legible focus. A hub, as recommended will have a place of arrival and with an appropriate landscape feature within the roundabout for instance, the hub would add to the urban qualities of the area.

- Provision for Council to allow access and maintenance of the drainage channel.

The schematic designs demonstrate that development of the subject site will not be out of character with the immediate and surrounding area should the Planning Proposal be supported.

As canvassed in this proposal, the rezoning seeks to incorporate additional uses already which are permitted on the subject sites.

6.0 CONCLUSION

This Report has been prepared to explain the intended effect of, and justification for a Planning Proposal in relation to the south-eastern corner of intersection of Newton Road and Victoria Street Wetherill Park.

The site is located in the heart of the Wetherill Park industrial precinct. The site is in walking distance to other support services. In addition, the subject site has good access to road and bus networks which provide connectivity to regional and sub regional centres.

We submit the amendment to Schedule 2 of FLEP 1994 and Schedule 1 of draft FLEP 2011 to allow human service' uses, neighbourhood shops and shops to directly serve the daily needs of the industrial workforce on the subject site; in addition to those uses permitted under the zone will complement the character of the surrounding development.

Furthermore, this will allow for a better relationship with respect to built form on the opposite side of the round-a-bout. Clearly the draft Local Environmental Plan provides for an opportunity to rectify this relationship.

New technologies together with new infrastructure have created new employment hubs that have placed great pressure to retain and regenerate older established employment nodes. Therefore, the encouragement of land uses in clusters, as an option to encourage regeneration, would improve identified nodes. This is supported by the Hill PDA report.

With the creation of the M7 employment hub it will be important to support the Wetherill Park precinct with land uses that can fulfill employment generation. The creation of a new node as an urban focal point will be seen as reinforcing this employment precinct as a major hub and a stimulus for economic development.

It is our view that the Amendment to Schedule 2 of FLEP 1994 and Schedule 1 of draft FLEP 2011 to allow neighbourhood shops, shops and 'human service' uses, namely: a childcare centre accommodating up to 60 places; hotel and conference rooms up to 7,000m²; medical facilities up to 300m²; and other uses that demonstrate that their business directly serves the daily needs of the industrial workforce is in line with fundamental planning philosophy and broader adopted Metropolitan Strategy.

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The provision of neighbourhood shops and shops under a confined arrangement ensures that the day to day needs and requirements of the workforce are met. This accords with the Council resolution at its April 2010 Outcomes Committee meeting which allows for the additional uses. (Noted below)

"3. That Council make clear to the owner of 96 Newton Road and 449 Victoria Street that the scale of uses proposed in their planning proposal should be consistent with meeting the day to day needs of the industrial areas, and not seek to attract customers from outside the area."

In addition, the inclusion of neighbourhood shops as stated aligns with the Council's strategy on this site. The recent decision by Council to restrict neighbourhood shops in industrial zones supports the inclusion of neighbour shops and shops on this site as they are localised and positioned so they can occur in one location and in an area that will service the daily needs of the industrial area/workforce.

The inclusion of shops under a confined requirement reinforces the outcomes of the Hill PDA report while ensuring other identified centres will not be impacted upon. The restriction in area of those shops (80m²) also supports the broader outcome.

The Planning Proposal will reasonably contribute to subregional employment targets, and facilitate the timely implementation of the multiple resolutions of Council regarding the strategic direction for the site and immediate surrounds.

Anthony Pizzolato
GAT & Associates
Plan 1084

		Draft	Final
Prepared by: Anthony Pizzolato	AP	✓	✓
Checked by: Gerard Turrisi	GT	✓	✓

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APPENDIX 1:
INDICATIVE SCHEMATIC DESIGN

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APPENDIX 2:
SITE SPECIFIC DEVELOPMENT CONTROL PLAN

Site Specific DCP - Intersection of Victoria Street & Newton Road, Wetherill Park

Amended April 2012

1. Introduction / Objectives

This development control plan applies to land to the south-western corner of intersection of Newton Road and Victoria Street Wetherill Park.

The subject site is known as No. 449 Victoria Street and No.96 Newton Road Wetherill Park. The property is also known as Lot 304 in DP 1098762 and Lot 4 in DP 851250. (Refer to Figure 1)

The plan has been prepared to guide and assist development on the land referred to above; in a manner that encourages business development and investment; and promotes local employment opportunities whilst servicing the daily needs of the workforce.

