

# Outcomes Committee



## AGENDA

<b>DATE OF MEETING:</b>	14 July 2020
<b>LOCATION:</b>	Council Chambers
<b>TIME:</b>	7.00pm

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**SUBJECT:** Planning Proposal - Residential Upzoning - Fairfield, Fairfield Heights, Fairfield East and Villawood  
**Premises:** Various properties in the residential precincts of Fairfield, Fairfield Heights, Fairfield East and Villawood  
**Applicant/Owner:** Fairfield City Council initiated planning proposal affecting private and publicly owned properties  
**Zoning:** Zone R2 Low Density Residential, Zone R3 Medium Density Residential

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**FILE NUMBER:** 15/13681

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**PREVIOUS ITEMS:** 90 - Residential Development Strategy East - Phase 2 Implementation - Recommended Upzoning of Residential Land - Outcomes Committee - 14 Jul 2015

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**REPORT BY:** Edward Saulig, Senior Strategic Land Use Planner

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### RECOMMENDATION:

That:

1. Council endorse the re-exhibition of the Planning Proposal (Attachment A of the report) to amend Fairfield Local Environmental Plan (LEP) 2013 in relation to:

#### 1.1. Fairfield:

- 1.1.1. Rezone R3 Medium Density Residential land in the vicinity of Fairfield Town Centre to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps,
- 1.1.2. Rezone land at 98A and 100 Sackville Street, and 101 to 117 Harris Street from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps,
- 1.1.3. Rezone land at 2, 4 and 6 Francis Street, and 5 and 7 Frederick Street from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps,
- 1.1.4. Rezone land at 17A, 19 and 21 Coleraine Street, and 6 Codrington Street from Zone R2 Low Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps, and



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- 1.1.5. Rezone land at 45, 47 and 49 Brenan Street, and 62 and 64 Granville Street from Zone R2 Low Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps.

### 1.2. Fairfield Heights:

- 1.2.1. Rezone land in the Fairfield Heights precinct to the west of Sackville Street from Zone R2 Low Density Residential to Zone R3 Medium Density Residential and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps,
- 1.2.2. Rezone land at 27, 33, 35, 37 and 39 Polding Street, and 130, 132 and 134 Smart Street from Zone R2 Low Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps, and
- 1.2.3. Rezone land at 128 and 130 Station Street Fairfield Heights from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps.

### 1.3. Fairfield East:

- 1.3.1. Rezone R3 Medium Density Residential land in the vicinity of Fairfield East Town Centre to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps,
- 1.3.2. Rezone R2 Low Density Residential to Zone R3 Medium Density Residential land in Fairfield East and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps, and
- 1.3.3. Rezone Council owned land at 2-10 Jacaranda Court, Fairfield East (Lot 10, DP1025300) from Zone R2 Low Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps.

### 1.4. Villawood:

- 1.4.1. Rezone R3 Medium Density Residential land in the vicinity Villawood Town Centre and extending its reach west down Wattle Avenue to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps,
- 1.4.2. Rezone land at 63 to 91 Koonoona Avenue, 38 to 52 Wattle Street and 2 and 4 Elm Street Villawood from Zone R2 Low Density Residential to Zone R3 Medium Density Residential and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps,

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- 1.4.3. Rezone land at 112, 114, 116 and 118 Mandarin Street and 25, 27, 29, 31 and 33 Belmore Street from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps,
  - 1.4.4. Rezone a portion of land at 15 Hilwa Street from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps,
  - 1.4.5. Rezone 17 and 19 Hilwa Street from Zone R3 Medium Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps, and
  - 1.4.6. Rezone land at 21 and 23 Hilwa Street from Zone R4 High Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps.
2. Council receive a further report following the public re-exhibition of the Planning Proposal, inclusive of the preparation of a new development contributions plan to meet the cost of community infrastructure.

**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.**

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### SUPPORTING DOCUMENTS:

<b>AT-A</b> <a href="#"><u>↓</u></a>	Planning Proposal - Re-exhibition Version	67 Pages
<b>AT-B</b> <a href="#"><u>↓</u></a>	July 2015 Council Minutes - Item 90 & Sup Item 105	5 Pages
<b>AT-C</b> <a href="#"><u>↓</u></a>	Map - Residential Upzoning Precincts - Exhibition 2016	1 Page
<b>AT-D</b> <a href="#"><u>↓</u></a>	Gateway Determination and Conditions Letter from the Department of Planning & Environment	4 Pages
<b>AT-E</b> <a href="#"><u>↓</u></a>	Submissions - All Precincts	63 Pages
<b>AT-F</b> <a href="#"><u>↓</u></a>	Submissions - Other Precincts Outside the Planning Proposal	89 Pages
<b>AT-G</b> <a href="#"><u>↓</u></a>	Submissions - Public Authorities	10 Pages
<b>AT-H</b> <a href="#"><u>↓</u></a>	Map - Open Space - Access - Pedshed - Existing	1 Page
<b>AT-I</b> <a href="#"><u>↓</u></a>	Map - Open Space - Access - Pedshed - Proposed	1 Page
<b>AT-J</b> <a href="#"><u>↓</u></a>	Map - Residential Upzoning Precincts with Proposed Open Space - Proposed Re-exhibition 2020	1 Page

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### CITY PLAN

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

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### SUMMARY

As part of Council's implementation of its Fairfield Residential Strategy East 2009, in July 2014 Council resolved to proceed with a planning proposal to upzone residential precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood. The planning proposal also included the rezoning of Council owned land at 2-10 Jacaranda Court Fairfield East to Zone RE1 Public Recreation to reflect its current use.

The Gateway Determination (GD) issued by the State Government permitted community consultation subject to conditions that included public authority consultation. The planning proposal was exhibited for 42 days between 2 March and 15 April 2016 inclusive. Submissions from public agencies necessitated detailed traffic and flooding modelling to determine the impact of the planning proposal as well as any ameliorative measures.

Flood modelling indicates that in order for the intensification of development to proceed, 3 detention basins are required in the Fairfield, Fairfield Heights and Villawood precincts. In addition, work undertaken for Council's Open Space Strategy has highlighted areas of open space deficiency for existing areas that would be significantly exacerbated by future development as proposed.

