

Planning Proposal

*Rezoning of Lot 1 DP 1032608 Cobbett Street
and Part Lot 2 DP 1032608 The Horsley Drive,
Wetherill Park from 2(a) Residential and 5(b)
Arterial Road and Arterial Road Widening to 2(b)
Residential B*

*Draft Fairfield Local Environmental Plan 1994
Amendment No 131*

November 2011

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1 INTRODUCTION

Initial Planning Proposal

Council is in receipt of a Planning Proposal (**attachment A**) prepared on behalf of Brenex Pty Ltd to allow development of multi dwelling housing at Lot 1 DP 1032608 (otherwise known as 46 Cobbett Street, Wetherill Park).

The proposal was submitted to Council on 18 July 2011. The proposal intended to rezone the site (46 Cobbett Street) to allow multi dwelling housing. This would involve amending the Fairfield Local Environmental Plan (LEP) 1994 to rezone the site from 2(a) Residential A to either 2(a1) Residential A1 or 2(b) Residential B.

Council Resolution and Revised Planning Proposal

The applicants Planning Proposal was reported to Council in September (**attachment B**), where it was resolved to look at the site and the adjoining RTA land (part 1184 The Horsley Drive, Wetherill Park) holistically and rezone both sites (**attachment C**).

1. *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 1 DP 1032608 to 2(b) Residential B, in accordance with Option 2 of this report;*
2. *Consult with the RTA to determine whether they wish to include their site, part Lot 2 DP 637053 (part Lot 2 DP 1032608), within the Planning Proposal and should the RTA wish to proceed, amend the planning proposal accordingly to reflect the additional lot.*
3. *Submit the Planning Proposal as shown in Attachment B to the Department of Planning pursuant to s.55 of the Environmental Planning and Assessment Act 1979.*
4. *Upon receipt of confirmation from the Department of Planning that the Planning Proposal can proceed and that the draft LEP and draft amendment to the Fairfield City Wide DCP for the subject site be publicly exhibited subject to any conditions or requirements imposed by the Department of Planning being satisfied.*

This Planning Proposal seeks to amend the provisions of Fairfield Local Environmental Plan (FLEP) 1994 as they relate to 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park.

This Planning Proposal explains the intended effect of, and the justification for, amending the FLEP 1994 in accordance with the provisions of section 55 of the Environmental Planning and Assessment Act 1979. This Planning Proposal has also been prepared having consideration to the relevant Department of Planning guidelines including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals and Council's own guidelines for planning proposals.

This planning proposal provides the following information:

- Description of the subject site and its context.
- Overview of the key elements of the planning proposal.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.

- Summary of the justification for the proposal.
- Details of the substantial public benefit that will result from the proposal.
- Consideration of the relevant local and state planning provisions and Section 117 directions.
- Community consultation expected to occur regarding the proposal.

2 PLANNING PROPOSAL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is:

- To enable the development of 5,547sq.m of land at 46 Cobbett Street, Wetherill Park for high density residential; and
- To enable the development of 1,838sq.m of land at 1184 The Horsley Drive, Wetherill Park for high density residential.

The intended outcome will be a development consisting of high density residential dwellings adjacent to the Horsley stop on the Liverpool to Parramatta Transit Way and within close proximity of Prairiewood Town Centre.



Figure 1: Aerial photo of Site

It is not proposed to include development standards within this amendment to the Fairfield LEP 1994. At this stage the development standards for the site are proposed to be controlled by an amendment to the Fairfield City Wide DCP, as per current practice for FLEP amendments where development standards are proposed (**attachment D**). It is also noted that the timing of the gazettal this draft LEP Amendment will more than likely (if approved) be adopted prior to Council's comprehensive Fairfield LEP 2011.

However, as per the DP&I guidelines, the development standards outlined in the DCP will be included in the comprehensive Fairfield LEP 2011, prior to gazettal of the comprehensive LEP.

PART 2 – EXPLANATION OF PROVISIONS

Fairfield LEP 1994

The site is currently zoned 2(a) Residential A and 5(b) Arterial Road and Arterial Road Widening, pursuant to Fairfield Local Environmental Plan (FLEP) 1994 (refer Figure 2 below).

