

OUTCOMES COMMITTEE

Meeting Date 12 July 2016

Item Number. 76

SUBJECT: Planning Proposal - Additional Permitted Uses at 620 Elizabeth Drive Bonnyrigg Heights
Premises: 620 Elizabeth Drive Bonnyrigg Heights (Lot 1 DP 781418)
Applicant/Owner: Michael Brown Planning Strategies on behalf of the Movement of Serbian Chetniks Ravna Gora (Director details to be circulated separately)
Zoning: RE2 Private Recreation

FILE NUMBER: 15/19275

REPORT BY: Elizabeth Workman, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Option 1 as outlined in the report be adopted, which is to endorse the draft Planning Proposal (Attachment B of the report) to amend Schedule 1 Additional Permitted Uses of Fairfield LEP 2013 to permit with development consent the use of land at 620 Elizabeth Drive, Bonnyrigg Heights (Lot 1 DP 781418) for the purposes of a service station and take away food and drink premises.
2. Council inform the NSW Department of Planning and Environment (NSW DP&E) that, pursuant to the relevant provisions of the Environmental Planning and Assessment (EP&A) Act and associated Regulations, Council wishes to commence the Gateway Determination process to amend Schedule 1 of Fairfield Local Environmental Plan 2013 to allow a service station and take away food and drink premises as uses permissible with development consent on the subject site.
3. Council, in requesting the Gateway Determination, advise NSW DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). The delegated functions will be undertaken by the Group Manager City Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
4. Council endorse public exhibition of the Proposal subject to NSW DP&E issuing a Gateway Determination supporting the Planning Proposal and in accordance with the Consultation Strategy outlined in this report and the conditions set out in the Gateway Determination.

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5. Council receive a further report detailing a draft Site Specific Development Control Plan for the site subject to the DP&E issue a Gateway Determination for the Proposal.
6. Council receive a further report on the Planning Proposal and draft Site specific Development Control Plan following public exhibition which is to be carried out in accordance with the public consultation strategy outlined in the report and the relevant conditions of the Gateway Determination.

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

SUPPORTING DOCUMENTS:

AT-A	Concept Plan	3 Pages
AT-B	Planning Proposal	25 Pages
AT-C	Letter from RMS	4 Pages

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

Council is in receipt of a Planning Proposal application which seeks to allow 2 additional permitted uses on land currently zoned RE2 Private Recreation located at 620 Elizabeth Drive, Bonnyrigg Heights.

The Planning Proposal seeks to retain the existing RE2 Private Recreation zoning however amend Schedule 1 – Additional Permitted Uses of Fairfield Local Environmental Plan (LEP) 2013 to allow (subject to further development consent), the use of the site for the purposes of a service station and take away food and drink premises both of which are currently prohibited under the RE2 Private Recreation zoning.

Concept plans (Attachment A) for the future development of the site have been submitted with the Planning Proposal and also identify future development of the rear of the site for indoor basketball courts and an associated car parking area. Indoor recreation facilities and associated car parking are already permitted with development consent under the existing zoning.

The subject site is relatively isolated from surrounding residential development and given the nature of surrounding public and infrastructure/utility land uses (including a major electrical substation and Elizabeth Drive State Road), the future use of the site for residential purposes is questionable.

Given the proximity of the site to existing residential development (particularly to the south west), further consideration at development application stage will need to be given to a potential service station/food and drink premises on the site including but not limited to:

- The potential impacts of outdoor lighting;
- The potential impacts of odour from the proposed take away food and drink premises;
- Traffic in proposed car parking areas; and
- Patron/crowd noise from car parking areas, restaurant/drive-through facilities, basketball courts etc.

These issues will require the submission of relevant impact assessments at development application stage. Amending the permissibility of uses on the site via the Planning Proposal mechanisms does not guarantee the additional permitted uses will be approved.

The design and operation of such facilities will need to ensure potential impacts on the amenity of nearby residential development is minimised and comply with all development conditions as a result of any approved development application.

In order to minimise the scale and proliferation of any future development on the subject site, the proposed amendment to Schedule 1 of Fairfield LEP 2013 seeks to impose a maximum gross floor area for proposed additional uses as well as limit the future development of any restaurant or take away food and drink premises to only 1 on site at any given time.

In addition, concern was raised at a Councillor Briefing about access from Elizabeth Drive. The RMS has provided advice, which would require some re-design of access arrangements of the proposal.

The report outlines 2 options in relation to access arrangements and consultation with the RMS.

It is recommended that Council endorse Option 1 for the preparation of a planning proposal (Attachment B) for referral to the DP&E to permit the additional uses of service station, 1 takeaway food and drink premises or 1 restaurant on the site restricted to a total floor area for the additional uses of 600m².

