

Proposal to insert an additional permitted use at 620 Elizabeth Drive, Bonnyrigg Heights

Proposal Title : **Proposal to insert an additional permitted use at 620 Elizabeth Drive, Bonnyrigg Heights**

Proposal Summary : **To amend Schedule 1 — Additional Permitted Uses of Fairfield Local Environmental Plan 2013 to permit with consent, development for the purpose of a service station and take-away food & drink premises at 620 Elizabeth Drive, Bonnyrigg Heights.**

PP Number : **PP_2016_FAIRF_007_00**

Dop File No : **16/10976**

Proposal Details

Date Planning : **03-Aug-2016**

LGA covered : **Fairfield**

Proposal Received :

Region : **Metro(Parra)**

RPA : **Fairfield City Council**

State Electorate : **CABRAMATTA**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **620 Elizabeth Drive**

Suburb :

City : **Bonnyrigg Heights**

Postcode : **2177**

Land Parcel : **Lot 1 DP 781418**

DoP Planning Officer Contact Details

Contact Name : **Tessa Parmeter**

Contact Number : **0298601555**

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RPA Contact Details

Contact Name : **Elizabeth Workman**

Contact Number : **0297250292**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601579**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : It is proposed to amend the Fairfield Local Environmental Plan 2013 to enable the development of a service station and takeaway food and drink premises on land at 620 Elizabeth Drive, Bonnyrigg Heights, with development consent.

The proposal also seeks to introduce a maximum floor space area and limit use to no more than one restaurant or take away food and drink premises.

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

Is an explanation of provisions provided? Yes

Comment : It is proposed to maintain the current zone of RE2 Private Recreation for the site, and amend schedule 1 of Fairfield Local Environmental Plan 2013 to insert an additional permitted provision at 620 Elizabeth Drive, Bonnyrigg Heights, to permit with development consent, a service station and a take away food and drink premises.

It is also proposed to limit the size of the development, requiring that:
a) the combined gross floor area does not exceed 600m2 (excluding petrol filling areas); and
b) there is no more than one restaurant or take away drink premises on the subject site at any one time.

DEPARTMENT COMMENT

It is noted that while the proposed additional uses of a 'service station' and 'take away food and drink premises' are not permissible within the zone, this zone does permit restaurants and cafes, function centres, recreation facilities and registered clubs.

The proposal will consequently permit uses that are similar in nature to the above permitted uses.

The planning proposal, however, does not directly consider the option of rezoning the site to a zone that permits recreation facilities (indoors); service stations and take away food and drink premises. Under the Fairfield Local Environmental Plan 2013, these uses, for example, are permissible with development consent in the B2 Local Centre Zone.

In proposing additional uses, Council has taken into consideration the location of the site and adjoining uses. The site has frontage to Elizabeth Drive and is located between an existing Endeavour Energy electricity sub-station to the west); the Serbian Community Club (to the east); Bonnyrigg Sports Club soccer fields and an open space corridor (to the south) and the arterial road corridor of Elizabeth Drive (to the north). Existing residential development is located to the south west of the site.

While Council has acknowledged the need for the service station use at this location and the convenience of a take away facility, it has also sought to avoid other inappropriate development that would be permissible under another zone.

In these circumstances, no departmental objections are held to the proposal proceeding in this regard.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

SEPP No 33—Hazardous and Offensive Development

SEPP No 64—Advertising and Signage

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

GMREP No. 2 - Georges River Catchment

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SECTION 117 DIRECTIONS

The planning proposal is consistent with all relevant Section 117 Directions except for:

Section 117 Direction 6.3 - Site Specific Provisions:

The planning proposal intends to include an additional permitted use on the site with site specific provisions, limiting the size of the proposed development and the number of take away food and drink premises or restaurants that can be operational on the site at one time.

This is inconsistent with Section 117 Direction 6.3(4)(c), which states that a planning

proposal is to allow the land use on the relevant land without imposing development standards or requirements in addition to those already contained in that zone.

The proposed limitation of the size and number of take away food and drink premises on the site is intended to minimise the impact on the adjoining land uses, and nearby residential areas.

It is considered that the planning proposal's inconsistency with Section 117 direction 6.3 is of minor significance, and should be supported by the Secretary, or her delegate, in this instance.

7.1 Implementation of A Plan for Growing Sydney

This Direction has been revoked and therefore all references to this Direction and earlier versions of the metropolitan strategy should be removed from the planning proposal prior to public exhibition. Recommended accordingly.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs).

SEPP No. 33 - Hazardous and Offensive Development and and SEPP (Infrastructure) 2007 - include requirements and consultations with Environmental Protection Agency (EPA) and Endeavour Energy during the development application stage.