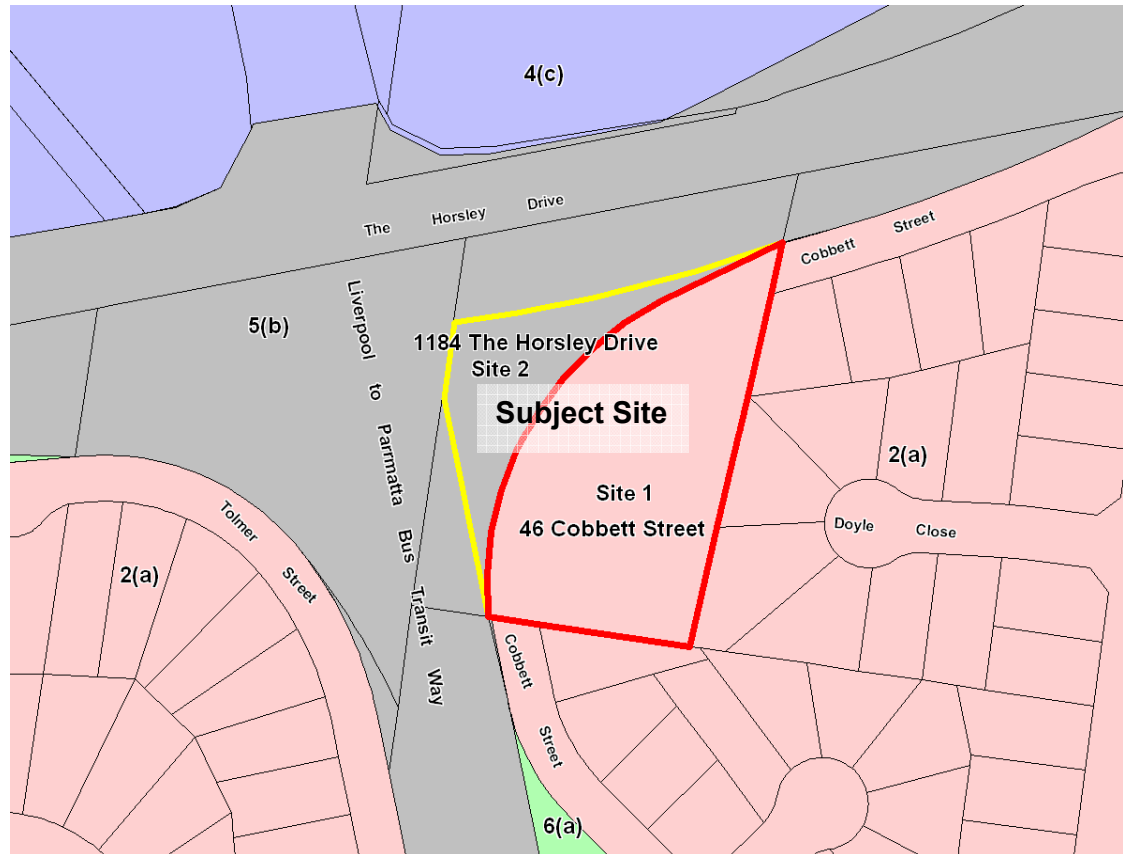


Figure 2: Fairfield LEP 1994 Zoning Map

The objectives of the 2(a) zone are:

- (a) to set aside land primarily for the purposes of housing and associated facilities,*
- (b) to provide for the orderly development of detached housing, essentially domestic in scale and character,*
- (c) to achieve attractive high quality residential development,*
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (e) to allow a range of non-residential uses that:*
 - (i) are capable of integration with the immediate locality,*
 - (ii) serve the demands of the surrounding population, and*
 - (iii) do not place demands on services beyond the level reasonably required for residential use.*

All forms of high density housing, including residential flat buildings, are prohibited development in the 2(a) Residential zone.

The objectives of the 5(b) zone are:

The objective of the zone is to identify existing arterial roads and land required for proposed arterial roads and for the widening of existing arterial roads.

All forms of housing, including residential flat buildings, are prohibited development in the 5(b) zone.

The objective of this Planning Proposal will be achieved by amending the local environmental plan by rezoning the site to 2(b) Residential B to allow consideration of high density housing on the site.

Accordingly, an amendment must be made to the FLEP 1994 zoning map (**attachment E**). The amendment is outlined below:

1. Rezone Lot 1 DP 1032608 Cobbett Street and part Lot 2 DP 1032608 The Horsley Drive, Wetherill Park from 2(a) Residential A and 5(b) Arterial Road and Arterial Road Widening to 2(b) Residential B.

