

OUTCOMES COMMITTEE

Meeting Date 10 July 2012

Item Number. 120

SUBJECT:

Issue: Amendment to Draft Site Specific Development Control Plan – Wetherill Park Market Town
Premises: Lot 5 DP 714281 known as 13 – 21 Rossetti Street, Wetherill Park
Applicant: Rhodes Haskew and Associates
Principals: Gary Rhodes and David Haskew
Owner: Ross Trimboli
Zoning: Zone 2(a) Residential A (Fairfield Local Environmental Plan 1994)

FILE NUMBER: 10/03476

PREVIOUS ITEMS: 176 - Outcomes Committee - 8 November 2011

REPORT BY: Julio Assuncao, Land Use Planner

RECOMMENDATION:

That Council:

1. Endorse the draft Site Specific Development Control (**Attachment A**) which incorporates the amendments outlined in the report to be publicly exhibited with the Planning Proposal to rezone 13-21 Rossetti Street, Wetherill Park for business purposes.
2. Advise the applicant of Council's determination.
3. Upon receipt of the advice from the Office of Environment and Heritage, that the draft LEP & DCP that applies to this site be publicly exhibited.

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

SUPPORTING DOCUMENTS:

AT-A	Draft Site Specific Development Control Plan - Wetherill Park Market Town	32 Pages
AT-B	Copy of Gateway Determination Issued by the Department of Planning & Infrastructure	4 Pages

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SUMMARY

Council at its meeting held on 22 November 2011 resolved to prepare a Planning Proposal to rezone Lot 5 DP 714281 (13-21 Rossetti Street, Wetherill Park) for business purposes. At this meeting Council also resolved to publicly exhibit a Draft Site Specific Development Control Plan (SSDCP) which will guide any future development on the site.

Since this meeting the applicant has amended certain aspects of the draft SSDCP that was previously adopted by Council for public exhibition. The amendments were required as the result of conditions imposed by the Gateway Determination issued by the Department of Planning and Infrastructure.

Council Officers considered that these amendments significantly vary certain aspects of the draft SSDCP that Council had previously adopted for public exhibition, therefore necessitating a further report to Council.

The purpose of this report is to seek endorsement from Council to publicly exhibit the amended draft SSDCP with the draft Local Environmental Plan amendment which is now ready for exhibition post the Gateway Approval Process.

Note: Should Council endorse the draft Site Specific Development Control Plan for public exhibition it is important to note that consideration of the matter post exhibition will be subject to a new Council term.

BACKGROUND

Following Council's decision at its meeting of 22 November 2011, a Planning Proposal to rezone 13-21 Rossetti Street, Wetherill Park for business purposes and associated draft SSDCP was forwarded to the Department of Planning and Infrastructure (DP&I) requesting a Gateway Determination.

A Gateway determination was issued by the DP&I authorising the public exhibition of the Planning Proposal subject to conditions. (Refer to **Attachment B** for a copy of the Gateway Determination).

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The conditions that are of relevance to the draft SSDCP are reproduced below:

- *Council is to prepare a flood study for the subject site in accordance with the provisions of Section 117 Direction 4.3 Flood Prone Land and in doing so, consult with the Office of Environment and Heritage prior to the exhibition of this planning proposal.*
- *Council is to provide urban design advice which considers the interface between the subject site and the adjoining area of open space. The advice is to demonstrate how any potential overshadowing will be addressed and how the building interface between the two sites will be addressed. This advice should be incorporated into a revised site specific Development Control Plan (DCP) for the site. The DCP should be placed on exhibition with the planning proposal.*

The conditions imposed by the Gateway Determination required amendments to certain aspects of the draft SSDCP. The amendments are in relation to controls for the built form, access arrangements of the site as well as minor amendments to include drainage and stormwater detention controls.

ASSESSMENT OF AMENDMENTS TO THE DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

Amendments to the Built Form

As mentioned above, the applicant was requested to make amendments to the draft SSDCP following advice included in the Gateway Determination issued by the DP&I.

In the process of seeking urban design advice, it became apparent that the original built form envisaged by the original draft SSDCP had several urban design deficiencies. The advice is reproduced below:

“... the building form indicated in the preliminary design conveys an unbroken line of building along the western, southern and eastern site boundaries. While the area of overshadowing is small relative to the overall park area, we consider the unbroken form of the elevations creates unnecessary bulk, is out of scale with surrounding development, impedes ventilation into the courtyard, creates privacy issues, and imparts unnecessarily large unbroken shadows on the park as well as to the church grounds to the south. “

Taking into consideration the above urban design advice, the applicant requested a meeting with Council Officers to discuss amendments to the built form within the draft SSDCP that would satisfy the requirements of the Gateway Determination as well as address the issues identified in the urban design advice.

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The previous draft SSDCP proposed a built form for the apartment building that was essentially a “U” shape with a north facing central courtyard with a “single aspect”, north, west and east units facing inwards along unbroken but mildly articulated facades (**Figure 1** illustrates the original indicative building envelope).

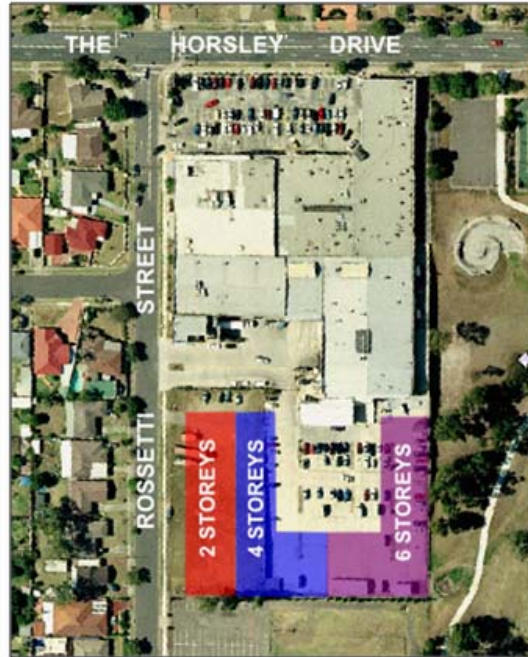


Figure 1 - Original indicative building envelope

The applicant has amended the original built form, as depicted in **Figure 1** above, and is proposing 3 separate built forms on the site. The revised built form is depicted in **Figure 2**.

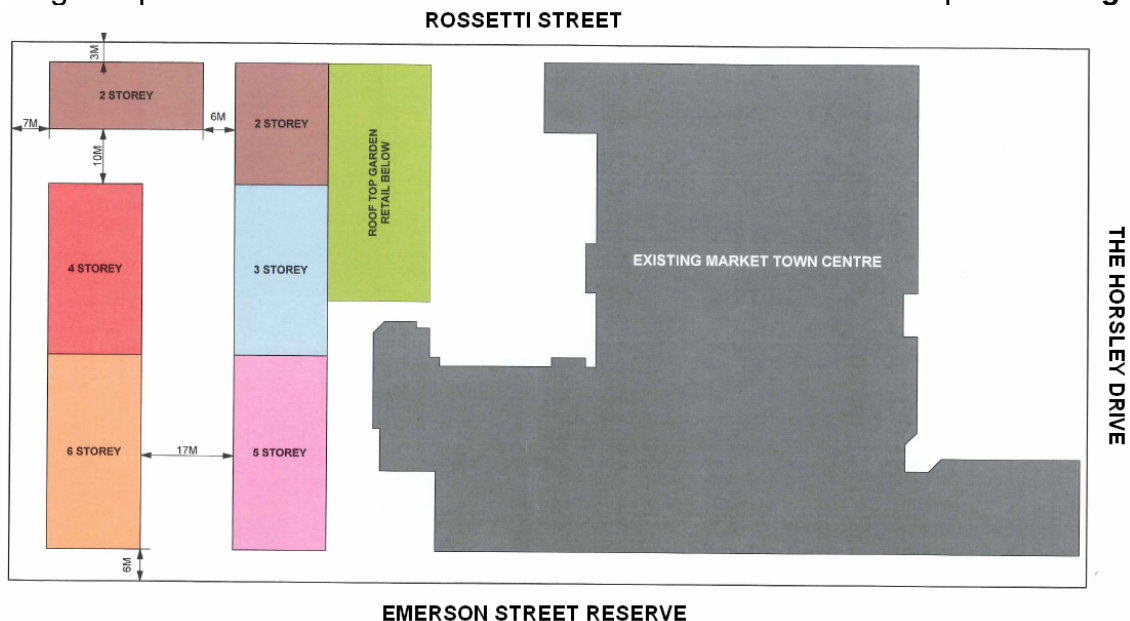


Figure 2 – Amended indicative building envelope

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The revised built form seeks to ensure that there is significant spacing between the individual buildings in accordance with the NSW Residential Flat Design Code (RFDC) which will result in:

- reduced overshadowing;
- reduced bulk and scale;
- improved privacy and amenity outcomes;
- improved air flow into the communal open space area;
- Improved outcomes for solar orientation; and
- cross flow ventilation opportunities.