This report provides an overview of the community and public authority submissions, and addresses the key findings of the flood modelling report by recommending the inclusion of parcels of sufficient area for detention basins, supported by 4 additional neighbourhood parks that will address existing and future recreation needs in the precincts of Fairfield and Fairfield Heights.

Community submissions in Villawood pointed to an opportunity to further rationalise proposed zoning boundaries that would result in creating a precinct better defined by a major road. Further consideration identified an opportunity to extend the zoning boundary for adjoining R3 Medium Density Residential land.

In order to address the need for detention basins and open space, as well as the proposed R3 Medium Density and R4 High Density Residential land zoning rationalisation in Villawood, a re-exhibition of the planning proposal is required with the areas identified for dual use detention basins/open space and neighbourhood parks to be shown as Zone RE1 Public Recreation. It is recommended that the planning proposal (**Attachment A**) be endorsed in its amended form for public comment.

### Background

Fairfield Residential Strategy East 2009 (RDSE) was prepared to guide future residential development in the City in response to housing targets identified by the State Government. Fairfield Local Environmental Plan (LEP) 2013 rezoned land for higher density housing around the town centres of Canley Heights and Villawood, as well as medium density housing in Fairfield East and Villawood. This rezoning was part of Phase 1 implementation of the RDSE.

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In August 2014, Council considered a report on proposals for Phase 2 implementation of the RDSE for further rezoning of land for medium and high density housing around Fairfield, Fairfield Heights, Fairfield East and Villawood in the eastern part of the City. In September 2014 a community survey was carried out in those residential precincts to gauge opinion about possible rezoning of residential land, known as “upzoning” by increasing the density to townhouses and apartments.

The overall survey results for the various precincts generally indicated a balanced response from those supporting a change of zoning to those against, and it was determined that the formal preparation of a planning proposal was warranted. Council at its meeting held on 28 July 2015 resolved to prepare a planning proposal for public exhibition to rezone land in the following precincts (**Attachment B**):

- **Fairfield** – from Zone R3 Medium Density Residential to Zone R4 High Density Residential
- **Fairfield Heights** – from Zone R2 Low Density Residential to Zone R3 Medium Density Residential
- **Fairfield East** – from Zone R2 Low Density Residential to Zone R3 Medium Density Residential and from Zone R3 Medium Density Residential to Zone R4 High Density Residential; and
- **Villawood** – from Zone R3 Medium Density Residential to Zone R4 High Density Residential.

The Planning Proposal also includes the rezoning of Council owned land at 2-10 Jacaranda Court Fairfield East (Lot 10, DP1025300) from Zone R2 Low Density Residential to Zone RE1 Public Recreation.

A precinct map showing the proposed land zones as previously exhibited is attached to this report (**Attachment C**).

The GD issued by the NSW Department of Planning and Environment required consultation with public authorities including the Office of Environment and Heritage – Flooding Division and the Roads and Maritime Services. The GD required that the planning proposal be made publicly available for a minimum period of 28 days for community consultation (**Attachment D**).

The planning proposal was exhibited for 42 days from Wednesday 2 March 2016 to Friday 15 April 2016 inclusive. Residents, landowners and interested persons were also able to speak to Council Officers directly at drop-in information sessions held at the Administration Centre on Tuesday 22 March 2016 (4.30pm to 9.00pm), and at the Fairfield Library on Thursday 24 March 2016 (9.30am to 9.00pm).

This report highlights both community and public agency submissions, with state agency submissions necessitating detailed traffic and flood modelling to determine the impacts of upzoning the various precincts as well as any measures that needed to facilitate the intensification of development.

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A consequence of modelling work necessitates that the planning proposal be re-exhibited in order for it to be considered to progress to the next stage of approval.

### SUBMISSIONS – LANDOWNER/COMMUNITY

The number of community submissions totalled 34 (**Attachment E**) with a summary provided below:

#### Issue 1 – Fairfield Precinct – Support for increase in density – 6 Submissions

Submissions support increase in density of housing around the Fairfield City Centre inclusive of its shopping areas, services and transport infrastructure, however identify that more public open space is needed.

**Comment:** This report recommends the inclusion of additional land identified for rezoning to open space for the purposes of detention basins to facilitate development as well as for recreation purposes. The proposed open space sites will address significant undersupply in an area of existing and proposed higher residential density.

#### Issue 2 – Fairfield and Fairfield Heights Precinct – Lack of open space – 1 Submission

Submission is concerned that there are no extra neighbourhood parks shown in the Fairfield and Fairfield Heights precincts where increase in density will result in apartments with families. Children will require open space to play.

**Comment:** This report recommends the inclusion of land identified for open space for the purposes of passive and active recreation within the required standards of walking distance of for residents living in high density environments. The need for additional open space has been recognised in work undertaken for Council's Open Space Needs Study and accompanying Open Space Strategy.

#### Issue 3 – Fairfield Heights Precinct – Support for higher density rather than medium density – 4 Submissions

Submissions although supporting the upzoning to R3 Medium Density, a preference for R4 High Density as originally consulted in 2014. One submission suggests a midway alternative between R3 Medium Density and R4 High Density to encourage basement car parking in Fairfield Heights and Fairfield south precinct.

**Comment:** The preference of the submission authors is noted, however Council resolved to upzone to medium density as part of a transition from Fairfield high density precinct to the Fairfield Heights R3 Medium Density Zone adjoining the Fairfield Heights town centre.

Further, the medium density typology and its associated development standards is currently under review as part of the preparation of the draft Local Housing Strategy due for completion and exhibition in late 2020.

**Issue 4 – Fairfield Heights Precinct – Support for medium density housing density and opportunity to provide more open space – 1 Submission**

Submission supported increased density due to benefits of housing affordability, renewal of housing stock, more density results in better amenities and services to the area, reduces urban sprawl and related environmental consequences, and increases business opportunities. Additional green public spaces, promoting sustainable housing, and Fairfield as a cultural hub seen as desirable outcomes to be pursued with the rezoning.