This plan does not control the types of uses permitted on the subject site. The aim of this plan is to provide objectives and controls to influence development of the subject land.

By way of note, this site specific DCP also adopts controls contained in Fairfield City Wide Development Control Plan (FCW DCP) – Chapter 9, Industrial Development. Should there be any inconsistencies, this site specific plan prevails over those controls prescribed by the FCW DCP.

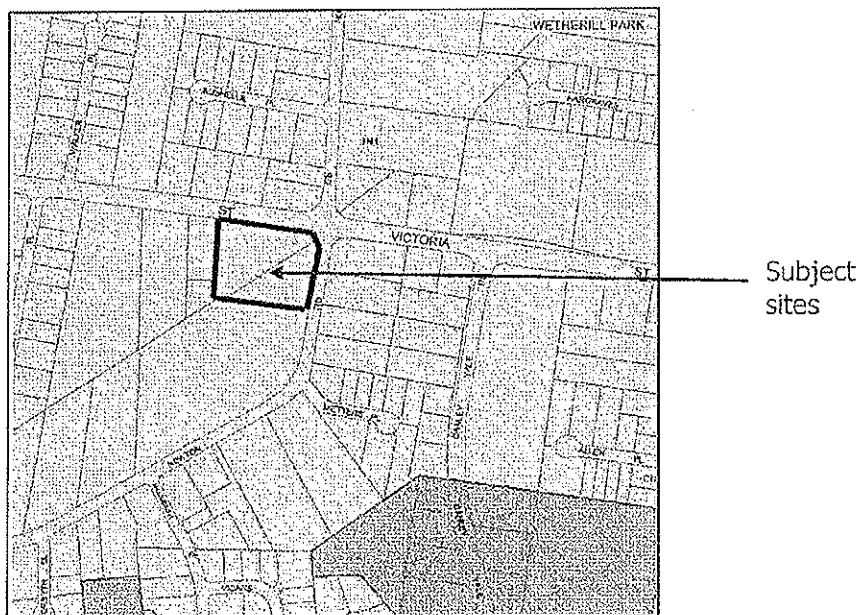


Figure 1: Area to which this DCP applies

2. Layout

The layout of the buildings on the subject site shall be generally in accordance with Figure 1.

On this basis, Figure 1 depicts four (4) pad sites and landscaping on the land adjacent to the drainage channel portion located at the corner of the site to provide a natural setting, whilst re-enforcing the site as a destination and focal point.

The layout referred in Figure 2 is based on extensive flood risk assessment and flood modelling of the site given possible flow implications within the catchment.

