

Draft Planning Proposal in respect of 117A Wetherill Street, Smithfield and part of 52 Richards Road, Wakeley

Proposal Title :	Draft Planning Proposal in respect of 117A Wetherill Street, Smithfield and part of 52 Richards Road, Wakeley		
Proposal Summary :	The draft Planning Proposal seeks to rectify a mapping error which occurred during the transition period between the finalisation of Fairfield LEP 1994 (Amendment No. 128) and public exhibition of the (then draft) Fairfield Comprehensive LEP (which has since been gazetted as Fairfield LEP 2013, and came into effect on 31 May 2013)(refer to page 3 of the attached proposal).		
PP Number :	PP_2013_FAIRF_001_00	Dop File No :	13/09622

Proposal Details

Date Planning Proposal Received :	03-Jun-2013	LGA covered :	Fairfield
Region :	Sydney Region West	RPA :	Fairfield City Council
State Electorate :	FAIRFIELD SMITHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	117A Wetherill St		
Suburb :	Smithfield	City :	Smithfield
Land Parcel :	Lot 15, DP 27962	Postcode :	2164
Street :	Part of 52 Richards Rd		
Suburb :	Wakeley	City :	Wakeley
Land Parcel :	Part Lot 1540, DP 260255	Postcode :	2176

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment : **LOBBYIST STATEMENT**
At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this planning proposal.

Supporting notes

Internal Supporting Notes : **BACKGROUND**

The subject sites at 117A Wetherill Street, Smithfield and 52 Richards Road, Wakeley were among two of the sixteen Council owned sites which were reclassified from 'community' to 'operational' land under the Fairfield Local Environment Plan 1994 (Amendment No.128).

This LEP amendment, which was gazetted on 20 July 2012, also rezoned the subject site in Smithfield, and part of the subject site in Wakeley from 6(a) Existing and Proposed Recreation to 2(a) Residential A (Low Density Residential), having been identified by Council as being surplus open space for future disposal.

At the time(the then draft) Amendment No.128 was under consideration by the Department for finalisation, Council was in the process of preparing its draft Comprehensive LEP. During the transition period between these two plans, a mapping error occurred.

Instead of reflecting the proposed zoning of the subject sites at 117A Wetherill Street, Smithfield and 52 Richards Road, Wakeley under the (then draft) Amendment 128, these sites were inadvertently identified as proposed RE1 Public Recreation and E2 Environmental Conservation zones respectively, in the draft Fairfield Comprehensive LEP which was exhibited (and subsequently submitted to the Department for finalisation).

This mapping error was not picked by the Department or Council during the finalisation of the Fairfield Comprehensive LEP until very late in the process.

So as not to delay the progression of the (then draft) Fairfield Comprehensive LEP, the Department recommended that Council seek to rectify this issue through the preparation of a separate planning proposal.

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At an Outcomes committee meeting on 9 April 2013, Council resolved to prepare and submit a planning proposal to the Department for Gateway Determination, to seek to correct this mapping anomaly.

The Fairfield Local Environmental Plan 2013 was notified on 17 May 2013, and came into effect on 31 May 2013.

Under Fairfield LEP 2013, the subject land at 17A Wetherill Street, Smithfield and 52 Richards Road, Wakeley is currently zoned RE1 Public Open Space and E2 Environmental Conservation respectively. It is noted that the zoning of the subject sites under the Fairfield LEP 2013 has had no impact on the sites classification, and therefore no further reclassification is required to be undertaken.

Council's planning proposal for the aforementioned sites was received by the Department on 3 June 2013, for Gateway Determination.

Further background information regarding this proposal is provided on page 5 of the planning proposal and pages 2 to 4 of the Council report (dated 9 April 2013) attached.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October, 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The application identifies the intent of the planning proposal, to rectify a mapping error which occurred during the transition period between the Fairfield LEP 1994 (Amendment No. 128) and public exhibition of the (then draft) Fairfield Comprehensive LEP, which has since been gazetted (refer to page 3 of the attached proposal).

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

Is an explanation of provisions provided? Yes

Comment : The application contains an adequate explanation of provisions (refer to page 4 of the attached proposal).

This planning proposal seeks to amend the Fairfield Local Environmental Plan 2013, as outlined as below:

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* Rezone Lot 15 DP 27962 Wetherill Street, Smithfield from RE1 Public Open Space to R2 Low Density Residential;

*Rezone Part of Lot 1540 DP 260225 Richards Road, Wakeley from E2 Environmental Conservation to R2 Low Density Residential;

*Amend the Floor Space Ratio Map to reflect the controls relevant to the surrounding zone R2 Low Density Residential for both parcels of land;

*Amend the Height of Building Map to reflect the controls relevant to the surrounding zone R2 Low Density Residential for both parcels of land;

*Amend the Lot Size Map to reflect the controls relevant to the surrounding zone R2 Low Density Residential for both parcels of land.