**Comment:** This report recommends the inclusion of land identified for open space, with the author's property proposed to be within 200 metres of a new park.

**Issue 5 – Fairfield Heights Precinct – Request R3 Medium Density Residential zone on southern side of Churchill Street – 1 Submission**

Submission seeks R3 zoning to apply to both sides of Churchill Street, citing inequity.

**Comment:** Roads are commonly used as boundaries between land use zones. Notwithstanding, all residential zoning is under review as part of the preparation of the draft Local Housing Strategy due for completion and exhibition in late 2020.

**Issue 6 – Fairfield Heights Precinct – Request to consider traffic impacts, road network improvements and alternative modes of transport in the wider precinct – 2 Submissions**

One author requested that the letter be considered as a point of note. The primary issue raised was the need to implement traffic measures to improve the flow of traffic and intersection "black spots".

Other submission highlighted the potential for negative traffic impacts, congestion, the significant distance between traffic signals on Sackville Street for safe pedestrian crossing, the need for intersection improvements and dedicated cycle ways in areas of density.

**Comment:** Traffic modelling was undertaken at key State Road intersections and is referenced in this report. Local traffic matters will continue to be monitored based on resident representations, traffic counts, accident statistics and the like. Council's Traffic Committee will consider the need for traffic management and road improvements over time. A transport study is currently underway for the City.

**Issue 6 – Fairfield Heights – Alternate developments standards should be considered in the precinct – 1 Submission**

Submission suggests looking to an alternative development scenario, a midway point between medium density at 2 storeys and apartment buildings at 6 storeys. A review of height of building and floor space ratio is recommended.

**Comment:** The draft Local Housing Strategy is currently under preparation and will include a review of medium density housing development standards in comparison with adjoining

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local government areas as well as exploring incentives for better design. The draft Strategy is due for completion and exhibition in late 2020.

### **Issue 7 – Fairfield Heights – NBN capacity to service new development and the need for consultation – 1 Submission**

Submission seeks confirmation that the NBN has been consulted and encouraged to install an optimal long-term solution.

**Comment:** The Gateway Determination (GD) conditions does not require consultation with NBN. Notwithstanding, should Council resolve to re-exhibit, a formal approach can be made to seek a response to suggestions raised in the submission.

### **Issue 8 – Fairfield East – Expand the proposed R4 High Density Zone – 1 Submission**

Submission seeks an expansion of the proposed R4 High Density Zone beyond the existing boundary by using Normanby Street and Tangerine Street as the outer edge of the R4 zone as a more logical outcome.

**Comment:** The boundary between the R3 Medium Density and R4 High Density Residential zones was selected by using the public school as a natural boundary located at the outer edge, distance from the railway station and transition between the low-rise development adjoining the precinct. The draft Local Housing Strategy will offer a broader opportunity to consider the submission along with other suggestions detailed in this report.

### **Issue 9 – Fairfield East and Villawood (north) Precincts - Support for higher density – 2 submissions, with one representing 33 residents/landowners**

Submissions support increase in density of housing near the Villawood Town Centre inclusive of its supermarket, railway station, and other transport infrastructure. The submission noted that with increased development there is a greater ability for Council to collect contributions to fund community infrastructure. The precinct is ready for revitalisation.

**Comment:** Since the public exhibition period of the RDSE Phase 2, the Villawood Town Centre Urban Design Study 2018, the accompanying planning proposal and development control plan have come into force and aiming to deliver a revitalised town centre with additional dwellings, services and facilities.

### **Issue 10 – Fairfield East Precinct – Not support the increase in density – 1 submission**

Submission raises issue of noisy residents, with density disturbing peace and harmony and an inability of Council to control feral cats.

**Comment:** Change to neighbourhoods through urban renewal produces changes to character that can be both positive and negative. The association that density contributes

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to increased activity and noise would be generally accepted, however the increase is considered to be at acceptable levels for a residential environment in close proximity to services, facilities and public transport.

### **Issue 11 – Villawood (south) Precinct - Support for higher density – 6 submissions, one with 6 additional signatures**

Submissions support increase in density of housing near the Villawood Town Centre inclusive of its supermarket, transport infrastructure and open space. One submission with 7 signatories in total seek extension of R4 High Density Zone along Wattle Avenue to The Horsley Drive.

**Comment:** The extension of the R4 High Density Zone to incorporate 33 to 47 Wattle Avenue has merit and will achieve a more logical zoning boundary. The extension of the R4 High Density Zone will ensure that 8 additional properties are included as part of orderly development of the precinct. No adverse impacts are anticipated by the change.

In addition to the proposed change raised above by the submission authors, it is also proposed that a further expansion of the R3 Medium Density Residential area directly south of this site to also achieve a logical zoning boundary. The extension of the R3 Medium Density Zone will result in a further 25 properties included as part of the orderly development of the precinct. Given the small scale of the proposed expansion, no adverse impacts are anticipated.

### **Issue 12 – Support the upzoning of community housing assets and request for exemption to Fairfield Local Environmental Plan 2013 (FLEP) Clause 4.4A for Affordable Housing – 1 Submission**

Submission supports the increase in density for properties in Fairfield and Villawood under the ownership of a community housing provider, however seeks exemption of the requirements for lot width and depth to secure a higher floor space ratio (FSR) than is permitted under FLEP Clause 4.4A.

**Comment:** The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) was introduced on 31 July 2009. The policy's intent is to facilitate the increased supply and diversity of affordable rental and social housing in NSW.

Under the SEPP provisions, a bonus of a 0.5:1 (or 20%, whichever is greater) on top of the existing maximum FSR allowed by the existing local planning controls where 20% of the gross floor area of a multi-dwelling or residential flat building development is dedicated to the provision of affordable housing in accessible areas (800 metres from a railway station).

Given the flexibility of securing additional floor space ratio under the NSW Planning System, a change to Clause 4.4 is not supported.



**Issue 13 – All precincts – High demand for 1 and 2 bedroom units**

Submission from community housing provider advises that within the Fairfield local government area there is a strong and growing demand for a range of housing types, particularly higher density development comprising 1 and 2 bedroom dwellings.