BACKGROUND

620 Elizabeth Drive, Bonnyrigg is currently a vacant parcel of land located on the southern side of Elizabeth Drive.

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Aerial Photo – Locality Plan

Further information in relation to the current use of the site and surrounding properties is detailed further in this report under the heading 'local planning context'.

Under the provisions of the former Fairfield LEP 1994, the subject site was zoned 2(a) Residential A which typically denoted low density residential development. Council resolved as part of the transition to the comprehensive Fairfield LEP 2013 to rezone the site to an RE2 Private Recreation zone.

Application of zone RE2 Private Recreation to the site was justified as the Department of Planning and Infrastructure did not support the development of registered clubs in residential zones and subsequently directed Council to rezone all registered clubs (or land owned and utilised by a club directly adjoining club facilities) within residential areas to an RE2 Private Recreation zone during preparation of the draft comprehensive LEP.

In response to the public exhibition of the draft comprehensive LEP in early 2012, the Owners of the Bonnyrigg Sports Club (the Movement of Serbian Chetniks Ravna Gora) objected to the proposed RE2 Private Recreation zoning and requested the site instead be zoned B6 Enterprise Corridor. For a number of strategic planning reasons, Council did not support this request and proceeded with the RE2 Private Recreation zoning as directed by the Department of Planning and Infrastructure.

The Owners of the site were advised that should they wish to rezone the site back to a low density residential zone to facilitate future residential development of the site, the cost and preparation of the Planning Proposal would be borne by Council and included within a future Housekeeping LEP amendment. The Owners advised Council in June 2012 of their support to commence the rezoning process to rezone the site back to an R2 Low Density Residential zoning.

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In July 2012, Council commenced preparation of a Housekeeping LEP amendment which proposed to rezone 620 Elizabeth Drive, Bonnyrigg Heights back to an R2 Low Density Residential zoning. During the course of preparation and exhibition of the Housekeeping LEP amendment, the Owners of the site submitted various requests to further change the zoning of the land, including to an R1 General Residential zone (that permits neighbourhood shops, all RFBs, town houses and villas and single dwellings).

Ultimately in July 2013, Council resolved to defer the site from the Housekeeping LEP to allow the Owners of the site the opportunity to provide additional advice to Council regarding the intended future development of the land. Consequently, the site remains zoned RE2 Private Recreation under Fairfield LEP 2013.

The Club owners are now pursuing further development options for 620 Elizabeth Drive, Bonnyrigg Heights (at their expense) which includes the current Planning Proposal application for an additional permitted use of the site for the purposes of a service station and take away food and drink premises.

Concept plans submitted with the Planning Proposal also show future development of the rear southern portion of the site for a recreation facility (indoor) and associated car parking which are permissible with consent under the current RE2 Private Recreation zoning.

DETAILS OF THE PLANNING PROPOSAL

The Planning Proposal seeks to amend Schedule 1 of Fairfield LEP 2013 to permit with development consent, the use of 620 Elizabeth Drive, Bonnyrigg Heights for the purposes of a service station and take-away food and drink premises. The Planning Proposal does not seek to change the existing RE2 Private Recreation zone that applies to the site (Attachment B).

In order to provide a complete picture of the future development of the site and to assist in justification of the additional permitted uses, the Applicant has also included details regarding the supplementary use of the rear third of the site for a gymnasium and indoor sports stadium (Attachment A). As stated previously, these uses are already permitted with consent under the RE2 Private Recreation zoning.

The Applicant has stated that future development of the site would occur in 2 stages as follows:

- Stage 1 - comprising the additional permitted uses of service station and take away food and drink premises plus gymnasium; and
- Stage 2 – a future extension to the gymnasium to accommodate an elevated indoor sports stadium comprising 2 basketball courts.

Car parking requirements for Stage 2 have not been included within the concept plan and the Applicant has stated that this issue will be addressed under a future development application for Stage 2. The Applicant has however included development proposed under Stage 2 within the submitted Traffic Impact Assessment to ensure that proposed entry and exit provisions can cater for the future traffic generated by all development.

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Vehicular access to the site is proposed via a new entry point west of the existing egress point for the Bonnyrigg Sports Club. This requires the existing egress point for the Bonnyrigg Sports Club to be relocated to the east and combined with the existing ingress arrangement for the Club (Attachment A and C).

This arrangement has been agreed to by the Owners of the Sports Club located at 610-618 Elizabeth Drive, Bonnyrigg Heights and support for these arrangements have also been provided by NSW Roads and Maritime Services (Attachment C).

