

9 June 2022

Our Ref: SF22/1679
Our Contact: Lisa Ho – 9562 1663

Yannis Comino
Project Consultant – Planning
SLR Consulting Australia P/L
Suite 2B, 125 Bull Street
NEWCASTLE WEST NSW 2302

Dear Mr Comino,

Re: Scoping Proposal Advice – Potential Draft Planning Proposal at 1 Highworth Avenue, Bexley

I refer to the meeting held on 15 February 2022 to discuss the Scoping Proposal for a potential draft Planning Proposal at 1 Highworth Avenue, Bexley.

Attached is a copy of advice on the Scoping Proposal.

The advice provided is preliminary in nature, in response to the submitted information with the Scoping Proposal. Comments provided are not interpreted as binding upon Council, and may change following review of the formal lodgement of a draft Planning Proposal to Council.

We trust this information will be of assistance if you proceed to the stage of submitting a draft Planning Proposal. If you require further clarification, please do not hesitate to contact Lisa Ho, Senior Urban Planner on 02 9562 1683 or via email: lisa.ho@bayside.nsw.gov.au.

Yours sincerely



Clare Harley
Manager Strategic Planning

Postal address

PO Box 21, Rockdale NSW 2216
ABN 80 690 785 443

Bayside Customer Service Centres

Rockdale Library, 444-446 Princes Highway, Rockdale
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E council@bayside.nsw.gov.au

W www.bayside.nsw.gov.au

T 1300 581 299 | 02 9562 1666

SCOPING PROPOSAL ADVICE

1 Highworth Avenue, Bexley (Bexley McDonald's)

Meeting: 15 February 2022 2.00pm-2.30pm
Site: 1 Highworth Ave, Bexley
Present: Josh Ford, Lisa Ho, John McNally – Bayside Council
Yannis Comino, Peter Chrystal – SLR Planning consultant
Ian Cross – McDonalds Australia

The Proposal

The objective of the potential draft Planning Proposal at 1 Highworth Avenue, Bexley, is to enable the future development of the site for additional car parking to service the operational needs of the existing McDonald's restaurant.

Strategic Merit

Based on the information provided in the Scoping Proposal, the proposal does not appear to undermine strategic merit in the locality (as outlined in the strategic planning framework), as the change of use of subject site for additional car parking of the existing McDonald's is largely a site-specific matter.

However, the draft Planning Proposal should provide some justification around consistency with actions from the Bayside Local Strategic Planning Statement (LSPS) and Bayside Local Housing Strategy (LHS) in relation to Bexley.

To determine whether a draft Planning Proposal should be supported, Council will only be able to progress a draft Planning Proposal if it is consistent with:

- Part 3 – Justification of strategic and site-specific merit, as outlined in the Department of Planning and Environment's (DPE) Local Environmental Plan Making Guideline (December 2021).

Under the guidelines, the key assessment criteria for whether a draft Planning Proposal has strategic merit include:

- Whether the proposal gives effect to the relevant regional plan, the relevant district plan and any corridor or precinct plans applying to the site.
- Whether the proposal demonstrates consistency with the relevant LSPS or LHS that has been endorsed by DPE.
- Respond to change in circumstances that has not been recognised by the existing planning framework.

In addition, any proposal that seeks to address this criteria needs to be supported with clear and appropriate technical studies and justification.

The proposal must have regard to the following planning documents:

- Regional Plans – A Metropolis of Three Cities: The Greater Sydney Region Plan
- District Plans – Eastern City District Plan

- Bayside Local Strategic Planning Statement (LSPS)
- Bayside Community Strategic Plan 2030
- Bayside Local Housing Strategy
- Relevant SEPPs
- Relevant Ministerial Directions

Site Specific Merit

Based on the information provided in the Scoping Proposal, Council cannot confirm whether the proposal has site specific merit.

Council notes a concept plan for the site showing an expansion of the McDonald's operation across the subject site, which would enable a dual lane drive-thru and additional parking on the site.

To determine whether a proposal should be supported and whether it has site specific merit, Council will only be able to progress a draft Planning Proposal if it is consistent with:

- Part 3 – Justification of strategic and site-specific merit, as outlined in the DPE's Local Environmental Plan Making Guideline (December 2021).

Under the Guidelines, the draft Planning Proposal must be able to identify the potential environmental, social and economic impacts of the proposal, and outline proposed mitigation measures and justification. The draft Planning Proposal is to be able to demonstrate that the proposal is suitable for the site, and the site is suitable for the resultant development.

To enable Council to carry out a proper assessment of your proposal, the following technical information is required (if the proposal proceeds to lodgement):

- Planning Proposal report (prepared in accordance with DPE's LEP Plan Making Guideline);
- A Traffic Impact Assessment report
- Heritage Impact Assessment
- Noise and Lighting Impact Assessment

Nomination of Category

Under the LEP Guidelines (December 2021) it is classified as a **Standard** Planning Proposal.