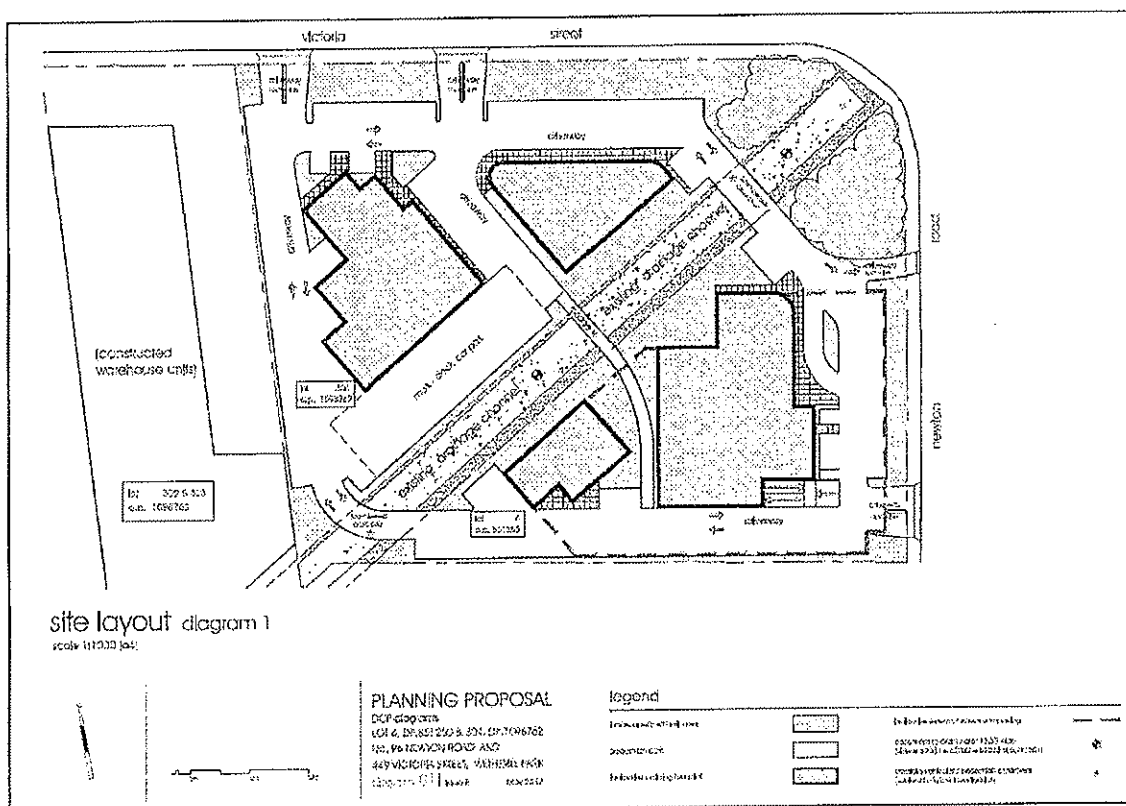


Figure 2: Plan of subject land showing location of pad sites

3. Setbacks

Setbacks shall be provided in accordance with Clause 9.2 of FCW DCP. Notwithstanding the following is provided:

Controls

- A minimum setback of 20 metres to the Victoria Street frontage shall be provided, of which 10 metres is to be used for landscaping only.
- A minimum setback of 20 metres to the Newton road frontage shall be provided, of which 5 metres is to be used for landscaping only.
- A minimum setback of 15 metres to the southern and western boundaries shall be provided, of which 2 metres is to be used for landscaping only.

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- d) A minimum setback of 5 metres to the existing concrete channel shall be provided, of which 2 metres is to be used for landscaping only.