As can be seen on the submitted concept plan, the service station and fast food premises are proposed to be located in the north western portion of the site with the rear third of the site dedicated to the provision of a gymnasium and car parking. It is estimated that the proposed fast food restaurant is located approximately 60 metres from the nearest residential property to the south west in Schubert Place.

It is important to note that at this stage the Applicant is seeking an amendment to Fairfield LEP 2013 for the 2 additional permitted uses (service station and take away food and drink premises). The Development as proposed on the submitted concept plans is subject to future comprehensive development assessment against relevant standards and guidelines and may need to be varied to ensure the Proposal achieves the best possible outcome for the site and surrounding properties.

APPLICANT'S JUSTIFICATION

The primary objective of the Proposal as stated by the Applicant is *"to facilitate the development of the subject site for recreational and commercial development in an integrated manner to complement the use of the subject and adjoining sites for sports related purposes"*. In achieving this objective, the Applicant has identified that the following outcomes would be realised:

- Creation of employment opportunities within the various uses on site;
- Co-ordinated vehicular access from Elizabeth Drive, having regard to the strategic nature of the road system;
- Provision of a community facility (indoor stadium) to cater for the cultural and sporting needs of the community;
- A comprehensive sporting complex to complement the existing use of the adjoining property for outdoor recreation and the Bonnyrigg Sports Club; and
- Existing physical and human infrastructure will be utilised and embellished.

ASSESSMENT**Current Zoning and Permissibility**

The subject site is currently zoned RE2 Private Recreation and development for the following uses are permitted with consent on the site:

Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Under the current RE2 Private Recreation zoning *restaurants and cafes*, *function centres* and *registered clubs* are already permitted with consent on the subject site. These land uses are defined as follows:

restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

registered club means a club that holds a club licence under the Liquor Act 2007.

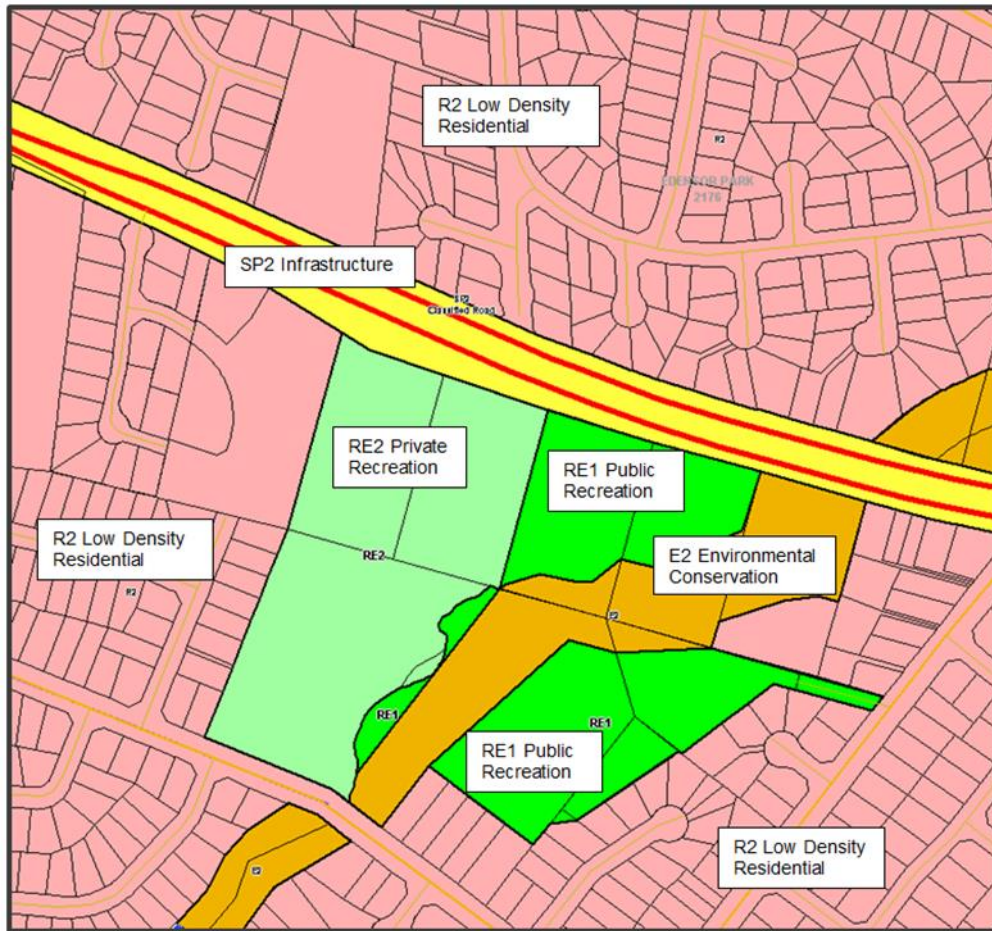
It is important to note that depending on the nature and scale of the proposed take-away food and drink premises (primarily the provision of chairs and tables for dine-in purposes) there is potential for this use to be classified as a restaurant or café, which is already permissible in the zone. In addition, capacity already exists for the subject site to be developed for significant commercial activities under the definitions of function centres and registered clubs.