Council Officer Comments – Amendments to Built Form

As mentioned earlier, the amendments were the result of a condition imposed by the Gateway Determination issued by the DP&I.

The proposed built form massing has moved away from a single monolithic “U” shaped structure by proposing 3 separate building elements, with some of the benefits outlined above. The amendment also makes for the following provisions as a consequence to the revisions to the massing of buildings:

- Remove the zero setbacks that were previously proposed along the southern and eastern boundaries of the subject site as the SSDCP now proposes a 7 metre setback along the southern boundary and a 6 metre setback along the eastern boundary.
- Inclusion of deep soil zones along the southern boundary and the eastern boundary fronting Emerson Street Reserve enhancing the interface with the subject site.
- Improve the interface of the northern facade with the existing commercial development on Lot 4 DP 714281.
- Revised vehicle access arrangements (access issues are further discussed later in the report).

The revised built form proposes a variation to the NSW RFDC in regards to separation for buildings between 5-8 storeys. The NSW RFDC requires a distance of 18 metres separation between 5-8 storey buildings, this draft SSDCP proposes a distance of 17 metres.

Council Officers consider the variation acceptable given the following factors:

- The proposal limits the applicable building elements to 5 and 6 storeys
- The 5 storey building is located on the northern part of the site with the 6 storey element located on the southern side of the development which will allow for greater solar penetration (than would be the case if both buildings were 6 storeys in height or the northern building was 6 storeys).

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- The building envelope has been tested to ensure that a minimum of 70% of all dwellings achieve at least 3 hours solar access between 9am and 3pm mid winter.
- As mentioned earlier, the revised built forms allows for a 7 metre setback to the southern boundary (from the zero setbacks previously proposed).

It is considered that the amendments address the requirements of the Gateway Determination that required urban design advice for the treatment of the eastern facade. It is important to note that the amendments to the built form do not affect the maximum floor space ratio of 1.7:1 and the maximum height of 20 metres provisions that Council had previously supported nor do they impact on the line of site controls that ensure that the building elements presenting to Rossetti Street are limited to 2 storeys.

Council Officers consider that the proposed amendments to the draft SSDCP in relation to the built form represents an improvement to what was previously proposed, specifically in terms of reducing overshadowing and providing urban design treatments along the southern and eastern boundaries. It is therefore considered that Council has sufficient basis to support the amendments to this aspect of the draft SSDCP.

Amendments to Vehicle Access Arrangements

The previous draft SSDCP had provisions that required the reinstatement of the access driveway over Lot 4 DP 714281 (existing Wetherill Park Market Town Shopping Centre) to The Horsley Drive to development on Lot 5 DP 714281 to aid in the managing of traffic flow, specifically reducing any impact on Rossetti Street. The proposed amendment to the draft SSDCP **no** longer proposes this arrangement.

The urban design advice, particularly that relating to achieving a high quality presentation of the development to Emerson Street Reserve, required that the basement car park be located substantially below natural ground level. This arrangement in turn, requires a ramp up from the basement level to the eastern driveway level located on Lot 4 DP 714281. In order to accommodate this ramp, modifications would need to be made to the existing building on Lot 4 DP 714281 which currently forms part of the existing bowling alley.

The applicant was advised by Council Officers, that reinstatement of the driveway on Lot 4 DP 714281 reduced the potential traffic impacts on Rossetti Street. The applicant advised that the modification required to the existing bowling alley would significantly impact on the bowling alley operation and as a result was not considered to be a viable option.

Council Officer Comments - Amendments to Vehicle Access Arrangements

Given the removal of the option of an additional driveway on Lot 4 DP 714281, Council Officers sought the advice from Council's Senior Traffic Engineer to determine the impact of traffic onto Rossetti Street.

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It is important to note that the original traffic assessment was based on the proposal to provide 1500sqm of retail commercial floor space, 2500sqm of non-retail commercial floor space and 105 residential units. It was estimated that the above proposal resulted in 359 trips per hour during peak periods and that this amount of traffic would be considered manageable given the two access points (Rossetti Street and The Horsley Drive).

The amended draft SSDCP includes provisions allowing for 1500sqm of retail floor space and approximately 103 residential units. On this basis, further advice was sought from Council's Senior Traffic Engineer in respect to traffic impacts on Rossetti Street given the non utilisation of the driveway on Lot 4 DP 714281 to access The Horsley Drive.

In the revised form, it was estimated that the proposal would result in approximately 188 trips per hour during peak periods and it was considered that this amount of traffic could still be managed on Rossetti Street as it is assumed that not all vehicles would be utilising the signalised intersection with The Horsley Drive as some traffic would be utilising the surrounding street network.

It is important to note that the draft SSDCP contains provisions requiring a Traffic and Parking Impact Report for any proposal at the Development Application stage to further confirm that the traffic impact on Rossetti Street is acceptable.

Given the provisions contained within the draft SSDCP to address the above matters, Council Officers consider that there is sufficient basis for Council to support the amendments to the access arrangements proposed in the draft SSDCP.

Amendments to Storm Water and Drainage Controls

The Gateway Determination also required a flood study to be prepared to determine the level of overland flow affectation on the subject site. A flood analysis has revealed that the impact of the overland flow is limited to the south eastern corner of the site. It is important to note that the massing of buildings proposed in the draft SSDCP do not encroach on the part of the site by virtue of the 7 metre setbacks along the southern boundary and the 6 metre setbacks on the eastern boundary. Nevertheless provisions have been included in the draft SSDCP for drainage and storm water detention to address any overland flow issues that may arise from future proposals. The level of affectation has been determined to be low impact, and on this basis Council has sufficient basis to support the amendment to this aspect of the draft SSDCP.

However the Gateway Determination issued by the Department of Planning requires consultation on the drainage issues with the Office of Environment and Heritage (OEH).

Council Officers have forwarded the relevant information to the OEH and are awaiting a response. Once the response is received, all the Gateway criteria will have been met and the matter can proceed to public exhibition.

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CONCLUSION

Council Officers consider that the amendments made by the applicant in respect to the built form results in a better outcome than what was previously proposed. Council's Officers have also determined that the impact of traffic on Rossetti Street by the non utilisation of the additional driveway to The Horsley Drive is partially offset by the decrease in the development potential that was previously proposed. This results in a proposal that is acceptable from a traffic management view point and together with fact that traffic impacts will be reviewed again in more detail at the Development Application stage means the potential traffic impact issues have been satisfactorily addressed at this stage.

Given the draft SSDCP has provisions to address the above issues, it is considered that Council has sufficient basis to support the amended draft SSDCP for public exhibition in conjunction with the Planning Proposal to rezone the site for business purposes.

It also is important for Council to note that should it resolve to endorse the draft SSDCP for public exhibition, which is anticipated to occur during the care taker period of Council, consideration of the draft SSDCP post public exhibition will be a matter for a new term of Council.