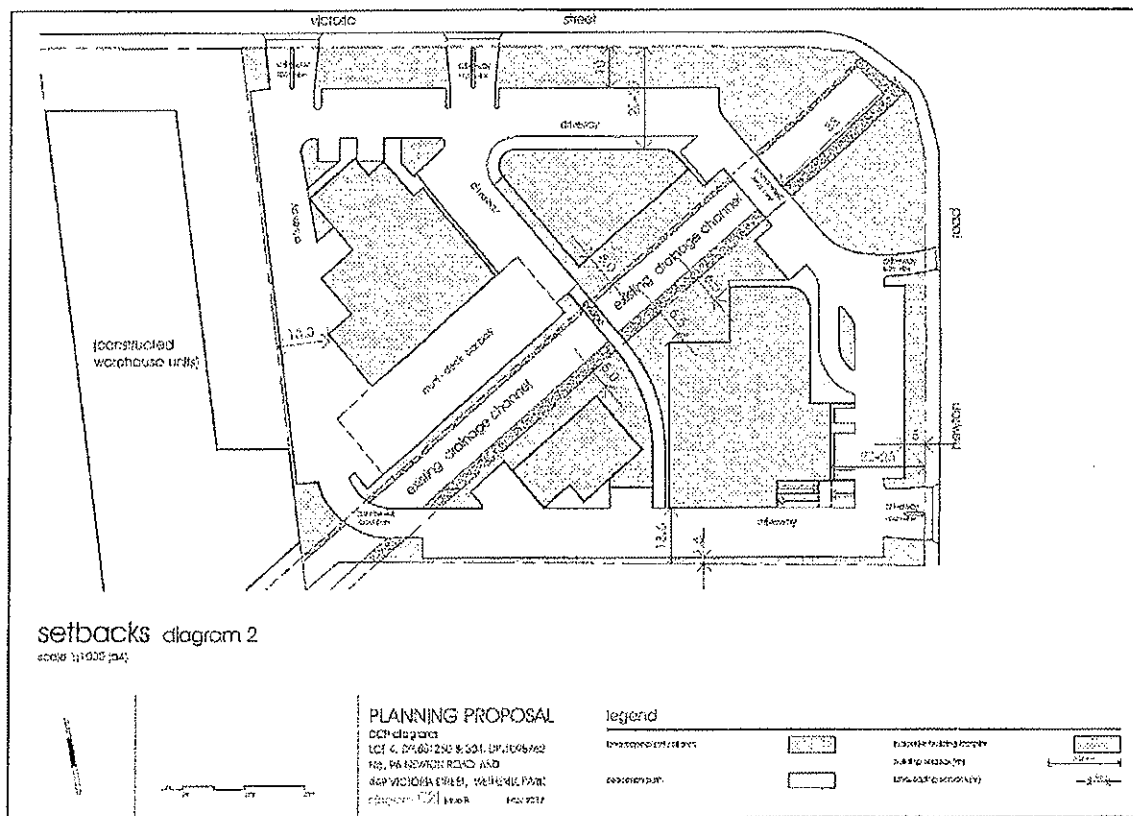


Figure 3: Plan of subject land with setbacks to proposed pad sites

4. Car Parking, Vehicle and Access Management

Car parking shall be provided in accordance with Clause 9.3 of FCW DCP. Notwithstanding the following is provided:

Controls

- A maximum of two separate entry and exit points are permitted each to the Victoria Street and Newton Road Frontages.
- A maximum of three (3) crossings over the existing drainage channel; two being cambered cross over's and one being a pedestrian bridge located in the centre of the site.

Note: These crossings are subject to future investigation, provided that Council specifications are satisfied.

- Loading and unloading areas shall be appropriately screened from public view and are not permitted along street frontages.
- Driveway widths shall comply with the requirements as specified in AS 2890.2-2002 (off street commercial vehicle facilities). The manoeuvring of vehicles into and out of the property and within the property shall be justified using the relevant turning templates. In deciding the driveway locations, appropriate sight distances shall be taken into account.

5. Advertising Signs

Signage shall be provided in accordance with Clause 9.4 of FCW DCP.

6. Streetscape and Amenity

Despite the provisions of Clause 9.5 of FCW DCP, the built form and appearance of the development shall be reinforced by the roundabout and ability to have varied architectural forms, which reinforce the hub of the Wetherill Park industrial estate.

The concentration of a hub in one mass will ensure that the development has a more legible focus. On this basis, the hub will have a place of arrival and add to the urban qualities of the area.

Crime Prevention Through Environmental Design (CPTED) is an integral component of high quality urban design and must be considered holistically throughout the design and development processes.

Controls

- a) The height of the development shall be compatible with the character and amenity of the existing and likely future development in the area.
- b) An attractive streetscape shall be provided to both street frontages; in this regard buildings shall be orientated to allow surveillance from the street and adjoining buildings.

7. Drainage Channel / Flooding

To enhance the appearance of the site, landscaping shall occur adjacent to the channel portion located at the corner of the site (as shown in Figure 1) to provide a natural setting, therefore re-enforcing the site as a destination and focal point.

In addition to the provisions and requirements as Chapter 11 - Flood Risk Management of FCW DCP, Figure 4 of this DCP depicts the modelled and agreed flood levels for the site which are 43.90 and 44.00. These levels have been adopted in principle by both Council and the Office of Water to assist with the location of future buildings and stipulate minimum finished floor levels.

Controls

- a) Before granting consent to any development the Council shall have regard to the levels of the land as shown in Figure 2, with respect to:
 - i. The risk of entry of flood waters.
 - ii. Any implications for flood water storage capacity of any filling or the like.
- b) The channel shall be left as open form in its current natural state.
- c) The modelling and recommendations contained in the Supplementary Flood Risk Assessment for 449 Victoria Street Wetherill Park – Dated 5 July 2011 and Addendum to Flood Risk Assessment for 449 Victoria Street, Wetherill Park – Dated 4 August 2011 form part of this development control plan. These reports are annexed to this DCP.

[illegible]

Site Specific DCP - Intersection of Victoria Street & Newton Road, Wetherill Park

Amended June 2012

1. Introduction / Objectives

This development control plan applies to land to the south-western corner of intersection of Newton Road and Victoria Street Wetherill Park.

The subject site is known as No. 449 Victoria Street and No.96 Newton Road Wetherill Park. The property is also known as Lot 304 in DP 1098762 and Lot 4 in DP 851250. (Refer to Figure 1)

The plan has been prepared to guide and assist development on the land referred to above; in a manner that encourages business development and investment; and promotes local employment opportunities whilst servicing the daily needs of the workforce.

The aim of this plan is to provide objectives and controls to influence development of the subject land.

