

Fairfield LEP 2013 - Additional Permitted Uses of Residential Flat Buildings and Multi Dwelling Housing at 13-21 Rossetti St, Wetherill Park

Proposal Title : **Fairfield LEP 2013 - Additional Permitted Uses of Residential Flat Buildings and Multi Dwelling Housing at 13-21 Rossetti St, Wetherill Park**

Proposal Summary : **The planning proposal seeks to enable residential flat buildings and multi dwelling housing as additional permitted uses at 13-21 Rossetti St, Wetherill Park to allow development of the site in accordance with the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan.**

PP Number : **PP_2015_FAIRF_001_00** Dop File No : **15/01252**

Proposal Details

Date Planning Proposal Received : **10-Nov-2014** LGA covered : **Fairfield**

Region : **Metro(Parra)** RPA : **Fairfield City Council**

State Electorate : **SMITHFIELD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **13-21 Rossetti St**

Suburb : **Wetherill Park** City : **NSW** Postcode : **2164**

Land Parcel : **Lot 5 DP 714281**

DoP Planning Officer Contact Details

Contact Name : **Georgina Ballantine**

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RPA Contact Details

Contact Name : **Anjele Vu**

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	57
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

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

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

The term relevant planning application means:

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

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

The Department has not received any disclosure statements for this Planning Proposal.

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

If Yes, comment : **The Department's Lobbyist Contact Register was checked on 12 January 2015 and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

BACKGROUND

The subject site was recently rezoned from R2 Low Density Residential to B2 Local Centre under Fairfield Local Environmental Plan 2013 Amendment No. 2. The planning proposal for Amendment No. 2, originally submitted under Fairfield Local Environmental Plan 1994, intended to rezone the land from 2(a) Residential A to 3(c) Local Business Centre, to facilitate the expansion of the adjoining centre (Wetherill Park Market Town) by an additional 4000sqm of commercial floor space, and a residential component on the subject land.

Amendment No. 2 was made on 7 March 2014 under Fairfield Local Environmental Plan 2013, however the change in rezoning to the Standard Instrument zone B2 Local Centre meant that Residential Flat Buildings and Multi Dwelling Housing were prohibited. These uses were intended to be permitted as per the 3(c) Local Business Centre zone under

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Fairfield Local Environmental Plan 1994.

As such the proponent is unable to proceed with the planned mixed residential/commercial development unless Residential Flat Buildings and Multi Housing are permitted as Additional Permitted Uses on the subject site under Schedule 1 of Fairfield Local Environmental 2013.

The adjoining Wetherill Park centre is approximately 6,000 square metres in area and comprises a Franklins Supermarket and 37 specialty shops.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objectives of the planning proposal are to resolve a transitional issue from Fairfield Local Environmental Plan 1994 to Fairfield Local Environmental Plan 2013 which unintentionally prohibited 'residential flat buildings' and 'multi dwelling housing' on the subject site.**

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

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

Comment : **It is intended to amend Fairfield Local Environmental Plan 2013 as follows:**

- 1. Amend Schedule 1 to make permissible 'residential flat buildings' and 'multi dwelling housing' on the subject site.**
- 2. Amend the relevant Key Sites Map to identify Lot 5 DP 714281, being 13-21 Rossetti St, Wetherill Park, as a Key Site subject to Schedule 1 where additional uses provisions apply.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

The Planning Proposal does not reduce the intended retail area as outlined under the adopted Wetherill Park Market Town Centre Site Specific Development Control Plan. The site was approved for a mix of retail and residential while Council was transitioning from

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Fairfield Local Environmental Plan 1994 to the current Fairfield Local Environmental Plan 2013, however the current B2 zoning does not include the permitted uses required to develop the site in accordance with the adopted Development Control Plan. Any inconsistency with the objectives of Direction 1.1, with reference to the reduction of total potential floor space area for employment uses, is therefore considered to be of minor significance.

3.1 RESIDENTIAL ZONES

The Planning Proposal is consistent with Direction 3.1 as it seeks to broaden the choice of housing types on the site. In addition the site is close to existing infrastructure and services, being adjacent to the Wetherill Park Market Town Centre, and does not contain provisions that will reduce the permissible residential density of the land.

