

Outcomes Committee

Draft Minutes

Meeting Date: 12 May 2015

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1. Council adopt the draft Planning Proposal (Attachment C of the report) to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from Zone R4 High Density Residential to Zone B2 Local Centre to permit a 2 storey retail/commercial development.
2. Pursuant to Section 59 of the Environmental Planning and Assessment (EP&A) Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environment Plans (Department of Planning & Infrastructure 2013). The delegated functions will be undertaken by the Group Manager City & Community Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
3. Council adopt Canley Corridor Development Control Plan 2013 Amendment No. 7, following its recent public exhibition, as specified in Attachment B of the report.
4. Council adopt Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan Amendment No. 5 following its recent public exhibition, as specified in Attachment C of the report.
5. The Applicant be advised of Council's decision in this matter.

A division was taken with the following results:

Aye

Councillor Karajcic
Councillor White
Councillor Yeung

Nay

Total=(3)

Total=(0)

CARRIED

47: SUBJECT: Post Exhibition - Planning Proposal for Additional Permitted Uses at 13-21 Rossetti Street Wetherill Park
Premises: 13-21 Rossetti Street Wetherill Park
Applicant: Rhodes Haskew and Associates (Partners: Gary Rhodes and Davide Haskew)
Owner: R Trimboli
Zoning: B2 Local Centre
File Number: 14/13509

RECOMMENDATION: (Karajcic/Yeung)

That:

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1. Council adopt the draft Planning Proposal and associated amendments to the Key Sites map (as shown in Attachment A of the report), which proposes to allow residential flat buildings and multi dwelling housing as additional permitted uses at 13-21 Rossetti Street (Lot 5 DP 714281), Wetherill Park, to allow development of the site in accordance with the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan.
2. Pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).

A division was taken with the following results:

Aye	Nay
Councillor Karajcic	
Councillor White	
Councillor Yeung	
Total=(3)	Total=(0)

CARRIED

- 48:** Post Exhibition - Planning Proposal - Narrow Lot Development Standard
File Number: 14/13674

RECOMMENDATION: (Karajcic/Yeung)

That:

1. Council adopt the draft Planning Proposal (Attachment C of the report) to introduce a clause and change the minimum lot size map in the Fairfield Local Environmental Plan 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas.
2. Pursuant to Section 59 of the Environmental Planning and Assessment (EP&A) Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environment Plans (Department of Planning & Infrastructure 2013). The delegated functions will be undertaken by the Group Manager City & Community Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.

A division was taken with the following results:

OUTCOMES COMMITTEE

Meeting Date 12 May 2015

Item Number. 47

SUBJECT: Post Exhibition - Planning Proposal for Additional Permitted Uses at 13-21 Rossetti Street Wetherill Park
Premises: 13-21 Rossetti Street Wetherill Park
Applicant/Owner: Applicant: Rhodes Haskew and Associates (Partners: Gary Rhodes and Davide Haskew)
Owners: R Trimboli
Zoning: B2 Local Centre

FILE NUMBER: 14/13509

PREVIOUS ITEMS: 143 - Planning Proposal for Additional Permitted Uses at 13-21 Rossetti Street, Wetherill Park - Outcomes Committee - 14 October 2014

REPORT BY: Anjele Vu, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council adopt the draft Planning Proposal and associated amendments to the Key Sites map (as shown in Attachment A of the report), which proposes to allow residential flat buildings and multi dwelling housing as additional permitted uses at 13-21 Rossetti Street (Lot 5 DP 714281), Wetherill Park, to allow development of the site in accordance with the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan.
2. Pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).

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

SUPPORTING DOCUMENTS:

AT-A	Planning Proposal	18 Pages
AT-B	Gateway Determination	2 Pages

CITY PLAN

OUTCOMES COMMITTEE

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This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

This report relates to the post exhibition of a Planning Proposal seeking to amend the Fairfield Local Environmental Plan (LEP) 2013 to allow residential flat buildings (RFB) and multi dwelling housing as additional permitted uses at 13-21 Rossetti Street (Lot 5 DP 714281). The LEP amendment will allow development of the site in accordance with the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan (DCP).