By way of note, this site specific DCP will be an appendix contained in Fairfield City Wide Development Control Plan (FCW DCP) – Chapter 9, Industrial Development. The provisions of other Chapters where they are relevant will also apply but where there are any inconsistencies, this site specific plan prevails over those controls prescribed by FCW DCP.

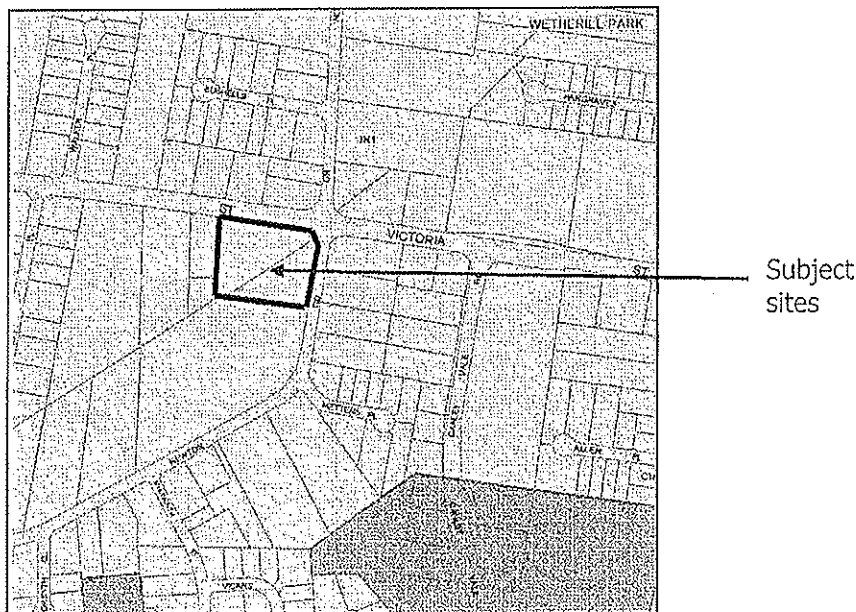


Figure 1: Area to which this DCP applies

2. Layout

The layout of the buildings on the subject site shall be generally in accordance with Figure 1 but an alternate layout will be considered subject to flooding issues being addressed.

On this basis, Figure 1 depicts four (4) pad sites and landscaping on the land adjacent to the drainage channel portion located at the corner of the site to provide a natural setting, whilst re-enforcing the site as a destination and focal point.

The layout referred in Figure 2 is based on extensive flood risk assessment and flood modelling of the site given possible flow implications within the catchment.