3.4 INTEGRATING LAND USE AND TRANSPORT

The Planning Proposal is consistent with this Direction as it will facilitate the development of a mixed use commercial/residential development located in close proximity to the Liverpool to Parramatta TWay and the Horsley Drive (including the bus services which operate along this road).

4.3 FLOOD PRONE LAND

The Planning Proposal is not inconsistent with this Direction as the subject site has not been identified as being constrained by flooding issues. However, it is noted that the adjoining lots to the east and south of the site are flood affected.

Under the Gateway determination for Fairfield Local Environmental Plan 2013 Amendment No. 2 (the rezoning of the site), Council was directed to prepare a Flood Study and consult with the Office of Environment and Heritage. As a result of the Study and consultation, Council prepared a supporting Site-Specific Development Control Plan for Wetherill Park Market Town, which contains specific provisions for drainage and stormwater detention on the subject land.

The Development Control Plan also requires that any future development application for the subject land has due regard to the flood management provisions of Fairfield Council's City Wide Development Control Plan and is consistent with the principles of the NSW Floodplain Development Manual.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

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

6.3 SITE SPECIFIC PROVISIONS

It is considered that the Planning Proposal is consistent with Direction 6.3, as the proposal will allow the land uses of Residential Flat Buildings and Multi Dwelling Housing on the relevant land without imposing any development standards or requirements in addition to those already contained in Fairfield Local Environmental Plan 2013.

STATE ENVIRONMENTAL PLANNING POLICIES

It is considered that the Planning Proposal is not inconsistent with any of the relevant State Environmental Planning Policies or deemed Policies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Current zoning and aerial maps are provided on the final page of the planning proposal.**

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council is proposing an exhibition period of 28 days and consultation as follows:

1. Letters to current occupants of the site
2. Letters to all adjoining property owners
3. Notice in the local newspaper
4. Notice on Council's website

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **May 2013**

Comments in relation to Principal LEP :

Fairfield Local Environmental Plan 2013 was notified on 17 May 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal will correct an unintended result of the transition between Fairfield Local Environmental Plan 1994 and Fairfield Local Environmental Plan 2013 whereby Residential Flat Buildings and Multi Dwelling Housing are not permissible on the site. Permitting these uses will allow for the development of a mixed residential/retail site as intended by Council according to the Wetherill Park Market Town Site Specific Development Control Plan.

Consistency with strategic planning framework :

The Planning Proposal is generally consistent with A Plan for Growing Sydney and the draft West Central Subregional Strategy.

The Plan for Growing Sydney seeks to accelerate urban renewal by providing homes closer to jobs (Direction 2.2) in locations near centres on the public transport network.

In addition, key directions of the Draft West Central Subregional Strategy include:

- 1. Provide Local Employment Opportunities;**
- 2. Allow for Housing Growth close to public transport corridors; and**
- 3. Provide Greater Housing Choice and Affordability;**

This Planning Proposal supports these strategic objectives by providing additional commercial/retail floor space and high density residential units on the subject site which will assist in increasing local employment opportunities close to the Parramatta T-Way and the existing Wetherill Park centre.

However, 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.

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Environmental social
economic impacts :

ENVIRONMENTAL

The subject site does not contain any critical habitats or threatened species and is considered unlikely to cause a significant impact on the environment.

SOCIAL AND ECONOMIC

The proposed rezoning has the potential to generate social and economic benefits including promoting economic growth and development in Fairfield, increasing the local employment opportunities and increasing the quantity and diversity of housing types located proximate to existing transport infrastructure.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Transport for NSW Telstra Other		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies required.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Additional Permitted Uses at 13-21 Rossetti St, Wetherill Park_.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**

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4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Additional Information :

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.

Supporting Reasons :

The planning proposal supports the objectives of A Plan for Growing Sydney and the draft West Central Subregional Strategy by providing options for increased local employment opportunities and a range of housing types located close to existing transport infrastructure.

Signature:



Printed Name:

DERRYN JOHN

Date:

28 FEBRUARY 2015