Julio Assuncao
Land Use Planner

Authorisation:
Manager Strategic Land Use Planning
Executive Manager Environmental Standards

Outcomes Committee - 10 July 2012

File Name: **OUT100712_7**

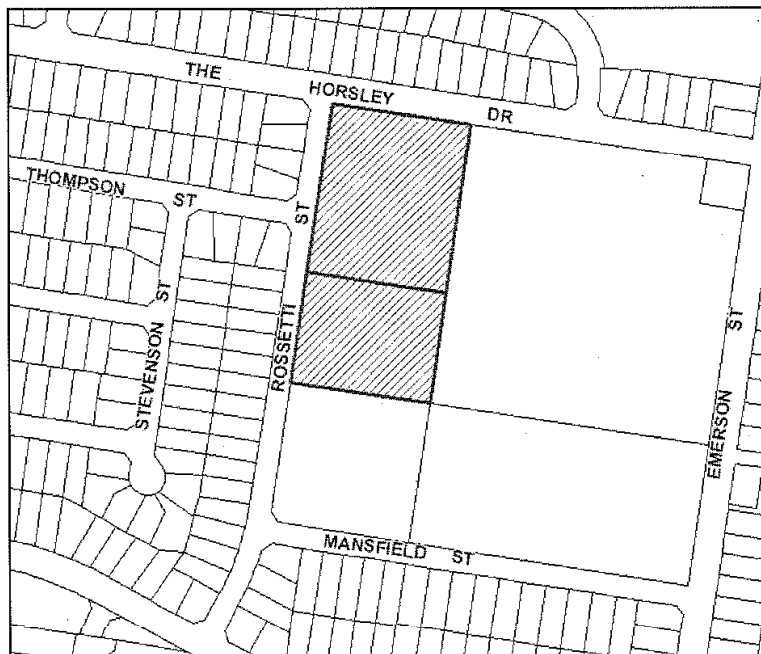
***** END OF ITEM 120 *****

Attachment A

**DRAFT SITE SPECIFIC
DEVELOPMENT CONTROL PLAN**

**WETHERILL PARK
MARKET TOWN**

LOTS 4 AND 5 DP 714281



Development Control Plan No. xx/11



Attachment A

Attachment A

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Attachment A

1. Introduction

1.1. Citation

This plan may be cited as Wetherill Park Market Town, Site Specific Development Control Plan (SSDCP).

1.2. Commencement

This Development Control Plan came into effect on dd/mm/yyyy. From time to time, the Development Control Plan will be amended. The following table outlines the amendments that have taken place and their status at the time of printing.

It is the responsibility of those submitting development applications to ensure that their proposal is in accordance with the most recent version of the development control plan.

Amendment No.	File Ref.	Purpose	Public exhibition	Adopted

Note: At time of writing of this of this SSDCP, Council was awaiting the finalization and gazettal of the draft Fairfield Local Environmental Plan 2011 and in the process of preparing the revised Fairfield City Wide Development Control Plan 2012. This DCP includes references (in the form of footnotes) to these Planning Instruments. These references will apply when those Planning Instruments come into force.

1.3. Land to Which This Plan Applies

This plan applies to land zoned 3(c) Local Business Centre under the FLEP 1994¹ in Wetherill Park Market Town Shopping Centre, being Lots 4 & 5 DP 714281. The land to which the plan applies is shown in **Figure 1** of this DCP.

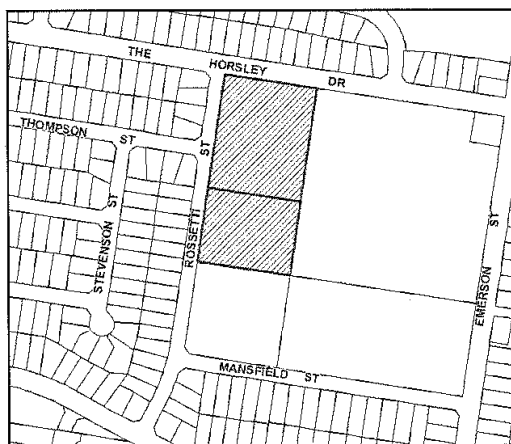


FIGURE 1: LAND TO WHICH THIS DCP APPLIES

¹ B2 Local Centre under the FLEP 2011

Attachment A

1.4. Background

Wetherill Park Market Town is a Local Centre situated on the south-eastern corner of the intersection of the Horsley Drive and Rossetti Street, Wetherill Park.

The centre was erected in 1981 and has functioned as a successful Local Centre. It presently accommodates 6000 m² retail floor space in addition to a 10 pin bowling alley occupying 2500 m² floor space. The centre is anchored by a chain supermarket (Franklins) which occupies 2500 m² retail floor space with the remaining 3500 m² floor space occupied by 37 specialty shops.

The site comprises two allotments of land being Lots 4 & 5 DP 714281. Existing retail activities are primarily located on Lot 4, being the northernmost allotment. Lot 4 is zoned 3(c) Local Business Centre under Fairfield Local Environmental Plan 1994².

The majority of the existing retail floor space, as well as the northern car parking area is situated on Lot 4.

Lot 5 comprises the southern portion of the site and is part vacant land and part car parking, servicing retail activities occurring on Lot 4. In addition the main retail building situated on Lot 4 encroaches by a maximum of approximately 11m onto Lot 5.

Lot 5 was rezoned to 3(c) Local Business Centre under the FLEP 1994³ to permit expansion of the Wetherill Park Market Town Shopping Centre, generally in the form of additional retail floor space and residential unit development above.

Exhibition Note: This rezoning is the subject of a draft LEP on exhibition with this SSDCP and this SSDCP cannot be adopted and come into force until the new zoning is implemented.

1.5. Purpose of this Development Control Plan

The purpose of this DCP is to supplement the provisions of Fairfield City Wide Development Control Plan 2006⁴ by providing site-specific development controls, objectives, standards and guidelines for the orderly and economic development of Lot 5 as part of a coordinated and cohesive expansion of the existing shopping centre primarily located on Lot 4.

The development principles, standards and guidelines communicate Council's expectations for future development of the land and are of importance to the development industry in the preparation of Development Applications. The DCP is also relevant to members of the community as a guide to the planned growth of Wetherill Park Market Town.

² B2 Local Centre under the FLEP 2011

³ B2 Local Centre under the FLEP 2011

⁴ Fairfield City Wide Development Control Plan 2012

Attachment A

This Development Control Plan establishes amongst other things, the following:

- the general location and height of building envelopes associated with that development;
- architectural details, structures and other urban form requirements to guide the interface of the subject site with the public domain, including Emerson Street Reserve, and with surrounding residential development;
- the requirement for a pedestrian link between Rossetti Street and Emerson Street Reserve;
- the separation of loading and utility areas from pedestrian areas as well as customer and resident parking areas;
- the opportunity for achieving public art to existing walls fronting Emerson Street Reserve;
- the location and type of vehicular access points into and out of the site;
- the interface of proposed new development with Emerson Street Reserve, particularly in relation to building setbacks, landscaping and architectural aesthetics.
- This Plan will be used by Council to assess any application for the development of the subject site.

Attachment A

2. Relationship to Other Planning Documentation

This DCP supplements the statutory provisions contained in Fairfield Local Environmental Plan 1994⁵.

Pursuant to Section 74C(4) of the Environmental Planning and Assessment Act 1979, this DCP substitutes all other Development Control Plans applying to the subject site.

Pursuant to Section 74C(3) of the Environmental Planning and Assessment Act 1979, this Plan adopts by reference, the following provisions of Fairfield City Wide Development Control Plan 2006 (including any amendments thereto and including amendments made after the adoption of this DCP)⁶;

- Chapter 2. Exempt and Complying Development;
- Chapter 3. Environmental Site Analysis;
- Chapter 7 Residential Flat Buildings
- Chapter 8. Commercial development in local centres;
- Chapter 11. Flood Risk Management;
- Chapter 12. Car-parking, Vehicle and Access Management;
- Chapter 13. Child Care Centres
- Chapter 14. Subdivision
- Appendix A. Definitions
- Appendix B. Notifications Policy
- Appendix C. Signage
- Appendix E. Waste Not Policy
- Appendix F. Landscape Planning

⁵ Fairfield Local Environmental Plan 2011

⁶ Fairfield City Wide Development Control Plan 2012

- Chapter 2. Requirements for Development Application Submission;
- Chapter 3. Environmental Management and Constraints;
- Chapter 7 Residential Flat Buildings
- Chapter 8. Neighbourhood and Local Centres – Business Use;
- Chapter 8B. Neighbourhood and Local Centres – Mixed Use;
- Chapter 11. Flood Risk Management;
- Chapter 12. Car-parking, Vehicle and Access Management;
- Chapter 13. Child Care Centres
- Chapter 14. Subdivision
- Appendix A. Definitions
- Appendix B. Notifications Policy
- Appendix C. Signage
- Appendix E. Waste Not Policy
- Appendix F. Landscape Planning

Attachment A

2.1. Interpretation

Certain terms used in this DCP have defined meanings. These are consistent with the definitions used in Fairfield City Wide Development Control Plan 2006⁷, which can be found at Appendix A of that plan.

