

Planning Proposal

13-21 Rossetti Street, Wetherill Park

*Draft Fairfield Local Environmental Plan 1994
Amendment No 132*

and

*Draft Amendment to the draft Fairfield Local
Environmental Plan 2011*

Table of Contents

Introduction.....	3
Part 1 – Objectives	7
Part 2 – Explanation of provisions	15
Part 3 – Justification	24
Part 4 – Community Consultation	42
Attachment A.....	43
Attachment B	44
Attachment C.....	45
Attachment D.....	46
Attachment E.....	47
Attachment F.....	47

Introduction

Planning Proposal

Council has received a Planning Proposal to amend the Fairfield Local Environmental Plan 1994 (FLEP 1994) and the draft Fairfield Local Environmental Plan 2011 (FLEP 2011) to rezone the subject site, being Lot 5, DP 714281 otherwise known as 13-21 Rossetti Street, Wetherill Park, for commercial purposes.

The proposed rezoning will:

1. facilitate the expansion of the existing centre by an additional 1500sqm of commercial floor space
2. facilitate higher density residential development over the subject site
3. formalise the zoning of the site to reflect its current use as a car park associated with the adjoining centre.

The site currently has approval for its current use as a car park which is permitted as an additional permitted use listed under Schedule 2 of the Fairfield LEP 1994. In addition, part of the site contains a portion of the adjoining shopping centre development which was approved to encroach on the site pursuant to the provisions of Clause 20C, Development near zone boundaries, of the FLEP 1994. The proposal would formalise these uses as well as permit the expansion of the centre by an additional 1500sqm of retail floor space.

The aforementioned site was also subject to a previous rezoning application that, for a variety of reasons, which are briefly described below, was not concluded within the required timeframe that was set by the then Department of Planning which required that all amending LEP's that were commenced under the provisions of the EP&A Act prior to the introduction of the Gateway Process to be completed by 1 January 2011.

Council at its Outcomes Committee Meeting held in December 2010 resolved not to proceed with the previous application as the applicant had not provided the required documentation that was required for the proposal to be finalised prior to the abovementioned timeframe. In addition, the applicant had introduced a residential component which was not part of the original application and it was determined that the proposal had significantly varied from what was originally lodged with Council in 2005. This variation prevented the 2005 application from being converted into a Planning Proposal.

In order to progress the matter, Council required the applicant to submit a new Planning Proposal that addressed all aspects of the revised proposal. After assessment of various options put forward by the applicant (the applicant initially requested expansion of the centre by an additional 4000sqm), Council at its Outcomes Committee Meeting held on 8 November 2011 resolved to pursue a Planning Proposal submitted by the applicant that proposes the expansion of the centre by an additional 1500sqm of retail floor space as well as incorporating a high density residential component.

At this meeting, Council resolved amongst other matters the following:

- 1. Prepare a Planning Proposal that seeks to rezone Lot 5, DP 714281 from 2(a) Residential A to 3(c) Local Business Centre. The Planning Proposal to incorporate a 20 metre maximum height limit and a Floor Space Ratio control of 1.7:1.*
- 2. Inform the Department of Planning that it wishes to commence the Gateway process to amend the Fairfield Local Environmental Plan (LEP) 1994, to rezone Lot 5 DP 714281 from 2(a) Residential A to 3(c) Local Business Centre.*
- 3. Submit the Planning Proposal to the Department of Planning and Infrastructure pursuant to s.55 of the Environmental Planning and Assessment Act 1979.*

Further details are provided in the Council Report on this matter which is included as **Attachment A**.

Gateway Determination

In accordance with Council's resolution above, the Planning Proposal was submitted to the Department of Planning and Infrastructure requesting a Gateway Determination which was issued on 6 February 2012 a copy of which is included as **Attachment B**.

The Gateway Determination endorsed the Planning Proposal for public exhibition subject to Council meeting 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.

In response to the conditions of the Gateway Determination, this Planning Proposal has been amended to:

- Incorporate amendments to the draft Fairfield Local Environmental Plan 2011 as proposed by Planning Proposal
- A flood analysis (**Attachment F**) has been undertaken on the subject site and the Office of Environment and Heritage has been consulted in respect to this matter.
- The planning proposal has been amended 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.
- The draft Site Specific Development Control Plan (SSDCP) associated with the Planning Proposal has been prepared to include provisions that seek to address any overshadowing issues in addition to the interface of the subject site with the adjoining open space.

It is important to note that amendments to the draft SSDCP were reported and endorsed by Council at its meeting of 10 July 2012 a copy of this report is included as **Attachment C**. This was necessary as the revised SSDCP included amendments to the vehicle access arrangements that Council had previously adopted in the report that comprises of **Attachment A** to this Planning Proposal.

Public Exhibition

The Planning Proposal was placed on public exhibition for a period of 28 days from **1 August 2012 to 29 August 2012**.

Consideration of Planning Proposal following Public Exhibition

Council at its meeting of 27 November 2012, further considered the Planning Proposal and draft SSDCP following on from public exhibition. As the result of the submissions received during the exhibition period, Council at this meeting resolved the following:

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That:

1. *The Planning Proposal be amended prior to its submission to the Department of Planning and Infrastructure (DPI) for finalisation and gazettal as follows:*
 - *Reduce the Height from 20 metres to 14 metres and amend the Floor Space Ratio accordingly to reflect a stepped built from where the 5*

and 6 storey buildings at the rear of the site (ie. Emerson Street Reserve end) are reduced to no more than 4 storeys above car parking levels.

- 2. In making the change identified in point 1 above it be acknowledged that the height plane controls contained in the Draft Site Specific DCP will be retained to ensure the buildings fronting onto Rossetti Street will continue to be limited to no more than 2 storeys and that the 4 storey residential elements will only be permitted towards the rear of the site (ie. Emerson Street Reserve end of the site).*
- 3. Due to the changes specified in point 1 above and acknowledging the issues to be retained in point 2 above the Draft Site Specific DCP (SSDCP) for the site be reviewed to ensure all the implications of this change to the height and massing are incorporated into the Draft SSDCP and a final version of the Draft DCP is reported to Council at a later date for endorsement.*
- 4. When the planning proposal is forwarded to the DPI it include a request that the Planning proposal not be finalised and made until Council has advised the DPI that the Draft SSDCP discussed in point 3 above has been adopted by Council.*

In accordance with Council's resolution, the Planning Proposal has been amended to reduce the maximum height of building and floor space ratio controls that could be achieved on the site. Further details are provided in the Council report of 13 November 2012 which is included as **Attachment D**.

Part 1 – Objectives

The objective of the Planning Proposal is to amend the FLEP 1994 and the draft FLEP 2011 to rezone Lot 5, DP 714281 otherwise known as 13-21 Rossetti Street, Wetherill Park for commercial purposes in order to facilitate the expansion of the adjoining centre to the north being Lot 4, DP 714281 (otherwise known as Wetherill Park Market Town) as well as permit a high density residential component.

Refer to the following figures for the corresponding maps:

- **Figure 1** for a location Map
- **Figure 2** for an Aerial Photo
- **Figure 3** for an extract of the Zoning Map FLEP 1994
- **Figure 4** for an extract of the Zoning Map draft FLEP 2011
- **Figure 5** for an extract of the Height of Building and Floor Space Ratio Maps proposed under the draft FLEP 2011
- **Figure 6** for an extract of the Minimum Lot Size and Minimum Lot Size for Dual Occupancies proposed under the draft FLEP 2011