In order to ensure that additional uses proposed under this Planning Proposal are restricted to an appropriate scale, it is proposed to include within Schedule 1 a maximum combined gross floor area of 600m² for any future service station and take away food and drink premises. Wording has also been included to limit development of the site to a total of only one food and drink premises i.e. either a take away food and drink premises or a restaurant but not both. This will ensure that proliferation of multiple take away food and drink premises and/or restaurants cannot occur.

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Current Zoning under Fairfield LEP 2013

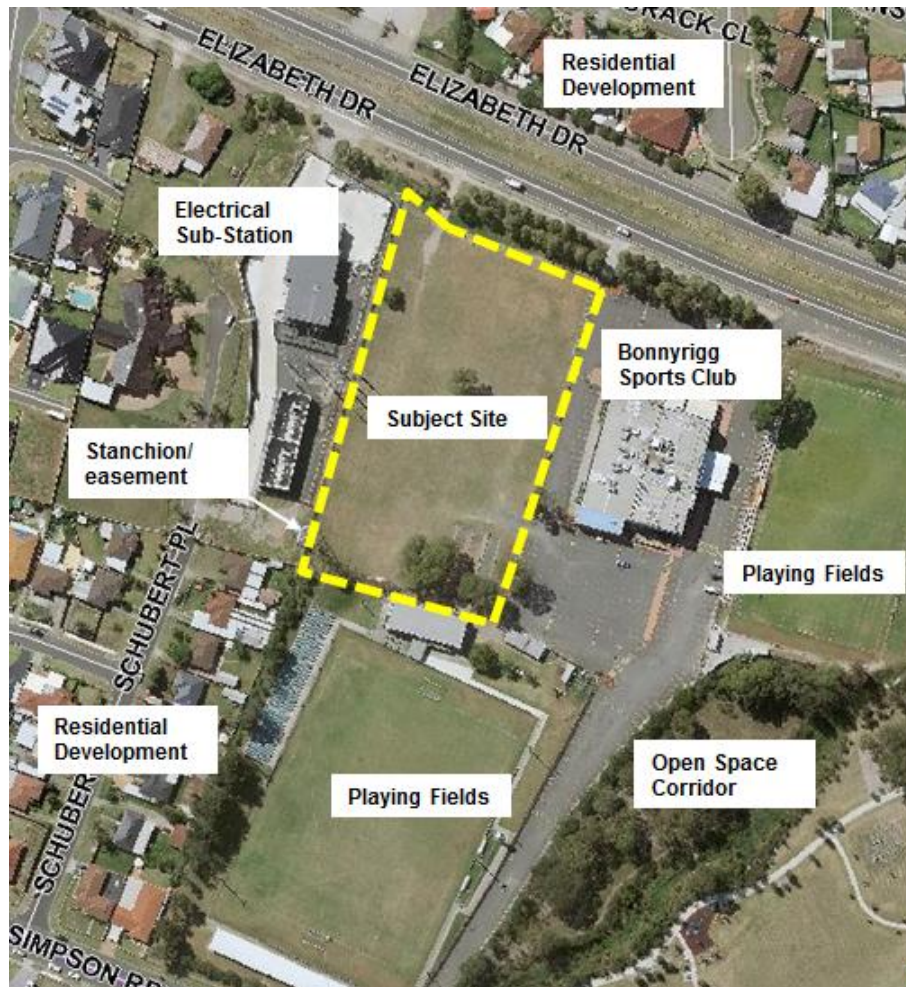
Local Planning Context

The subject site is located between an existing Endeavour Energy electrical sub-station (to the west), the Bonnyrigg Sports/Serbian Community Club (to the east), Bonnyrigg Sports Club playing fields and an open space corridor (to the south) and the arterial road corridor of Elizabeth Drive (to the north). The closest residential development is located at the south west corner of the subject site in Schubert Place. The site is otherwise disconnected and isolated from nearby low density residential development.

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It is noted the site has DA approval for overflow activities associated with the adjoining Club and on occasions is used for Circus events.