This report seeks Council's endorsement to finalise and make the Planning Proposal (**Attachment A**), as publicly exhibited, under delegated authority as issued by the Department of Planning and Environment (DP&E).

SUBJECT SITE

The subject site known as 13-21 Rossetti Street (Lot 5 DP 714281) Wetherill Park is located at the rear of the existing Wetherill Park Market Town Shopping Centre (below).



Figure 1

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BACKGROUND

On 12 August 2014, Council's Outcomes Committee considered a report (Item 116) which provided Council details of a proposed Planning Proposal to resolve a Fairfield LEP 2013 transition issue associated with the recent rezoning of site 13-54 Rossetti Street, Wetherill Park from R2 Low Density Residential to B2 Local Centre zone.

The original matter was considered in a Planning Proposal submitted under the previous Fairfield LEP 1994, but given the time of finalisation the LEP Amendment was gazetted under the current Fairfield LEP 2013. However, due to the LEP transition process, it became evident that the current zoning under Fairfield LEP 2013 does not enable the site to be developed in accordance with the Council adopted Site Specific DCP for the site.

The issue related to the prohibition of residential flat buildings and multi dwelling housing under the new B2 Local Centre zone, which were permissible uses under the previous equivalent zone 3(c) Local Business Centre under Fairfield LEP 1994.

Accordingly, Council at its meeting on 26 August 2014 resolved to:

1. Invite the Applicant to submit a Planning Proposal to allow residential flat buildings (RFBs) and multi dwelling houses as additional permitted uses;
2. Delegate Authority to the Group Manager City Development to authorise the Planning Proposal for submission to the Department of Planning and Environment (DP&E) for gateway determination and;
3. Publicly exhibit the Planning Proposal in accordance with Gateway Determination.

As a result, the Applicant submitted the Planning Proposal on 10 September 2014 to rectify this transitional issue.

PLANNING PROPOSAL ENDORSEMENT ISSUE

Although Council had already endorsed this Planning Proposal in principle at the 12 August 2014 Outcomes Committee meeting, legal advice received required that Council formally adopt the Planning Proposal prior to requesting Gateway Determination from the DP&E.

Accordingly, on 14 October 2014 Council's Outcomes Committee considered a report detailing the legal issues regarding the formal adoption of Planning Proposals and details of the Planning Proposal. At this meeting Council resolved to;

1. Endorse the Planning Proposal for submission to the DP&E for Gateway Determination;
2. Seek delegation for LEP Plan Making (delegated by the Minister under Section 23 of the EP&A Act 1979), and;
3. Publicly exhibit the Planning Proposal in accordance with the conditions of the Gateway Determination.

The Planning Proposal was subsequently forwarded to the DP&E for Gateway Determination on 6 November 2014.

GATEWAY DETERMINATION

On 2 March 2015, Council received the Gateway Determination (**Attachment B**) from the DP&E, which permitted the draft LEP Amendment to be publicly exhibited subject to a number of conditions.

The Gateway Determination was conditioned so that:

1. *Prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.*

Comment: Complete – the Planning Proposal was amended prior to public exhibition. The amended Planning Proposal is included as Attachment A of this report.

2. *Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:*
 - a. *the planning proposal must be made publicly available for a minimum of 28 days; and*
 - b. *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013).*

Comment: Complete – no submissions were received during the public exhibition period. Further detail on the community consultation is discussed further in the report.

3. *Community Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act 1979 and/or to comply with the requirements of relevant Section 117 Directions:*
 - a. *Endeavour Energy*
 - b. *Jemena*
 - c. *Roads and Maritime Services*
 - d. *Telstra*

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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Comment: Complete – No submissions were received during the public exhibition period. Further detail on the public authority consultation is discussed further in the report.

4. *A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Environmental Planning & Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*

Comment: Noted (a public hearing was not held).

5. *The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.*

Comment: On Target (DP&E deadline 9 December 2015)

DELEGATED AUTHORITY

In addition to the Gateway Determination, Council was also granted authorisation to exercise the functions of the Minister for Planning under Section 59 of the Environmental Planning and Assessment Act 1979 that are delegated to it by instrument of delegation dated 2 March 2015 in respect to this Planning Proposal (See **Attachment B** for a copy of the Written Authorisation to Exercise Delegation). Pursuant to this delegation, the Group Manager of City and Community Development is authorised to finalise the making of this Planning Proposal.