2.2. How to Use This Development Control Plan

This plan is to be read in conjunction with Fairfield City Wide Development Control Plan 2006⁸ and is intended to supplement those provisions. The plan fundamentally assists in the preparation and Development Applications by detailing development controls which will be used by Council as benchmarks of what is acceptable development.

2.3. Variations to this DCP

The provisions within this DCP represent council policy and community expectations. Accordingly, it is expected that development proposals comply with the provisions in this DCP.

However, where variation to a particular provision of the DCP is warranted, Council will consider a written statement prepared by the applicant and included within the Statement of Environmental Effects which addresses the non-compliance by reference to the following questions:

- what is the development control in question?
- what is the objective or purpose of the provision and how will that objective or purpose still be satisfied, notwithstanding the proposed variation?
- why is compliance with the development control unreasonable or unnecessary in the circumstances of the case?
- would modification to the development proposal, in order to achieve compliance be unreasonable or unnecessary in the circumstances of the case?

Council will consider the merit of each variation on a case-by-case basis having regard to the above criteria.

⁷ Fairfield City Wide Development Control Plan 2012

⁸ Fairfield City Wide Development Control Plan 2012

Attachment A

3. The Role of Wetherill Park Market Town

3.1. Overview

The Fairfield City Retail and Commercial Centres Study adopted in June 2006 provides the strategic planning framework by which Council manages the hierarchy of commercial centres within the Fairfield Local Government Area. The Study identifies a system of centres which are arranged in hierarchical order.

Relevant characteristics of each level of centre within the hierarchy are as follows:

Sub-Regional Centre

There are four sub regional centres being Fairfield, Cabramatta, Bonnyrigg and Prairiewood. The characteristics which set a sub regional centre apart from smaller scale centres use:

- *the size of the trade catchment (usually about 50,000 persons);*
- *the presence of one (or more) Discount Department Stores and one (or more) full-line supermarket;*
- *their high accessibility from public transport networks;*
- *generally containing between 20,000-80,000 m² of retail floor space and a wide range of non-retail services including entertainment facilities, community services and office space;*
- *providing opportunity for higher order and comparison goods shopping as well as the provision of specialist, professional and personal services serving the sub region.*

Local Centres

Local Centres include Greenfield Park, Wetherill Park (Market Town), Edensor Park and Smithfield. The distinguishing features of a Local Centre are:

- *Local Centres are provided with a medium-scale supermarket (1000 to 3000 m²);*
- *Generally containing between 5000-10,000 m² of retail floor space and have a catchment which includes one or more suburbs;*
- *They provide for the major weekly food shopping and convenience retail needs of that suburb or suburbs;*
- *Provide a range of non-retail professional and personal services;*

Attachment A

- Can include ancillary services such as a tavern, hardware store, community facilities and post office ;

Neighbourhood Centres and Specialist Centres

Neighbourhood Centres are at the lowest end of the hierarchy and generally characterised as those which do not contain a major supermarket as an anchor tenant and which only provide basic convenient services to a local catchment population.

Specialist Centres captures all remaining centres which do not fit in to the hierarchy.

Specialist Economic Impact Assessment

During Council's assessment of the Planning Proposal to amend the zoning of Lot 5, a specialist economic impact assessment was commissioned. This study examined available expenditure within the retail trade catchment having regard to household expenditure, capture of passing trade and the size and proximity of competing retail outlets. The report concluded that the maximum additional retail floor space which can be accommodated by development of Lot 5 is 1500m².

Objectives of this Clause

The objectives of this clause are:

- To ensure that Wetherill Park Market Town fulfills, but does not exceed its role as a Local Centre.
- To ensure that the future growth within the Wetherill Park Market Town shopping centre achieves a broadening and strengthening of its economic base but which does not result in vertical movement of the centre up the retail hierarchy.

Controls

- Any additions to retail or commercial floor space are to ensure that the total retail or commercial floorspace of the Wetherill Park Market Town Shopping Centre, located upon lots 4 and 5, does not exceed 7500m² Gross Leasable Area. This represents an increase of 1500m² of Gross Leasable floor space.
- For the purposes of calculating Gross Leasable Floor Area of retail floor space in accordance with (a) above, the floor space of existing 10 pin bowling alley is not included as retail floor space.

Attachment A

- c) Where there is an inconsistency between the development controls contained within Chapter 8. Neighbourhood and Local Centres of the Fairfield City Wide DCP 2006, then the controls in this Site Specific DCP prevail in respect to the inconsistency.⁹

4. Site Consolidation

4.1. Overview

The land to which this DCP applies, comprises two allotments. The existing Wetherill Park Market Town Shopping Centre is located on Lot 4. The southern adjoining Lot 5 has been rezoned to permit retail and mixed use residential flat building development. However it is important that the two sites continue to operate in a functionally coordinated and cohesive manner.

Objectives

- a) To ensure that Lots 4 and 5 DP 714281 are developed as a single shopping centre with associated mixed use residential development, under the care, control and management of a single owner, whether the owner is a private individual, corporation or other legally registered entity, notwithstanding separate strata ownership of residential units.
- b) To avoid future design complications arising from Building Code of Australia requirements in relation to site boundaries as a fire source feature.

Controls

- a) Lots 4 and 5 DP 714281 are to be consolidated into single ownership prior to issue of any construction certificate relating to a Development Consent for large scale redevelopment of Lot 4 as anticipated under this DCP. Any consent of development of the kind anticipated under this DCP is to include a condition requiring consolidation to occur prior to issue of a Construction Certificate.

⁹ Where there is an inconsistency between the development controls contained within Chapter 8. Neighbourhood and Local Centres – Business Use and Chapter 8B. Neighbourhood and Local Centres – Mixed Use of the Fairfield City Wide DCP 2012, then the controls in this Site Specific DCP prevail in respect to the inconsistency.

Attachment A

5. Building Design

5.1. Overview

The controls provided in Section 4 of this DCP relate to the design, siting, massing, height, bulk and scale, and aesthetic treatment of new development occurring on the site.

An important part of the design process is to ensure that new development positively and sensitively responds to its contextual setting. Wetherill Park Market Town is adjoined by low-density residential housing on the northern side of The Horsley Drive as well as on the western side of Rossetti Street. It is important that new development of the subject site sensitively responds to the scale and character of adjoining residential development and also ensures that the existing level of amenity enjoyed by surrounding residents is protected.

Of particular significance to the site's context, is Emerson Street Reserve, which adjoins the subject site on its eastern boundary. Development of Lot 5 is to incorporate permeability of pedestrian movement through the site, between Rossetti Street and Emerson Street Reserve. It is also important that the future built form provides a high-quality architectural expression to the Reserve and maintains a scale, which is compatible with the Reserve's open character and spaciousness. The building envelope and site master plan adopted by this DCP has been designed having regard to these issues.

Ground floor walls of the existing building on Lot 4 which present to Emerson Street Reserve also provide a potential canvas for public art and the requirement for, and mechanism by which this can be achieved forms part of the DCP.

Good design aims to achieve functional, efficient, comfortable and safe environments. To this extent, the controls contained within this section incorporate and adopt many of the standards, rules of thumb and design principles arising from State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings; NSW Residential Flat Design Code, and Crime Prevention Through Environmental Design (CPTED).

The controls also provide for new commercial / retail floor space to be provided at ground floor level within an activated elevation facing Rossetti Street.