SEPP No. 55 - Remediation of Land - the schedule in the proposal does not address consistency with the SEPP. As the SEPP requires that consideration be given to a change of use by Council, it is recommended that the planning proposal be appropriately amended by Council prior to exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes a 'key sites' map identifying the site. The map is considered suitable for exhibition purposes.

The planning proposal will amend Fairfield Local Environmental Plan 2013 Key Sites Map - KYS_008. This map will need to be prepared before the planning proposal is finalised.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Community consultation has been proposed. It is considered that the planning proposal is classified as a low impact planning proposal and it is recommended that the proposal must be made publicly available for at least 14 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : May 2013

Comments in relation
to Principal LEP :

Fairfield Local Environmental Plan 2013 was notified on 17 May 2013.
The planning proposal is consistent with the Principal LEP.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of any strategic work or study. This is an owner initiated planning proposal.

Consistency with
strategic planning
framework :

The planning proposal is generally consistent with a Plan for Growing Sydney.
In particular:

- * Direction 1.4 - Transform the productivity of Western Sydney through growth and investment, as the proposal has the potential to create new employment opportunities; and
- * Direction 2.1 - Revitalise existing suburbs - as it has the potential to support urban development by providing services along the existing strategic arterial corridor of Elizabeth Drive.

Environmental social
economic impacts :

ENVIRONMENTAL

The site is not known to contain acid sulphate soils; be bushfire prone; or flood affected.

The site is vacant; grassed; and contains limited vegetation. It is unlikely to contain critical habitat or threatened species, populations or ecological communities.

There is an Endeavour Energy electricity substation adjacent to the site. It is recommended that Council consult with Endeavour Energy during the exhibition period.

The proposed service station has the potential to create environmental impacts. SEPP No. 33 - Hazardous and Offensive Development, outlines matters for consideration in any future development application.

It is therefore recommended that Council consult with the Environmental Protection Agency (EPA) during the public exhibition period.

SOCIAL

The planning proposal may impact on the surrounds with reduced amenity through increased traffic, waste and rubbish removal, lighting, and odours from the service station and take away food and drink premises.

By limiting the potential maximum size of any development, Council is seeking to ameliorate these impacts.

Department Comment

These amenity issues may be appropriately addressed at development application stage.

TRAFFIC

There is the potential for increased traffic and traffic impacts along Elizabeth Drive.

The planning proposal is supported by a traffic study, which indicates the proposal is unlikely to place a level of demand on existing public infrastructure that could not be managed satisfactorily by Council.

Department Comment

The above is considered acceptable.

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It is recommended that Council consult with Roads and Maritime Services during the public exhibition period.

ECONOMIC

The proposed additional permitted uses have the potential to provide additional employment and service opportunities in the area.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

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

Public Authority Consultation - s56(2)(d) : **Transport for NSW - Roads and Maritime Services
Sydney Water
Other**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The site is located in an existing urban area. It is considered that the site can be sufficiently serviced with essential services.**

Documents

Document File Name	DocumentType Name	Is Public
Letter to Department requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Outcomes Committee Minutes - July 2016.doc.pdf	Proposal	Yes
Outcomes Committee Report - July 2016.doc.pdf	Proposal	Yes
Attachment A to Council Report - Concept Plan - 620 Elizabeth Drive - July 2016.pdf	Proposal	Yes
Attachment B - Planning Proposal.pdf	Proposal	Yes
Attachment C to Council Report - 620 Elizabeth Drive - Letter from NSW RMS - Proposed Access Arrangement - July 2016.pdf	Proposal	Yes
Proposed Key Sites Map.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions

Additional Information : **INCONSISTENCY WITH SECTION 117 DIRECTIONS**
The planning proposal is inconsistent with Section 117 Direction 6.3 - Site Specific Provisions. It is recommended that the Delegate of the Secretary agree that the inconsistency with Section 117 Direction 6.3 is of minor significance.

DELEGATION OF THE GREATER SYDNEY COMMISSION'S PLAN MAKING FUNCTIONS
Fairfield City Council has requested delegation of the Greater Sydney Commission's plan making functions for this planning proposal. As the planning proposal is considered minor in nature, the request for plan making delegation is supported in this instance.

RECOMMENDATION

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

1. Prior to exhibition the planning proposal is to be amended in the following manner:
 - (a) removal of item 7 Metropolitan Planning and item 7.1 Implementation of A Plan for Growing Sydney (and associated words) from the table for Section 117 Directions within the planning proposal (p. 13);
 - (b) inclusion of written justification in the table for SEPP 55 - Remediation of Land (p. 9 refers) that the planning proposal is not inconsistent with the requirements of that State Environmental Planning Policy.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW - Roads and Maritime Services
 - Endeavour Energy
 - Sydney Water
 - Environmental Protection Authority

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

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from

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any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal has the potential to enable the redevelopment of the site, and promote service and employment opportunities.

Signature:



Printed Name:

T DORAN

Date:

26/8/16