PUBLIC CONSULTATION

Following the receipt of the Gateway Determination from the DP&E, Council Officers placed the Planning Proposal on public exhibition. The Planning Proposal was placed on public exhibition for 18 March 2015 – 17 April 2015, in accordance with the consultation requirements identified in the Gateway Determination and as outlined in the Consultation Strategy outlined in the Outcomes Committee report on 14 October 2014.

No written submissions were received to public exhibition.

PUBLIC AUTHORITY CONSULTATION

The Planning Proposal was forwarded to Endeavour Energy, Jemena, Roads and Maritime Services and Telstra. In accordance with conditions of the Gateway Determination, the public authorities were given at least 21 days to comment on the proposal.

No submissions were received from the notified public authorities during the consultation period.

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CONCLUSION

No objections were received to public exhibition of the Planning Proposal to allow residential flat buildings and multi dwelling housing as additional permitted uses at 13-21 Rossetti Street (Lot 5 DP 714281), Wetherill Park. The Planning Proposal will facilitate future development of the site in accordance with the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan. Accordingly it is recommended that Council adopt the draft Planning Proposal and associated amendments to the Key Sites map.

It is also recommended that Council Proceed to finalise the making of this plan, under delegated authority in accordance with the Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

Anjele Vu
Strategic Land Use Planner

Authorisation:
Acting Manager Strategic Planning
Group Manager City & Community Development

Outcomes Committee - 12 May 2015

File Name: **OUT120515_27.DOC**

***** END OF ITEM 47 *****

Mr Alan Young
City Manager
Fairfield City Council
PO BOX 21
Fairfield NSW 2176

Our ref: PP_2015_FAIRF_001_00
Your ref: 14/13509

Attn: Anjele Vu

Dear Mr Young

Fairfield Local Environmental Plan 2013 – Additional Permitted Uses at 13-21 Rossetti St, Wetherill Pk

I am writing in response to your Council's letter dated 4 November 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to enable Residential Flat Buildings and Multi Dwelling Housing as additional permitted uses at 13-21 Rossetti St, Wetherill Park.

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

I have also agreed the planning proposal's inconsistency with Section 117 Directions 1.1 is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Georgina Ballantine, Metropolitan Region (Parramatta) office on 02 9860 1568.

Yours sincerely



2/3/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_FAIRF_001_00): to enable Additional Permitted Uses of Residential Flat Buildings and Multi Dwelling Housing at 13-21 Rossetti St, Wetherill Park

I, the Acting Director, Metropolitan Region (Parramatta) at the Department of Planning, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* that an amendment to enable *Additional Permitted Uses of Residential Flat Buildings and Multi Dwelling Housing at 13-21 Rossetti St, Wetherill Park* should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal should be updated to include a discussion regarding its consistency with 'A Plan for Growing Sydney' which was adopted by the State Government in December 2014.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A Guide to Preparing Local Environmental Plans (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning & Assessment Act 1979* and/or to comply with the requirements of relevant Section 117 Directions:
 - Endeavour Energy
 - Jemena
 - Roads and Maritime Services
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning & Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.


2/3/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services
Delegate of the Minister for Planning

Planning Proposal

Proposed Amendment to Fairfield Local Environmental Plan 2013 to Permit Residential Flat Buildings and Multi Dwelling House as Additional Permitted uses.

Draft Fairfield Local Environmental Plan 2013 Amendment No. (TBA)

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- 2 Part 2 – Explanation of Provisions**
- 3 Part 3 - Justification**
- 4 Part 4 – Community Consultation**

Attachments

- a)** Council Report – 12 August 2014
- b)** Context Map and Location Maps

Part 1 – Objectives

The purpose of the planning proposal is to resolve a Fairfield Local Environmental Plan (LEP) 2013 transition issue associated with the recent rezoning of site 13-21 Rossetti Street, Wetherill Park from R2 Low Density Residential to B2 Local Centre zone.

The planning proposal will correct an unintended outcome where 'residential flat buildings' and 'multi dwelling housing' remain prohibited on the subject site despite Council's and the Applicant's intention enable these uses under a previously gazetted Planning Proposal.

In summary, the objective of the Planning Proposal is to make permissible with consent, residential flat buildings and multi dwelling houses as additional permitted uses on the subject site.

In this regard, the subject site was rezoned from R2 Low Density Residential to B2 Local Centre under Fairfield Local Environmental Plan Amendment No. 2 (FLEP 2013 Am.2). The Planning Proposal was originally submitted as a Rezoning Application under the FLEP 1994 under which zoned the site 2(a) Residential A Zone and was proposed to be rezoned to 3(c) Local Business Centre. However during the processing of the rezoning, the FLEP 1994 was replaced by FLEP 2013. The then rezoning application was transferred to a Planning Proposal to amend the zoning of the site from R2 Low Density Residential to B2 Local Centre. However, whereas residential flat buildings, multi dwelling housing and the then applicable land use characterisation of Mixed Use Development were permissible under the 3(c) Local Business Centre Zoning, residential accommodation is only permissible under the B2 zoning where it satisfied the definition of "shop top housing". That definition requires dwellings to be located above ground floor retail and commercial premises and this is not a desirable outcome for the subject site.

The previous rezoning application and Planning Proposal was accompanied by a Site Specific Development Control Plan (SSDCP) which was adopted by Council on 27 November 2013 and which came into force on 7 March 2014. The SSDCP includes a development master plan, which incorporates up to 1500sqm additional retail floor space as well as a residential component in the form of multi dwelling housing and residential flat buildings.

The suitability of the site to accommodate residential development formed an integral part of the assessment of the previous rezoning application. The gazettal of FLEP 2013 Am.2 and adoption of the SSDCP indicates the acceptance of that development form on the subject site by both the Department of Planning and Environment and Council.

Additionally, the form and design quality of residential accommodation was assessed as part of the previous rezoning application and the SSDCP reflects the agreed and desired design outcomes.

Nevertheless, the location of much, if not all of the residential accommodation described within the SSDCP does not satisfy the definition of shop top housing and remains prohibited despite the previous intention to make the same permissible.

Under the current planning controls, there is a situation of at least ambiguous permissibility for the significant majority of the residential accommodation contemplated in the SSDCP and certainly, the two-storey multi dwelling housing development fronting Rossetti Street, and which is not above the car parking level is presently prohibited, notwithstanding that it is specifically accommodated with the SSDCP.

The purpose of the subject planning proposal is to correct that unintended outcome by making residential flat buildings and multi dwelling housing additional permitted uses on the subject site.

The planning proposal is considered to be procedural and administrative in nature and does not introduce any significant town planning issues. In this regard, the Planning Proposal seeks to make permissible a development form which was assessed in detail in the original rezoning application, and which was determined to be satisfactory by both Council and the Department of Planning.

The planning proposal applies to Lot 5 DP 714281, No. 13-21 Rossetti Street, Wetherill Park.

The planning proposal is in accordance with Council's decision at its meeting on 12 August 2014 – see **Attachment A** for Council report.

Part 2 – Explanation of provisions

To achieve the objectives mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013) as follows:.

1. Amend the Fairfield Local Environmental Plan 2013 to make permissible residential flat buildings and multi dwelling housing by amendment of Schedule 1 of FLEP 2013.
2. Amend the Key Sites Map to identify Lot 5 DP 714281 No. 13-21 Rossetti Street, Wetherill Park as Key Site No. 22.

Refer to Attachment B for context map and Attachment C for location maps depicting the above mentioned site.

Part 3 – Justification

Section A – Need for a planning proposal

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

The development outcomes anticipated by the previous rezoning application and SSDCP were the subject of detailed studies including Design Quality in accordance with SEPP 65 – Design Quality of Residential Flat Buildings, retail impact analysis as well as traffic and parking impacts. The results of those studies supported the development concept described within the SSDCP. The Planning Proposal does not involve any change to that previously adopted development concept.

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

The SSDCP provides for residential flat buildings and multi dwelling housing at the ground floor of the site, generally towards the southern boundary. Such development does not fall within the definition of “shop top housing because it is not located above ground floor retail or commercial premises.