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

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

SEPP No 22—Shops and Commercial Premises

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 53—Metropolitan Residential Development

SEPP No 55—Remediation of Land

SEPP No 59—Central Western Sydney Economic and Employment Area

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Temporary Structures and Places of Public Entertainment) 2007

SEPP (Affordable Rental Housing) 2009

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

SECTION 117 DIRECTIONS

2.1 ENVIRONMENTAL PROTECTION ZONES

As outlined in the planning proposal, the subject site at 52 Richards Road, Wakeley is currently zoned E2 under the Fairfield LEP 2013, as it contains a small portion of

significant vegetation (on the corner of Smithfield Road and Richards Road, Wakeley) which acts as a corridor between other areas and the Fairfield Showground site.

However, this planning proposal seeks to rezone the portion of this site (Part Lot 1540 in DP 260255) that does not contain this significant vegetation, part of which is used as an informal car park for an adjoining veterinary practice, to an R2 Low Density Residential zone (see page 8 and 12 of the attached proposal).

In light of the above, it is considered that the proposal is generally consistent with this direction, as the proposed rezoning does not affect any environmentally sensitive areas.

3.1 RESIDENTIAL ZONES

The planning proposal is consistent with this Direction as it seeks to encourage a variety and choice of housing types in the Fairfield LGA, and reduce the consumption of land for housing on the urban fringe, by providing opportunity for residential development on the subject lands which are located in existing urban areas that are well served by existing infrastructure/services.

3.4 INTEGRATING LAND USE AND TRANSPORT

This planning proposal is consistent with this direction as it seeks to improve access to housing, jobs and services by public transport and support the efficient and viable operation of existing infrastructure, as the subject sites are well serviced by existing infrastructure, transport and services (see page 9 of attached proposal).

4.3 FLOOD PRONE LAND

This planning proposal is not considered inconsistent with this Direction, as the subject sites have not been specifically identified in the proposal as being directly constrained by flooding issues (see page 9-10 of the attached proposal).

However, as the Fairfield LGA has large areas which are affected by mainstream and/or overland flow, it is noted in the planning proposal that any future development of the site will be required to have regard to the flood management provisions contained in Chapter 11 of the Fairfield's City Wide Development Control Plan.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

This direction states that 'a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)'.

As the planning proposal seeks to facilitate the rezoning of a reservation of land currently zoned for public purposes (which has been identified by Council as surplus and undesirable open space due to location, isolation and site access issues) to a low density residential zone, approval of this inconsistency is required.

However, it is noted that on 18 May 2011, the Director-General's delegate previously approved the inconsistency of the proposed rezoning with s.117 Direction 6.2 'Reserving land for public purposes', prior to exhibition of the (then draft) Fairfield LEP 1994 (Amendment 128), on the grounds that it was of minor significance.

In light of the above, it is considered that no further approval is required.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

Section B of the planning proposal identifies compliance of this proposal with '7.1 Implementation of the Metropolitan Strategy' (see page 11 of the attached proposal).

However, Direction 7.1 requires the Relevant Planning Authority to demonstrate consistency with the Metropolitan Plan for Sydney 2036, which was published in December 2010, when preparing a planning proposal.

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In this regard, the planning proposal should be revised to include an accurate reference to this Direction, and demonstrate consistency of the planning proposal with the Metropolitan Plan for Sydney 2036.

Notwithstanding the above, it is considered that the planning proposal is generally consistent with the vision, transport and land use strategy, policies, outcomes and actions contained within the Metropolitan Plan for Sydney 2036. The proposed rezoning seeks to increase the opportunity for residential development on the subject sites, which are well served by transport, infrastructure and services.

It is also noted that Council's proposal also outlines that the proposed rezoning may assist Council in achieving its residential target identified in the South West Sub-Regional Strategy. However, the sub-regional strategy which currently applies to the subject land is the 'draft West Central Subregional Strategy'. Notwithstanding this, it is noted that on page 95 of the 'Draft Metropolitan Strategy for Sydney 2013' (which is currently on exhibition until 28 June 2013) the Fairfield LGA is identified as being located within the 'South West Sub-Region' (see page of draft Metro strategy). So as to avoid any potential confusion, it is recommended that Council revise this part of the proposal, to clarify what sub-regional strategy Council was seeking to demonstrate consistency of this proposal with.