Suitability of the Site for Alternate Zoning

The following provides an analysis of the suitability of alternate zones for the site under Fairfield LEP 2013.

1. **Residential zones:** As highlighted above, the subject site is relatively isolated from nearby low density residential development. Land uses on adjoining properties include an electrical sub-station and transmission easement, a registered club and active recreation facilities. The merits of establishing residential development between such uses are limited and will contribute to poor residential amenity.

Under the provisions of the R1 General Residential, R3 Medium Density and R4 High Density Residential zones, neighbourhood shops and medium to high density housing would be compulsorily permitted with development consent. The establishment of these land uses on the subject site would not be supported as they would conflict with the strategies and recommendations of Council's Centres Study 2015 and draft Residential Development Strategy.

Rezoning the site back to an R2 Low Density Residential zone is considered the only potentially residential option as it would ensure that neighbourhood shops remain prohibited on the site and the scale of residential development could be designed so as to provide an acceptable level of amenity for future residential land uses.

However rezoning the land back to R2 would be inconsistent with previous advice provided by the DP&E under preparation of the Fairfield LEP 2013 that land owned and utilised by a club should be zoned RE2 – Private Recreation. The location of the site is also less than ideal for general residential uses being wedged between Elizabeth Drive, the existing club facilities (including sporting fields and car parking areas) and the electrical sub- station.

2. Business zones: Rezoning of the site to an alternate Business zone under Fairfield LEP 2013 would be inconsistent with the recommendations of Council's recently adopted Fairfield City Centres Study 2015 and would potentially allow the entire site to be developed for a range of commercial uses from shops to business/office premises as well as higher density residential development including boarding houses and shop top housing.

Under Council's Centres Study 2015 such uses should occur within existing town centres where there are appropriate services and support infrastructure. Allowing extensive retail development via a business zoning would also undermine the viability of existing nearby town centres

3. General Industrial zones: The range of uses permissible in the industrial zones under Fairfield LEP 2013 could cause significant land use conflict issues on the subject site given the relatively close proximity of the site to residential development and active recreational facilities. Rezoning of the site to an Industrial zone would also cause significant inconsistencies with the strategic directions contained within Council's Employment Lands Strategy.
4. Bulky Goods/Enterprise corridor zones: Rezoning of the site for a B5 Business Development zone to allow bulky goods development would also be contrary to Council's adopted Centres Study 2015 which recommends that bulky goods stores should be co-located with similar land uses within a single planned centre. As discussed in the background to this report, rezoning of the subject site to a B6 Enterprise Corridor zone has previously been rejected by Council for the following reasons:
 - A B6 Enterprise Zoning would generate major inconsistencies with strategic directions contained in both Council's Retail Commercial Centres Strategy and Employment Lands Strategy.
 - The Proposal is inconsistent with principles associated with the NSW Government Planning Strategies and associated draft Sub-Regional Plans.

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- The site is not located in proximity to main town centres, public transport, services or facilities where the B6 zone has been utilised.

Based on the above broader strategic reasons, rezoning of the site to any alternate zone is not recommended. Further, this position is also supported by the following specific considerations;

Site Access

In assessing future development/zoning options for the site, consideration needs to be given to future access arrangements to and from the site. The location of the electricity sub-station (including a large stanchion and landscaping mound supporting transmission wires as shown in the locality map - above) to the west prohibits access to the site from the existing residential street network including Schubert Place.

The potential for gaining access to Schubert Place is also constrained by the position of Endeavour Energy who in previous negotiations with Council have resisted the option of creating a new road connection for residential properties in Stivala Place (currently relying on access granted by the RMS to Elizabeth Drive) across land owned by Endeavour Energy and into Schubert Place.

Therefore should the site remain affiliated with the adjoining Serbian Community Club/Bonnyrigg Sports Club, alternate access to future recreation facilities at the rear of the site can be facilitated through the existing Club. However, should the site be on-sold in the future or rezoned for low density residential development, access will be only available from Elizabeth Drive.

Service Station - Demand Analysis

The subject site is located on the southern side of Elizabeth Drive in Bonnyrigg Heights. An analysis of the location of other service/petrol stations within a 1km buffer along either side of Elizabeth Drive between the Westlink M7 and Meadows Road, Mount Pritchard indicate that there are no other service stations located on the southern side of Elizabeth Drive for a distance of at least 3 km to the east and at least 6km to the west.

The nearest service station to the subject site is located to the south of Elizabeth Drive, at the intersection of Montgomery Road and Brown Road, Bonnyrigg. All other service stations are located on the northern side of Elizabeth Drive making access very difficult and inconvenient for traffic travelling west along Elizabeth Drive (see image below).