Attachment A

5.2. Building Envelope

Objectives

- a) To ensure development carried out in accordance with this plan provides a built form, which is sympathetic to the character of the locality with respect to bulk and scale and which maintains a human scale when viewed from the public domain, and in particular Emerson Street Reserve, as well as when viewed from adjoining residential properties.
- b) To achieve a sensitive interface with adjoining residential development, particularly that located on the western side of Rossetti Street, by ensuring that the upper levels of the development are sufficiently setback so that their visibility when viewed from the western side of Rossetti Street, is obscured by the street wall height.
- c) To set site planning requirements to ensure that when viewed from Emerson Street Reserve, that the development presents as two built forms rather than a single monolithic slab.
- d) To provide certainty to the community and the development industry as to the desired future built form and character of the site
- e) To provide a built form which is water and energy efficient.
- f) To achieve acceptable solar penetration into the site and to ensure overshadowing of adjoining lands is minimised.
- g) That an activated commercial /retail façade at ground floor level fronting Rossetti Street

Controls

- a) Retail floor space is to be located with active frontage to Rossetti Street and is to be located adjacent the existing loading dock in accordance with Figure 3.1.1 above. The retail floor space is to occupy a maximum floor space of 1500m² GFA.
- b) The maximum permissible street wall height to Rossetti Street is two storeys and 8 m.
- c) The maximum permissible height of new buildings on the eastern boundary fronting Emerson Street Reserve is to graduate from 4 storeys (12m) to 6 storeys (18 m).

Attachment A

- d) Maximum permissible heights at all other locations are variable in accordance with the Building Envelope Plan depicted in **Figure 2** of this DCP.
- e) Development shall ensure that a progressive setback is provided to the Rossetti Street elevation by the use of a sight line constructed in accordance with **Figure 3**.

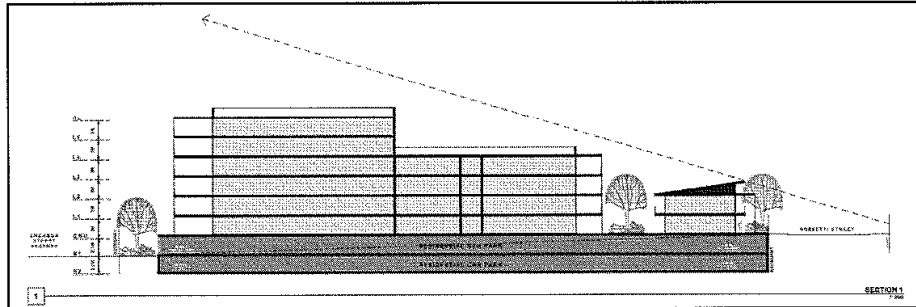


FIGURE 3 - PROGRESSIVE SETBACK TO ROSSETTI STREET

- f) The line of sight projection is to ensure that residential levels above the podium are to be setback from Rossetti Street by a sufficient distance to ensure that upper levels are obscured from view, when viewed from the footpath on the western side of Rossetti Street, by the street wall height of the development fronting Rossetti Street and ground and first floor levels. The height above the footpath for the purpose of the height projection is 1.7metres with a 20 degree plane.

Attachment A

6. Setbacks and Building Separation

Objectives

- a) To ensure that development achieves satisfactory light and ventilation to residential units and communal open space areas.
- b) To ensure that development achieves satisfactory visual and acoustic privacy between dwellings;
- c) To ensure that development is scaled to achieve appropriate massing and spaces between buildings.
- d) To allow for the provision of communal open spaces having appropriate size and proportion for recreational activities.
- e) To ensure that sufficient setbacks are provided to enable substantive screen planting within a deep soil zone.

Controls

- a) The Building Envelope controls require setbacks to all external site boundaries as follows:
 - i. Western (Rossetti Street) Boundary: **3m**
 - ii. Southern Boundary: **7m**
 - iii. Eastern (Emerson Street Reserve) Boundary: **6m**

The Rossetti Street frontage has been set to match setback of the existing retail building on Lot 4 and to provide a pedestrian entry threshold to both the residential and retail components.

Setbacks to the southern and eastern boundary are required to allow for dense screen planting within a deep soil zone and also to ensure opportunity for fenestration openings within both elevations.

- b) Minimum acceptable building separation controls are as shown in **Figure 4** of this DCP:
 - i. **17m** between habitable rooms / balconies
 - ii. **9 m** between habitable rooms / balconies and non-habitable rooms
 - iii. **6 m** between non-habitable rooms

Attachment A

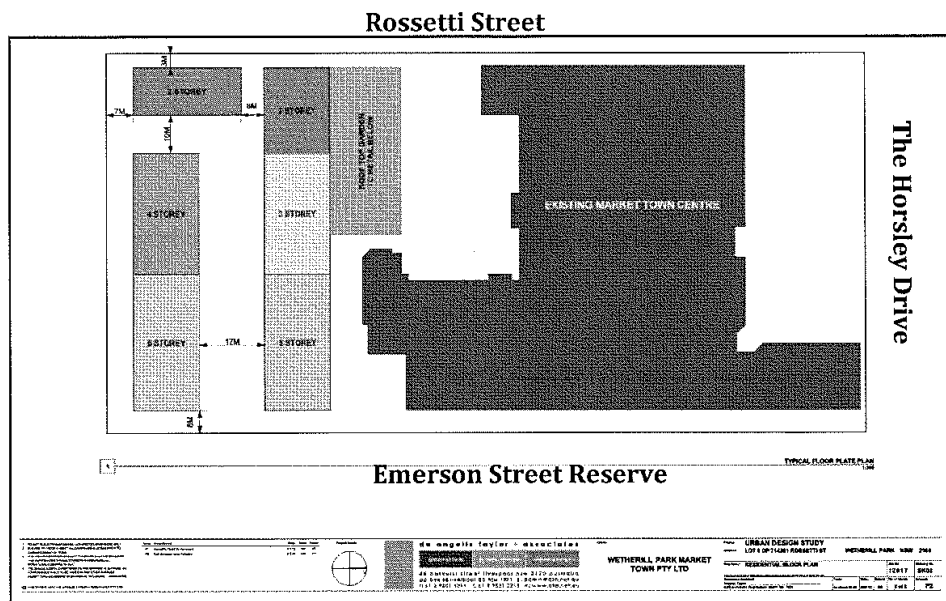


FIGURE 4: BUILDING SEPARATION AND SETBACK REQUIREMENTS

It is noted in relation to Clause 6(b)(i) above that the minimum building separation between 5-8 storey buildings under the NSW Residential Flat Design Code is 18m. This DCP, in consultation with urban design experts, allows for a minor variation to the Residential Flat Design Code standard on the grounds the relevant building heights are 5 and 6 storeys and that the 5 storey building is situated on the northern side of the 6 storey building to allow greater solar penetration than would be the case if both buildings were 6 storeys in height or the northern building were 6 storeys. In this regard, it is critical and relevant that the building envelope has been tested to ensure a minimum of 70% of all dwellings achieve 3 hours solar access between 9am and 3pm mid winter.

7. Floor Space Ratio

Objectives

- To ensure the development is in keeping with the optimum capacity of the site and the local area.
- To provide opportunities for modulation and depth of external walls within the allowable FSR.
- To allow generously sized, habitable balconies.

Controls

- The maximum permissible FSR for new development of Lot 5 is 1.7: 1 and which is to be calculated on the basis of the site area of Lot 5 only.

Attachment A

8. Aesthetics

Objectives

- a) To ensure that new development of Lot 5 is visually as well as functionally cohesive with the built form character of existing commercial floor space occurring on Lot 4.
- b) To ensure that new development of Lot 5 provides a high quality architectural expression which incorporate building facades which define and enhance the public domain.

Controls

- a) New development of Lot 5 is to incorporate colours, textures and materials which serve to integrate existing and new development. This can be achieved by selecting colours and materials which are compatible with the pallet used by the existing shopping centre, or by modification and upgrading of the external finishes and materials of the existing shopping centre. The retail building façade to Rossetti Street is to be activated. The facade detailing of new development of Lot 5 is to be consistent with the Building Form - Facade requirements of the NSW Residential Flat Design Code.
- b) New development is to employ architectural techniques including building articulation, fenestration proportioning, roof form manipulation and colours and textures pallet selection which:
 - i. enhances and protects the pedestrian realm and other public spaces including Emerson Street Reserve,
 - ii. Retain a human scale at the street edge
 - iii. Assists in defining a sense of place which is unique and characteristic of Wetherill Park Market Town Shopping Centre.