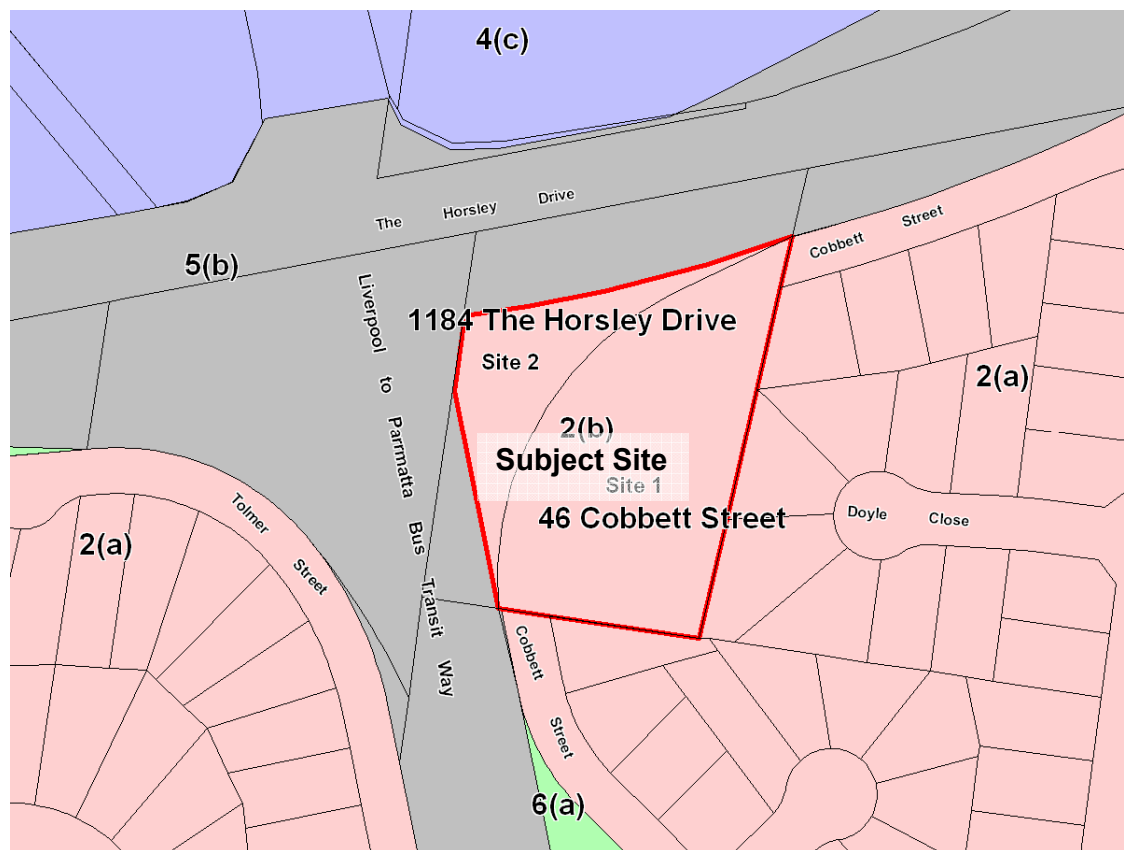


Figure 3: Proposed Fairfield LEP 1994 Zoning Map

Draft Comprehensive Fairfield LEP 2011 – Zoning Map

Under the draft comprehensive Fairfield LEP 2011 the subject site is proposed to be zoned R4 High Density Residential.

Accordingly, in addition to amending the Fairfield LEP 1994 an amendment must be made to the draft comprehensive Fairfield LEP 2011 zoning map. The amendment is outlined below:

1. Rezone Lot 1 DP 1032608 Cobbett Street and part Lot 2 DP 1032608 The Horsley Drive, Wetherill Park from R2 Low Density Residential and SP2 Infrastructure to R4 High Density Residential.