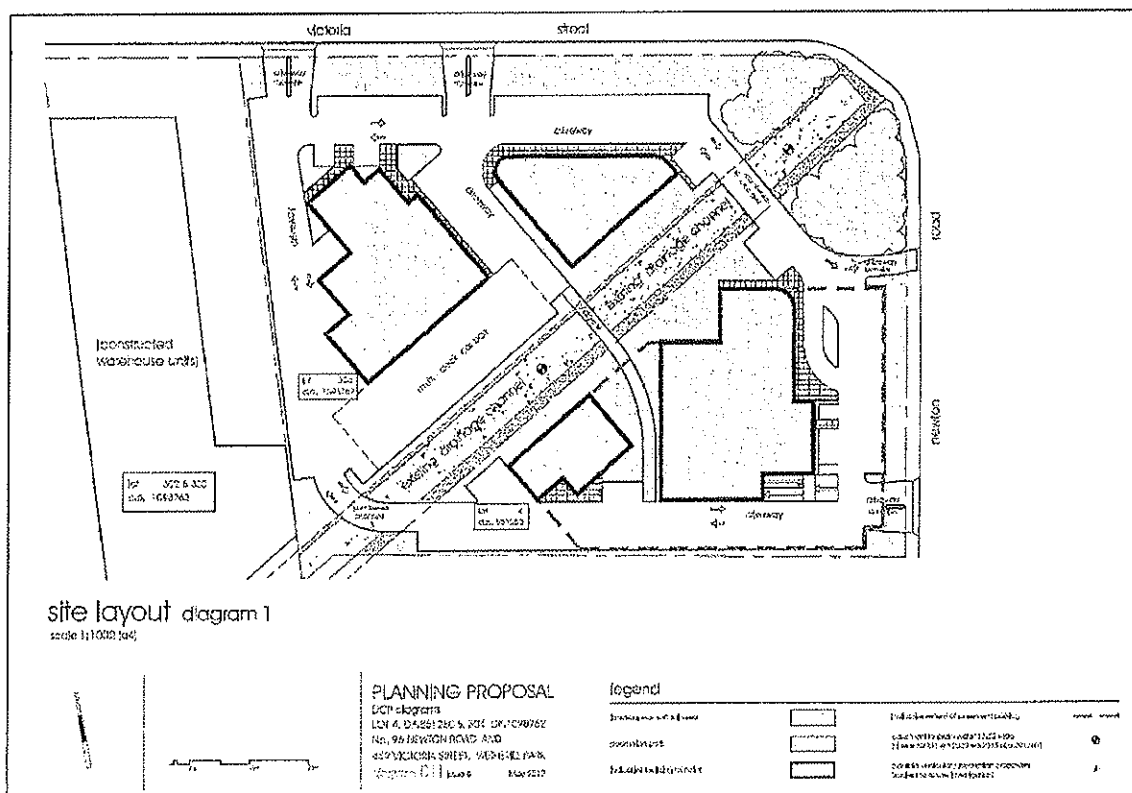


Figure 2: Plan of subject land showing location of pad sites

3. Setbacks

Setbacks shall be provided in accordance with Clause 9.2 of FCW DCP. Notwithstanding the following is provided:

Controls

- A minimum setback of 20 metres to the Victoria Street frontage shall be provided, of which 10 metres is to be used for landscaping only.
- A minimum setback of 20 metres to the Newton road frontage shall be provided, of which 5 metres is to be used for landscaping only.
- A minimum setback of 15 metres to the southern and western boundaries shall be provided, of which 2 metres is to be used for landscaping only.

- d) A minimum setback of 5 metres to the existing concrete channel shall be provided, of which 2 metres is to be used for landscaping only.

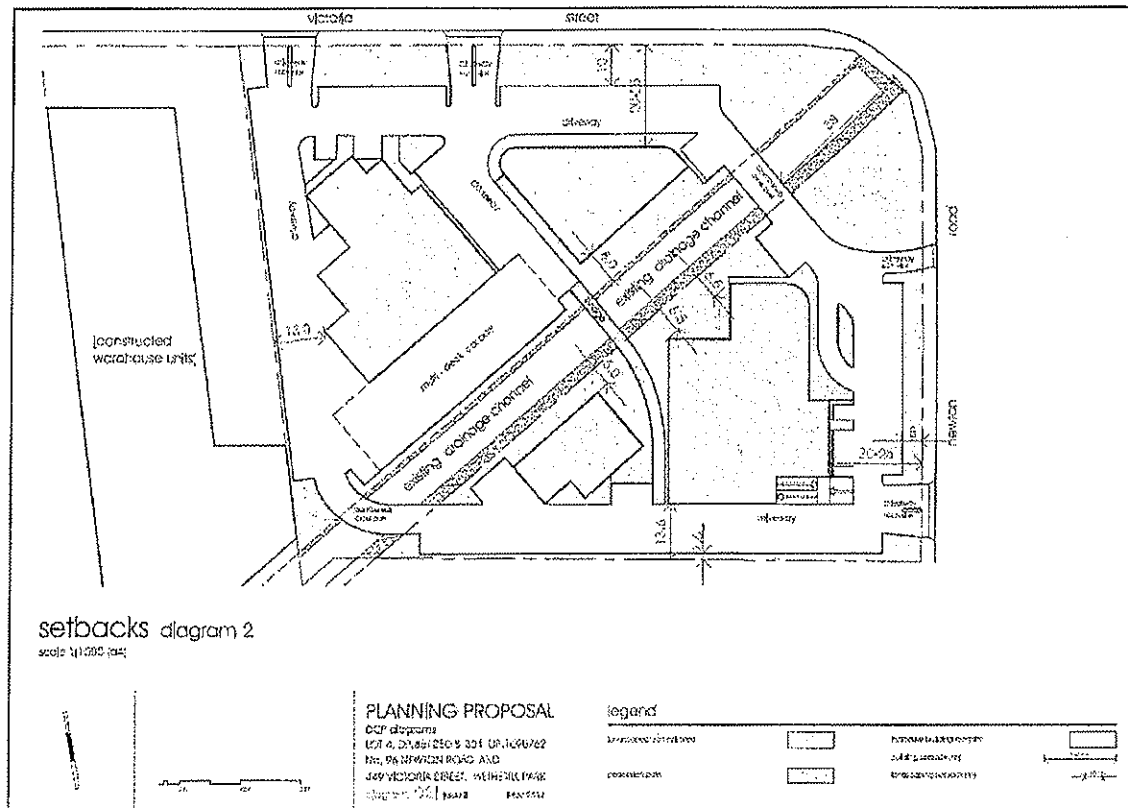


Figure 3: Plan of subject land with setbacks to proposed pad sites

4. Car Parking, Vehicle and Access Management

Car parking shall be provided in accordance with Clause 9.3 of FCW DCP. Notwithstanding the following is provided:

Controls

- a) A maximum of two separate entry and exit points are permitted each to the Victoria Street and Newton Road Frontages.
- b) A maximum of three (3) crossings over the existing drainage channel; two being cambered cross over's and one being a pedestrian bridge located in the centre of the site.

Note: These crossings are subject to future investigation, provided that Council specifications are satisfied.

- c) Loading and unloading areas shall be appropriately screened from public view and are not permitted along street frontages.
- d) Driveway widths shall comply with the requirements as specified in AS 2890.2-2002 (off street commercial vehicle facilities). The manoeuvring of vehicles into and out of the property and within the property shall be justified using the relevant turning templates. In deciding the driveway locations, appropriate sight distances shall be taken into account.

5. Advertising Signs

Signage shall be provided in accordance with Clause 9.4 of FCW DCP.

6. Streetscape and Amenity

Despite the provisions of Clause 9.5 of FCW DCP, the built form and appearance of the development shall be reinforced by the roundabout and ability to have varied architectural forms, which reinforce the hub of the Wetherill Park industrial estate.

The concentration of a hub in one mass will ensure that the development has a more legible focus. On this basis, the hub will have a place of arrival and add to the urban qualities of the area.

Crime Prevention Through Environmental Design (CPTED) is an integral component of high quality urban design and must be considered holistically throughout the design and development processes.

Controls

- a) The height of the development shall be compatible with the character and amenity of the existing and likely future development in the area.
- b) An attractive streetscape shall be provided to both street frontages; in this regard buildings shall be orientated to allow surveillance from the street and adjoining buildings.

7. Drainage Channel / Flooding

To enhance the appearance of the site, landscaping shall occur adjacent to the channel portion located at the corner of the site (as shown in Figure 1) to provide a natural setting, therefore re-enforcing the site as a destination and focal point.

In addition to the provisions and requirements as Chapter 11 - Flood Risk Management of FCW DCP, Figure 4 of this DCP depicts the modelled and agreed flood levels for the site which are 43.90 and 44.00. These levels have been adopted in principle by both Council and the Office of Water to assist with the location of future buildings and stipulate minimum finished floor levels.

Controls

- a) Before granting consent to any development the Council shall have regard to the levels of the land as shown in Figure 2, with respect to:
 - i. The risk of entry of flood waters.
 - ii. Any implications for flood water storage capacity of any filling or the like.
- b) The channel shall be left as open form in its current natural state.
- c) The modelling and recommendations contained in the Supplementary Flood Risk Assessment for 449 Victoria Street Wetherill Park – Dated 5 July 2011 and Addendum to Flood Risk Assessment for 449 Victoria Street, Wetherill Park – Dated 4 August 2011 form part of this development control plan.