Attachment A

9. Movement and Access

9.1. Pedestrian Through Link

Objectives

- a) To provide safe, convenient, attractive and disabled accessible pedestrian thoroughfare through the site between Rossetti Street and Emerson Street Reserve.
- b) To ensure after hours pedestrian access is controlled through 'barriers to entry' in accordance with principles of Crime Prevention Through Environmental Design.
- c) To improve access to retail floor space for improved commercial viability.

Controls

- a) Any design for additional development over Lot 5 is to ensure that disabled accessible pedestrian movement can be achieved between Emerson Street Reserve and Rossetti Street.
- b) In order to ensure good passive and active surveillance opportunity of the pedestrian through link, only one such link will be permitted.
- c) The link is required to be generally in the location shown on the masterplan site layout as illustrated in the **Figure 5** of this DCP.

Attachment A

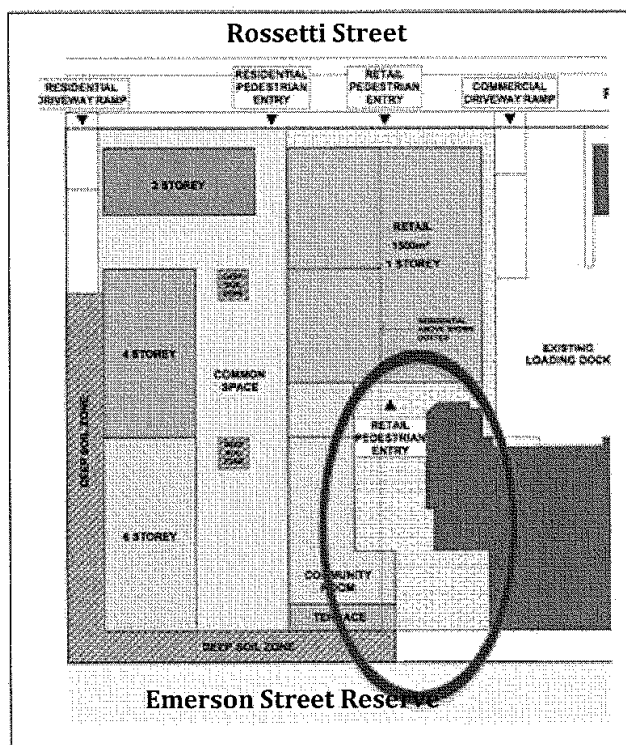


FIGURE 5: PREFERED LOCATION OF PEDESTRIAN THROUGH LINK

- d) The minimum width of the pedestrian thoroughfare is 15m. This minimum width is required to ensure the space retains an open and inviting feel and can accommodate benches and other seating.
- e) The design language used to ensure the legibility of publicly accessible access, shall include attention to colours, materials, landscaping, street furnishings as well as proportions and widths of access routes.
- f) It is the responsibility of the applicant to submit such information with the Development Application so as to demonstrate legible, high amenity, publicly accessible access.
- g) The pedestrian access shall be made available and freely accessible to members of the public at all times during the operating hours of shopping centre.
- h) Nothing within this DCP requires pedestrian access to be made available to the public outside the operating hours of the shopping centre.
- i) Security gates are required to be installed in such a way as to prevent afterhours access into the site. Full details of location, materials, design and visual

Attachment A

presentation of the gates must be submitted with the Development Application to enable Council to properly assess public domain impacts of the gates.

9.2. Vehicular Access and Parking

Objectives

- a) To minimise conflicts and safety hazards associated with commercial vehicle access and manoeuvring by separating the loading dock and utility area, both physically and visually, from customer parking and pedestrian movement areas.
- b) To separate retail and residential orientated traffic.
- c) To ensure that adequate car-parking is provided on site.
- d) To encourage bicycle usage by providing full bike storage, especially given that the centre is located adjacent to Council's cycleway.
- e) To ensure that resident parking is secure and separated from parking associated with retail and commercial uses.
- f) To ensure that resident visitor parking is accessible at all times, including outside retail and commercial operating hours.
- g) To ensure high quality presentation of the development to Emerson Street Reserve by requiring basement parking to be substantially below natural ground level.
- h) To ensure opportunity is retained for deep soil planting within the residential communal open space area.
- i) To minimise the travel distance of retail related traffic along Rossetti Street.

Controls

- a) Commercial vehicle access, manoeuvring and loading shall occur within the site's existing loading dock located upon Lot 4 and 5.
- b) Commercial and Residential basement access ramps are to be positioned in accordance with the masterplan as highlighted in the **Figure 6** of this DCP.

Attachment A

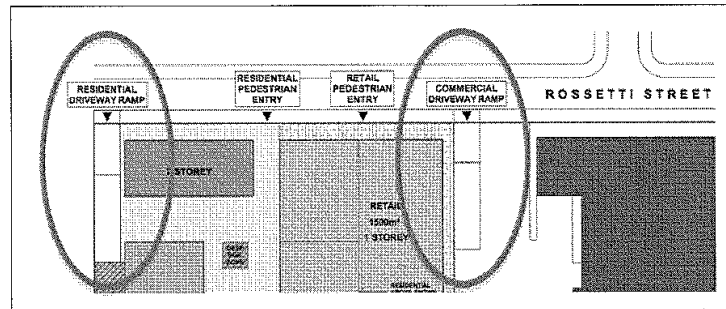
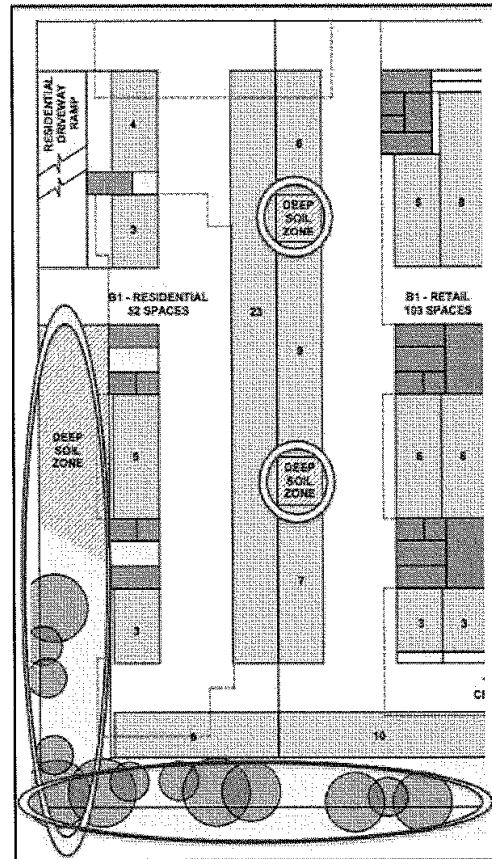


FIGURE 6: PREFERRED LOCATION OF COMMERCIAL AND RESIDENTIAL ACCESS RAMPS

- c) Ramp design, car parking and aisle width dimensions as well as car parking rates shall be in accordance with the provisions of Fairfield City Wide Development Control Plan Chapter 12¹⁰ and Australian Standard 2890.2 – Off-Street Parking Facilities.
- d) The basement parking design shall allow for deep soil planting along the southern and eastern boundaries in accordance with the building envelope setbacks. In addition, at least one deep soil area is required underneath the residential communal open space area to accommodate a substantial sized tree in that space. **Figure 7** on the right illustrates one possible example.

FIGURE 7 (RIGHT) – DEEP SOIL ZONES WITH THE BASEMENT PARKING STRUCTURE TO ALLOW DEEP SOIL PLANTING WITHIN THE RESIDENTIAL COMMUNAL OPEN SPACE AREA



¹⁰ Fairfield City Wide Development Control Plan 2012

Attachment A

- e) Given that Lot 5 is currently used to provide car-parking spaces for development occurring on Lot 4, the two lots shall be consolidated prior to any further development of Lot 5.
- f) A minimum of one (1) bicycle parking/storage facility for every 20 car-parking spaces shall be provided throughout the local centre.
- g) Residential parking shall be secure and separated from retail parking, and preferably located on a separate basement level.
- h) An intercom facility shall be provided at the entry to the residential basement access ramp to facilitate afterhours access to resident visitor spaces.
- i) Provisions shall be made to ensure that the operation of the intercom facility does not impede the normal operation of the entry to the residential car park such as a slip lane or alternatively separating the visitor spaces from the secure residential parking areas.
- j) All car parking generated by the development in accordance with the parking requirements detailed in Chapter 12 – Car Parking, Vehicle and Access Management of Fairfield City Wide DCP 2006¹¹, shall be provided on site. No provision exists for contributions in lieu of car parking under Section 94 of the Environmental Planning and Assessment act, 1979.
- k) Parking provision contained on Lot 5 but which relates to the existing development on Lot 4 must be retained in any redevelopment of the site.