Council's former Service Station Policy (which was repealed upon gazettal of Fairfield LEP 2013) did identify the subject site as within a corridor of land along Elizabeth Drive which was deemed "under-served" by service stations. Although the policy no longer has effect, it supports the current demand analysis that a service station in the vicinity of the subject site on the southern side of Elizabeth Drive, would provide significant public convenience and benefit.

Given the future development of the Second Sydney Airport on Elizabeth Drive at Badgerys Creek, it is expected that the Elizabeth Drive corridor will form one of the major transport routes to and from the airport. It can be reasonably expected that traffic generation along this corridor will significantly increase in coming years both during the construction and future operational stages of the Airport. The provision of a service station in the proposed location at 620 Elizabeth Drive, Bonnyrigg Heights is therefore considered to be strategically beneficial to service both current and future demand.

Fairfield City Centres Study 2015 and Policy 2015

Recommendation 33 of the Fairfield City Centres Study recognises the importance of service stations to society and the economic and convenience benefits of this location within centres as well as their co-location with fast food and convenience stores. Whilst the Centres Study supports the location of service stations within centres, there is no negative argument for the location of such services outside of centres. The site is located approximately 1 km west of the Bonnyrigg Town Centre where there already exists a service station and fast food premises on the northern side of Elizabeth Drive at the intersection with Smithfield Road.

The existing definition of service stations allows for the ancillary retail selling or hiring of general merchandise or services as part of the service station. Service stations are separately defined under Fairfield LEP 2013 and are not included within the umbrella term of commercial premises or retail premises.

For this reason, future retail expansion of the site beyond a retail convenience function ancillary to the approved service station would not be permitted. Further, the provisions of SEPP (Exempt and Complying Development Codes) 2008 do not apply to service stations and therefore there can be no change of use on the site without a development application and/or planning proposal application being submitted to Council for formal consideration.

External Referrals**1. NSW Roads and Maritime Service (RMS)**

Given the location of the site on Elizabeth Drive which is a State Arterial Road, the Applicant undertook initial consultation with the NSW RMS in relation to the access arrangements for the subject site, including any implications for the existing club facilities on adjoining land.

In summary the RMS (see Attachment C) advises that it has some concerns to the proposal but suggested the following;

- Consolidation and rationalisation of access points to Elizabeth Drive for both the subject site and adjoining club
- Provision of a deceleration lane on Elizabeth Drive at the entry point to the service station/club facility.
- Retention of the on-road cycle path
- Provision of internal access between the proposed basketball courts/gymnasium and existing club facility
- Any future DA would need to be accompanied by a Traffic Impact Study

The RMS provided a concept plan to the proponent showing a preferred arrangement for the provision of a deceleration lane and access points to the subject site/existing club facilities which the Applicant has factored into the design of the concept masterplan submitted with the Proposal.

In the event the Proposal proceeds, further consultation would be undertaken with the RMS in relation to the above under public exhibition of the Planning Proposal.

2. Endeavour Energy Substation

Given the close proximity of the Proposal to an electrical substation directly to the west of the site, in November 2015 Council officers referred details of the Planning Proposal to Endeavour Energy requesting their feedback on the Proposal. At this stage the organisation has not provided any comment on the Proposal but will be further notified under public exhibition in the event Council supports further progression of the Planning Proposal.

Internal Referrals

The Planning Proposal was also referred to 5 internal Council Departments for comment. Below is a summary of issues raised and relevant recommendations and/or considerations.

1. Traffic and Parking

Council's Co-ordinator of Traffic and Transport did not raise objection to the proposed additional uses on the site however did specify a number of requirements that will need to be met with respect to car parking provision, length and width of the proposed deceleration lane along Elizabeth Drive, retention of on-road cycle paths and pedestrian footpath along Elizabeth Drive and justification of passing trade discounts for traffic generation assumed within the Traffic and Parking Assessment submitted with the Planning Proposal. These issues will need to be addressed at development application stage and successfully resolved prior to the issue of any development consent.

2. Environmental Health

Council's Senior Environmental Health Officer reviewed the Contamination Assessment submitted by the Applicant with the Planning Proposal and accepts the findings of the assessment that the site is considered suitable for use as a proposed service station and take away food and drink premises.