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) AND SYDNEY REGIONAL ENVIRONMENTAL PLANS (DEEMED SEPPs)

Section B of the proposal indicates that this planning proposal is not inconsistent with any relevant SEPPs or deemed SEPPs (see pages 6-8 of the attached proposal).

***SEPP 19 – BUSHLAND IN URBAN AREAS**

Council note that a portion of the subject site at 52 Richards Road, Wakeley contains a small number of trees which have been identified as significant, as they act as part of the vegetation corridor to the show ground site to the north (see page 6-7 of the attached planning proposal). However, this portion of the site will be retained as an E2 Environmental Conservation zone under the Fairfield LEP 2013, as the proposal only seeks to rezone the part of the site which does not contain the significant vegetation, to a low density residential zone.

While Council note that any future development on land at 52 Richards Road, Wakeley will be required to have regard to the provisions of SEPP No.19, it is considered that this SEPP is unlikely to apply, as the portion of the site that is subject to the proposed R2 rezoning is void of any native vegetation.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : The proposed low density residential rezoning of the two parcels of land subject to this proposal has already been approved under Fairfield LEP 1994 (Amendment No. 128) which was gazetted on 20 July 2012. Therefore, any inconsistencies relating to the proposed rezoning under the current draft proposal are considered justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has submitted a number of maps and aerial photographs in support of this planning proposal, which are included in Attachment's B, C and D.

These maps identify the location and current zoning of the subject sites, as well as the proposed amendments to the Fairfield Comprehensive LEP's zoning, floor space ratio (FSR), height of building (HOB) and minimum lot size maps.

Notwithstanding the above, it is recommended that Council update the date in the title of the current zoning and proposed Zoning, FSR, HOB and Lot Size maps prior to exhibition, from '2012' to '2013', to accurately reference the environmental planning instrument that currently applies to the site, which the proposal is seeking to amend

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(Fairfield LEP 2013).

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council has included a recommendation that no public consultation be required for this proposal, in light of the fact that consultation with the community and public authorities on the proposed rezoning of the subject sites to R2 Low Density Residential, has already been undertaken as part of the plan-making process for Fairfield LEP 1994 (Amendment No.128) (see page 15 of the attached proposal).

Whilst it is noted that the Department previously provided informal advice to the Council that it could include a recommendation in its proposal that public exhibition not be required (in light of the previous consultation undertaken in respect of the proposed rezoning's and approval granted under Fairfield LEP 1994 [Amendment No.128]), the Department has not formally agreed to no consultation being required for this proposal.

Following further consideration of this matter, it is recommended that the proposal be exhibited for a maximum of 14 days, due to the potential confusion that may arise in respect of the proposed zoning of the sites, particularly given that the entire site at 52 Richards Road, Wakeley was exhibited and subsequently zoned E2 Environmental Conservation under the recently gazetted Fairfield LEP 2013.

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 :

Comments in relation to Principal LEP : The Fairfield Local Environmental Plan 2013 was gazetted on 17 May 2013. This LEP came into effect on 31 May 2013.

This planning proposal is seeking to amend the Fairfield LEP 2013.

Assessment Criteria

Need for planning proposal : The need for this planning proposal has been adequately addressed by Council (see page 5 of the attached proposal).

The intent of this proposal is to correct a mapping anomaly which occurred in the transition period between the finalisation of the Fairfield LEP 1994 (Amendment No.128) and preparation of the (then draft) Fairfield LEP 2013.

This planning proposal will ensure that the low density residential rezoning of the subject sites at 117A Wetherill Street, Smithfield and part of the site at 52 Richards Road, Wakeley which was previously approved by the Director General under Fairfield LEP 1994 [Amendment No.128] (which was notified on 20 July 2012), is accurately reflected in the current Fairfield LEP 2013.

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Consistency with strategic planning framework :

It is considered that this planning proposal is generally consistent with the existing strategic planning framework.

Council has identified the consistency of this planning proposal with the draft Metropolitan Strategy for Sydney to 2031, which is currently on exhibition (see page 6 of the attached proposal).

It is considered that the proposed rezonings will make optimum use of the subject sites, which Council has identified as being suitable for future development.

Environmental social economic impacts :

The potential environmental, social and economic impacts of this proposal have been adequately addressed by Council (refer to Section C of the attached proposal).

A portion of the subject site at 52 Richards Road, Wakeley has been identified to contain some significant vegetation, which will be retained as an E2 Environmental Conservation zone under the Fairfield LEP 2013. However, the part of this site at 52 Richards Road which is subject to the proposed rezoning, has not been identified to contain any significant vegetation.