Bayside Council's Schedule of Fees and Charges 2021-2022 (applicable until 30 June 2022) identify the following fees for a Minor Planning Proposal:

- Stage 1 Fee \$44,179 (GST incl, payable at lodgement)
- Stage 2 Fee \$21,272 (GST incl, payable at conclusion of exhibition period)

Authority/Agency consultation

The Scoping Proposal was referred to the following agencies:

- NSW Office of Environment and Heritage (heritage)
- NSW Police (crime safety)
- NSW Environment Protection Authority (noise, water quality, waste management, land contamination)
- Transport for NSW (traffic)

Council has received responses from NSW Office of Environment and Heritage, Transport for NSW, and the Environment Protection Authority. A summary of the feedback from these agencies is included below:

Agency	Comment
NSW Office of Environment and Heritage	<p>The subject site is located near to two Local heritage items listed under <i>Bayside Local Environmental Plan 2021</i> (LEP), which are located opposite the existing McDonald's Bexley site:</p> <ul style="list-style-type: none"> • 'Bexley Fire Station' (I150) on the corner of Forest Road and Queen Victoria Street, and • 'Street Plantings' (I147), located along Queen Victoria Street. <p>A Heritage Impact Assessment prepared by suitably qualified consultant is required to inform the assessment of the Planning Proposal.</p>
NSW Environment Protection Authority	<p>Noise - Due to the proximity of sensitive residential uses, the proposal should include an assessment of potential risks associated with the impact of noise due to the proposed change in land use. This is to ensure the amenity and wellbeing of the community is protected especially if the proposal will involve any evening or night-time activities. Potential impacts should be minimised through the implementation of all feasible and reasonable mitigation measures including during any construction phase. Council should consult the <i>Noise Guide for Local Government</i> (EPA 2013) and associated <i>Noise guide for local Government Update</i> (EPA 2018) for further information on key assessment requirements.</p> <p>Waste management – The proposal should estimate volumes of waste generated on the site and identify waste streams and disposal options for all waste including liquid waste. Waste management should consider the prevention of pollution, minimising resource use, improving the recovery of materials from the waste stream and ensuring the appropriate disposal of waste. In particular the <i>Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities</i> (EPA, December 2012) should be consulted.</p> <p>Water quality – All practical measures that could be taken to prevent, control, abate or mitigate water pollution and protect human health and the environment from harm should be considered. This includes measures that can help protect, maintain, and restore waterway health. While any supporting development controls should be seeking the preparation and implementation of a Soil and Water Management plan prior to construction. Such a plan should be developed in accordance with the <i>Managing urban stormwater: soils and construction, Vol. 1</i> (Landcom 2004).</p> <p>The EPA does not require any follow-up consultation nor further engagement on this proposal unless land contamination is identified at the site that requires a duty to notify the EPA.</p>
Transport for NSW	<p>It is noted that the Scoping Proposal is seeking to change the zoning of 1 Highworth Avenue from a R2 zone to a B1 zone to allow food and drink premises on the site. This is to facilitate expansion of the existing Bexley McDonalds drive-through and parking area.</p>

	<p>It would appear that vehicular access to/from the McDonalds site remains unchanged from the current left-in / left-out arrangement at the Forest Road / Highworth Avenue intersection with the driveway on Highworth Avenue remaining at the existing location.</p> <p>Should this proceed to a Planning Proposal, TfNSW would like confirmation of vehicular access to/from the site.</p>
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Please note the proposal was referred to comment in relation to NSW Police and Council's traffic team. If further comments are received following issue of this advice, Council staff will provide feedback to you.

- The agencies that Council would anticipate referral to - if a Gateway determination was issued - would be Transport for NSW (Traffic) and NSW Police (crime safety). This would be dependent on the conditions included in the Gateway determination - if issued - to enable exhibition.

Planning Proposal Process

The following summary outlines the steps involved in making an amendment to the Bayside LEP 2021:

1. Draft Planning Proposal lodged
2. Detailed assessment of draft Planning Proposal
3. Draft Planning Proposal considered by:
 - Bayside Local Planning Panel
 - City Planning and Environment Committee
4. Council resolves to prepare a Planning Proposal (initial endorsement by Council)
5. Planning Proposal referred to the Department of Planning and Environment requesting Gateway Determination to proceed to exhibition.
6. Planning Proposal and any additional studies/information prepared and exhibited.
7. Public exhibition
8. Planning Proposal considered by:
 - Bayside Local Planning Panel
 - City Planning and Environment Committee
9. Final endorsement by Council
10. Amendment to the BLEP 2021 is formally made upon notification.