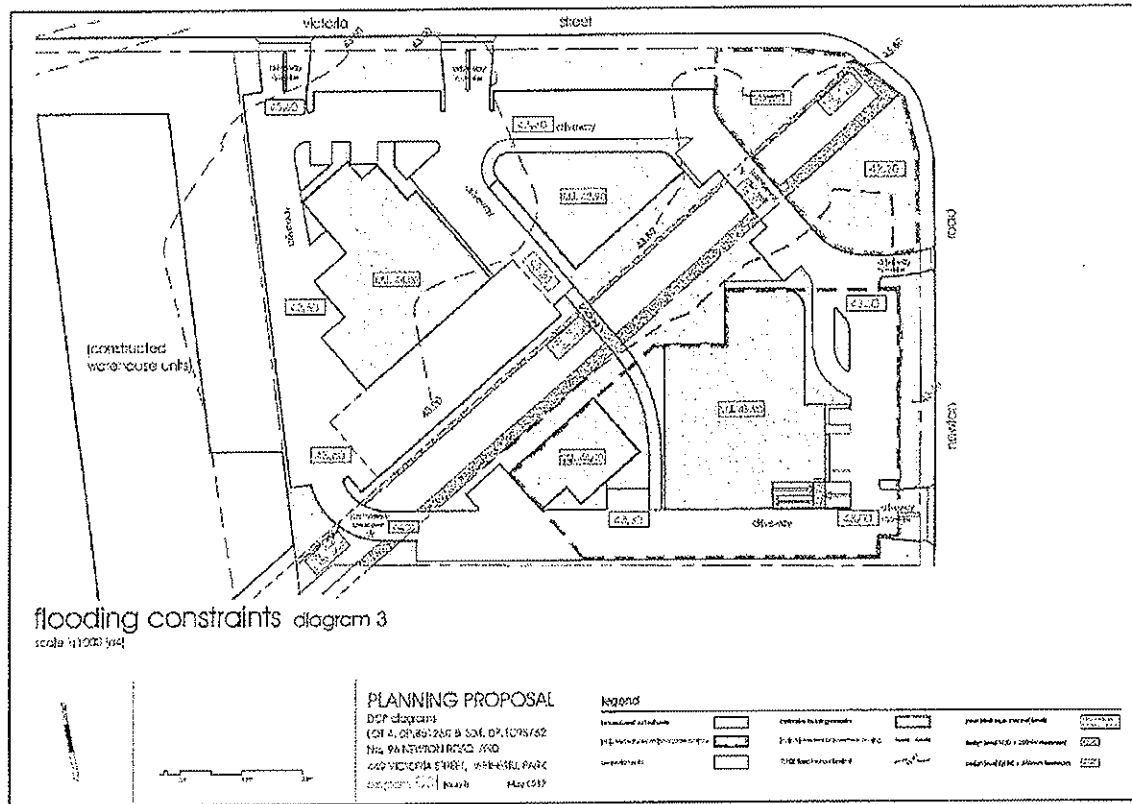


Figure 4: Plan of subject land with flood levels

8. Specific Land Use Controls

At the May 2010 Council Meeting Council resolved to consider the following uses on the subject site subject to the lodgement of a planning proposal and site specific DCP for the subject site:

- Child care centre accommodating 60places
- Hotel (with ancillary conference rooms) up to 7,000m2
- Medical Centres up to 300m

Subsequently, LEP Amendment No. 133 to the Fairfield Local Environmental Plan 1994 was gazetted on the xxxxxx which permits the above uses with the addition of small retail uses to primarily serve the daily needs of the local industrial workforce. LEP No. 133 allows the following uses of the subject site and associated size restrictions:

- Hotel (with ancillary conference rooms) up to 7,000m²
- Medical Centres up to 300m
- Neighbourhood Shops up to 80m²

It is noted that child care centres are currently a permissible use on the subject site and was therefore was not required to be subject of an LEP amendment. However, special provisions apply and are discussed in the below.

8.1 Special Provisions relating to Child Care Centres and Neighbourhood Shops

Child care centres on the subject site are required to comply with the following controls:

Controls

- a) One (1) child care centre with a maximum capacity of 60 spaces is permitted on the subject site only,
- b) Any additional child care centres proposed on the site is required to comply with the maximum capacity of forty (40) places as detailed in Chapter 13.1.2 Maximum Capacities accordingly to the City Wide DCP 2006, and
- c) Any proposal for a child care centre on the site will be required to comply with the requirements for Child care centres as detailed in Chapter 13 Child Care Centres in Council's City Wide DCP 2006.

8.1.2 Neighbourhood Shops

To enable a range of small scale retailing on the subject site to serve the daily needs of the local industrial workforce and to enhance the facilities of the service node, the following controls apply:

- a) Neighbourhood Shops are permitted on the subject site providing they can demonstrate they are consistent with the following definition:

***Neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live and work in the local area, and may include ancillary services such as a post office, bank or dry cleaning but does not include restricted premises.*

- b) Neighbourhood Shops are restricted to a retail/business floor area of 80m²
- c) The following table indicates the type of businesses that would be appropriate on the subject site under the definition of Neighbourhood Shop:

Neighbourhood Shops (max 80m ²)	
Business	Convenience Shop
	Chemist
	Newsagency
	Bakery

Any proposal for neighbourhood shops outside of those listed above will be assessed on its merits to ensure the proposed use is consistent with the intent and definition detailed in subclause a).