The subject land at 117A Wetherill Street, Smithfield has also not been identified to contain any critical habitat or threatened species, populations or ecological communities.

Council has advised that any potential environmental constraints that may be associated with the future development of the sites will be addressed at the development application stage of the planning process (see page 12 of the attached proposal).

Council has also advised that whilst there is potential for social impacts to occur as a result of the proposed rezoning of public recreation/open space areas to residential zones, the subject sites have been identified by Council as undesirable open space and recommended for future disposal, due to their location, limited access and poor surveillance (see page 12 of the attached proposal).

In light of the above, it is not expected that this planning proposal will have any likely adverse environmental or social impacts. It is also not expected that the proposed rezoning will generate any adverse economic impacts for Council, who currently own the land.

Assessment Process

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

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons : ***Note: Council anticipate a three (3) month project time frame under the Gateway determination, to finalise this Planning Proposal. This is based on the premise that Council will not be required to publically exhibit the Planning Proposal.**

However, in the event that public exhibition is required, Council has advised that the

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project time frame would need to be extended by a further 2-3 months.

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 :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal Rezoning Two Council Open Space Sites - 117A Wetherill Street Smithfield and 852 Ric.pdf	Proposal	Yes
Planning Proposal Attachment A - Council Report Item 37 9.04.2013.pdf	Study	Yes
Planning Proposal Attachment B Aerial 52 Richards Road.pdf	Photograph	Yes
Planning Proposal Attachment B Aerial 117A Wetherill Street.pdf	Photograph	Yes
Planning Proposal Attachment C Current Zoning 52 Richards Road.pdf	Map	Yes
Planning Proposal Attachment C Current Zoning 117A Wetherill Street.pdf	Map	Yes
Planning Proposal Attachment D Floor Space Ratio 52 Richards Road.pdf	Map	Yes
Planning Proposal Attachment D Floor Space Ratio 117A Wetherill Street.pdf	Map	Yes
Planning Proposal Attachment D Height of Building 52 Richards Road.pdf	Map	Yes
Planning Proposal Attachment D Height of Building 117A Wetherill Street.pdf	Map	Yes
Planning Proposal Attachment D Lot Size Map 52 Richards Road.pdf	Map	Yes
Planning Proposal Attachment D Lot Size Map 117A Wetherill Street.pdf	Map	Yes
Planning Proposal Attachment D Proposal Zoning 117A Wetherill Street.pdf	Map	Yes
Planning Proposal Attachment D Proposed Zoning 52 Richards Road.pdf	Map	Yes
Planning Proposal Attachment E - Fairfield LEP 1994 Amendment 128.pdf	LEP Approval	Yes
Planning Proposal Attachment F - Fairfield Open Space Strategy 2007.pdf	Study	Yes
Planning Proposal Attachment G - Draft Fairfield RDS FINAL Part 1 02.10.2009.pdf	Study	Yes
Planning Proposal Attachment G - Draft Fairfield RDS FINAL Part 2 02.10.2009.pdf	Study	Yes
Planning Proposal Attachment H - Environmental Management Plan Final - Adopted 4 April 2006.pdf	Study	Yes

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Planning Proposal Attachment I - Letter RE_ Exhibition - draft LEP Amendment 128.pdf	Study	Yes
Planning Proposal Attachment I Letter RE_ Exhibition - draft LEP Amendment 128.pdf	Study	Yes
Planning Proposal Attachment J_Comments on Draft LEP Amendment No 128 - First Exhibition Period_2.pdf	Study	Yes
Planning Proposal Attachment J_Comments on Draft LEP Amendment No 128 - First Exhibition Period_3.pdf	Study	Yes
Planning Proposal Attachment J_Comments on Draft LEP Amendment No 128 - First Exhibition Period_4.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

(a) Prior to exhibition, Section B of the planning proposal be revised to include an accurate reference to section 117 Direction 7.1 (Implementation of the Metropolitan Plan for Sydney 2036), and demonstrate consistency of the planning proposal with the Metropolitan Plan for Sydney 2036. Section B should also be amended to reflect the draft West Central Subregional Strategy.

(b) Prior to exhibition, the title of the existing, and proposed zoning, height of building, floor space ratio and lot size maps, be revised to ensure that the instrument subject to this proposed amendment (Fairfield LEP 2013) is accurately referenced;

(c) Community consultation is required for a period of 14 days; and

(d) The planning proposal is to be completed within 6 months.

Supporting Reasons : This planning proposal is considered to have merit for progression.

Signature:

RJ Cumming

Printed Name:

Rachel Cumming

Date:

14 June 2013