Any further comments on the Proposal will be subject to the review of documentation provided in support of a future development application for a service station, take away food and drink premises and gymnasium and may include:

- A report confirming compliance with Australian standard AS4282-1997 'Control of the Obtrusive effects of Outdoor Lighting';
- A preliminary Hazard Analysis under SEPP 33 Hazardous and Offensive Industry, for the proposed service station use;
- A report confirming compliance with NSW EPA 'Environmental Action for Service Stations' guideline and 'Stage 2 Vapour Recovery' as per the Protection of the Environment (Clean Air) Regulation 2010;

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- An Odour Impact Assessment; and
- A Cumulative Noise Impact Assessment, covering the service station, fast food restaurant and the gymnasium.

3. Flood Management

The following comments were provided in response to the Proposal from Council's Manager, Catchment Planning:-

- The subject property is not affected by mainstream flooding, as defined in the Flood Study for Orphan School Creek, Green Valley Creek and Clear Paddock Creek 2008 Parts 1 and 2. Overland flooding at the site has not been defined, however after reviewing the overland flowpath mapping carried out as part of the Fairfield City Overland Flood Study 2004, it is considered that overland flooding is unlikely to impact the subject property. Therefore, based on floodplain management principles there is no objection to the Planning Proposal.
- The Georges River Coastal Zone Management Plan (GRCZMP) July 2013 was gazetted on 10 July 2015. The GRCZMP has the following objectives specific to this Planning Proposal:
 - Reduce the volume & pollutant load of stormwater runoff through the catchment;
 - All greenfield and redevelopments should have a minimal negative impact on flow and water quality, meeting targets for water quality proposed in the Botany Bay and Catchment Water Quality Improvement Program; and
 - Minimise the negative impacts of new and existing commercial operations in the catchment and estuary on flow and water quality

This Plan will need to be taken into account in determining any future development applications for the site under Section 79C of the Environmental Planning and Assessment Act 1979.

- The Greater Metropolitan Regional Environmental Plan (REP) No 2 - Georges River Catchment has not been addressed as part of the Planning Proposal. There are numerous Sections of the REP that are considered relevant to this Proposal and will need to be addressed.

In conclusion, whilst the Planning Proposal has not addressed the GRCZMP or the Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment, based on storm water management principles there is no objection to the Planning Proposal. The storm water management requirements provided within the above policy documents should however be addressed with any future development applications for the development of the site.

4. Development Planning and Engineering Assessment

A review of current approvals for development over the site and adjoining Bonnyrigg Sports Club site has highlighted the fact that the subject site (620 Elizabeth Drive) is currently used as an overflow car parking area under a condition of consent for DA 832.1/2012 in relation to 610-618 Elizabeth Drive, Bonnyrigg Heights.

This application was approved by Council on 10 April 2013 *for alterations and extensions to the Bonnyrigg Sports Club to create a portion of the gaming lounge which is “unenclosed” and a portion which is “enclosed”, new children play room and a new court yard terrace area.* Conditions 3 and 33 imposed on the consent required twenty 22 car parking spaces to be provided within an overflow car parking area on Lot 1, DP 781418 (620 Elizabeth Drive, Bonnyrigg Heights) and is required to be made available to patrons and guests at all times.

Should Council support the Planning Proposal the Applicant will be required to further address this issue and ensure that all car parking requirements (under existing approvals and DCP requirements for new development) are able to be satisfactorily met at development application stage.

Assessment of Consistency with Ministerial Directions, State Planning Controls and the Fairfield City Plan

Planning Proposals are required to demonstrate consistency with Section 117 Ministerial Directions under the NSW Environmental Planning and Assessment Act. Included within the attached Planning Proposal document is a review of the Proposal against all Section 117 Directions. Key Directions relevant to the Proposal include:

- Direction 3.4 – Integrating Land Use and Transport
- Direction 7.1 – Implementation of A Plan for Growing Sydney

The Planning Proposal addresses a number of strategic goals under the Sydney Metropolitan Strategy, *‘A Plan for Growing Sydney’* including:

- *Goal 1 - A competitive economy with world-class services and transport; and*
- *Goal 3 - A great place to live with communities that are strong, healthy and well connected*

The Greater Sydney Commission is yet to release new subregional strategies for public comment. Given these circumstances, no comments can be provided in relation to the current situation of the Commission or the plans in process. The Planning Proposal is generally consistent with the Aims of the draft West Central Sub-regional Strategy.

The following themes contained within the Fairfield City plan 2012 – 2022 are considered relevant to the Planning Proposal and are discussed in greater detail in the Planning Proposal document (refer Attachment A):

- Theme 1 – Community Wellbeing;
- Theme 2 – Places and infrastructure; and
- Theme 4 – Local Economy and Employment.