SUBJECT SITE

Figure 1 – Location Map

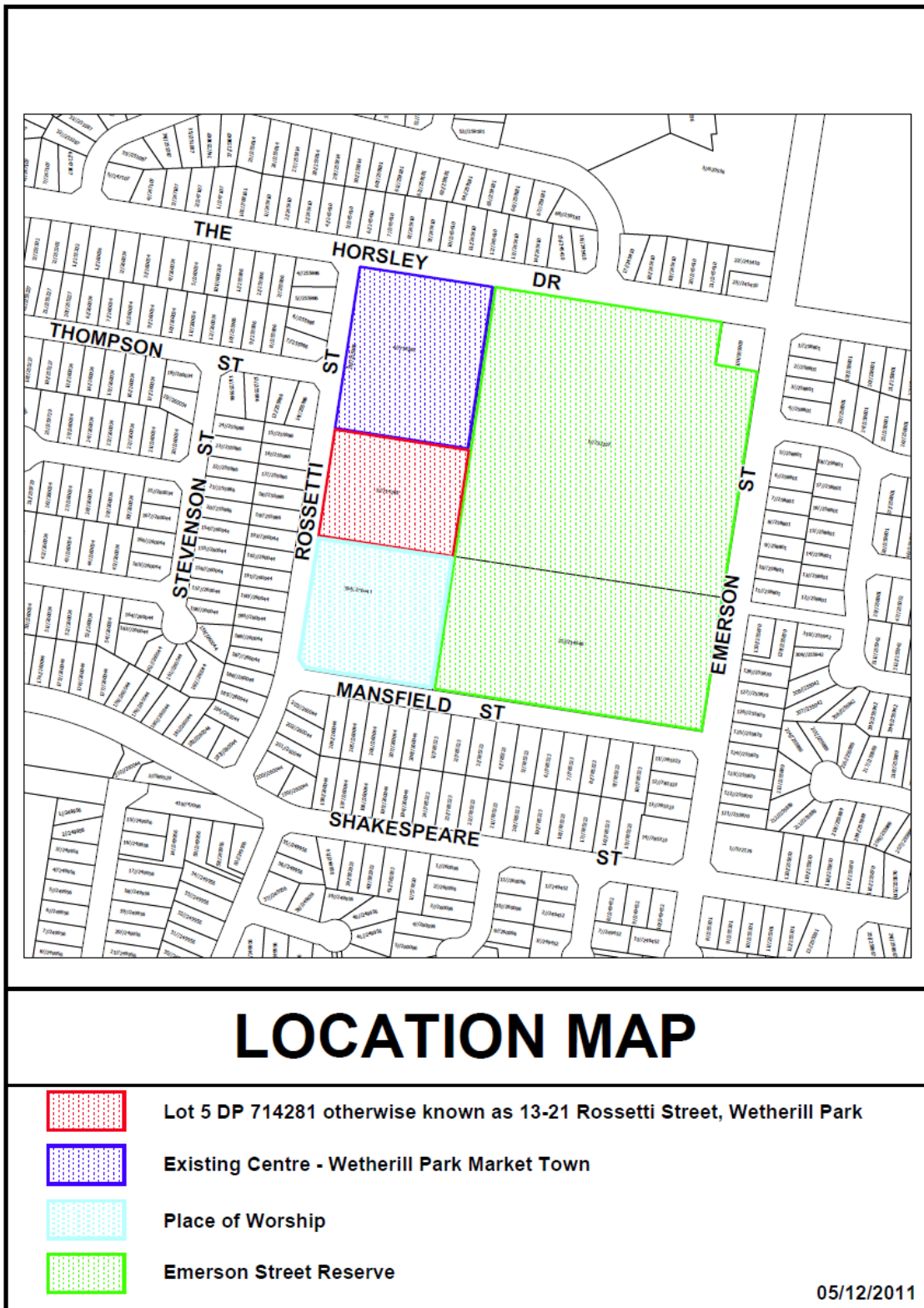


Figure 2 – Aerial Photo

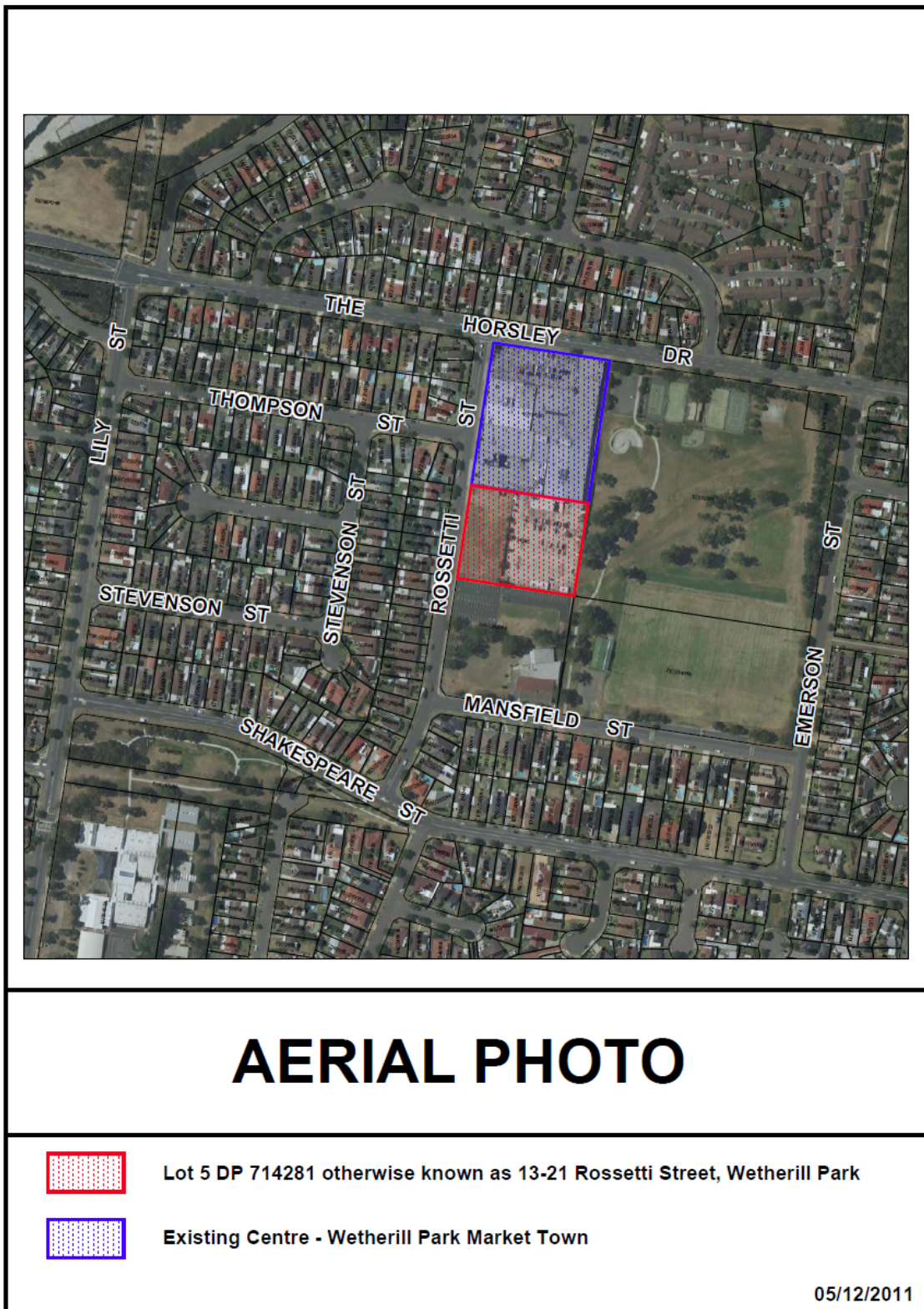


Figure 3 – Extract of current zoning under the Fairfield Local Environmental Plan 1994

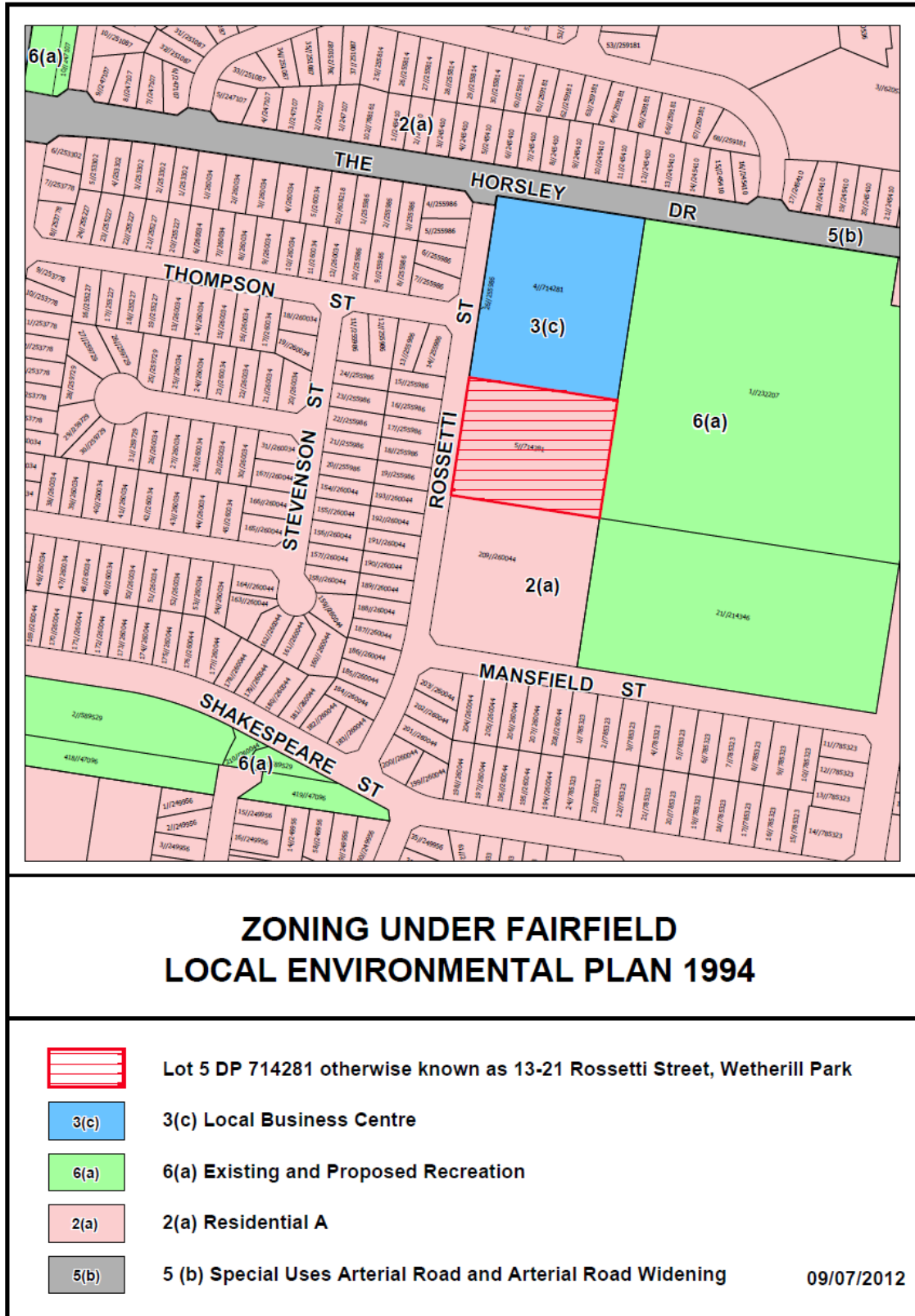


Figure 4 – Extract of zoning under the draft Fairfield Local Environmental Plan 2011

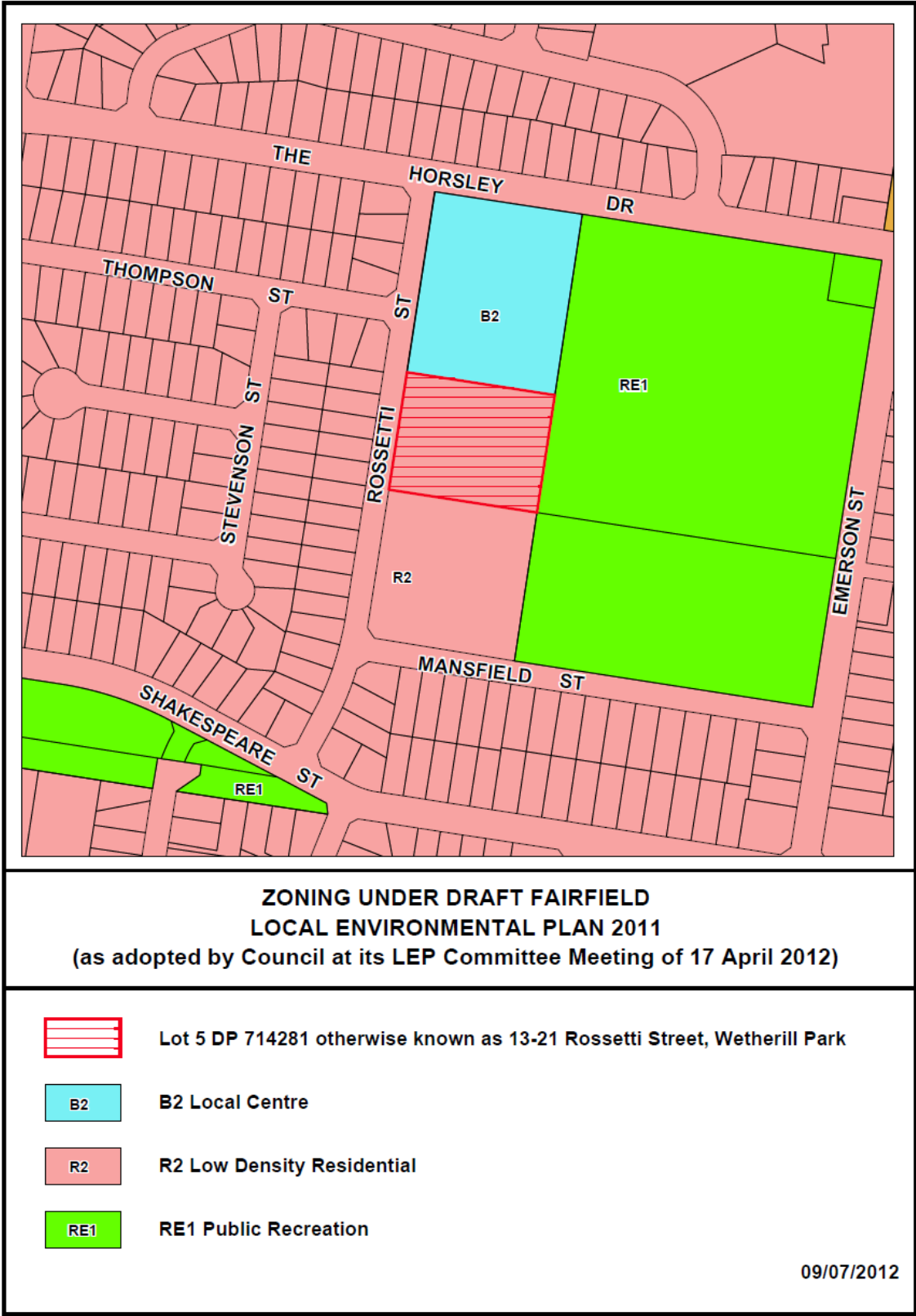


Figure 5 – Extract of Height of Building Map and Floor Space Ratio Map under the draft Fairfield Local Environmental Plan 2011

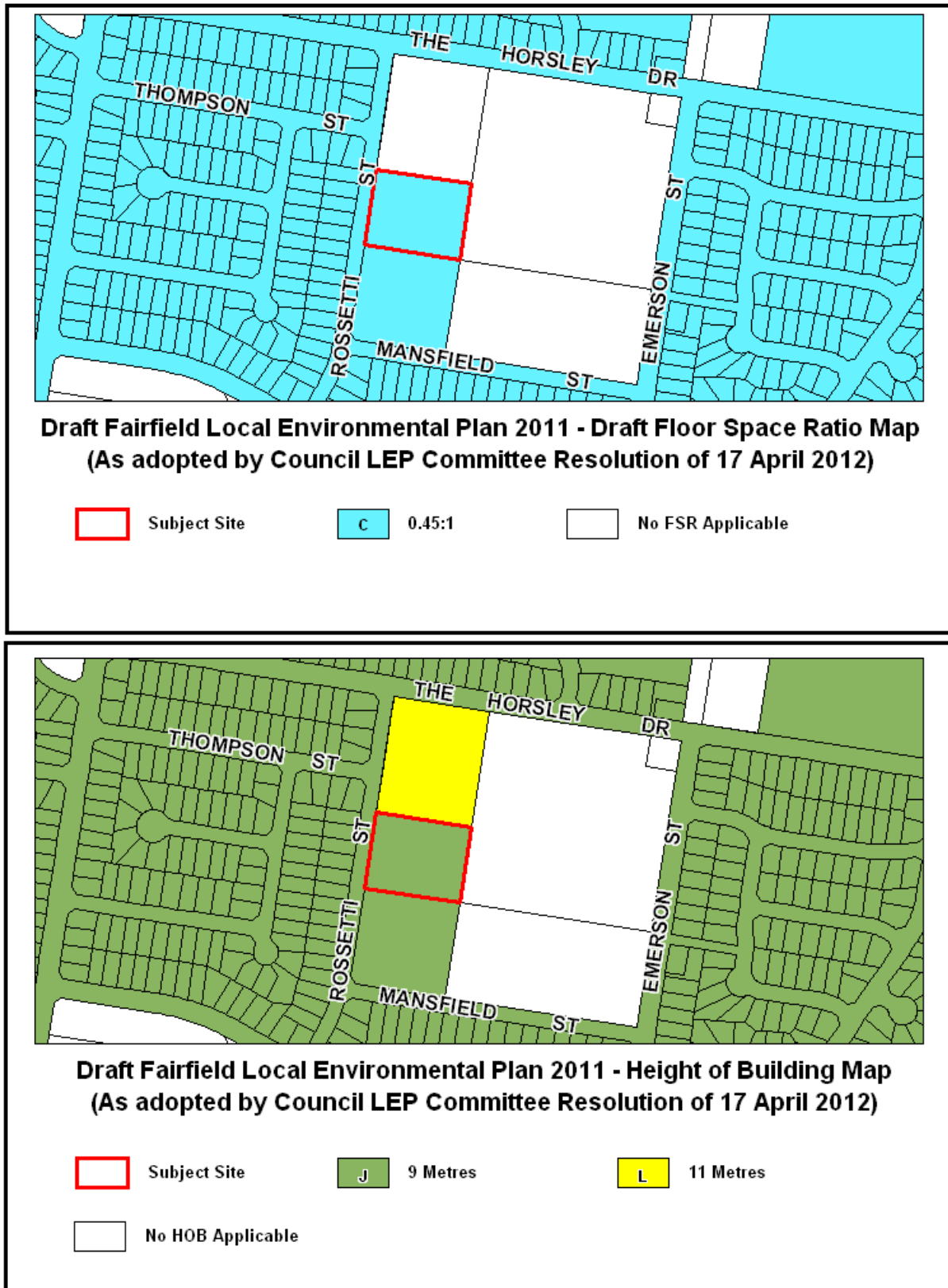
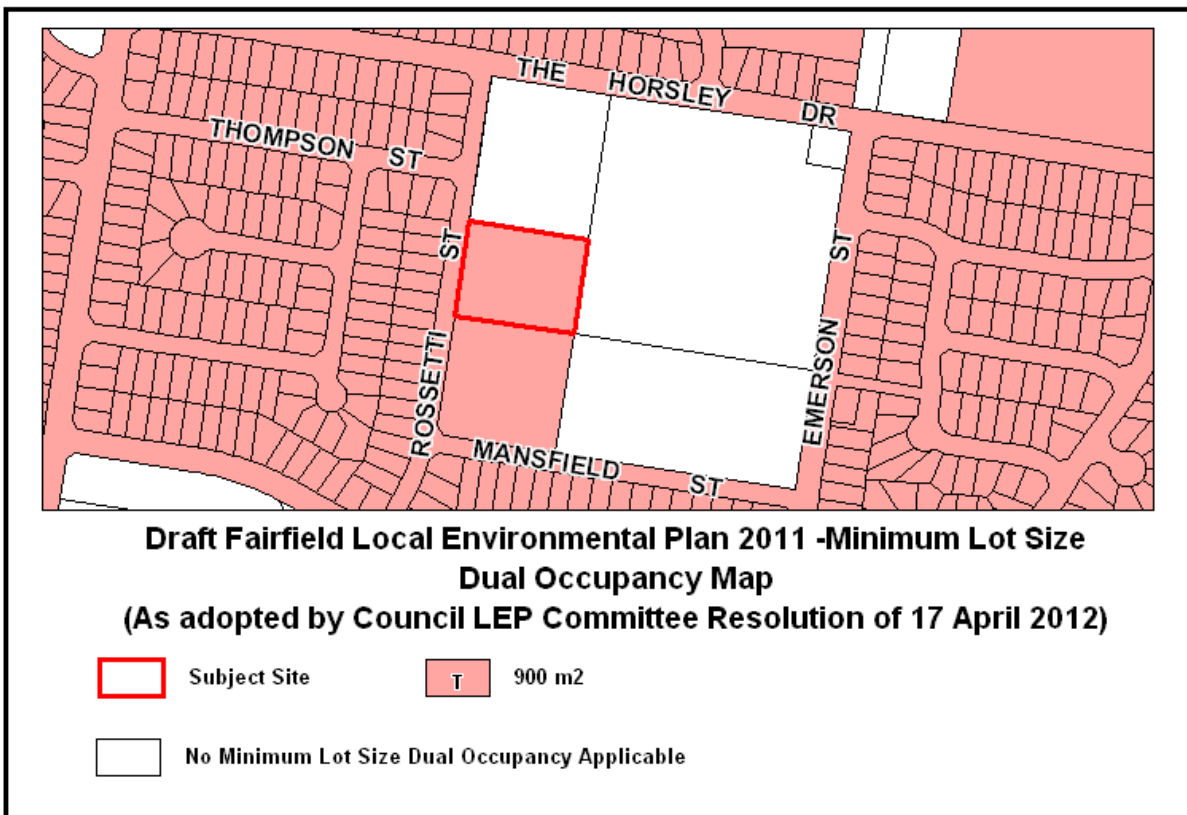
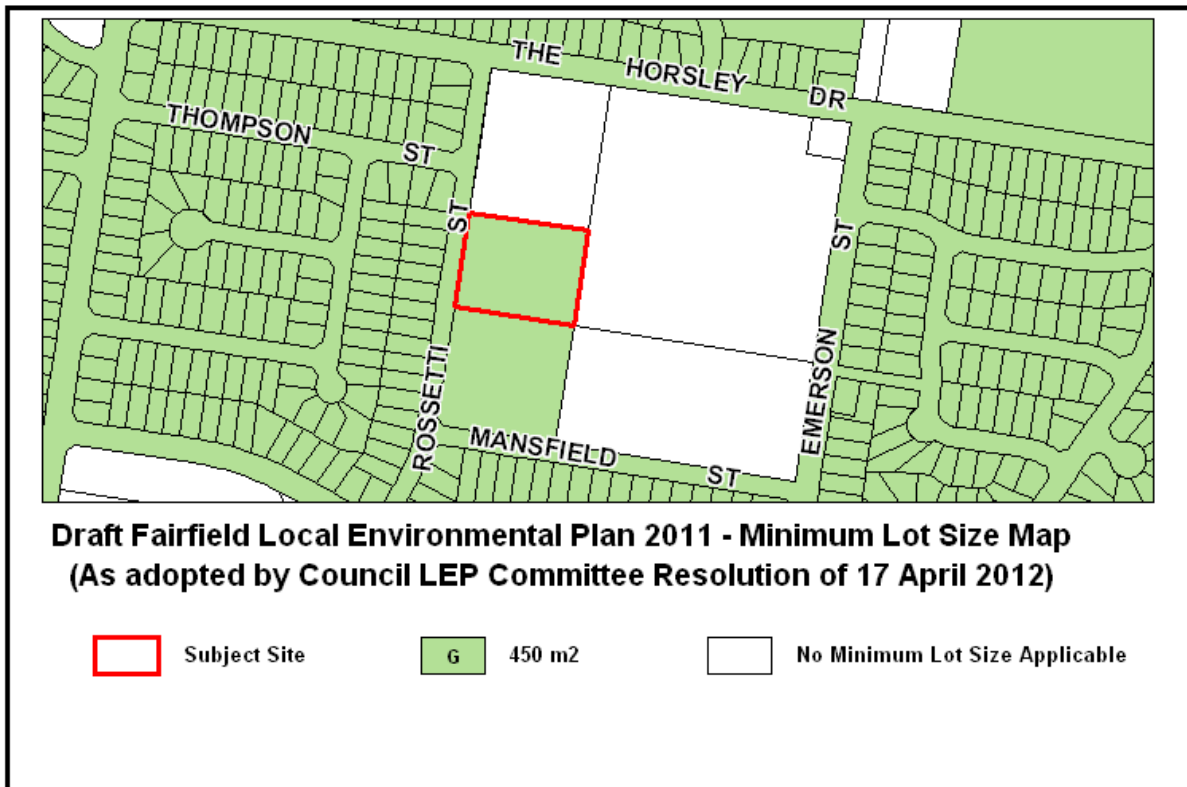


Figure 6 – Extract of Minimum Lot Size Map for subdivision and Minimum Lot Size for Dual Occupancies Map under the draft Fairfield Local Environmental Plan 2011



Part 2 – Explanation of provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the FLEP 1994 and the draft FLEP 2011.

The amendment of both plans is being exhibited because Council has recently resolved to adopt the draft FLEP2011. The new draft FLEP2011 may or may not be in force when the LEP amendment process proposed in this Planning Proposal is finalised and therefore amendments to both plans are being proposed to ensure that the amendment can proceed regardless of which plan is in force at the time.

Proposed Amendments to the Fairfield Local Environmental Plan 1994

1. Rezone the subject site from 2(a) Residential A to 3(c) Local Business Centre (Refer to **Figure 7** for the amending map).

2. Insert into Part 4 Special provisions relating to particular land of the FLEP 1994

“Lot 5, DP 714281 is subject to a Maximum Floor Space Ratio of 1.45:1 and a Maximum Building Height of 14 metres.”

3. Insert the following lines under the definition of “*Map*” in the Dictionary of the FLEP 1994

“Fairfield Local Environmental Plan 1994 (Amendment No 132)”

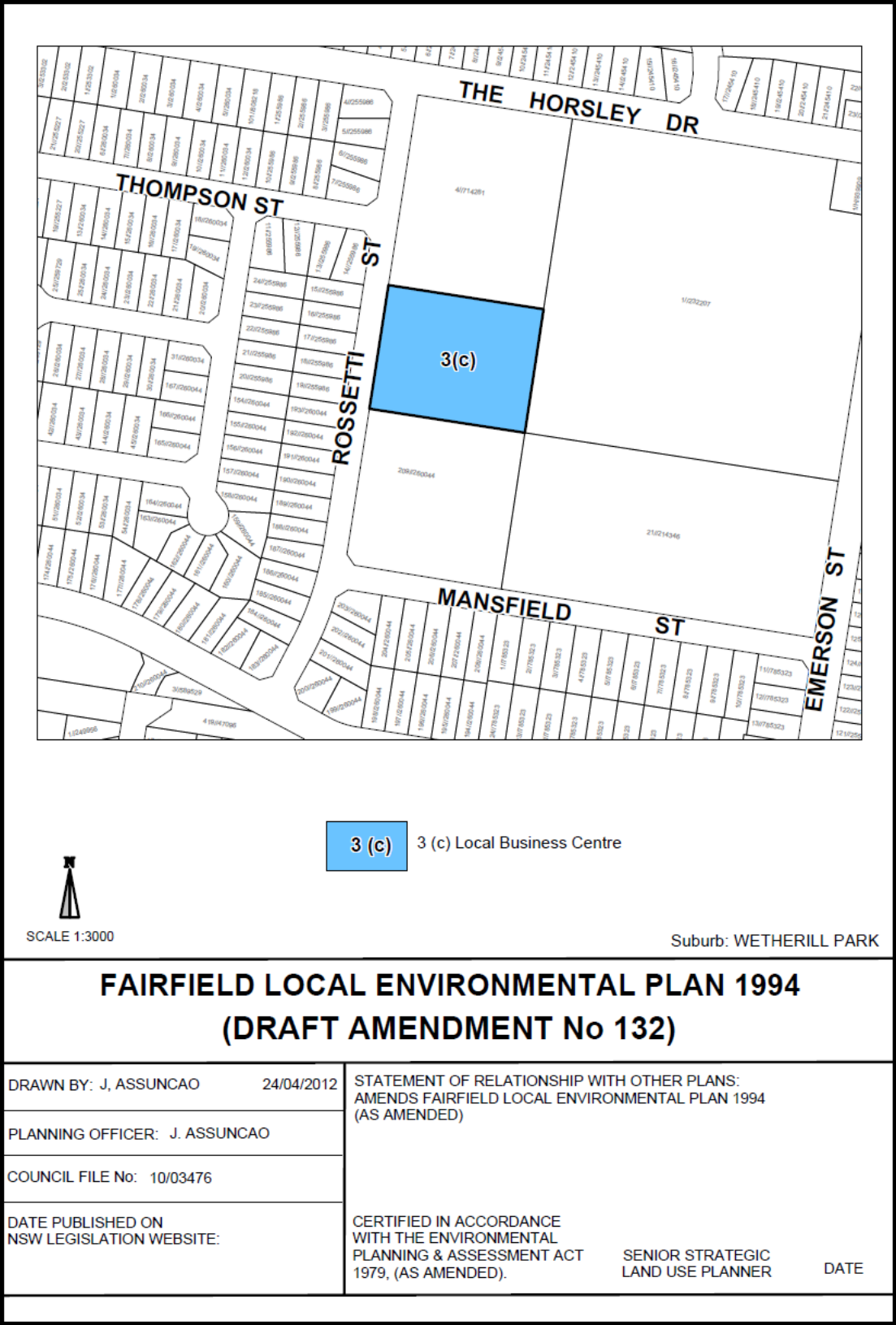
Proposed Amendments to the Draft Fairfield Local Environmental Plan 2011

1. Rezone the subject site from R2 – Low Density Residential to B2 Local Centre by amending the *Land Zoning Map*
2. Provide a Maximum Floor Space Ratio of 1.45:1 by amending the *Floor Space Ratio Map*
3. Provide a Maximum Building Height of 14 metres by amending the *Height of Building Map*
4. Amend the minimum lot size map to remove the 450sqm that currently applies to the subject site as this control does not apply to land zoned B2
5. Amend the minimum lot size - dual occupancy map to remove the 900sqm that currently applies to the subject site as this control does not apply to land zoned B2

(Refer to **Figures 8-12**)

**PROPOSED MAP
AMENDMENTS TO THE
DRAFT FAIRFIELD LOCAL
ENVIRONMENTAL PLAN
1994**

Figure 7 - Extract of proposed amendment to the Fairfield Local Environmental Plan 1994 – Zoning Map



**PROPOSED MAP
AMENDMENTS TO THE
DRAFT FAIRFIELD LOCAL
ENVIRONMENTAL PLAN 2011**

Figure 8 - Extract of proposed amendment to the draft Fairfield Local Environmental Plan 2011 – Zoning Map

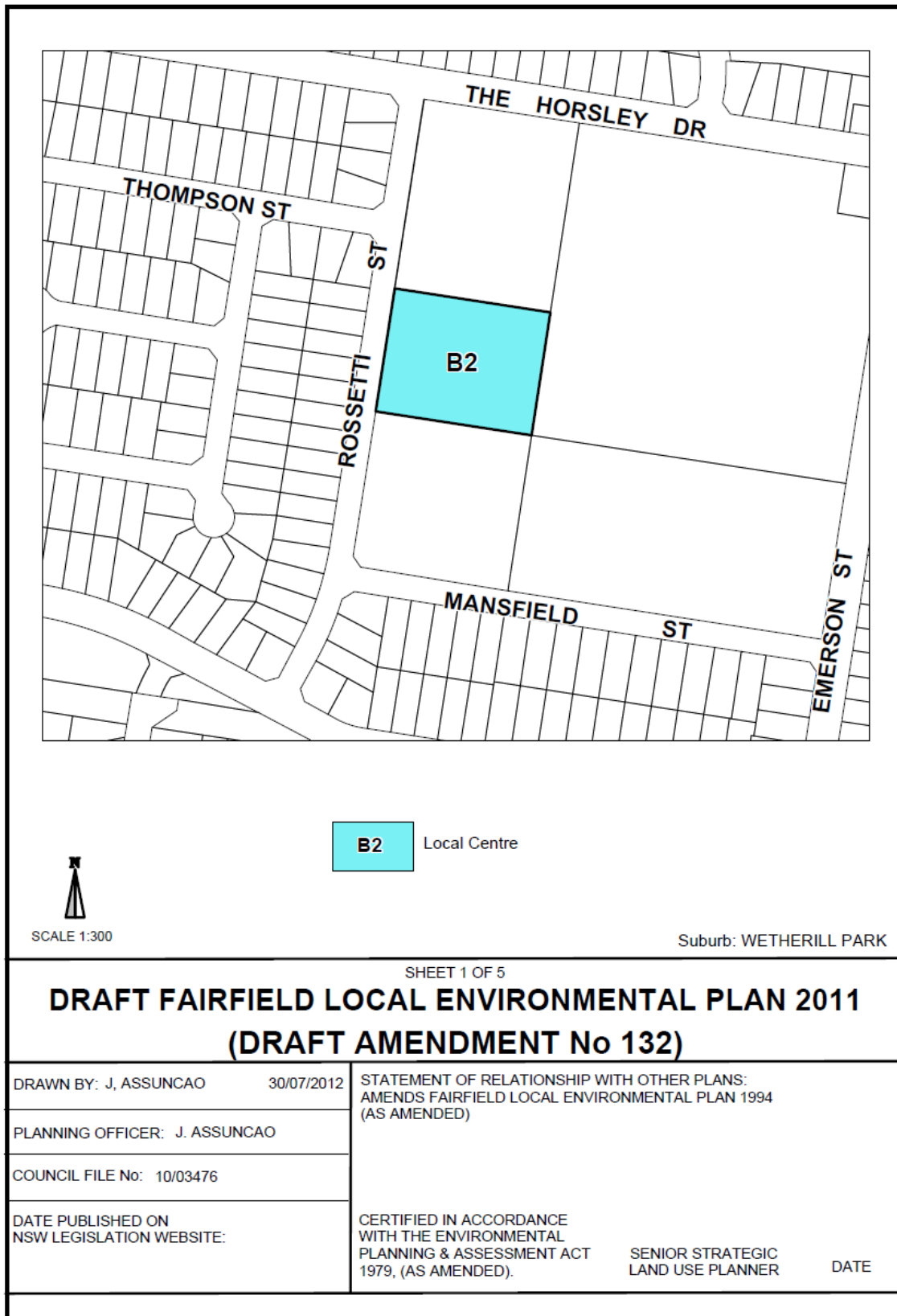


Figure 9 - Proposed amendment to the draft Fairfield Local Environmental Plan 2011 – Floor Space Ratio Map

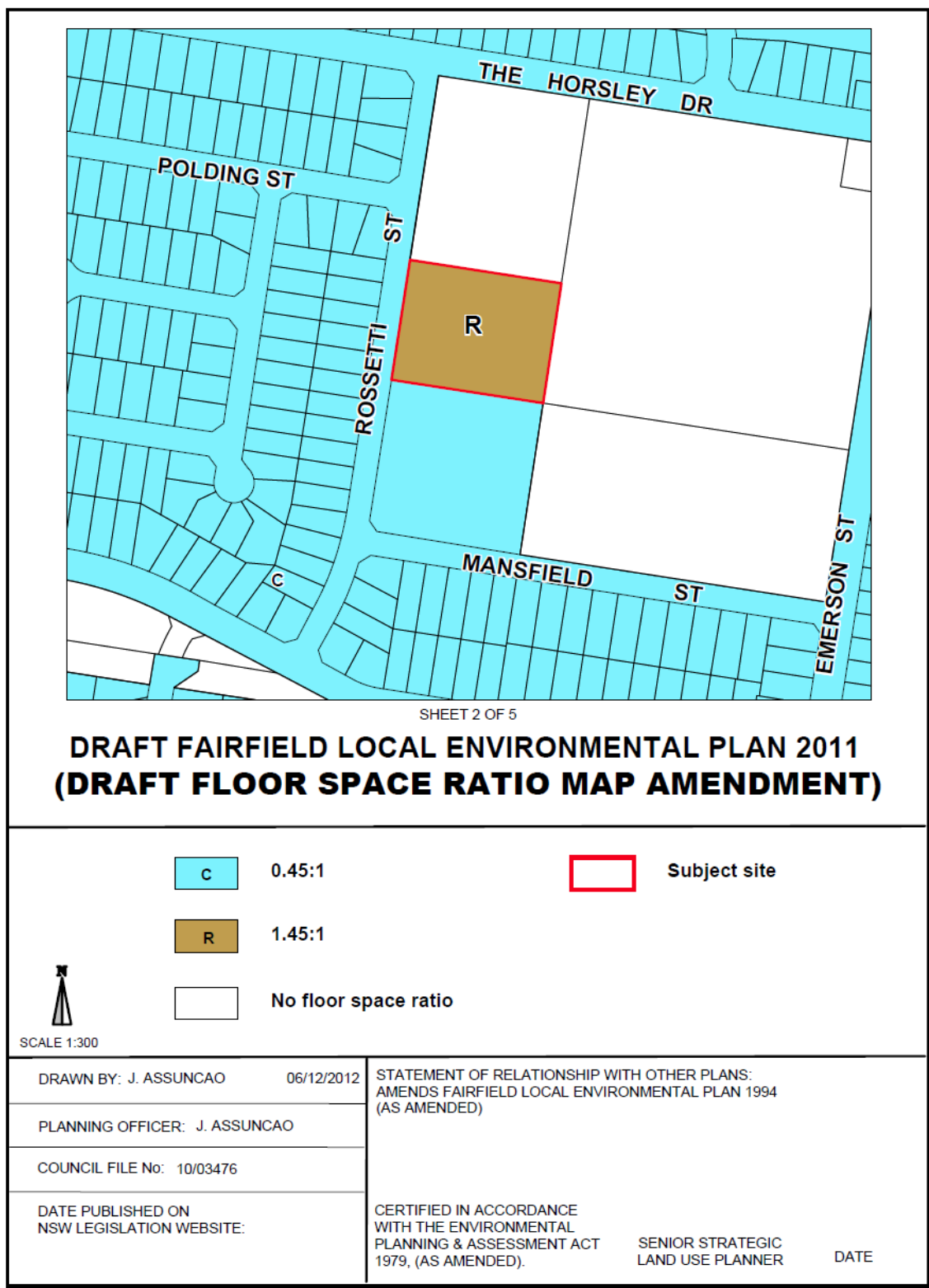


Figure 10 - Proposed amendment to the draft Fairfield Local Environmental Plan 2011 – Building Height Map

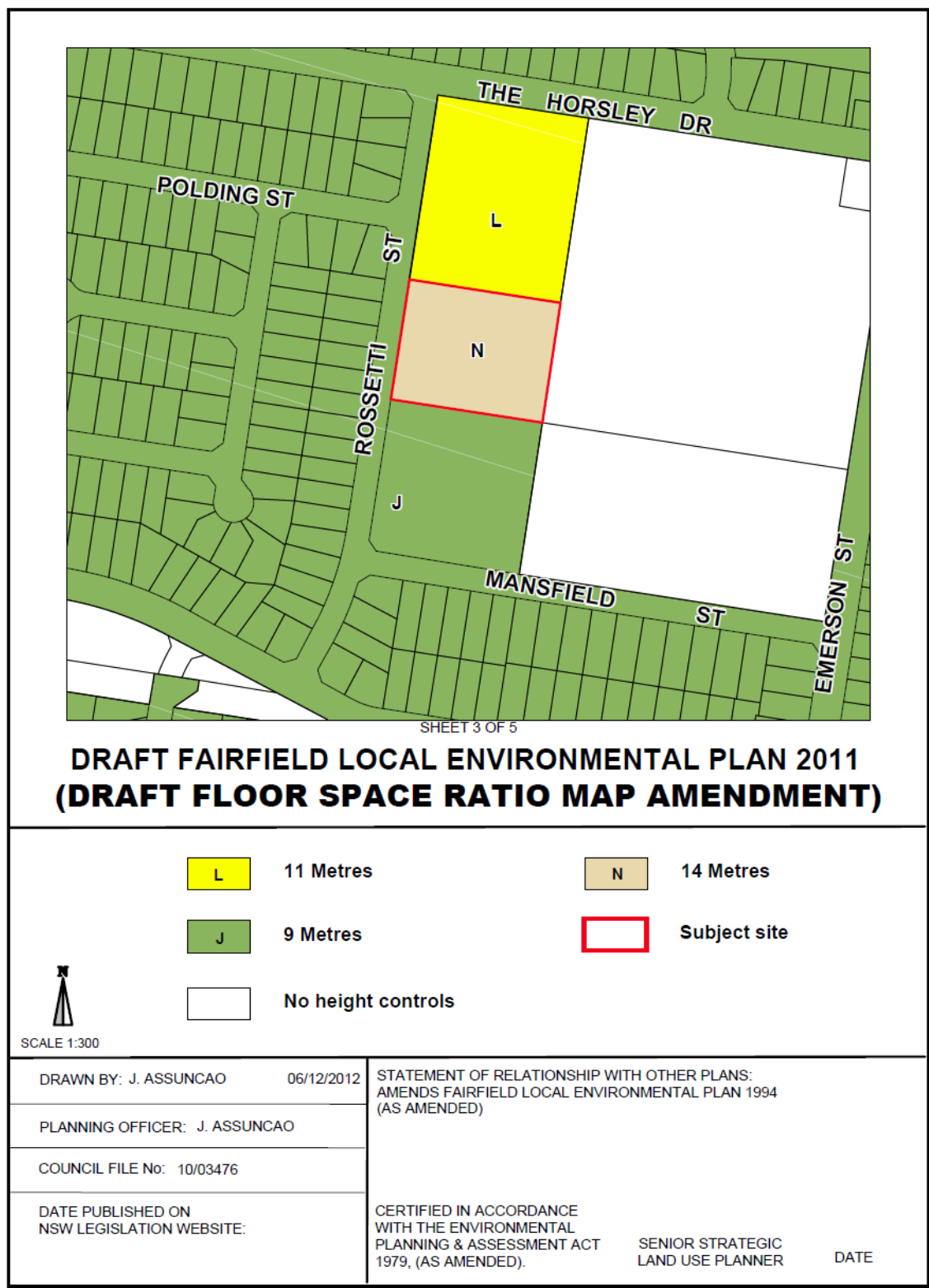


Figure 11 - Proposed amendment to the draft Fairfield Local Environmental Plan 2011 – Minimum Lot Size Map

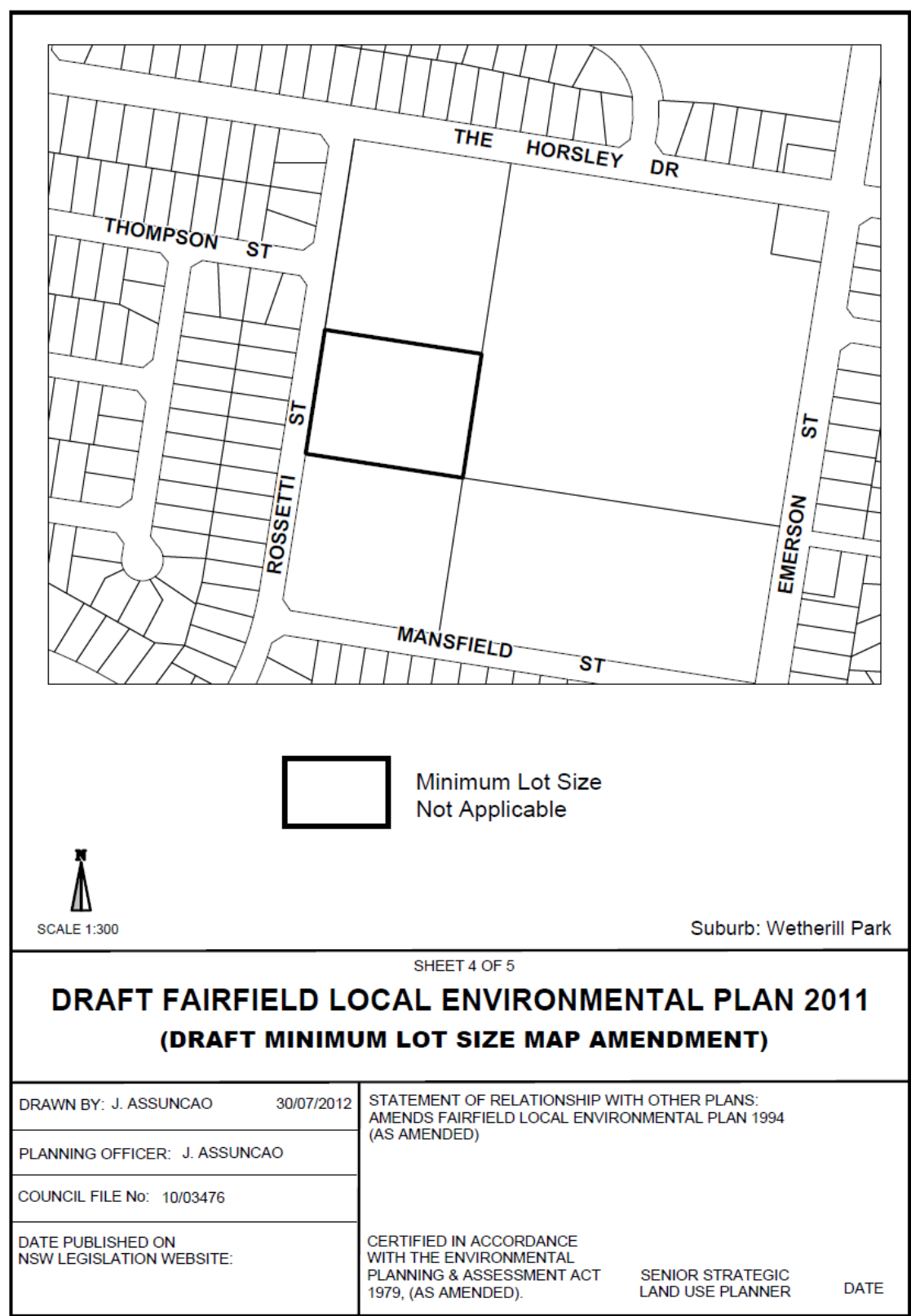
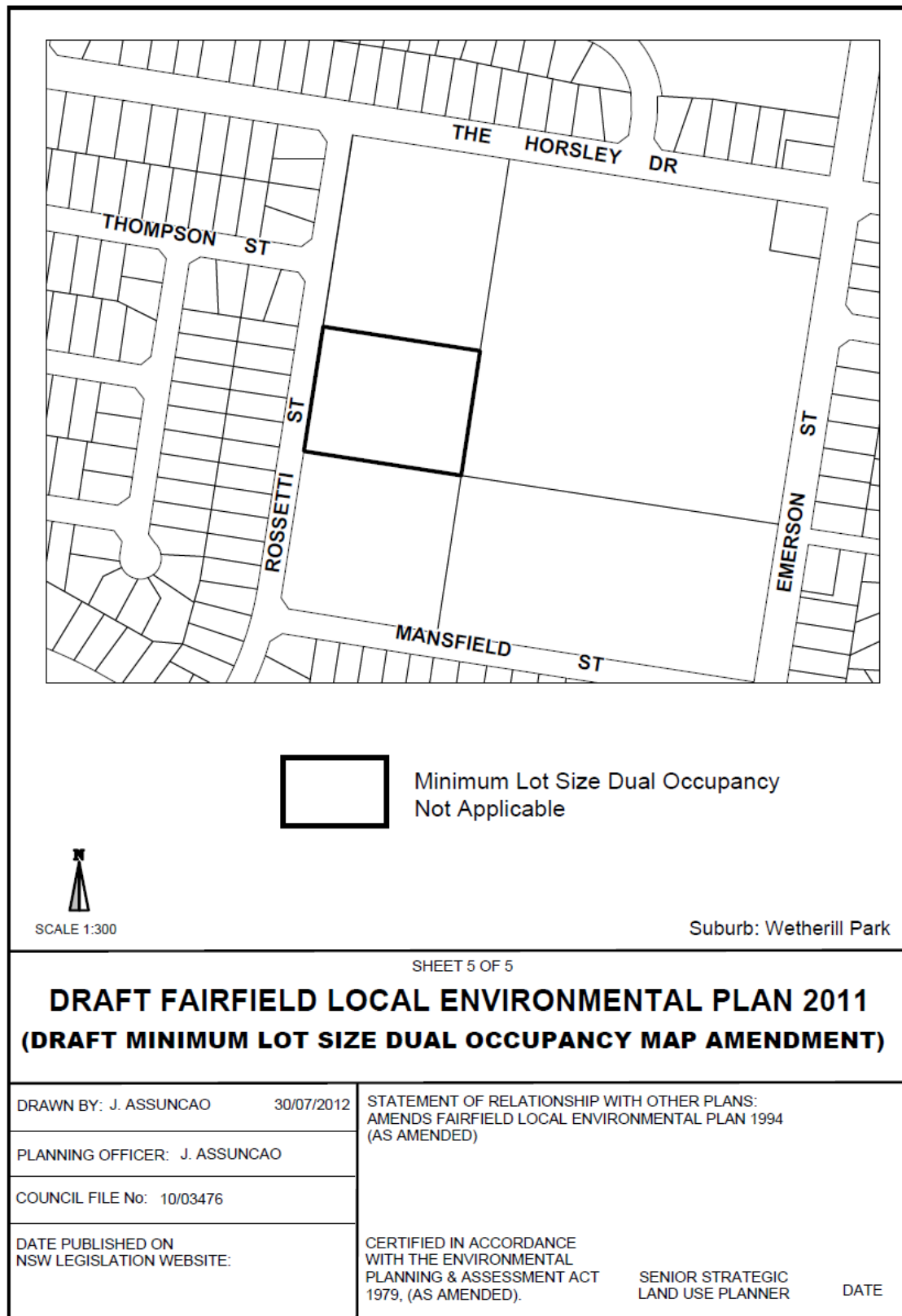


Figure 12 - Proposed amendment to the draft Fairfield Local Environmental Plan 2011 – Minimum Lot Size Map – Dual Occupancy



Part 3 – Justification

Section A – Need for a planning proposal.

1. Is the planning proposal a result of any strategic study or report?

No, this site has not been the subject of any strategic study or report.

The site has however been the subject of detailed planning investigation and assessment by Council since prior to 1999 as a consequence of and in response to rezoning applications submitted.

On 15 February 1999, amendment No. 42 to FLEP 1994 was gazetted which permitted off street parking associated with the existing shopping centre to occur over the 2(a) Residential A zoned portion of the site (being Lot 5, DP 714281).

A rezoning application for expansion of the existing shopping centre was lodged in 2004. In December 2004 Council resolved that the applicant should prepared amended concept plans “to achieve better integration with the adjoining parklands and surrounding streetscape”.

Amended plans together with a draft Site Specific DCP were subsequently submitted and reported to Council in December 2005.

The 2005 proposal provided for approximately 4000sqm of additional commercial floor space but did not include a residential component. At the time of the 2005 proposal it was envisaged that the commercial floor space would be split between retail and non-retail commercial and that this split was to be controlled in the form of a local clause under Schedule 2 of the Fairfield LEP 1994.

The 2005 proposal was not concluded within the required timeframe that was set by the then Department of Planning, which required that all amending LEP's that were commenced under the provisions of the EP&A Act, prior to the introduction of the Gateway Process, be completed by 1 January 2011. In regards to the above requirement, the applicant was not able to provide the documentation required by Council to finalise the proposal within the above prescribed timeframe.

In addition, Council could not convert that proposal into a Planning Proposal as the applicant was now seeking to include a residential component which was not part of the original proposal lodged in 2005. Accordingly, Council resolved to refuse the application in December 2010 and required the applicant to lodge a new application incorporating all aspects of what the applicant was proposing on the site.

The planning proposal initially sought the same amount of commercial floor space as the 2005 proposal. Council requested that an Economic Impact Assessment (EIA) be prepared to support the proposal. The applicant provided an EIA that supported a split of the 4000sqm commercial floorspace between retail and non-retail commercial uses.

Council advised the applicant that this was problematic as Council could no longer control this split via LEP controls as the Department of Planning and Infrastructure had advised that it was no longer supporting the use of Schedule 2 – Additional Development of the Fairfield LEP 1994 for new proposals. In addition Council would not be able to control the split via DCP controls since the introduction of the SEPP - Exempt and Complying Codes 2008 which permits “changes of use” as complying development. This therefore limits Council’s ability to regulate the type of commercial uses that would be permitted on the site. (i.e. such as an additional supermarket within the centre which was not previously supported by Council.)

The applicant subsequently reviewed the amount of floor space proposed and advised Council that it was seeking to expand the centre by an additional 1500sqm metres of retail floor space, further details in regards to the EIA are discussed in the Council report included as **Attachment A**. It was the 1500sqm of retail floor space proposal that was subsequently the subject of the Peer Review assessment by Norling Consulting.

This Planning Proposal reflects the most recent expression of what the applicant is proposing, including amendments required by the Gateway Determination and Council.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the planning proposal is the best means of achieving the intended outcome. This is summarised below:

- a) The site is currently zoned for residential purposes of which commercial uses are not permissible. An LEP amendment is the only means available to achieve the intended outcome.
- b) The provision of additional retail floor space will allow horizontal expansion of the existing shopping centre so as to strengthen its economic stability without elevating the role of the centre within the established retail hierarchy as provided within the Fairfield City Retail and Commercial Centres / Activities Policy 2006.
- c) The current zoning of the site does not reflect its current use as a car park associated with the adjoining centre, the planning proposal seeks to rezone the site to 3(c) Local Business Centre under the FLEP 1994 (B2 Local Centre under the DFLEP 2011) which is more in line with its current use.
- d) A 3(c) Local Business Centre zone under the FLEP 1994 (B2 Local Centre under the DFLEP 2011) will also facilitate the high density residential component proposed by the applicant.

3. Is there a net community benefit?

Yes. Through strengthening the retail base of the existing centre, its economic viability is better protected to ensure that it can continue to supply goods and services consistent with a neighbourhood scale centre to the surrounding residential catchment.

The provision of residential units within the development adds to the supply and choice of housing within the locality, in a location which benefits from easy access to three regular bus services, the Parramatta to Liverpool Transitway and the M7.

The subject site is located adjacent to an existing centre which provides a range of services and facilities to the surrounding locality. The site is located adjacent to a local reserve which provides for approximately 6 hectares of open space.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The subject site is located within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street.

The site is also located approximately 1100 metres from the nearest Bus Station along the Parramatta-Liverpool Transitway renewal corridor identified in the *Draft West Central Subregion Strategy* as “where higher density development can be introduced to make optimal use of the infrastructure provided.” The strategy encourages local councils to “investigate the role of these corridors and ensure that future planning makes best use of land in these corridors and capitalises on opportunities for growth and economic development.”

It is acknowledged that the subject site is located 1100 metres from this transport corridor, however it is important to note that persons that are/willing to walk the 1100 metres to the nearest Liverpool to Parramatta Transit Way station should be able to cover this distance in approximately 15-20 minutes, although it is acknowledged that this is not ideal for the elderly and young families.

The location of the Parramatta–Liverpool Transitway provides the potential for Fairfield Council to increase its residential densities in areas previously not serviced by major transport infrastructure to assist in reaching its dwelling capacity targets.

In addition, the Sydney Central West Sub Regional Strategy identifies a strategic bus corridor which links Bankstown and Wetherill Park. *The Bankstown – Wetherill Park (Corridor 34)* is proposed to run along Victoria Street which is located approximately 830 metres from the subject site.

Table A details how the planning proposal is consistent with the objectives and actions contained within both the *Metropolitan Plan for Sydney 2036* and *Draft West Central Subregion Strategy*.

Table A – Relationship to Strategic Planning Framework

METROPOLITAN PLAN FOR SYDNEY 2036			
STRATEGY	OBJECTIVE	COMMENTS	✓/ X
STRENGTHENING THE 'CITY OF CITIES'	OBJECTIVE A3 To contain the urban footprint and achieve a balance between greenfield growth and renewal in existing areas	Proposal will provide for additional housing in an existing area and will not contribute to the growth of the urban footprint.	✓
GROWING AND RENEWING CENTRES	OBJECTIVE B1 To focus activity in accessible centres	The Planning Proposal will make use of existing infrastructure, increase housing around the existing local centre, the subject site is located approximately within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street. The subject site is also within 1100 metres from the Parramatta to Liverpool Transitway. The subject site is located within 1km of employment opportunities within the Wetherill Park Industrial Estate.	✓
	OBJECTIVE B2 To strengthen major and specialised centres to support sustainable growth of the city.	The subject site is located approximately 1km from Prairiewood which is identified as a potential major centre which assists with supporting increased residential development.	✓
HOUSING SYDNEY'S POPULATION	OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development	Planning Proposal will provide for increased supply of dwellings by facilitating the provision of higher density residential housing. The Planning Proposal will contribute to dwelling targets identified for the West Central Region.	✓
	OBJECTIVE D2 To produce housing that suits our expected future needs.	The provision of high density housing will meet the expected future needs of housing being well located in relation to public transport, shopping and services. It will also increase the mix of housing available in this area,	✓
	OBJECTIVE D3 To improve housing affordability	Provision of high density housing would generally be more affordable than traditional single detached forms of housing located within the area.	✓
DRAFT WEST CENTRAL SUBREGION STRATEGY			
STRATEGY	OBJECTIVE	ACTION	✓/ X
CENTRES & CORRIDORS	B2.1 Plan for housing in centres consistent with their employment role.	This proposal seeks to address this action by increasing densities around an existing centre. The subject site is located within 1km of employment opportunities within the Wetherill Park Industrial Estate.	✓
	B2.1.2 West Central Councils to investigate increasing densities in all centres where access to employment, services and public transport are		

	provided or can be provided.		
	B5.1 Establish a stronger corridors planning and development initiative. B5.1.4 Parramatta City Council, Holroyd Council and Fairfield Council to investigate the potential for greater development in those areas within good proximity to the Parramatta-Liverpool Transitway in the preparation of their Residential Development Strategies and Local Environmental Plans.	Fairfield Council is yet to prepare a Residential Strategy for part of the LGA west of the Cumberland Highway. Although it is anticipated that any future strategy will focus densities around Centres and Public Transport Corridors. The subject site is located approximately within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street. The subject site is also within 1100 metres from the Parramatta to Liverpool Transitway.	✓
HOUSING	C1.3 Plan for increased housing capacity targets in existing areas.	The Planning Proposal seeks to facilitate the provision of higher density residential on land that currently only permits low density housing.	✓
	C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres. C2.1.1 West Central councils to ensure the location of new dwellings maintain the sub region's performance against the target for the State Plan Priority E5. C2.1.2 Local councils to provide in their LEPs, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.	The proposal is consistent with the following actions as it is located adjacent to an existing centre.	✓ ✓
	C2.3 Provide a mix of housing.		
	C2.3.2 Local councils to provide for an appropriate range of residential zonings to cater for changing housing needs.	The proposal seeks to permit high density housing on the subject site, which will provide housing additional housing choice in the area.	✓

5. Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Draft Fairfield Residential Development Strategy 2009

The *Draft Fairfield Residential Development Strategy* is a proposed 20 year strategy that will guide the location and type of future residential development within the eastern half of the LGA until 2031. The draft Strategy adopts a centres based planning approach to guide the location of new housing within existing urban areas of the Fairfield LGA. It is proposed that the draft Strategy will be exhibited concurrently with Fairfield LEP 2011 in early 2012.

The draft Strategy “*establishes a sustainable planning framework which can be applied to the whole LGA to ensure equity in access to a range of services and facilities, to encourage increased diversity in housing stock and to promote a range of lifestyle areas.*” The draft Strategy provides “*a philosophy for growth and development, as well as the development of a sustainability checklist for growth and an overall strategy for the*

entire LGA.” More detailed structure planning “has been undertaken for six key centres in the eastern part of the LGA to test the philosophy and apply the sustainability matrix as well as inform the development of key statutory planning documentation guiding future development within the LGA.”

As stated earlier the draft Fairfield Residential Strategy does not extend to areas of the LGA west of the Cumberland Highway. It is anticipated that any future review of these areas will be consistent with the approach that has been taken with the eastern part of the city. Namely the concentration of densities near public transport corridors and local and Major centres.

Table B provides an assessment of the Planning Proposal against key strategies of the relevant Sustainability Elements identified in the Draft Residential Strategy.

Table B – Assessment against Draft Residential Strategy

A – FUTURE HOUSING NEEDS AND DIVERSITY		
Key Strategy	Comments	✓/X
A.2.1 Provide for up to 24,000 additional dwellings by 2031 proximate to key facilities and services.	The Planning Proposal will provide additional dwellings that will assist Council in meeting key targets for the provision of diverse housing.	✓
A.2.2 Use the centres and corridors model to focus new growth within existing urban areas & around centres and corridors.	The subject site is located approximately within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street. The subject site is also within 1100 metres from the Parramatta to Liverpool Transitway.	✓
A.2.3 Provide an adequate range and diversity of housing types to meet the future needs of the Fairfield LGA population.	The Planning Proposal provides for high density housing which is a housing type that will meet the future needs of the Fairfield LGA population. The existing locality is predominantly low density housing.	✓
A.2.4 Ensure future dwellings contribute to a high quality and safe neighbourhood.	The Planning Proposal is accompanied by a draft Site Specific DCP (SSDCP) which will facilitate the orderly development of the site. The Planning Proposal and draft SSDCP will be exhibited in accordance with the Gateway Determination (Attachment B).	✓
A.2.5 Future dwellings to have a high level of amenity, high environmental performance and integrate with surrounding neighbourhoods.	As has been stated above, the Planning Proposal will be accompanied by a draft SSDCP. The subject site is located adjacent to a public reserve. The draft SSDCP includes provisions that may increase the amenity of the local area eg. facilitate the passive surveillance over the public reserve, as well as facilitating public art to be provided along the public reserve frontage. The subject site is adjacent to a local centre which provides for a range of uses that serve the surrounding community.	✓

B – SPECIAL NEEDS GROUPS		
Key Strategy	Comment	✓/X
B.2.1 Provide appropriate housing to meet the needs of special target groups in the Fairfield LGA.	The provision of high density housing will assist in meeting the special needs of groups identified in Fairfield LGA such as children, older generations, low income earners and culturally diverse populations.	✓
B.2.2 Future dwellings are suited to the needs of an ageing population by being adaptable and where possible accessible.	The unique location of the Planning Proposal in terms of public transport and services make any future dwellings very accessible by an ageing population. The subject site is located adjacent to an existing centre which provides various land uses that serve the needs of the immediate community.	✓
B.2.3 Provide new developments that can cater for a range of age groups, particularly children & families.	The Planning Proposal will provide for a new development on the site that will cater for a range of groups that are presently not well catered for in the locality.	✓
B.2.4 Future planning controls to be suitably flexible to provide for dwellings which accommodate multiple families or non-traditional housing needs	The Planning Proposal will allow greater flexibility to provide diverse housing compared to existing planning controls that only allow for low density development.	✓
C – AFFORDABLE HOUSING		
Key Strategy	Comment	✓/X
C.2.2 Promote developers, state government and not-for-profit organisations to increase the supply of affordable housing within Fairfield LGA.	The Planning Proposal will increase housing choice within the locality and ultimately provide a more affordable option.	✓

The Planning Proposal is seen to be consistent with the principles of the *Draft Fairfield Residential Development Strategy 2009*.

Fairfield City Plan 2010-2020 Community Strategic Plan

Fairfield City Plan 2010-2020 Community Strategic Plan sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. Of Relevance to this planning proposal are those themes that deal with Places & Infrastructure and Local Economy & Employment.

Table C – Relationship to the Fairfield City Plan 2010-2020

Themes	Goals	Planning Proposal	Consistency
<i>Places & Infrastructure</i>	<i>Buildings and infrastructure that meet the changing standards, needs and growth of our community</i>	The city plan highlights the use of land use planning policies such as Development Control Plans and Local Environmental Plan as instruments that can be utilised to achieve these goals. The Planning proposal seeks amend the Fairfield Local Environmental Plan and a Development Control Plan to facilitate a higher density form housing. This will diversify the housing types available in the locality and will aid in meeting the goals in respect to this particular theme of the Fairfield City Plan.	Yes
<i>Local Economy & Employment</i>	<i>Having vibrant, safe and attractive shopping and access to services</i>	The Planning Proposal is accompanied by a draft Site Specific Development Control Plan that includes provisions that aim to improve the amenity of the existing locality such as providing a pedestrian link to Emerson Street Reserve from Rossetti Street and activated commercial frontage along Rossetti Street and provide passive surveillance onto Emerson Street Reserve. The additional 1500sqm of retail floor space will also facilitate the provision of additional services to meet the needs of the locality. The draft Site Specific Development Control Plan will aid in achieving certain aspects of this goal associated with this theme of the Fairfield City Plan.	Yes

Based on the above assessment it is considered that the planning proposal is consistent with the Fairfield City Plan 2010-2020. The proposal will aid in the achieving the relevant goals as set out in the Plan.

Is the planning proposal consistent with the applicable state environmental policies?

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	Yes	The site does not contain significant vegetation. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 21 – Caravan Parks	N/A	-
SEPP 22 – Shops and Commercial Premises	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 26 – Littoral Rainforests	N/A	-
SEPP 29 – Western Sydney Recreation Area	N/A	-
SEPP 30 – Intensive Agriculture	N/A	-
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes	This proposal facilitates the redevelopment of urban land which will facilitate the provision of higher density mixed use development that is currently not permitted. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 33 – Hazardous and Offensive Development	N/A	-
SEPP 36 – Manufactured Home Estates	N/A	-
SEPP 39 – Spit Island Bird Habitat	N/A	-
SEPP 41 – Casino Entertainment Complex	N/A	-
SEPP 44 – Koala Habitat Protection	N/A	-
SEPP 47 – Moore Park Show Ground	N/A	-
SEPP 50 – Canal Estate Development	N/A	-
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	-
SEPP 55 – Remediation of Land	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 60 – Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.

SEPP 62 – Sustainable Aquaculture	N/A	-
SEPP 64 – Advertising and Signage	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 65 – Design Quality of Residential Flat Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 71 – Coastal Protection	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Major Development) 2005	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Temporary Structures) 2007	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Rural Lands) 2008	N/A	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-
SEPP (Affordable Rental Housing) 2009	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Urban Renewal) 2010	N/A	-
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SREP No. 9 (Extractive Industry) (No 2 – 1995)	N/A	-
SREP No. 18 (Public Transport Corridors)	N/A	-
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	N/A	-

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- Encourage employment growth in suitable locations - Protect employment land in business and industrial zones - Support the viability of identified strategic centres.	The proposal is to rezone the site from 2(a) Residential A to 3(c) Local Business Centre under the FLEP 1994 (R2 Low Density Residential to B2 Local Centre under the draft FLEP 2011), and in doing so facilitate the expansion of the adjoining business centre. This will increase the potential floor space for business uses and encourage employment growth in a suitable location. The Planning Proposal will not impact negatively on the viability of any identified strategic centres. This retail and commercial centre is the scale of a Village and is located approximately 1km from the future major centre of Prairiewood, appropriately complementing that centre.	Yes
1.2 Rural Zones	Protect agricultural production value of rural land.	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	N/A
1.4 Oyster Aquaculture	Protect oyster aquaculture areas.	N/A	N/A
1.5 Rural Lands	Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes.	N/A	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	The planning proposal is consistent with this direction. This planning proposal does not affect environmentally sensitive areas. [Direction 2.1 (1)]	YES
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The planning proposal is consistent with this direction. This planning proposal does not affect heritage items. [Direction 2.3 (1)]	YES
2.4 Recreation Vehicle	Protect sensitive land or land with	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
Areas	significant conservation values from adverse impacts from recreation vehicles.		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	- Encourage a variety and choice of housing types to provide for existing and future housing needs - Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services - Minimise the impact of residential development on the environment and resource lands.	The site is located adjacent to an existing centre, with the planning proposal encouraging a higher density mixed use development. [Direction 3.1 (l) (a)]. The planning proposal is consistent with the direction. The planning proposal makes use of existing infrastructure and services and ensures that new housing has access to appropriate services and infrastructure [Direction 3.1 (l) (b)]. The subject site is located approximately within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street. The subject site is also within 1100 metres from the Parramatta to Liverpool Transitway. The T-Way is a frequent, dedicated bus service route providing access to the two regional centres of Liverpool and Parramatta in addition to a number of other centres along the route. The planning proposal also minimises the impact of residential development on the environment and resource lands [Direction 3.1 (l) (c)].	YES
3.2 Caravan Parks and Manufactured Home Estates	- Provide for a variety of housing types - Provide opportunities for caravan parks and manufactured home estates.	N/A	N/A
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	No change	YES
3.4 Integrating Land Use and Transport	- Improve access to housing, jobs and services by walking, cycling and public transport. - Increase choice of available transport and reducing car dependency. - Reduce travel demand and distance (especially by car) - Support the efficient and viable operation of public transport	The planning proposal is consistent with this direction. The planning proposal: - Improves access to housing, jobs and services by public transport [Direction 3.4 (l) (a)]; - Supports the efficient and viable operation of public	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	services Provide for the efficient movement of freight	transport services [Direction 3.4 (1) (d). The site is close to a TAFE institution as well as the Wetherill Park – Industrial Estate. The Planning Proposal facilitates the development of a mixed use commercial and residential development. This expansion will enhance the viability of the three (3) public bus services that travel along the Horsley Drive. The subject site is located approximately within 200 metres of 2 bus routes that operate along The Horsley Drive and 1 bus route that runs along Shakespeare Street. The subject site is also within 1100 metres from the Parramatta to Liverpool Transitway. A Council shared path runs along the eastern boundary of the site through Emerson Street Reserve facilitating the use of bicycles. The residential component complements the viability of the existing centre and it could be argued that the dependence on cars will be reduced as most of the essential services are located on basically the same site.	
3.5 Development Near Licensed Aerodromes	- Ensure effective and safe operation of aerodromes - Ensure aerodrome operation is not compromised by development - Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.	N/A	N/A
3.6 Shooting Ranges	- Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, - Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land - Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	N/A
4.3 Flood Prone Land	- Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. - Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The adjoining lots to the east and south of the site have been identified as being affected by overland flow, no flood related constraints apply to the subject site. As a result of proximity to affected land, it is possible that future studies may indicate that the subject site is affected. Council's review of all flood liable land is conducted in accordance with the Floodplain Development Manual 2005. It is therefore considered appropriate that development of the subject site be subject to Council's Flood Management Controls as outlined in the Fairfield City-wide DCP.	YES
4.4 Planning for Bushfire Protection	- Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. - Encourage sound management of bush fire prone areas.	N/A	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	N/A	N/A
5.2 Sydney Drinking Water Catchments	To protect water quality in the hydrological catchment.	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	- Ensure that the best agricultural land will be available for current and future generations to grow food and fibre - Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning - Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	- Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route - Prevent inappropriate development fronting the highway - Protect public expenditure invested in the Pacific Highway - Protect and improve highway safety and efficiency - Provide for the food, vehicle service and rest needs of travellers on the highway - Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns.	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	N/A	-
5.6 Sydney to Canberra Corridor	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.7 Central Coast	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal is consistent with this direction. The proposal will rezone the site which will ensure efficient and appropriate assessment of development on the site [Direction 6.1 (1)].	YES
6.2 Reserving Land for Public Purposes	- Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes - Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls	The draft LEP proposes to rezone the site to 3(c) Local Business Centre as provided FLEP 1994 (B2 Local Centre under the draft FLEP 2011). In addition, Council proposes an additional clause to include development standards for FSR and Maximum Building Height. These controls will ensure the impact of the development, on adjoining centres and nearby land uses, is within acceptable limits. Council has also prepared a Site Specific Development Control	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		Plan that sets out controls that will facilitate the orderly development of the site.	
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Planning proposal shall give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy.	The planning proposal is consistent with the direction. Further details are provided earlier on in this proposal under Part B – Justification (Section B)	YES

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. the subject site does not contain any critical habitat or threatened species, communities etc.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The planning proposal involves minimal adverse environmental effects. Of those effects that are present, such as stormwater quality, traffic impacts, waste generation, soil and sediment control for example, will be resolved through the Development Application process and in accordance with the provisions of the Site Specific DCP.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal is accompanied by an Economic Impact Assessment prepared by Don Fox Planning. This Economic Impact Assessment was subject to a peer review by Council's Economic Consultant. The peer review was guided by the requirements of the Fairfield City Retail and Commercial Centres / Activities Policy 2006.

The peer review concluded that the proposal would have a capacity to accommodate an additional 1500 sqm as opposed to the 4000sqm of retail and commercial floor space originally sought by the applicant and subsequently reduced to 1500sqm. Council will be seeking to control the additional 1500sqm of retail floor space through the use of controls contained in the accompanying draft Site Specific DCP. Further details are provided in the Council Report which is included as **Attachment A**.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is serviced by local buses and is within walking distance of the Parramatta to Liverpool Transitway. The subject site is serviced by 3 local bus services that run along The Horsley Drive. In addition the site is adjoins a public reserve which has an approximate land size of 6 hectares. Additional open space is located within walking distance to the north and south of the site. The Wetherill Park Industrial estate is also located within 1km of the subject site.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway Determination issued by the Department of Planning and Infrastructure (**Attachment B**) required Council to consult with the Office of Environment and Heritage in regards to the potential flooding issue and have given concurrence for the matter to proceed to public exhibition a copy of the advice is included as (**Attachment E**).

Issues raised by the Office of Environment and Heritage during the exhibition period are in the Council report, included as **Attachment D**, are reproduced below:

The Gateway Determination issued by the Department of Planning and Infrastructure required consultation with the Office of Environment and Heritage (OEH) prior to public exhibition as well as during public exhibition.

The nature of the OEH consultation was in relation to potential overland flow flooding issues affecting the south east corner of the subject site.

The following is a summary of the comments that were received from the OEH during both phases of consultation:

Flooding Issues

That Council:

- *Consider the flood risk for the full range of floods up to the PMF for existing and post development conditions.*
- *Ensure the proposal complies with its Chapter 11– Flood Risk Management of the Fairfield City Wide DCP 2006;*
- *Consider a flood emergency response plan to ensure safe refuge times of flood are possible;*
- *Consider the cumulative impacts from potential full development catchment; and*
- *Consider impact of any potential cut/fill operations on the site.*

Aboriginal Cultural Heritage

The proponent needs to satisfy that it meets all of its legislative requirements in relation to Aboriginal Heritage including due diligence on the site of 13-21 Rossetti Street, Wetherill Park.

Council Comment OEH Submission

Flooding Issues

As part of the original assessment of the proposal, Council Officers identified that any future development of the subject site will need to have regard Chapter 11– Flood Risk Management of the Fairfield City Wide DCP 2006 as it adjoins land that is identified as affected by overland flow.

Council Officers anticipated that it was sufficient to include provisions in the draft SSDCP to deal with the overland flow issue as part of any future development proposals, however the Gateway determination issued by the DP&I required that a flood study be conducted as part of the rezoning and that Council consult with the OEH in respect to the flooding issues.

In order to satisfy this particular condition of the Gateway Determination, the applicant was requested by Council to conduct a flood analysis to determine the exact level overland flow affectation on the subject site which was subsequently forwarded to the OEH for comment.

The flood analysis identified that the overland flow affectation was isolated to the south east corner of the subject site.

Council is currently in the process of finalising an overland flood study that encompasses the subject site. At the time of writing this report, a peer review was currently being undertaken on Council's overland flood study.

The OEH advised that depending on the timing, Council might be able to compare the results of the two flood studies. The results of the flood studies could be used to help set the footprint of proposed development on the site, as well as for Council to set development controls in line with its City Wide DCP 2006 Chapter 11 and include controls on on-site detention.

To deal with the above issues, the draft Site Specific Development Control Plan (SSDCP) associated with the planning proposal contains the following provisions:

The draft SSDCP references Chapter 11– Flood Risk Management of the Fairfield City Wide DCP 2006 which was developed in accordance with the NSW Government's Floodplain Development Manual 2005 (which the OEH has had an integral role in developing).

Chapter 14 of the draft SSDCP deals with provisions for Drainage and Stormwater Detention which requires that the siting of building elements are clear of any

overland flow paths or that any overland flow paths are managed in a such away as to not adversely impact adjoining properties.

The above provisions of the draft SSDCP are considered sufficient to address the requirements of the OEH.

Aboriginal Heritage

The site has been developed as a car park associated with the adjoining centre and Council's records have not identified the site as having any items of Aboriginal Heritage. However, the draft SSDCP references Chapter 3 – Environmental Site Analysis of the Fairfield City Wide DCP 2006 which contains provisions for dealing with matters of heritage significance.

Council Conclusion OEH submission

It is considered that the matters raised by the OEH are adequately addressed by the provisions included in the draft SSDCP and therefore will not impact on the Planning Proposal being forwarded to the Department of Planning and Infrastructure for finalisation.

Part 4 – Community Consultation

In addition to requirements of the Gateway Determination issued by the Department of Planning and Infrastructure to proceed with the rezoning of the subject site, Council has resolved to adopt the following consultation strategy:

- 1. Advertisement of Public Exhibition in the local newspaper*
- 2. Letters to adjoining owners within 100 metres of the subject site and Emerson Street Reserve.*
- 3. Notification to the adjoining centres being Smithfield Town Centre, Fairfield West Town Centre (Hamilton Road) and Prairiewood Stocklands.*

The Planning Proposal was placed on public exhibition for a period of 28 days from **1 August 2012 to 29 August 2012**. The issues arising from the exhibition process are addressed in the Council report included as **Attachment D**.

Attachment A

22 November 2011 Council Report

Attachment B

Copy of Gateway Determination

Attachment C

10 July 2012 Council Report

Attachment D

13 November 2012 Council Report

Attachment E

Copy of Office of Environment and Heritage advice

Attachment F

Flood Analysis