The SSDCP limits the amount of retail floor space, which is developable on the site to 1,500sqm against the site area of 9,940sqm. Accordingly, it is neither appropriate nor desirable to extend the ground level retail footprint so that residential development situated at the southern part of the site can be located above ground level retail or commercial premises. Such outcome would also be contrary to the findings of previous retail impact analysis from which the 1,500sqm retail floor space limit was derived.

Accordingly, the only practical means by which the SSDCP built form can be made permissible is by making residential flat buildings and multi dwelling housing permissible with consent as additional permitted uses.

Is there a net community benefit?

Yes. This planning proposal will benefit the community by providing improved access to housing through the redevelopment of urban land which will facilitate the provision of higher density mixed use development that is currently not permitted on the subject site.

Section B – Relationship to strategic planning framework

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)?

Yes the Planning Proposal is consistent for the reasons outlined below

The Draft Metropolitan Strategy for Sydney

Metropolitan Strategy for Sydney – A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) was released by the State Government on 14 December 2014. The Plan provides the strategy and framework for managing Sydney's future population growth for the next 20 years and follows the exhibition of an earlier draft in March 2013.

Fairfield City is now located within the South West Subregion. The Plan identifies the South West subregion as the fastest growing subregion, providing housing and jobs growth through the two regional city centres, Badgerys Creek Airport Precinct and an enterprise corridor stretching along a possible rail line corridor extending from Leppington to the airport.

Applicable to the Planning Proposal are these general aspects of the Plan:

Sydney's population will grow by 1.6 million people by 2031, with 900, 000 of this growth occurring in Western Sydney. To accommodate the population growth, 664, 000 new home for a diverse range of household types will be required that includes ageing residents and smaller families.

The Planning Proposal is considered to be consistent with the plan as it will provide for a range of housing types, contributing to meeting housing targets and facilitate population growth for the region.

Draft West Central Subregional Strategy

The Metropolitan Strategy for Sydney (released 14 December 2014) divided Sydney Metropolitan Area amongst six subregions. Fairfield was identified to be included within the South Western subregion. Subregional strategies are yet to be developed. Housing targets will be set in the subregional plans that will be led by the Greater Sydney Commission in consultation with local government and the community.

According to The previous Draft Metropolitan Strategy for Sydney 2031 Fairfield LGA falls within the West Central Subregion. The Draft West Central Subregional Strategy currently applies to the Fairfield LGA. The subject planning proposal seeks to make the previously adopted development concept a permissible land use on the subject site. Consistency of the adopted development concept with the Draft West Central Subregion Strategy was considered in detail as part of the previous rezoning application. The adopted development form remains consistent with that strategy.

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

The relationship of the previously adopted development form with Council's Residential Development Strategy and Council's Retail and Commercial Centres Study was considered

in detail as part of the previous rezoning application. The adopted development form remains consistent with all applicable local Council strategies.

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

The relevant State Environmental Planning Policies are outlined in the table below:

SEPP Title	Relevance	Consistency of Planning Proposal
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 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 50 – Canal Estate Development	N/A	-
SEPP 55 – Remediation of Land	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 (Affordable Rental Housing) 2009	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	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 (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 (Infrastructure) 2007	N/A	-
SEPP (Major Development) 2005	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Miscellaneous Consent Provisions) 2007	N/A	-
SEPP (State and Regional Development) 2011	N/A	-

The relevant Sydney Regional Environmental Plans are outlined in the table below:

SREP Title	Relevance	Consistency of Planning Proposal
SREP 9 – Extractive Industry (No 2 – 1995)	N/A	-
SREP 18 – Public Transport Corridors	Yes	This planning proposal does not contain provisions that would affect the application of the SREP.
SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)	N/A	-
GMREP No.2 – Georges River Catchment	Yes	This planning proposal does not contain provisions that would affect the application of the SREP.