9.3. Pedestrian access

Objectives

- a) To ensure that pedestrian access to different uses within the development i.e. residential and retail/commercial, are clearly discernible and legible to their intended purpose.
- b) To ensure that pedestrian access to retail floor space including access from Emerson Street Reserve is inviting, legible and safe.
- c) To ensure that access to residential areas by residents and visitors is legible, convenient and safe.

¹¹ Fairfield City Wide Development Control Plan 2012

Attachment A

Controls

- a) Convenient and direct access to retail and/or commercial floor space is to be made available from the pedestrian thoroughfare required under Clause 9.1(c) of this DCP, linking Rossetti Street with Emerson Street Reserve.
- b) Attention is to be given to the use of materials, colours, textures and signage to ensure pedestrian access points from Emerson Street Reserve are legible as publicly accessible.
- c) Residential access shall be provided in such a manner as to not require thoroughfare through commercial and/or retail floor space with the exception of Clause 13.1(e)
- d) Lift access is to be provided directly between the basement resident parking area and residential levels of the development.
- e) Ramp, travelator or lift access is to be provided between the retail parking basement level and the retail floor space.
- f) Residential access routes are to be clearly identifiable and legible from the public domain.

Attachment A

10. Crime Prevention Through Environmental Design

10.1. Overview

Crime Prevention through Environmental Design (CPTED) refers to the process of designing buildings, spaces, and places in a manner which minimises opportunity, and decreases the incentive for crime to occur. The principal policy document for CPTED in NSW is *Crime Prevention and the Assessment of Development Applications - Guidelines Under Section 79C of the Environmental Planning and Assessment Act 1979*, Department of Urban Affairs and Planning, 2001.

This section of the DCP invokes the provisions of that document.

Objectives

- a) To ensure that new development contributes to a safe urban environment for users of the site, adjoining and surrounding landowners and the wider community.
- b) To ensure that new development contributes to the creation of a physical environment that encourages a sense of safety for its users.
- c) To reduce the opportunity for crime to occur within and around the subject site.
- d) To ensure that new development is consistent with principals of Crime Prevention through Environmental Design (CPTED)

Controls

a) CPTED Assessment

A detailed CPTED assessment is to be submitted with the development application which assesses the degree to which the control principles have been implemented in the submitted design.

Attachment A

11. Public Art

11.1. Overview

Public art in urban environments can provide opportunity for social, economic, cultural, ecological, visual and spiritual enrichment for residents and visitors to Fairfield City.

In the case of the subject site, public art provides opportunity to soften the visual presentation of the existing basement wall on Lot 4 which presents to Emerson Street Reserve, in a way which engages local community groups.

Objectives

- a) To facilitate the provision of a public art mural on the existing podium wall fronting Emerson Street Reserve.
- b) To enrich the lives of residents and visitors of Fairfield City by providing opportunities for cultural and/or artistic expression which promotes a sense of place and local identity.
- c) To ensure that public art contributions for the proposed development are strategically planned, adequately resourced and effectively managed.

Controls

- a) The podium wall fronting Emerson Street Reserve is to be afforded opportunity for public art in the form of a public art element.
- b) The nature and form of the public art element is to be approved by Council prior to work commencing.
- c) The value of the public art element shall not be less than 1% of the Capital Investment Value of the development project.
- d) Where feasible the public art element may also function as a screening device to open car parking spaces.

Attachment A

12. Residential Development

12.1. Overview

The principal policy framework for Residential Flat Building Design within NSW is State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings (SEPP 65) together with the NSW Residential Flat Design Code.

Fairfield City Council has adopted development controls contained in Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006¹². These controls supplement those contained in the Residential Flat Design Code and are applicable to the residential flat component of development on Lots 4 and 5.

Objectives

- a) To ensure that residential unit development is consistent with the aims, objectives and development standards contained within SEPP 65 and the NSW Residential Flat Design Code and Chapter 7 – Residential Flat Buildings, Fairfield City Wide DCP 2006¹³.

Controls

- a) Development for the purposes of residential flat buildings is to be designed in accordance with the 10 design quality principles contained within SEPP 65, is to be designed by a registered architect and accompanied by a Design Verification Statement in accordance with the requirements of Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.
- b) The specific development controls contained within Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006¹⁴, are adopted under this DCP.
- c) Where there is an inconsistency between the development controls contained with Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006¹⁵, then the controls in this Site Specific DCP prevail in respect to the inconsistency.

¹² Fairfield City Wide Development Control Plan 2012

¹³ Fairfield City Wide Development Control Plan 2012

¹⁴ Fairfield City Wide Development Control Plan 2012

¹⁵ Fairfield City Wide Development Control Plan 2012

Attachment A

d)

13. Waste Management and Site Services

13.1. Overview

Provision of adequate facilities for waste storage and collection is an important component of the successful operation of retail and commercial developments. In the case of mixed use development, it is also necessary that the interaction between commercial and residential waste management requirements are properly considered at the design stage.

The functionality of retail and commercial development and the amenity of residential development is also influenced by the provision of suitable and appropriate site services, including loading and unloading opportunities, laundries, telecommunications, electricity sub-stations, and fire fighting equipment.

Objectives

- a) To minimise the impact of service area access on pedestrians and the retail frontage.
- b) To ensure that sufficient provision is made for the following services for new mixed use commercial and residential development occurring on Lot 5:
 - Garbage storage and collection areas,
 - Loading and unloading facilities,
 - Ventilation stacks from shops and basements,
 - Laundries,
 - Telecommunications,
 - Electricity sub-stations,
 - Fire-fighting equipment.
- c) To ensure that the streetscape retains an active frontage and the building enhances the visual amenity of the town centre by ensuring the location and provision of services considers the presentation of the development to the street.

Attachment A

Controls

- a) Garbage collection is to occur from the Rossetti Street commercial vehicle servicing area required under Clause 9.2(b) of this DCP.
- b) Refer to Chapter 7 – Residential Flat Buildings of the Fairfield City Wide DCP 2006¹⁶ for provisions relating to managing and storage of waste for residential flat building developments.
- c) Ventilation stacks to be utilised wherever possible to ventilate the basement and retail areas not serviced with window ventilation.
- d) A laundry is to be provided to each residential unit and shall be located so as to not adversely affect the presentation of the building to the public domain.
- e) Opportunity is to be provided to accommodate a removalist truck within the commercial vehicle servicing area to accommodate furniture removals for the residential component of the development. The design is to ensure that there is a suitable path of travel from this area to the residential lifts and or stair wells.
- f) Any service closets, fire hose cupboards, electricity base stations etc required as part of any servicing arrangement or system must not be visible from a primary street.
- g) Council's Drug Action Plan includes objectives relating to the management of needles. In any redevelopment where public toilets are to be provided a needle disposal bin must be provided and maintained.

¹⁶ Fairfield City Wide Development Control Plan 2012

Attachment A

14. Drainage and Stormwater Detention

14.1. Overview

Stormwater drainage design is an important consideration in planning the development layout. In general, stormwater drainage of the site must be gravity fed into Council's system. A concept stormwater plan in accordance with Council's Stormwater Drainage Policy is required to be submitted with the Development Application.

On-site stormwater detention basins often appear after a design has been established and as such detract from the overall presentation of the development. Rather than being a liability, detention basins can serve as features or highlights of the development. This can be achieved by designing the basin so that it appears as a courtyard/green, or as a natural feature such as a creek bed. A full description of OSD requirements is available in Council's "On-Site Detention Handbook".

