

Sydney West Joint Regional Planning Panel Pre-Gateway Review – Recommendation Report

The Sydney West Joint Regional Planning Panel has considered the request for a review of the proposal as detailed below.

The Pre-Gateway Review:

Dept. Ref. No:	PGR_2015_FAIRF_001_00
LGA:	Fairfield
LEP to be Amended:	Fairfield Local Environmental Plan 2013
Address / Location:	Part of the Greenway Plaza site, 1183-1185 The Horsley Drive, Wetherill Park
Summary of Proposal:	The draft Plan seeks to enable Additional Permitted Uses under Schedule 1 of Fairfield Local Environmental Plan 2013 to permit 'Commercial Premises' and 'Business and Office Premises' at Greenway Plaza, 1183-1185 The Horsley Drive, Wetherill Park to remove the need for existing use rights. The intent of the proposal is to change the requirement for the proponents to submit development applications to Council each time there is a change of retail or commercial use or need for internal fit outs or works. In addition, the change would allow applications for change of use and internal works to be considered by private certifiers under the SEPP (Exempt and Complying Development Codes) 2008.

Reason for review:	☒	The Council has notified the proponent that the request to prepare a planning proposal has not been supported
	☐	The Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the Panel has reviewed all relevant information provided by the proponent as well as the views and position of the Department of Planning and Environment and the relevant local government authority. Based on this review the Panel recommends the following:

Sydney West Joint Regional Planning Panel RECOMMENDATION:	☒	The proposed instrument should be submitted for a Gateway determination
	☐	The proposed instrument should not be submitted for a Gateway determination
Composition of Recommendation:	☒ Unanimous ☐ Not unanimous	Comments:

JRPP Advice and Justification for Recommendation:

On 9 March 2016, the Panel members met to discuss the planning proposal.

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the Department and the relevant local government authority and has visited the site.

This applicant seeks by way of a planning proposal amending Fairfield LEP 2013 for part of the Greenway Plaza Site to permit 'Commercial Premises' and 'Business and Office Premises' at the site 1183-1185 The Horsley Drive, Wetherill Park. The intent of the proposal is to change the requirement

for the proponents to submit development applications to Council each time there is a change of retail or commercial use or need for internal fit outs or works. In addition, the change would allow applications for change of use and internal works to be considered by private certifiers under the SEPP (Exempt and Complying Development Codes) 2008.

The Fairfield Council has notified the proponent that the request to prepare that this planning proposal was not supported.

The representative for Fairfield Council informed the Panel that it was considered that the proposal was unsatisfactorily and would not be consistent with the objectives of the Fairfield City Centres Study of August 2015, namely, to maintain the industrial service centre nature of sites in the B5 zoned areas and that to allow a change here would be a undesirable precedent. Council advised that in their opinion, this amendment would not provide sufficient safeguards against uncontrolled expansion of commercial, business and office premises on the subject site.

At the meeting the applicant's representatives explained the difficulty of seeking approvals under the present provisions of the LEP, which have brought about severe difficulties of cost and timing, and this process could lead to the loss of otherwise suitable and viable tenancies. The applicant advised, however, that it did not require any additional uses that were inconsistent with those uses permitted under the LEP. The Panel agrees with the Council's concern that any amendment to the LEP under the Planning Proposal should not bring about the permissibility of additional useless such as a supermarket, which would be likely to change the nature of the servicing centre to a retail centre.

The Panel would only recommend this application proceed to the Gateway on the basis that amending provisions do not extend the uses which were first permitted for this site under Fairfield Local Environmental Plan 1994 and, if it could be confirmed that the amendment would only permit uses consistent with those uses previously permitted, and supermarkets would be excluded.

In the event this outcome cannot be achieved, the Panel would not recommend this proposal proceed to the Gateway.

Date of Recommendation: 9 March 2016

Panel members:		
 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Stuart McDonald
 Ninos Khoshaba	 David Niven	