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

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 are outlined in the table below:

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 planning proposal is to amend draft Fairfield Local Environmental Plan 2011 to allow “residential flat building” and “multi dwelling housing” as additional permitted uses on the subject site. The introduction of these additional permitted uses will support the viability of the centre by increasing the population which would utilise the centres services.	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	The planning proposal is consistent with this direction. This planning proposal does not affect heritage items. [Direction 2.3 (1)]	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	significance.		
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 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 (1) (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 (1) (b)] The site is located approximately 620 metres from 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)].	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.	N/A	N/A
3.4 Integrating Land Use and Transport	Improve access to housing, jobs and services by walking, cycling and public transport.	The planning proposal is consistent with this direction. The planning proposal:	Yes

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	• 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	- 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). - 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 also located approximately 620 metres from the nearest bus station along the Parramatta to Liverpool Transit Way. - 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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	noise mitigation measures.		
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
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 Floodplain Development Manual 2005. • 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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	bush fire prone areas. Encourage sound management of bush fire prone areas.		
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
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

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
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 planning proposal will allow “residential flat building” and “multi dwelling housing” as additional permitted uses on the subject site consistent with the SSDCP, 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 planning proposal is consistent with the direction. This LEP amendment will facility orderly development of the site consistent with existing development controls.	YES
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. The proposal gives legal effect to the vision, land use strategy and policies within the Metropolitan Strategy as it proposes to increase residential density in a suitable location, the site is located within walking distance of 3 local bus services and approximately 620 metres to the Parramatta-Liverpool Bus Transit Way [Direction 7.1 (1)]. The site is located approximately 1km from the Wetherill Park Industrial Estate.	YES

Section C – Environmental, social and economic impact

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?

Introducing the additional permitted use of multi dwelling housing and residential flat buildings to the site will not result in any ecological impacts.

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

The subject Planning Proposal will not result in any environmental effects which have not been previously assessed and found to be satisfactory.

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

The subject Planning Proposal will not result in any social effects which have not been previously assessed and found to be satisfactory.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject Planning Proposal does not introduce any additional infrastructure demands which were not already assessed and determined to be satisfactory as part of the previous rezoning application.

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

Consultation has not occurred at this stage. The original rezoning application attracted two submissions from the Office of Environment and Heritage (OEH). No objections were raised however additional investigation / information was required in relation to flooding and aboriginal heritage. Both of these issues were satisfactorily resolved as part of the original rezoning application. The subject Planning Proposal does not introduce any additional matters which were not previously determined to be satisfactory.

Part 4 – Community Consultation

In addition to any requirements issued by the DP&E in any Gateway Determination, it is proposed that consultation and public exhibition of the Planning Proposal (for a minimum of 28 days) be undertaken as outlined below:

- Letters to current occupants of the site,
- Letters to all adjoining property owners,
- Notice in the local newspaper,
- Notice on Councils website.

Part 5 – Project Timeline

The project timeline is intended to be used only as a guide and may be subject to changes such as changes to issues that may arise during the public consultation process and/or community submissions.

No.	Step	Process content	Timeframe
1	s.56 – request for Gateway Determination	Prepare and submit Planning Proposal to DP&E	November 2014
2	Gateway Determination	- Assessment by DP&E (including LEP Panel) - Advice to Council	1 month: December 2014
3	Completion of required technical information and report (if required) back to Council	- Prepare draft controls for Planning Proposal - Update report on Gateway requirements	1 month: January 2015
4	Public consultation for Planning Proposal	In accordance with Council resolution and conditions of the Gateway Determination.	28 days notification period: March to April 2015
5	Government Agency consultation	Notification letters to Government Agencies, if required by Gateway Determination	March to April 2015
6	Consideration of submission	Assessment and consideration of submissions	1 month: April 2015
7	Report to Council on submissions to public exhibition and public hearing	Includes assessment and preparation of report to Council	1 month: May 2015
8	Possible re-exhibition	Covering possible changes to draft Planning Proposal in light of community consultation	1 month: June 2015
9	Report back to Council	Includes assessment and preparation of report to Council	1 month July 2015
10	Referral to PCO and notify DP&I	- Draft Planning Proposal assessed by PCO, legal instrument finalised - Copy of the draft Planning Proposal forwarded to DP&I.	1 month August 2015
11	Plan is made	Notified on Legislation web site	1 month: September 2015
Estimated Maximum Time Frame			12 months