Note 1: Development that does not propose an increase in impervious surfaces generally would not be required to provide OSD, however, it is recommended that this issue be discussed at the Development Advisory Meeting (DAM) prior to submitting a development application.

Note 2: Development applications potentially affected by flooding are assessed and determined recognising that different controls are applicable to different land uses and levels of potential flood inundation and hazard. Refer to the Chapter 11 Flood Risk Management in the Fairfield City wide Development Control Plan 2006¹⁷ for more information.

¹⁷ Fairfield Development Control Plan 2012

Attachment A

Objectives

- a) To control flooding, prevent stormwater damage and provide an adequate stormwater drainage system for the development.
- b) To ensure stormwater detention facilities in landscaped or open space areas enhance rather than detract from the development.
- c) To ensure that the siting of any building elements are clear of any existing overland flow paths or if not clear then flow paths are managed in such a way so as not to adversely impact on adjoining properties.
- d) To ensure that any works (such as landscaping) do not impact on the function of existing overland flow paths.
- e) To minimise increases in flood levels on the major trunk drainage network and on the creek system.
- f) To minimise downstream flooding caused by surcharging of the local drainage system.
- g) To ensure that on-site stormwater detention (OSD) systems are considered at the very early stages of the design process so that adequate storage areas can be located in the most efficient, attractive and cost effective way.

Controls

Drainage

- a) Where the development site does not fall/slope towards the street and there is no drainage outlet for the property, a concept plan demonstrating how the development will be drained must be submitted.
- b) If drainage involves the installation of a pipeline across adjoining or nearby properties, an "Easement to Drain Water" will be required to be created prior to release of an operational Development Consent.

Stormwater Detention

- a) Applicants should seek site-specific advice from Council on overland flow paths and OSD requirements at the early development concept stage, before submitting an application.
- b) Permissible site discharges (PSD) are as follows:
 - i. The PSD for the 9 hour 1 in 100 year Annual Recurrence Interval (ARI) storm event is to be 140 litre/second/hectare,

Attachment A

- ii. The PSD for the shorter duration 1 in 5 year ARI storm event is to be the undeveloped site discharge for the corresponding storm event, and
- iii. The PSD for the shorter duration 1 in 100 year ARI storm even is to be the undeveloped site discharge for the corresponding storm event.
- c) In the interest of safety and amenity, ponded water depths are not to exceed:
 - i. Parking/paved areas 0.2 m,
 - ii. Landscaping 0.5 m,
 - iii. Covered storage no limit,
 - iv. Fenced storage no limit, and
 - v. Roof area (as required for structural integrity).
- d) Finished floor levels are to be at the following minimum levels:
 - i. Lockup garages – above the maximum 1 in 100 year water surface level.
 - ii. Finished habitable floor levels – 0.3m above the maximum 1 in 100 year OSD water surface level.

15. Development Application Submission Requirements

A development application for the redevelopment of Lot 5 in accordance with this plan shall as a minimum be supported by the following documentation:

- DA forms Part A and B and an 2 Electronic Copies (CD or USB device) of all submission materials plus 3 sets of plans
- Reduced A4 size plans suitable for neighbour notification purposes
- Model of the Development
- Comprehensive Review of Environmental Factors and Site Analysis
- Acoustic – Noise and Vibration Assessment
- Traffic and Parking Impact Report including:
 - A **Sidra (Signalised and Unsignalised Intersection Design and Research Aid) Analysis** to assess the impact of the proposed development on the operation of Rossetti Street and at the intersection of Rossetti Street/Horsley Drive.

Attachment A

The study shall be undertaken for existing conditions and for post developed conditions, to ascertain the level of service on the operation of Rossetti Street and at the intersection of Rossetti Street/Horsley Drive.

- Information related to the layout of the proposed carparking areas, type of vehicle proposed to service the development and provision of truck swept path diagram.
- CPTED Report
- BASIX Certificates
- Waste Management Reports – Demolition and Construction Phase as well for Completed Development
- Awnings Maintenance Plan
- Shadow Diagrams
- Schedule of Materials and Finishes
- SEPP 65 Design Verification Report
- Staging Plan for the development if it is proposed to develop in stages. Such plan is to also demonstrate how each stage will be serviced and accessed during the building of subsequent stages.
- Storm water Design Concept Plans including On Site Detention
- Quantity Surveyors Cost Report – Capital Investment Value as defined in Major Development SEPP



Planning &
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Department Generated Correspondence (Y)

Contact: Claire Mirow
Phone: (02) 9873 8597
Fax: (02) 9873 8513
Email: Claire.Mirow@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_FAIRF_004_00 (11/14866)
Your ref: 10/03476

Mr Alan Young
General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Dear Mr Young,

Re: Planning proposal to amend the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre.

I am writing in response to your Council's letter dated 6 December 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre. The proposed rezoning will facilitate the expansion of the adjoining 'Wetherill Park Market Town' shopping centre by an additional 1500 square metres of commercial floor space, and high density residential development on the subject site.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council has resolved to place its draft Standard Instrument LEP on exhibition. Consequently, Council is to proceed with this planning proposal as an amendment to the existing Fairfield LEP 1994 and its draft principal SI LEP. Council is to prepare and exhibit all material indicating how the planning proposal would amend both instruments.

The subject site adjoins an area of public open space. Council is to provide urban design advice which addresses the interface of the site with the adjoining open space. In particular the urban design advice is to demonstrate how any overshadowing of the open space will be minimised, eg avoiding a continuous blank façade along the boundary with the open space. The urban design advice should be included in the site specific Development Control Plan (DCP) which has been prepared for the site. The DCP should be placed on public exhibition with the planning proposal.

The planning proposal incorrectly references Section 117 Direction 7.1 Implementation of the Metropolitan Strategy. Council is to update the planning proposal to better reflect the provisions of this Direction and to undertake a more comprehensive assessment of the proposal's consistency with Section 117 Direction 7.1 and the Metropolitan Strategy.

In relation to Section 117 Direction 4.3 Flood Prone Land, it is noted that the subject site adjoins flood affected land. Council is therefore to prepare a flood study for the subject site in accordance with the provisions of the Direction and in doing so, consult with the Office of Environment and Heritage prior to the exhibition of this planning proposal.

ATTACHMENT 'B'

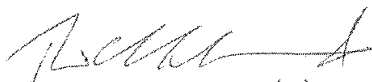
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Claire Mirow of the Regional Office of the Department on 02 9873 8597.

Yours sincerely,



6/2/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Planning &
Infrastructure

ATTACHMENT 'B'

Gateway Determination

Planning Proposal (Department Ref: PP_2011_FAIRF_004_00): to amend the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Fairfield Local Environmental Plan 1994 to rezone land at 13-21 Rossetti Street, Wetherill Park (Lot 5 DP 714281), from 2(a) Residential A to 3(c) Local Business Centre should proceed subject to the following conditions:

1. It is noted that Council has resolved to place its draft Standard Instrument LEP on exhibition. Consequently, Council is to proceed with this planning proposal as an amendment to the existing Fairfield LEP 1994 and its draft principal SI LEP. Council is to prepare and exhibit all relevant material (including FSR, height of building, and minimum lot size maps) indicating how the planning proposal would amend both instruments.
2. Council is to prepare a flood study for the subject site in accordance with the provisions of Section 117 Direction 4.3 Flood Prone Land and in doing so, consult with the Office of Environment and Heritage prior to the exhibition of this planning proposal.
3. Council is to update the planning proposal to provide a more comprehensive assessment of the proposal's consistency with the Metropolitan Plan for Sydney 2036 in accordance with Section 117 Direction 7.1 Implementation of the Metropolitan Strategy.
4. Council is to provide urban design advice which considers the interface between the subject site and the adjoining area of open space. The advice is to demonstrate how any potential overshadowing will be addressed and how the building interface between the two sites will be addressed. This advice should be incorporated into a revised site specific Development Control Plan (DCP) for the site. The DCP should be placed on exhibition with the planning proposal.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

FAIRFIELD PP_2011_FAIRF_004_00 (11/14866)



Planning &
Infrastructure

ATTACHMENT

'B'

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 6th day of February 2012.

A handwritten signature in black ink, appearing to read 'Tom Gellibrand'.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure