

Draft Fairfield Local Environmental Plan 1994 Amendment No. 131 - Rezoning of 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park

Proposal Title :	Draft Fairfield Local Environmental Plan 1994 Amendment No. 131 - Rezoning of 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park		
Proposal Summary :	To rezone 5,547 square metres of land at 46 Cobbett Street, Wetherill Park, and 1,838 square metres at 1184 The Horsley Drive, Wetherill Park, to permit high density residential development.		
PP Number :	PP_2011_FAIRF_003_00	Dop File No :	11/19513

Proposal Details

Date Planning Proposal Received :	02-Dec-2011	LGA covered :	Fairfield
Region :	Sydney Region West	RPA :	Fairfield City Council
State Electorate :	SMITHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	46 Cobbett St		
Suburb :	Wetherill Park	City :	Sydney
Land Parcel :	Lot 1 DP 1032608	Postcode :	2164
Street :	1184 The Horsley Drive		
Suburb :	Wetherill Park	City :	Sydney
Land Parcel :	Part Lot 2 DP 1032608	Postcode :	2164
Street :			
Suburb :		City :	
Land Parcel :	The subject land at 46 Cobbett Street, Wetherill Park, has an area of approximately 5,547 square metres. This site currently contains a single storey dwelling and pool, which are located in the eastern portion of the site. Access to this site is provided via Cobbett Street, with a point of entry located in the south-western and north-eastern corner of the site. The subject site at 1184 The Horsley Drive, Wetherill Park, is approximately 1,838 square metres in size and is currently vacant land.		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Chris Shinn**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

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

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

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

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

Supporting notes

Internal Supporting Notes : **BACKGROUND TO THE PLANNING PROPOSAL**

In July 2011, Council received a Planning Proposal prepared by Mr Tony Polvere (formally of EconomiaPDS, now Crosby Textor) on behalf of Brenex Pty Ltd, which sought to rezone the privately owned site at 46 Cobbett Street, Wetherill Park, to permit multi dwelling housing (Refer to the attached Council Report).

Council identified a vacant Roads and Traffic Authority (now Roads and Maritime Services) site located north-west of the subject lands (1184 The Horsley Drive, Wetherill

Park) which did not appear to be required for road purposes, and resolved to consult the RTA to determine if this portion of land could be incorporated as part of the proposed rezoning.

On 21 September 2011, Council wrote to the former RTA to ascertain whether the vacant RTA-owned parcel of land adjoining the subject site was surplus to the RTA's requirements, and if so, whether this site could be included in the proposed rezoning (Refer to the attached letter from Council dated 21.9.11).

On 14 October 2011, the RTA wrote to Council and requested that any vehicle access to the subject site as a result of the proposed rezoning be via Cobbett Street. The RTA also recommended that any future development on the site be effectively designed to mitigate potential noise impacts from the nearby transit way and arterial road (Refer to the attached letter from the RTA dated 14.10.11).

On 25 October 2011, Council wrote to the Department's Sydney West Regional Branch, advising of its resolution on 27 September 2011 to commence the Gateway process to: amend the Fairfield LEP 1994 to rezone Lot 1 DP 1032608 to 2(b) Residential; and to consult with the RTA to determine whether they wish to include their site (1184 The Horsley Drive, Wetherill Park) in the Planning Proposal. Council resolved to amend the Planning Proposal accordingly should the RTA wish to proceed.

In that letter, Council advised that the RTA had been consulted in relation to the inclusion of their site at 1184 The Horsley Drive, Wetherill Park, and that no objection had been received from the RTA regarding this matter.

Attached to this letter was Council's Planning Proposal to rezone the sites at 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park, to 2(b) Residential B.

On 28 October 2011, the Department wrote to Council requesting that the following additional information be provided in respect to the Planning Proposal:

- Details of whether new building controls would result from the upzoning of the subject site from 2(a) Residential and 5(b) Special Uses, to 2(b) Residential, and what these will be;
- An explicit statement of how the objectives or intended outcomes of the planning proposal will be achieved (including a new land use map which illustrates the proposed rezoning); and
- Confirmation from Council as to whether or not flooding is an issue for the subject site.

Council were advised that the report to the LEP Panel would be finalised as soon as this additional information was received from Council.

On 2 November 2011, the Department wrote to Council with a request to amend and re-submit the Planning Proposal prior to consideration for a Gateway Determination.

Council submitted a revised Planning Proposal to the Department for Gateway Determination on 2 December 2011.

LOBBYIST STATEMENT

At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this Planning Proposal.

POLITICAL DONATIONS DISCLOSURE STATEMENT

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

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

The term relevant planning application means:

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

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

No disclosures were provided for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The application clearly identifies the objectives of the Planning Proposal to enable the development of 5,547 sq.m of land at 46 Cobbett Street, Wetherill Park, and 1,838 sq.m of land at 1184 The Horsley Drive, Wetherill Park, for high density residential.

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

Is an explanation of provisions provided? **Yes**

Comment : The Planning Proposal contains an adequate explanation of provisions (Refer to pages 6-7 and 'Attachment E' of the attached Planning Proposal).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

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

SEPP No 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

SEPP No 22—Shops and Commercial Premises

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

SEPP No 55—Remediation of Land

SEPP No 59—Central Western Sydney Economic and Employment Area

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development
 SEPP No 70—Affordable Housing (Revised Schemes)
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Temporary Structures and Places of Public Entertainment) 2007
 SREP No. 18 - Public Transport Corridor
 SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)
 SEPP (Affordable Rental Housing) 2009

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

SECTION 117 DIRECTIONS

[NB - sections below for Directions 6.2 and 7.1]

2.1 Environmental Protection Zones

The Planning Proposal is consistent with this Direction as it does not affect environmentally sensitive areas.

2.3 Heritage Conservation

The Planning Proposal is consistent with this Direction as it does not affect any items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

3.1 Residential Zones

The Planning Proposal is consistent with this Direction as it seeks to encourage a variety and choice of housing types in the Fairfield LGA, and reduce the consumption of land for housing on the urban fringe by increasing the permissible residential density of the subject lands.

Part 3 of the Planning Proposal indicates that the proposal will make use of existing infrastructure and services, and seeks to ensure that new housing has access to appropriate services and infrastructure.

3.3 Home Occupations

Part 3 of the Planning Proposal indicates that the proposal is consistent with this Direction.

The proposal will pose no change to the provisions in the Fairfield LEP 1994 relating to home occupations, and as such, will not affect the use of dwelling houses for the purpose of low-impact small business.

3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction as it seeks to improve access to housing, jobs and services by public transport and support the efficient and viable operation of public transport services, as the subject site is located adjacent to Liverpool to Parramatta Bus Transit-way.

4.3 Flood Prone Land

The Planning Proposal is consistent with this Direction as the subject site has not been identified as flood prone land.

6.1 Approval and Referral Requirements

Part 3 of the Planning Proposal indicates that the proposal is consistent with this Direction as the proposed rezoning will seek to ensure that LEP provisions encourage the efficient and appropriate assessment of development on the subject site.

6.2 Reserving Land for Public Purposes

Part 3 of the Planning Proposal identifies this Direction as being 'not applicable' to this Planning Proposal.

However, this Direction applies to the Planning Proposal as it seeks to alter the zoning of the Roads and Maritime Services (RMS) owned land at 1184 The Horsley Drive, Wetherill Park, which has been reserved for public purposes and is currently zoned 5(b) Special Uses - Arterial Road and Arterial Road Widening under the Fairfield LEP 1994.

This Direction states that:

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

It is noted that Council wrote to the former RTA in September 2011 seeking approval to include the RTA owned site at 1184 The Horsley Drive, Wetherill Park, as part of the Planning Proposal, to ensure a holistic approach to the proposed rezoning.

However, Council did not receive explicit comment or confirmation from the former RTA as to whether or not the adjacent RTA owned site could be incorporated as part of the proposed rezoning (Refer to the attached letter from the RTA dated 14 October 2011).

In this light, Council are requested to seek written confirmation from the RMS that the adjoining RMS owned reservation can be incorporated in the proposed rezoning.

Additionally, it is recommended that the DG's delegate agree to the inconsistency with this Direction on the basis that it is of minor significance.

6.3 Site Specific Provisions

This Planning Proposal is consistent with this Direction as it proposes to rezone the subject site and will not seek to impose any unnecessarily restrictive site specific planning controls.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Part 3 of the Planning Proposal identifies compliance with '7.1 Implementation of the Metropolitan Strategy'.

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

The Planning Proposal should be revised to include an accurate reference to this Direction and demonstrate consistency of the Planning Proposal with the Metropolitan Plan for Sydney 2036.

*Notwithstanding the above, it is considered that the Planning Proposal is generally consistent with the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036 as the proposed land use rezoning seeks to promote an increase in residential density adjacent to the Liverpool to Parramatta T-way.

RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES & REGIONAL ENVIRONMENTAL PLANNING POLICIES (DEEMEDS SEPPS)

Part 3 of the Planning Proposal indicates that the Planning Proposal is not inconsistent with any relevant SEPPs or SREPs.

STANDARD INSTRUMENT (LEPs) ORDER

It is considered that the Planning Proposal is consistent with the Standard Instrument

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(LEPs) Order 2006.

DEVELOPMENT CONTROLS

Council is proposing to apply a maximum height control of 20 metres (or six storeys) and a Floor Space Ratio of 2:1 for future development on the subject site. Council is also proposing a step up to the height controls for future development on the site from certain boundaries (Refer to 'Attachment D' in the attached Planning Proposal).

However, Council does not intend to include these development standards within the Planning Proposal. Council instead seeks to amend the Fairfield City Wide Development Control Plan to include site specific controls for 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park (Refer to page 5 of the attached Planning Proposal).

The Department's LEP Practice Note PN08-001 'Height and floor space ratio' issued in January 2008, encourages Council to include Height and FSR controls where high density residential development is proposed (i.e for R4 High Density Residential Zones), and that these controls be set out within Local Environmental Plans rather than in Development Control Plans.

In addition, in order to facilitate this Planning Proposal's incorporation into the Draft Comprehensive Fairfield LEP 2011 it is necessary that Council specify the major development controls including Height and Floor Space Ratio, that will apply to the subject site within the proposed Fairfield LEP 1994 Amendment No.131.

In terms of Council's proposed step down in height controls towards the site boundaries, Council could prepare suitable setback provisions for the subject land, which could be placed within its local Development Control Plan. These could be exhibited with the Planning Proposal.

In light of the above, it is recommended that Council revise the Planning Proposal to incorporate the Height and Floor Space Ratio controls for future development of the subject site, prior to exhibition. The revised Planning Proposal should be resubmitted to the Regional Director, Sydney West, prior to its exhibition.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : Direction 6.2 Reserving Land for Public Purposes has not been addressed in the Planning Proposal, as it was not identified by Council as being applicable to the Planning Proposal.

However, it has been recommended that the DG's delegate agree to the inconsistency with this Direction as it is considered of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A 28 day consultation period is proposed (Refer to page 25 of attached Planning Proposal).

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : It is considered that the Planning Proposal has merit for progression, subject to the conditions identified within the 'Recommendations' section of this report.

Proposal Assessment

Principal LEP:

Due Date : July 2012

Comments in relation to Principal LEP : A revised s.65 Certificate was issued to Council in November 2011.

Assessment Criteria

Need for planning proposal :

The need for the Planning Proposal has been adequately addressed by Council (Refer to pages 10 to 13 of the attached Planning Proposal).

Council has identified that the Planning Proposal is the result of Council's recognition of the site's unique attributes and proximate location to a major transport node and the suburb of Prairiewood, which is identified in the Draft West Central Subregional Strategy as a 'potential major centre'.

The subject site is currently zoned 2(a) Residential A and 5(b)Special Uses - Arterial Road and Arterial Road Widening, under the Fairfield LEP 1994.

Council has identified that it seeks to facilitate high density residential development on the subject site, however note that the proposed land use is not currently permissible in the 2(a) or 5(b) zone under the Fairfield LEP 1994.

On 27 September 2011, Council resolved to commence the Gateway process to amend the Fairfield LEP 1994 to rezone Lot 1 DP 1032608 to 2(b) Residential; and to consult with the RTA to determine whether they wish to include their site (1184 The Horsley Drive, Wetherill Park) in the Planning Proposal.

In this light, the proposed 2(b) Residential rezoning will facilitate the development of high density housing on the subject site, which will assist to support the growth of Prairiewood as a strategically important centre and accommodate the future population in the Fairfield LGA.

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Consistency with strategic planning framework :

The Planning Proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and the Draft West Central Subregional Strategy (Refer to pages 14 to 15 of the attached Planning Proposal).
The Metropolitan Plan seeks to focus activity in accessible centres, to provide for a mix of housing types to accommodate Sydney's changing needs and to locate 80% of all new housing within walking distance of centres of all sizes with good public transport.

Key directions of the Draft West Central Subregional Strategy include:

1. Increasing housing densities in centres where access to employment, services and public transport are provided or can be provided.
2. Investigate the potential for greater development in areas near the Parramatta-Rouse Hill and Parramatta-Liverpool Transitways.
3. Cater for changing housing needs; and to
4. Provide zoned capacity for a significant majority of new housing in centres.

The outcomes of the Planning Proposal will assist Council to deliver the key directions of the Metropolitan Plan for Sydney 2036 and Draft West Central Subregional Strategy as it seeks to provide for an increased supply of dwellings (with an estimated maximum dwelling yield of 147 units/dwellings), to meet the expected future needs of housing located proximate to existing public transport infrastructure and to help strengthen the nearby potential major centre of Prairiewood, within the Fairfield LGA.

Environmental social economic impacts :

Preliminary investigations have indicated that the subject site does not contain any habitats. It is not expected that the Planning Proposal will have any likely adverse environmental impacts.

The Planning Proposal indicates that the proposed rezoning will provide many social and economic benefits, including providing affordable housing options, promoting growth along transport corridors and around centres, and by providing a diversity and range of housing types for the Fairfield community.

Part 3 of the Planning Proposal indicates that the potential economic impacts of the proposed rezoning are considered minor.

(Refer to page 23 of the attached Planning Proposal).

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority Consultation - s56(2)(d) : **Department of Transport - Roadas and Traffic Authority**

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

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The subject site is located proximate to a major arterial road (The Horsley Drive) and strategic transit corridor (Liverpool to Parramatta T-way).**

The Planning Proposal indicates that the existing road and utilities infrastructure are capable of servicing the subject site (Refer to page 12 of the attached Planning Proposal).

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Revised - 46 Cobbett Street and 1184 The Horsley Drive Wetherill Park -2-12-11.pdf	Proposal	Yes
Attachment A - Planning Proposal Original - 46 Cobbett Street Wetherill Park.pdf	Study	Yes
Attachment C - Planning Proposal 46 Cobbett St & 1184 The Horsley Drive Wetherill Park - Site Location Map.pdf	Map	Yes
Attachment D - Planning Proposal - Development Controls Chapter 7.pdf	Proposal	Yes
Attachment E - Planning Proposal - Draft Fairfield LEP Amendment 131.pdf	Map	Yes
Attachment F - Letter to RTA - RE Rezoning of 46 Cobbett Street and associated RTA land - 21 September 2011.pdf	Study	Yes
Attachment F - Wetherill Park Cobbett Street 46 - RTA - Proposed Rezoning of Site and Adjoining RTA Land - 14.10.2011.pdf	Study	Yes
Attachment B - Ordinary Council Report - Planning Proposal - 46 Cobbett St Wetherill Park.pdf	Study	Yes
Letter to DP&I - Submission of Planning Proposal for Gateway Determination - 2 December 2011.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

- 1. Council prepare and include in the Planning Proposal, Height and Floor Space Ratio controls for the subject site. The revised Planning Proposal should be submitted to the

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Department's Sydney West Regional Director for approval, prior to its exhibition;

2. Council obtain written approval from the Roads and Maritime Services (former RTA) for the proposed rezoning of Part Lot 2 DP 1032608 (1184 The Horsley Drive Wetherill Park) to satisfy the requirements of Direction 6.2;

3. The Planning Proposal be revised to include an accurate reference to Local Planning Direction 7.1 (Implementation of the Metropolitan Plan for Sydney 2036) and demonstrate consistency of the Planning Proposal with the Metropolitan Plan for Sydney 2036;

4. The Planning Proposal be publicly exhibited for 28 days; and that

5. The Planning Proposal be completed within 6 months.

Supporting Reasons :

It is considered that the Planning Proposal has merit for progression.

The proposed 2(b) Residential rezoning will facilitate the development of high density housing on the subject site, which will help support the growth of Prairiewood as a strategically important centre and accommodate the future population in the Fairfield LGA.

Signature:



Printed Name:

Tim Archer

Date:

9 / 12 / 11