SITE SPECIFIC DEVELOPMENT CONTROL PLAN (SSDCP)

The Applicant has provided concept plans (Attachment A) for the Proposal showing how they propose to develop the site should the Planning Proposal proceed. Given the nature of the Proposal and the relatively close proximity of development to existing residential development, Council's current Development Control Plan would not be suitable enough to guide the development.

Accordingly, should the Proposal receive support from Council and then Gateway Determination, it is recommended that the Applicant prepare a SSDCP prior to the Planning Proposal proceeding to public exhibition. The draft SSDCP will be reported to Council prior to public exhibition to gain a resolution of Council to allow the SSDCP to be publicly exhibited simultaneously with the Planning Proposal.

The SSDCP should include appropriate provisions and controls in relation to:

- Development and building setbacks;
- Vehicular and pedestrian access;
- Bulk and scale;
- Overshadowing and privacy;
- Proposed building materials;
- Location of loading areas, driveways, rubbish/storage areas particularly in relation to nearby residential properties;
- Light spill;
- Noise and odour impacts; and
- Proposed landscaping details.

As discussed previously in the report, the proposed amendment to Schedule 1 Additional Permitted Uses of Fairfield LEP 2013, will include a maximum combined gross floor area restriction of 600m² for any future service station (excluding petrol filling area) and food and drink premises.

CONSULTATION STRATEGY

Should Council resolve to support the Planning Proposal and a Gateway Determination be issued in favour of the Proposal, public exhibition is required for a minimum statutory period of 28 days and would involve;

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- Notification to immediately adjoining and surrounding landowners within a radius of approximately 200 metres from each boundary of the subject site;
- Notice in the local newspaper on 2 separate occasions;
- Publication of all relevant information on Council's website; and
- If the timing coincides with statutory public exhibition, information on the Planning Proposal will be included in a future edition of Council's newsletter CityLife.

It is likely that the Gateway Determination would require Council to undertake consultation with relevant State Government Agencies and utility providers.

Following public exhibition, a report would be referred back to Council for consideration of submissions received to the public exhibition and results of consultation with the State Agencies and Utility providers.

In addition to the above, the recommendations to this report include a request being made to the Department for Council to exercise its delegation in the final steps in processing of the LEP for amending Schedule 1 – Additional Permitted Uses of Fairfield LEP 2013. This includes the Group Manager of City Development and Community Services signing off on the LEP maps and written instrument to bring them into force.

COUNCILLOR BRIEFING

A Councillor briefing regarding the Planning Proposal was held on Tuesday 5 July 2016. The briefing provided Councillors background details of the site, detail of the Proposal, concept plans, relevant issues and advising that the Proposal would be considered at the July 2016 Outcomes Committee meeting.

At the briefing, Councillors raised concern regarding the proposed future access arrangements to the site off Elizabeth Drive.

OPTIONS

As a result of the assessment and the subsequent Councillor briefing on 5 July 2016, Council have 2 options available to progress the Proposal. The options are outlined below:

- 1. Proceed with the Planning Proposal** – This option would see the Planning Proposal proceed as recommended. The Application would be submitted, as detailed in Attachment B, to the Department of Planning and Infrastructure (DP&E), with further consultation with the Roads and Maritime Services to occur following Gateway Determination during the public authority consultation stage.

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2. **Defer the matter until further consultation with the RMS** – This option would see the Proposal deferred pending further consultation with the RMS by Council. Council Officers will write to the RMS seeking further clarification regarding the access and egress arrangements from sites on to Classified State and Regional Roads.

CONCLUSION

The purpose of the Planning Proposal is to determine the suitability of permitting (subject to further development consent) a service station and take away food and drink premises at 620 Elizabeth Drive, Bonnyrigg Heights.

The Proposal represents the potential for generating community and economic benefits for Fairfield City in terms of provision of additional recreation facilities (gymnasium/basketball courts) and employment opportunities generated by these facilities in conjunction with the proposed service station and takeaway food and drink premises.

On the basis that the current zoning of the site already permits various forms of recreational/commercial development of a scale and nature similar to that proposed to be permitted under the Planning Proposal along with the relatively isolated nature of the site from nearby residential development, it is recommended that the Planning Proposal (Attachment B) be supported by Council as per Option 1 above.

However, should Council consider that further information is warranted regarding access and egress to the site on Classified State and Regional Roads, Council can seek to pursue Option 2 and defer the matter pending the further advice from the RMS prior to submission for Gateway Determination.

Any future application for development of the site for a service station and take away food and drink premises, or any other similar commercial use already permitted under the current zoning, will need to consider all relevant environmental and social/health impacts and be supported by appropriate studies/impact assessments as highlighted in this report.

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Manager Strategic Planning
Group Manager City Development

Outcomes Committee - 12 July 2016

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