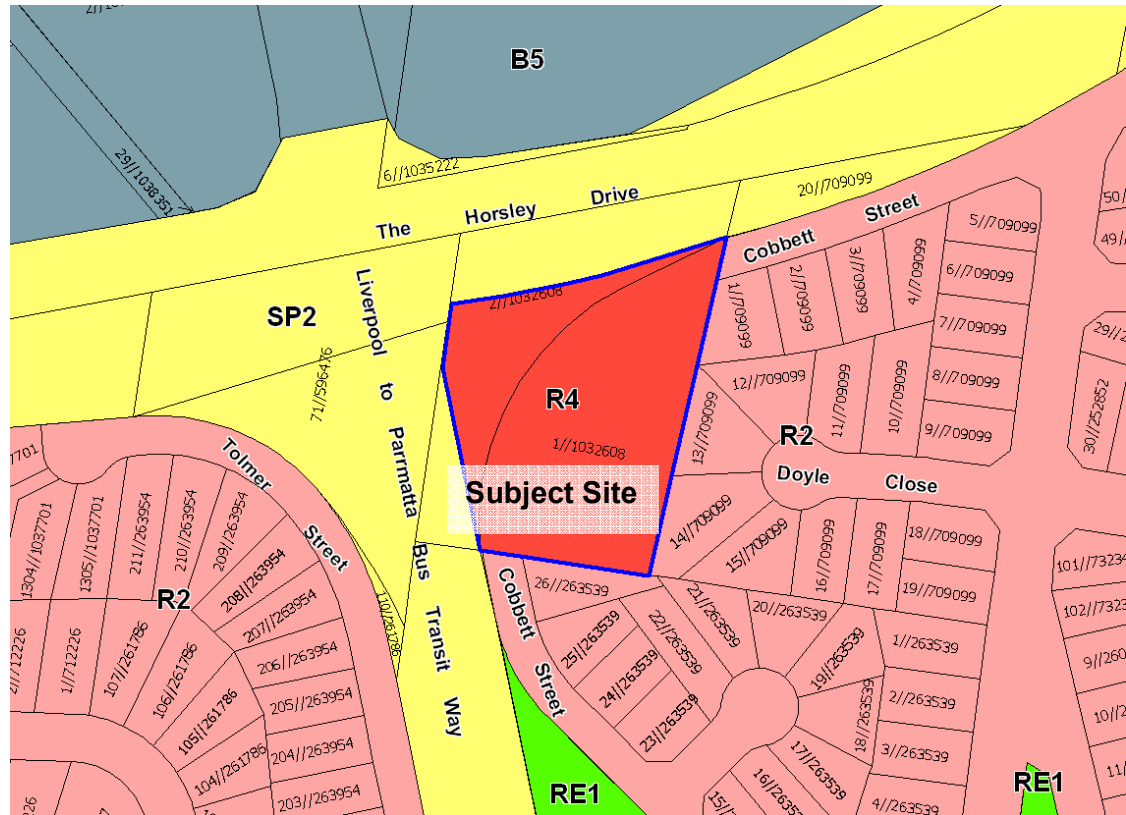


Figure 4: Proposed Fairfield LEP 2011 Zoning Map

Draft Comprehensive Fairfield LEP 2011 – Development Standards

In addition to the rezoning, Council is proposing to include development standards relating to the maximum height and FSR of the site (which would impact both maps in the comprehensive Fairfield LEP 2011).

An amendment to the Fairfield City Wide DCP is proposed to restrict the height of any development on site in a “stepped” manner to ensure privacy and solar access to adjoining residential properties. The DCP proposes that:

- For the first 20 metres of a development from eastern boundary, the maximum height of a building should not exceed 9 metres or 2 storeys.
- For the next 20 metres of a development from the eastern boundary, the maximum height of a building should not exceed 13 metres or 3 storeys.
- For the remainder of the site adjoining the Bus Transit Way and The Horsley Drive, the maximum height of the site should not exceed 20 metres or 6 storeys.

Accordingly, within the draft comprehensive Fairfield LEP 2011 it is proposed that the maximum height of the site would be a maximum 20 metres, with a DCP controls restricting the height directly adjacent to the low density residential to the east to control amenity, overshadowing, and privacy.

The maximum floor space ratio within the draft comprehensive Fairfield LEP 2011 is proposed to be 2:1.

Potential Dwelling Yield

Under the above development standards, the maximum dwelling yield for the site is approximately 147 dwellings.

Overall site area:	7,385sq.m
Development Area within Floor Space Ratio:	7,385 x 2 = 14,770sq.m
Approximate average unit size (FLGA):	100sq.m
Capacity (max.) number of units/dwellings:	14,770 / 100 = 147 units/dwellings

It should be noted that the above dwelling yield is a capacity dwelling calculation and does not take into account any design constraints of the site, car parking requirements, open space requirements and other development standards that may reduce the total number of dwellings. When all other DCP controls are applied the maximum density may not be achieved in all cases.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

The planning proposal is a result of the following;

- A. The assessment and recognition of the sites unique characteristics and ideal location within 1km radius of the potential major centre of Prairiewood (Stockland Shopping Centre) which is identified in the:
 - *Metropolitan Plan for Sydney 2036*;
 - *Draft West Central Subregional Strategy*; and,
 - *Draft Fairfield Residential Development Strategy 2009*.
- B. Recognition in the *Draft Fairfield Residential Development Strategy 2009* that “there is a strong policy direction at both a Council and State Government level that activity centres should be the focus of high density residential and employment development and will play a key role in accommodating the future population.”
- C. Recognition by the NSW Department of Planning and Infrastructure in LEP Practice Note PN 11-002 dated 10 March 2011 that the R2 Low Density Residential Zone “is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher”.

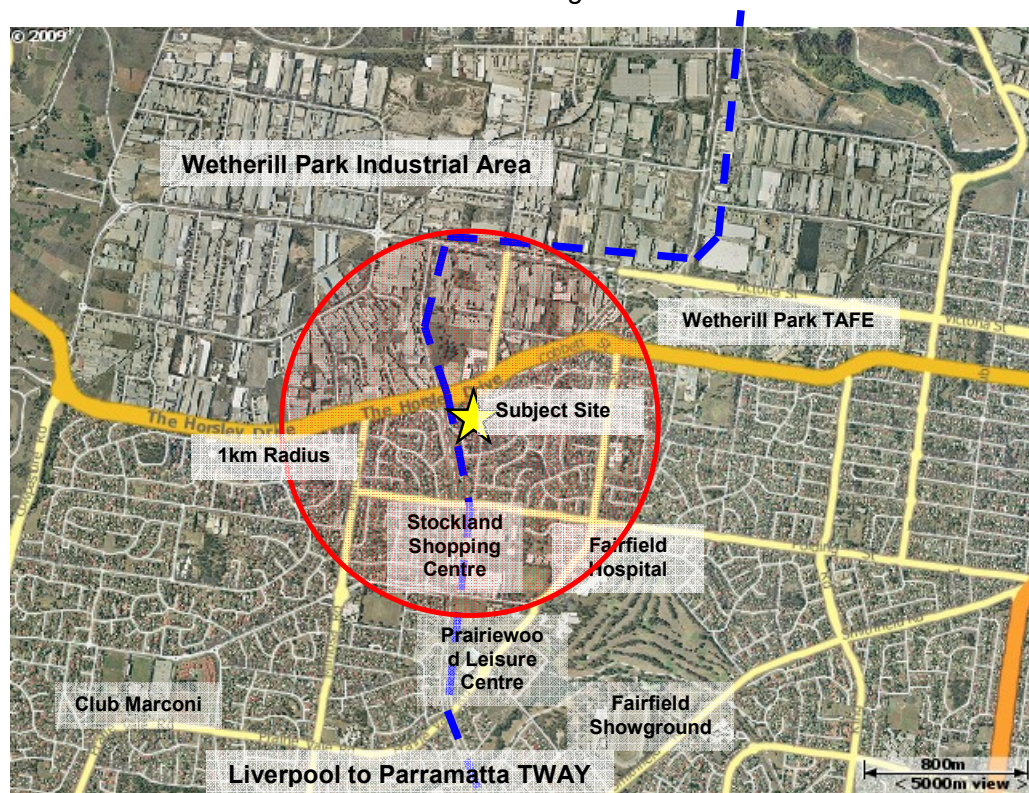


Figure 5: Regional Context

Table 1 – Key Site Characteristics & Location Details

Key Characteristics	Comments
Location	Within 1km of the potential major centre of Prairiewood and ideally located on the corner of The Horsley Drive and the Liverpool – Parramatta Transitway.
Land Size	The sites have a total area of 7,385sm that makes it suitable for high density development. There are few sites of this size that are ideally located in proximity to major centres and the opportunity to provide greater flexibility in the provision of affordable housing types should not be lost.
Transport	The site is located immediately adjacent a stop on the Liverpool – Parramatta Transitway. Regular bus routes running along The Horsley Drive provide direct access to Fairfield City Centre. The West Central Subregional Strategy identifies a strategic bus corridor to run from Bankstown Town Centre to Wetherill Park industrial area and is proposed to run directly past the site along the Horsley Drive.
Shops	Apart from local shops, the subject land is approximately 500m from the Stockland Shopping Centre. Directly opposite the site, across the Horsley Drive is the Greenway Super Centre which contains a number of services including a fruit and vegetable market, RTA, restaurants, etc.
Health	1km to Fairfield Hospital.
Services	Bus route runs along The Horsley Drive providing direct access to Fairfield City Centre. Services with in close proximity (at either Prairiewood Town Centre or Greenway Super Centre) include: Child Care Facilities; RTA Motor Registry; Places of Public Worship; Restaurants, etc.
Education	800m to both Prairiewood High School and William Stimson Primary School. 1.5km to Wetherill Park Institute of TAFE.
Employment	Immediately adjacent (walking distance) to Wetherill Park Industrial Area and the opportunities this area provides for jobs. Due to the good access to public transport (i.e. Liverpool-Parramatta T-Way and other strategic bus routes) the site has access to employment opportunities in Parramatta, Liverpool, Prairiewood and Fairfield centres.

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

The planning proposal is seen as the best means of achieving the stated objective and intended outcome. An amendment to the FLEP is seen as necessary to be able to provide greater flexibility in the provision of affordable housing types on this particularly unique site in the most timely and orderly manner.

It is recognised that Fairfield Council has prepared the draft Fairfield Local Environmental Plan (draft LEP) 2011 that is expected to be placed on public exhibition early 2012. Draft LEP 2011 has been prepared in accordance with the standard instrument and incorporates the relevant mandatory provisions including standard zones, definitions, clauses, format etc. Draft LEP 2011 does not propose spot changes to zoning.

3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of a development or rezoning outweigh the sum of all costs. The justification to proceed with the planning proposal to increase residential density has taken into consideration the public interest and the consequence of not proceeding with the change in land use.

A Net Community Benefit Test has been undertaken to determine the net community benefit of the planning proposal. Table 2 demonstrates the net community benefit of the proposed amendment assessed against the criteria set out in the Department of Planning's Draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed FLEP amendment.

Table 2 – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/x
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Yes. The proposed amendment is compatible with key objectives for <i>Centre and Corridors</i> and <i>Housing strategies</i> identified in both <i>the Metropolitan Plan for Sydney</i> and <i>the draft West Central Subregional Strategy</i> (refer Section B4 below).	✓
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The proposed amendment is located within the 1km radii of the planned major centre of Prairiewood as identified in the Metropolitan Plan for Sydney and the draft West Central Subregional Strategy.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	Yes. However an assessment was undertaken on existing large sites along the Liverpool-Parramatta Bus Transit Way within the LGA to determine the available sites. The assessment looked at a number of factors, these included: ▪ site size ▪ proximity to transit way stops ▪ proximity to large major centres ▪ proximity to smaller centres (including neighbourhood centres) ▪ proximity to open space ▪ other constraints that may affect potential future development As a result, it was identified overall that there were few sites with the same opportunities as this site and that Council could justify recommending the rezoning proceed to Gateway Determination.	✓
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There have not been other spot rezonings relating to high density housing in the locality.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The LEP will not result in a loss of employment lands.	✓
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal will maintain the supply of residential land and will improve the supply of greater housing choice and affordability in keeping with both State and Local Government objectives.	✓
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?	The existing road and utilities infrastructure is capable of servicing the site.	✓
Is there good pedestrian and cycling access?	There is very good pedestrian and cycle access to the site.	✓
Is public transport currently available or is there infrastructure capacity to	The site is at the intersection of the Parramatta –Liverpool Transitway and bus route along The Horsley Drive. The site	✓

Evaluation Criteria	Assessment	✓/x
support future public transport?	is well serviced by public transport.	
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	With the site being located immediately adjacent the Parramatta –Liverpool Transitway and Wetherill Park Industrial Area it is highly likely that the proposal will result in more public transport patronage and less distances travelled by cars and less greenhouse gas emissions.	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Yes. There is significant investment in the Parramatta – Liverpool Transitway whose patronage will be affected by the proposal. The expected impact of the proposal is that there will be additional patronage on the Transitway that is a positive outcome for the significant Government investment.	✓ ✓
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No	✓
Is the land constrained by environmental factors such as flooding?	No, the site is not identified as being affected by mainstream or overland flooding.	✓
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible with the surrounding residential land uses. In association with the Planning Proposal, Council intends to include setback requirements for any potential development on the site which would reduce impact on the adjoining residential properties. The associated development controls would ensure that the impact on the amenity of the adjoining residential properties would be minimised. Future development on the site may include improvements around access to the adjacent transit stop.	✓ ✓ ✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	✓
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	✓
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest for preparing the draft plan is: - the provision of affordable housing choice which is suitably located adjacent improved public transport and job opportunities; and, - will assist Council and the West Central Subregion meet their housing targets. The implication of not proceeding at this time is the site will be developed for low density development as permitted by the current zone and the opportunity to capitalise on such a large site in close proximity to the Parramatta–Liverpool Transitway could be lost.	✓ ✓

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 Metropolitan Plan for Sydney and exhibited draft strategies)?

The planning proposal is located within the identified 1km radii of the potential major centre of Prairiewood as identified in the *Metropolitan Plan for Sydney* and *Draft West Central Subregion Strategy*.

The planning proposal is also located within 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.”

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

Table 3 details how the planning proposal is consistent with the objectives and actions contained within both the *Metropolitan Plan for Sydney* and *Draft West Central Subregion Strategy*.

Table 3 – 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 supply, allow more trips to be made by public transport and strengthen the customer base for the Prairiewood Town Centre. Planning Proposal focuses new housing development in proximity to a centre with good public transport.	✓
	OBJECTIVE B2 To strengthen major and specialised centres to support sustainable growth of the city.	Prairiewood is identified as a potential major centre with assets able to support 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.	✓
	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.	✓
	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.	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.	✓
HOUSING	C1.3 Plan for increased housing capacity targets in existing areas.	Councils to plan sufficient zoned land to accommodate their local government area housing targets through their Principal LEPs.	✓
	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.	✓
	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.	✓

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The *Draft Fairfield Residential Development Strategy* is a 20 year strategy that guides the location and type of future residential development within the eastern half of the LGA. The Strategy has adopted a centres based planning approach to guide the location of new housing within existing urban areas of the Fairfield LGA.

The 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 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.”

Table 4 provides an assessment of the Planning Proposal against key strategies of the relevant Sustainability Elements identified in the Draft Residential Strategy.

Table 4 – 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 Planning Proposal is located within an existing urban area that forms part of the Prairiewood Major Centre and the Parramatta-Liverpool Transitway corridor.	✓
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 lacking in diverse housing types.	✓
A.2.4 Ensure future dwellings contribute to a high quality and safe neighbourhood.	The design of future housing on the site will be required to meet the applicable controls in the DCP and will provide additional surveillance of adjoining Transitway station.	✓
A.2.5 Future dwellings to have a high level of amenity, high environmental performance and integrate with surrounding neighbourhoods.	Any future development on the site will be required to meet the applicable controls in the Fairfield DCP which will also ensure any future development integrates with surrounding neighbourhood.	✓
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.	✓
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.2.1 Protect existing supplies of affordable housing.	The Planning Proposal will increase housing choice within the locality and ultimately provide a more affordable option.	✓
C.2.2 Promote developers, state government and not-for-profit organisations to increase the	The Planning Proposal will provide the opportunity for Council to promote more affordable housing on a large and rare site.	✓

supply of affordable housing within Fairfield LGA.		
C.2.3 Produce new stocks of affordable housing.	The Planning Proposal will provide greater flexibility in the provision of housing and the opportunity to provide new stocks of affordable housing.	✓

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

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

The Planning Proposal is not inconsistent with any State Environmental Planning Policy (SEPP).

Table 5 – Consistency with State Environmental Planning 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 urban consolidation adjacent to a strategic bus corridor. 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	N/A	-

Management Plan Areas		
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	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SREP No. 9 (Extractive Industry) (No 2 – 1995)	N/A	-
SREP No. 18 (Public Transport Corridors)	Yes	Liverpool to Parramatta Bus Transit Way has been completed. This planning proposal does not contain provisions that would affect the application of the SEPP.
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.

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

Table 5 provides an assessment of the Planning Proposal against the applicable Ministerial Directions.

Table 6 – Assessment against Ministerial 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.	N/A	N/A
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 Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	N/A
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	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 (1) (b)].	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	residential development on the environment and resource lands.	The site is located directly adjacent to the Liverpool to Parramatta Bus Transit Way (T-Way). 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 (1) (c)]. The site that is located in an existing residential area, with the planning proposal encouraging in-fill residential development.	
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 services - Provide for the efficient movement of freight	The planning proposal is consistent with this direction. The planning proposal: - Improves access to housing, jobs and services by public transport [Direction 3.4 (1) (a)]; - Supports the efficient and viable operation of public transport services [Direction 3.4 (1) (d)]. As discussed within Direction 3.4 above, the site is located directly adjacent to the Liverpool to Parramatta Bus Transit Way.	YES
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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	- 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.		
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 two lots (Lot 1 DP 1032608 and part Lot 2 DP 1032608) are not identified as being affected by either overland flooding or mainstream flooding.	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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	non-agricultural use of farmland as caused by urban encroachment into farming areas		
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)	-	-
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)].	
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 planning proposal is consistent with the direction. The planning proposal seeks to rezone the site to an appropriate zone. It is not proposed to include any unnecessarily restrictive	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		planning controls [Direction 6.3 (1)].	
7. Metropolitan Planning			
7.1 Implementation of the Metro Strategy	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. The proposal gives legal effect to the vision, land use strategy and policies within the Metropolitan Strategy as it proposes to increase residential density directly adjacent to the Parramatta-Liverpool Bus Transit Way [Direction 7.1 (1)].	YES

Section C – Environmental, social and economic impact

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

Preliminary investigations indicate that the land affected by the Planning Proposal does not contain habitat of any sort and therefore it is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affect as a result of the proposal.

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

Preliminary investigations indicate there are no other likely environmental effects unique to this planning proposal that have not already been addressed. The Planning Proposal is considered minor in respect to environmental impact.

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

There are social benefits resulting from the proposed amendment to the FLEP which includes the provision of:

- affordable housing;
- housing for special needs groups;
- a range and diversity of housing types;
- new growth within existing urban areas and around centres and public transport corridor.

The Planning Proposal is considered to have minor economic impact.

Section D – State and Commonwealth interests

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

The locality of the Planning Proposal is very well served by existing infrastructure as detailed in previous sections of the proposal.

The Planning Proposal will result in minor infill development that will not place any significance increase in demand for existing infrastructure.

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

Consultation with other public authorities has not occurred at this stage of the gateway process. It is expected that any consultation will be identified following the gateway determination.

PART 4 – COMMUNITY CONSULTATION

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. However, for this type of development a 28 day public consultation period would be appropriate.

Council at its meeting on 27 September 2011 resolved on the following consultation strategy:

A rezoning of 46 Cobbett Street and 1184 The Horsley Drive for higher density residential should be advertised broadly. The recommended strategy is follows:

- 1. Newspaper advertising as legislatively required.*
- 2. Letters to owners and or occupiers of properties within an approximate 300 metre radius of 46 Cobbett Street, Wetherill Park*
- 3. Consultation with the RTA regarding 1184 The Horsley Drive.*

In addition to the above consultation strategy, Council will also consult with other service providers, such as Sydney Water, Endeavour Energy, etc. and those identified within the Gateway Determination.

3 SUMMARY

In summary, the planning proposal to rezone the site at 46 Cobbett Street and 1184 The Horsley Drive, Wetherill Park:

1. It is a unique opportunity to implement both Local and State Government policy on the provision of new housing and the opportunity should not be lost.
2. New challenges have emerged placing greater pressure on the provision of affordable and well located housing. Sydney's population is growing faster than previously expected. Sydney's population is now expected to grow by an additional 1.7 million people in the 30 years to 2036. This is an average annual rise of 56,650 over previous estimates.
3. There are social benefits resulting from the proposed amendment which include the provision of affordable housing, housing for special needs groups, a range and diversity of housing types and the provision of new growth within existing urban areas around centres and public transport corridors.
4. A Net Community Benefit Test demonstrates a net community benefit arises from the proposed amendment.