**Comment:** The proposed residential upzoning recognises a need for a diversity of housing types, which is reinforced within the Western District Plan and Council's Local Strategic Planning Statement 2020 – Shaping a Diverse City under Planning Priorities within Theme 1: Community Well-Being – Healthy and Liveable Places.

**Issue 14 – All precincts – Support upzoning – 1 submission**

**Comment:** Noted.

**Other precincts outside the planning proposal**

A number of submissions were received seeking the investigation or inclusion of areas outside of the planning proposal boundaries (**Attachment F**) with a summary provided below:

**Issue 15 – Other precincts – Seek upzoning in the suburb of Cabramatta – 3 Submissions**

Submissions either sought inclusion in the planning proposal or future investigation, with a focus on low density residential land east of the railway line.

**Comment:** These submissions will be considered in the preparation of the draft Local Housing Strategy due for completion and exhibition in late 2020.

**Issue 16 – Other precincts – Seek increase to height of building in the suburb of Yennora – 137-141 Fairfield Street**

Submission seeks change in the height of building standard applies to the B1 Neighbourhood Centre Zone of Yennora from 13 to 23m to promote shop top housing.

**Comment:** The site has since been developed to provide a mixed use of 4 storey development. The site has also been included within the draft Urban Design Study for Yennora which will be reported to Council for public exhibition later in 2020.

**Issue 16 – Other precincts – Seek upzoning of Fairfield East, east of the Fairfield City Centre, Fairfield Street Corridor**

Submission seeks investigation of upzoning a precinct located east of the Fairfield City Centre from R2 Low Density to R4 High Density Residential due to its proximity to services, facilities, public transport and open space.

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**Comment:** The subject area has been included in the Yennora Urban Design Study and will be reported to Council later in 2020. In addition, the draft Local Housing Strategy will offer an opportunity to consider the submission along with other suggestions detailed in this report.

### Issue 17 – Other precincts – Seek upzoning of Fairfield West

Submission seeks investigation of upzoning a precinct in Fairfield West in an area bounded by Palmerton Road (Cumberland Highway), Polding Street, Rawson Road and Hamilton Road from R2 Low Density to R4 High Density Residential due to its proximity to services, facilities, public transport and open space.

**Comment:** The draft Local Housing Strategy will offer an opportunity to consider the submission along with other suggestions detailed in this report.

### SUBMISSIONS – PUBLIC AUTHORITY

Four submissions were received from public authorities (**Attachment G**).

#### Office of Environment and Heritage – Flood Division

The submission recommended that Council undertake a flood assessment using available information as part of the rezoning process so as to identify if there are any significant flood related issues. To address floodplain risk management issues, Council was required to refer to up-to-date hydrological and hydraulic assessments for the catchment in which the upzoning precincts are located including overland flow paths associated with major drainage.

In addition, a detailed assessment was recommended for both existing and developed conditions in order: understand flood risk to people and property; assess impact on existing flood behaviour; identify appropriate mitigation measures; assess impact of earthworks and filling within flood prone land up to the Probable Maximum Flood (PMF) level; a sensitivity analysis to determine the potential impacts from climate change on flooding behaviour; and prepare an emergency response plan inclusive of community education and awareness program.

**Comment:** Council undertook flood detailed modelling to comply with Office of Environment and Heritage (OEH) recommendations. A flood modelling report commissioned by Council details the assessment completed using TUFLOW models that were originally developed as part of Government funded overland flood studies for Fairfield City Council.

The TUFLOW models were used to simulate flood behaviour for a range of design floods up to and including the PMF for existing topographic and development conditions. The results of the existing flood simulations showed several overland flow paths extending through the areas where rezoning is proposed.

In general, the flow paths within the Villawood area were shallow and primarily contained to roadways. Some more significant overland flow paths are predicted through the Fairfield area with 2 overland flow paths showing water depths of more than 0.3m during large design floods.

The models were updated to include a representation of the upzoned areas being developed to the full extent possible under the proposed zoning. The results from these simulations showed that there is potential for this development to adversely impact on flood behaviour across external areas.

Flood mitigation options were explored to assist in reducing the predicted flood impacts. The flood mitigation options recommended for implementation incorporate stormwater drainage system upgrades and the provision of detention basins, including:

**Fairfield**

- Inclusion of a 6,970m<sup>2</sup> detention basin of on Harris Street (just south east of its intersection with Sackville Street) that provides a maximum storage depth of 1.3m with a gradient of 1:6 for the batter side slopes.
- Provision of an unobstructed overland flow path (6m wide) from Sackville Street to the upstream end of the existing Hamilton channel currently located to the rear of properties on Hamilton Road and Harris Street and subject to an easement for stormwater drainage.
- Some minor regrading of Sackville Street between Hamilton Road and Harris Street to promote overland flow movement towards the new basin and overland flow path described above.
- Inclusion of a new 2.1m diameter pipe extending from The Horsley Drive through Fairfield High School and into Prospect Creek.

**Fairfield Heights**

- Inclusion of a new 6,240m<sup>2</sup> detention basin between Polding Street and Smart Street with a maximum storage depth of 1.3m and a gradient of 1:6 for the batter side slopes.
- Inclusion of a new 1.8mW x 0.9mH culvert extending along Smart Street from Marlborough Street to Sackville Street. Additional minor stormwater pipes and pits are also required around the intersection of Marlborough Street and Smart Street to assist in capturing runoff and distributing it into the new pipe system.

**Villawood**

- Inclusion of a new detention basin of 3,500m<sup>2</sup> on Belmore Street (just east of its intersection with Mandarin Street) with a storage depth of 0.5m and a gradient of 1:6 for the batter side slopes.

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Given the report's findings, in order to facilitate additional development in the subject precincts, 3 detention basins are proposed at Fairfield, Fairfield Heights and Villawood in the locations that will best address flood mitigation.

The provision of detention basins in renewal areas are often provided in tandem with open space requirements that result from the demand arising from new population associated with increased development. To accommodate dual use, additional land is recommended for flexibility in detention basin and recreation design.

The rezoning to RE1 Public Recreation is required to ensure sites are identified and not sterilised by redevelopment that would make acquisition unfeasible. It is important that all landowners are afforded transparency in future land use zoning as well as limit speculative buying of properties.

Landowners will be eager to understand what are the implications of a proposed RE1 Public Recreation, including how landowners will be compensated, and whether they will be forced to sell (only when landowners are ready to do so, unless there is an urgent need to augment the drainage system).

Council is well practiced in assisting landowners with these types of land acquisition enquiries and can point to local case studies including land zoned RE1 Public Recreation in Ascot Street Canley Heights in 2013. Since that time, the first of 5 properties has recently been purchased at the request of the owner.

In order to allow the residential upzoning to proceed to the next stage, it is recommended that the 3 dual purpose detention basin and recreation sites be rezoned RE1 Public Recreation. This will necessitate a re-exhibition of the planning proposal for 28 days for public feedback.

### **Transport for NSW / Roads and Maritime Services**

The submission recommended that a Transport Study be undertaken to assess the cumulative impacts on the transport system using the maximum potential yields for each of the precincts.

- Fairfield Heights
  - Zone R2 Low Density to R3 Medium Density Residential – up to 500 dwellings
- Fairfield North and South
  - Zone R3 Medium Density to R4 High Density Residential – up to 3,295 dwellings
- Fairfield East / Villawood North and South
  - Zone R2 Low Density to R3 Medium Density Residential, and
  - Zone R3 Medium Density to R4 High Density Residential – up to 2,975 dwellings
- Villawood Town Centre
  - Zone R4 High Density Residential – up to 495 dwellings
- Fairfield Heights Town Centre Precinct
  - Zone B2 Local Centre - Shop top housing increase – up to 363 dwellings

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**Comment:** Council commissioned a Traffic Modelling Report to assess intersections to determine traffic impacts on them due to the residential upzoning and the Fairfield Heights Town Centre rezoning to permit greater height of building for shop-top housing. These signalised intersections included:

- The Horsley Drive / Cumberland Highway / Smithfield Road
- The Horsley Drive / Polding Street
- The Horsley Drive / River Avenue
- The Horsley Drive / Hume Highway (North)
- The Horsley Drive / Hume Highway (South)
- Woodville Road / Hume Highway, and
- Woodville Road / Fairfield Street

Roads and Maritime Services (RMS) Desired Standard of Service (DSS) Criteria was used to identify the state-controlled road intersections that require upgrades. The calculated development traffic was assigned in the RMS-provided Sydney Strategic Transport Model (STM) using 2016, 2026 and 2036 models to create strategic models.

The STM volumes comparison between the “Base” and the “With Development” models indicate that the proposed additional development contributes a relatively minor proportion of peak traffic volumes passing through the assessed intersections. Most of the traffic through those intersections is background traffic originating from and destined to area beyond the proposed developments.

There were 2 major conclusions from the Traffic Study:

- There is substantial background traffic growth occurring in the study area between 2016 and 2026 and through to 2036 meaning that a number of major intersection upgrades are required at the assessed intersections, regardless of the rezoning proposals; and
- The proportion of the future year intersection traffic which generated by the rezoning proposals is relatively small and in the order of 2%-5% of total intersection traffic.

Despite the minimal impact attributed to the proposed upzoning, a comprehensive Traffic Study for the entire local government area (LGA) will examine localised impacts as part of the overall LEP Program.

### Sydney Water

The submission notes that development forecasts arising from the upzoning will significantly exceed forecasts by Sydney Water. In addition, water servicing will require amplification of some water mains to comply with the Supply of Water for Fire Fighting Purposes Policy. It is anticipated that there will be capacity in the existing trunk system for the initial development, however detailed water modelling will be required to confirm trunk system capacity for the full development potential. Wastewater servicing has sufficient capacity in existing wastewater treatment plants to service developments. Wastewater modelling will be required to confirm trunk capacity to service additional growth.

**Comment:** Water and wastewater serving is a matter for Sydney Water's forward planning to accommodate Sydney's growing population of which the residential upzoning is a small but important part.

### **Heritage Council of NSW**

The submission highlights the threat of heritage item landowners seeking additional development potential, thereby encouraging owners to propose demolition or substantial alterations to heritage items. Adequate provisions within the planning proposal were recommended to avoid creation of such expectations.

**Comment:** The precincts subject to upzoning contain 8 heritage items including:

- Fairfield Heights – 2 items
- Fairfield North – 0 items
- Fairfield South – 6 items, including 3 adjoining narrow Federation cottages, and 2 already subject to development or development approval.
- Fairfield East / Villawood North and South – 0 items

Given the small number of heritage items, there is no need to prepare strategies or plans to cater for the protection of a cluster or precinct of heritage items. Notwithstanding, under FLEP 2013, Clause 5.10 Heritage conservation, there are sufficient protections for local heritage items within the precincts, inclusive of conservation incentives.

### **OPEN SPACE NEEDS**

Since the RDSE Phase 2 planning proposal was exhibited there have been a number of strategic planning policy documents released including the Western City District Plan and the Local Strategic Planning Statement. Both contain liveability objectives and planning priorities inclusive of the need for accessible open space.

With the planning proposal potentially enabling significant growth over the next 20 years, the provision of open space per person will decrease unless new open space areas are delivered. This is a challenge, especially in areas that already have a low provision of open space, particularly in areas of high density within the suburb of Fairfield.

The Fairfield Community Facility and Open Space Needs Study has identified that the provision of open space per person in an urban infill environment should aim to be around 9m<sup>2</sup>. In 2016, the areas of Fairfield City which fall under the 9m<sup>2</sup> include:

- Fairfield Heights (1.6m<sup>2</sup> per person)
- Fairfield East (5.2m<sup>2</sup>)
- Villawood (3.6m<sup>2</sup> per person)

The high need areas that are forecast up to 2036 to experience the greatest decline in open space provision per person include Fairfield and Villawood.

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The Greater Sydney Commission indicates that all residents should have access to Regional Open Space within 5km, District Open Space within 2km and that all dwellings should be within 400m of quality open space of at least 3,000m<sup>2</sup> (e.g. the new neighbourhood park at Villawood). Dwellings in high density should also be within 200m of quality open space of at least 1,000m<sup>2</sup> (approximately the same size as the Nelson/Barbara Street pocket park).

The Greater Sydney Commission's 'The Pulse of Greater Sydney' indicates that currently 58% of homes in Fairfield City are within a 400m walk to open space. Access to open space is not distributed evenly in the City, with mapping showing that there are clear priority areas that emerge, depending on residential density as well as social needs (**Attachment H**).

In the attached maps areas shown darker blue are within 200m of open space (required in high density residential precincts), areas shown lighter blue are within 400m of open space (required for low to medium density residential with access to ground level private open space), and areas that are not blue indicate that those properties are not within accepted walkability benchmarks for access to open space.

The highest priority areas for enhancing connectivity and proximity for new parks include Central Fairfield and Fairfield Heights and the northern portion of Fairfield (north of Polding Street). The sites required for detention basins referenced earlier in the report and additional neighbourhood and pocket parks identified in the preparation of the Open Space Strategy demonstrate how existing and forecasted open space needs can be met with strategic acquisitions (**Attachment I**).

To ensure longstanding open space deficiencies are addressed for existing high density areas, as well as addressing the needs or precincts identified for upzoning, a number of strategic rezonings are proposed to provide for open space needs of existing and future residents. This will ensure benchmarks for open space provision are met at the time of residential upzoning, thereby providing for more accessible recreation opportunities and improved community wellbeing.

Neighbourhood parks are proposed to meet significant current deficiency as well as provide for future demand as a consequence of new development in the following suburbs:

- **Fairfield:**

Two parks are proposed south of Hamilton Road – one neighbourhood park of 3,000m<sup>2</sup> (potentially with an extensive recreational offer) and 1 pocket park of 1800m<sup>2</sup>. These 2 parks will complement the site of the detention basin north of Hamilton Road that will act as an active play area of 8,700m<sup>2</sup>. These 3 parks will serve a R4 High Density precinct of 37ha.

One neighbourhood park, north of Polding Street and east of Granville Street, being 3,000m<sup>2</sup> in area located to the north of the Fairfield R4 High Density Precinct of 10ha. The proposed park will serve the Fairfield north and east Smithfield residential precinct where a significant deficiency in open space exists. Further, this

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neighbourhood park might be able to be delivered in the shorter term given that there are currently 2 owners of the 5 lots.

- **Fairfield Heights:**

One neighbourhood park of 3000m<sup>2</sup> to the west of the precinct on Station Street, with one of 2 parcels recently acquired for open space purposes. Given this acquisition and the remaining parcel, it is anticipated that the neighbourhood park will be delivered in short to medium term (less than 10 years). This park will complement the site of the detention basin south of Polding Street that will act as an active play area of 6,300m<sup>2</sup>. These 2 parks will serve a R3 Medium Density precinct of 38ha.

- **Villawood:**

One neighbourhood park of 3000m<sup>2</sup> to the immediate south of the town centre, with 2 of the 7 parcels recently rezoned for open space purposes. This park was identified in the Public Domain Study and will assist to rationalise the road network on open space in a high density environment. The park will complement future provision of open space south of the railway line that will serve a R4 High Density precinct of 10ha.

The detention basin in Villawood (north of the railway line) will act as an active play area of 5,200m<sup>2</sup> and will serve a R4 High Density precinct of 21ha.

The open space recommendations complement the significant investment by Council over the last 10 years in regional and district facilities, inclusive of the recreation offer in Fairfield Park that is of the highest standard. The pressing and core open space needs now and into the future is the availability of accessible neighbourhood parks in close proximity to where people live as required by Greater Sydney Commission benchmarks.

### FINANCIAL IMPLICATIONS – LAND ACQUISITION

The recommended RE1 Public Recreation land rezoning creates a future liability for Council as the nominated acquisition authority. The strategy in meeting future costs is addressed in 2 parts:

**Short Term** – Development Contribution funds on hand for land acquisition total approximately \$23 million. Current liabilities exist for RE1 Public Recreation zoned land in Canley Heights (4 lots), Fairfield Heights (3 lots) and Villawood (1 lot, and narrow portions of 2 lots with one owner). Landowner requests to purchase sites are infrequent as they are voluntary. Guided by precedent since the gazettal of FLEP in May 2013, it is anticipated that there is sufficient cash on hand to meet existing liabilities and new liabilities in the short term to meet landowner requests.

**Medium to Long Term** – Should Council resolve to proceed with the planning proposal, it will give rise to the preparation of new development contribution plans for the various precincts to meet the cost of new infrastructure. Council has engaged consultants to review its development contribution plans that includes creating a framework for collecting contributions more effectively into the future to cover the cost of land acquisition and embellishment due to the demand generated by new development.



**CONSULTATION STRATEGY**

The GD issued in February 2016 required Council to undertake consultation for a minimum period of 28 day and with numerous State Government authorities, agencies and utility providers.

It is proposed that the public re-exhibition of the Planning Proposal will be for the required minimum period of 28 days and will involve:

- Notification to residential landowners proposed to be upzoned by letter;
- Notification to residential landowners proposed to be rezoned to RE1 Public Recreation by letter with additional information about the process and timing of voluntary acquisition, as well as addressing questions about impact on land value. This strategy was recently used for the Villawood Town Centre Planning Proposal and received good feedback from landowners;
- Notification of adjoining landowners by letter;
- Notice in the local newspaper;
- Publication of all relevant information on Council's website;
- Inclusion of an article within Council's weekly City Connect; and
- An evening drop in session between 4.30pm and 8.00pm.

Council will write again to all State Government authorities, agencies and utility providers, including Transport for NSW/RMS and Department of Planning, Industry and Environment's Environment Energy and Science Group (formerly the Office of Environment and Heritage - Flooding Division).

Following public exhibition, a report will be referred back to Council for consideration of submissions received as a result of public exhibition and consultation with the nominated State authorities, agencies and utility providers.

**CONCLUSION**

To meet current and future dwelling targets, the Phase 2 implementation of Council's Residential Development Strategy East is a significant step forward to ensure diverse housing supply close to services, facilities and public transport.

Community submissions highlighted overall support for upzoning, as well as concerns about the need to ensure open space for children living in apartments to play. A submission to expand the R4 High Density Zone along Wattle Street has merit and is supported.

The exhibition of the planning proposal in 2016 also highlighted public authority submissions about the traffic and flooding impacts, with flood mitigation measures also offering opportunities to address open space needs of existing and new residents.

Traffic modelling indicates minimal impact to signalised intersections on state owned roads. Flood modelling indicates development should not proceed without the provision of 3 detention basins in Fairfield, Fairfield Heights and Villawood.

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Open space analysis indicates that there are existing significant deficiencies in open space provision in areas of high and proposed high density, as measured using Greater Sydney Commission benchmarks, as well as reflected in community submissions.

To progress the planning proposal, it is recommended that sites required for dual use detention basins and neighbourhood parks that best meet access criteria (**Attachment J**) be rezoned RE1 Public Recreation and that the planning proposal be re-exhibited for 28 days.

It is further recommended that Council receive a report following the public re-exhibition of the Planning Proposal, inclusive of the preparation of a new development contributions plan to meet the cost of community infrastructure.

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Edward Saulig  
**Senior Strategic Land Use Planner**

**Authorisation:**

Coordinator Strategic Planning  
Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_9.DOCX**

\*\*\*\*\* END OF ITEM 63 \*\*\*\*\*



## Planning Proposal

Proposed Amendment to  
Fairfield Local Environmental Plan 2013

### **Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood, with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood.**

Rezone certain Zone R2 Low Density Residential land in Fairfield East, Fairfield Heights and Villawood to Zone R3 Medium Density Residential

Rezone certain Zone R3 Medium Density Residential land in the vicinity of Fairfield and Villawood town centres and in Fairfield East to Zone R4 High Density Residential

Rezone certain land at Coleraine and Codrington Street, Fairfield; Brennan and Granville Street, Fairfield; Polding and Smart Street, Fairfield Heights; Jacaranda Court, Fairfield East; from Zone R2 Low Density Residential to Zone RE1 Public Recreation.

Rezone certain land at Sackville and Harris Street, Fairfield; Francis and Frederick Street, Fairfield; Station Street, Fairfield Heights; Belmore and Mandarin Street, Villawood; Hilwa Street, Villawood from Zone R3 Medium Density Residential to Zone RE1 Public Recreation

Rezone land at Hilwa Street, Villawood from Zone R4 High Density Residential to Zone RE1 Public Recreation.

Amend Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps where applicable.

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Council File 15/13681

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# 1. Preliminary Information

## 1.1 Context

Fairfield City falls within the *Western Parkland City* under the *Greater Sydney Region Plan – A Metropolis of Three Cities*. The population of the Western Parkland City is projected to grow from 740,000 in 2016 to 1.1 million by 2036, and to well over 1.5 million by 2056. The Western Parkland City District includes the LGA's of Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.

Fairfield is one of the largest and most populated LGAs within the district. Covering 102 square kilometres (km<sup>2</sup>), the resident population of the Fairfield LGA was estimated as 198,817 in 2016 (as per the ABS Census).

The Western District Plan sets out a housing target of 3,050 dwellings for Fairfield City between 2016 - 2021. To address housing supply, strategies to be developed by councils include the coordination of the planning and delivery of local and state infrastructure. An extra 16,000 dwellings are expected to be accommodated in Fairfield City, predominantly in its eastern half, by 2036.

The Western District Plan (2018) highlights that the number of migrants in Fairfield City has grown significantly between 2015 and 2018 with more than 9,000 refugees – about 50 per cent of NSW arrivals – settling in the community. Many are settling in:

- areas of existing residential density close to town centres and public transport and where, despite significant investment by Council in recent years, deficiencies in community infrastructure exist for current populations including open space, and
- secondary dwellings, which has been the major recent contributor to the City's housing stock with approximately 3,500 built between 2008 and 2018, in locations with varying degrees of access to services, facilities, public transport and open space.

Fairfield's Local Strategic Planning Statement (LSPS) - *Shaping a Diverse City* (2020) - provides the strategy for the Fairfield community's economic, social and environmental land use needs over the next 20 years.

Council has been meeting housing supply to the missing middle with the emergence of duplex and triplex developments as well as the recent increase in shop top housing in the Fairfield and Villawood town centres. To address the need for diverse housing supply into the future, Fairfield City Council has investigated opportunities for new homes close to transport and services.

This Planning Proposal seeks to increase housing supply, choice and affordability around the precincts of Fairfield, Fairfield Heights, Fairfield East and Villawood by providing for higher densities in established areas close to public transport and areas ready for urban renewal opportunities. In identifying new areas for medium and higher density housing, communities and the market can respond by preparing for longer term change and progressively investing in housing growth to meet demand.

The Planning Proposal was first exhibited in for 42 days between 2 March and 15 April 2016 inclusive. Community submissions in Villawood pointed to an opportunity to further rationalise proposed zoning boundaries that would result in creating a precinct defined by a major road

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rather than arbitrary boundaries. Further consideration identified an opportunity to extend the zoning boundary for adjoining R3 Medium Density Residential land.

Submissions from public agencies necessitated detailed traffic and flooding modelling to determine the impact of the planning proposal as well as any ameliorative measures. Flood modelling indicates that in order for the intensification of development to proceed, three detention basins are required in the Fairfield, Fairfield Heights and Villawood precincts.

In addition, work undertaken for Council's Open Space Strategy has highlighted areas of open space deficiency for existing areas that would significantly exacerbated by future development as proposed. The Greater Sydney Commission has identified joint and shared use of spaces as a mechanism to delivering social infrastructure by increasing access to open space and community facilities.

In order to address the need for detention basins and open space, as well as the proposed R3 Medium Density and R4 High Density Residential land zoning rationalisation in Villawood, a re-exhibition of the planning proposal is required with the areas identified for dual use detention basins/open space and neighbourhood parks.

## 1.2 Background Information

The draft West Central Sub Regional Strategy (WCSRS) released by the Department of Planning in 2007 took the regional target from the Sydney Metropolitan Strategy to set dwelling targets for individual Councils. The WCSRS requires Fairfield City to provide 24,000 additional dwellings by 2031. Of this residential dwelling target, 80% of new dwellings are to be provided in locations within 30 minutes by public transport of a strategic centre, being Fairfield and Prairiewood.

In May 2008, Council resolved to prepare the Fairfield Residential Development Strategy (RDS) in a two stage approach. Stage One focused on the eastern side of the City, in particular the centres of Fairfield, Cabramatta, Canley Vale, Canley Heights, Fairfield Heights and Villawood. Stage One has become known as the Residential Development Strategy East (RDSE). In 2009 the draft RDSE was prepared and establishes a framework to accommodate an additional 14,400 dwellings east of the Cumberland Highway by 2031. This figure represents 60% of Council's required dwelling target as identified under the draft WCSRS. The remaining 40% will likely be accommodated in the western half of the City following the future preparation and direction of Stage Two of the Residential Development Strategy.

The implementation of the RDSE as it applies to the eastern half of the City recommends the increase in residential density around the town centres and key strategic transport corridors be implemented in phases. In May 2013, Phase One upzoned land in Canley Heights from medium to high density residential, and land in Fairfield East and Villawood from low density to medium density residential. This Planning Proposal is seeking to implement Phase Two of residential upzoning in Fairfield, Fairfield Heights, Fairfield East and Villawood.

A neighbourhood park (approximately 4400m<sup>2</sup> in area) at 2-10 Jacaranda Court, Fairfield East was dedicated to Council as part of a previous private land development and it is proposed to also rezone this land to Zone RE1 Public Recreation to reflect the current and future use of the site as a public park. The rezoning of this site for open space was unknowingly omitted when the provisions of Fairfield LEP 2013 came into force. This anomaly is proposed to be corrected within this Phase Two implementation of the RDSE.

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**Public exhibition**

The Planning Proposal was first exhibited in for 42 days between 2 March and 15 April 2016 inclusive.

Community submissions in Villawood pointed to an opportunity to further rationalise proposed zoning boundaries that would result in creating a precinct defined by a major road rather than arbitrary boundaries. Further consideration identified an opportunity to extend the zoning boundary for adjoining R3 Medium Density Residential land. The enlargement of R3 Medium Density Residential land and R4 High Density Residential is supported and has been included as additional land in this planning proposal.

Submissions from public agencies necessitated detailed traffic and flooding modelling to determine the impact of the planning proposal as well as any ameliorative measures.

- **Traffic modelling** to assess the cumulative impacts on the transport system using the maximum potential yields for each of the precincts was undertaken and concluded that the proportion of the future year intersection traffic which generated by the rezoning proposals is relatively small and in the order of 2%-5% of total intersection traffic.
- **Flood modelling** indicates that in order for the intensification of development to proceed, three detention basins are required in the Fairfield, Fairfield Heights and Villawood precincts.

In addition, work undertaken for Council's Open Space Strategy has highlighted areas of open space deficiency for existing areas that would significantly exacerbated by future development as proposed. The Greater Sydney Commission has identified joint and shared use of spaces as a mechanism to delivering social infrastructure by increasing access to open space and community facilities.

Two other state agency submissions were also received concerning:

- **Water and wastewater serving** is a matter for Sydney Water's forward planning to accommodate Sydney's growing population of which the residential upzoning is a small but important part.
- **Heritage item** protection is maintained under Fairfield Local Environmental Plan (LEP) 2013, Clause 5.10 Heritage conservation with sufficient protections for local heritage items within the precincts, inclusive of conservation incentives.

In order to address the need for detention basins and open space, as well as the proposed R3 Medium Density and R4 High Density Residential land zoning rationalisation in Villawood, a re-exhibition of the planning proposal is required with the areas identified for dual use detention basins/open space and neighbourhood parks.

**1.3 Subject Land**

This Planning Proposal applies to six distinct precincts being:

1. **Fairfield (north) Precinct** - Land in Fairfield bounded by Polding Street, The Horsley Drive, Cunninghame Street, Station Street and Sackville Street north up to Polding



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Street, (currently Zoned R3 Medium Density Residential and proposed to be rezoned to Zone R4 High Density Residential and RE1 Public Recreation);

Street name	Street numbers
Adam Street	2 to 18, 3 to 15
Cunninghame Street	2 to 8, 12 to 22, 24 to 32
Polding Street	1 to 7, 9A to 17,
Sackville Street	2 to 10, 18
Smart Street	96 to 114, 97 to 127
Station Street	38 to 46A
The Horsley Drive	418 to 432
Ware Street	182 to 206, 181 to 201

2. **Fairfield (south) Precinct** - Land in Fairfield bounded by Wrentmore Street, Thomas Street, Hamilton Road, Lackey Street, Frederick Street, Railway Parade, Coleraine Street, Sackville Street to Wrentmore Street (currently Zoned R3 Medium Density Residential land and proposed to be rezoned to Zone R4 High Density Residential and RE1 Public Recreation);

Street name	Street numbers
Austral Pde	2 to 2A, 3
Coleraine Street	10, 12 to 16, 18 to 22, 26 to 34A, 36, 54-56
Francis Street	2 to 40, 1 to 23, 25 to 43
Frederick Street	16 to 52, 1 to 3, 3A & 3B, 5 to 9A, 1/11A to 23
Hamilton Road	94 to 130, 55 to 105
Hampton Street	1 to 27, 2 to 22
Harold Street	4 to 46, 3 to 41
Harris Street	94 to 124, 87 to 117
Hunter Street	2 to 20 & 20A, 1 to 21
Lackey Street	2 to 2D, 2A to 8
Olive Street	2 to 22, 24 to 46A, 1A to 17, 19 to 43
Railway Pde	34 to 44, 45 to 61
Sackville Street	86 to 90, 92 to 98, 98A to 100,
Thomas Street	5 to 15A
Wrentmore Street	49

3. **Fairfield Heights Precinct** - Land in Fairfield bounded by Polding Street, Sackville Street, Churchill Street, Eustace Street, up to the R3 Medium Density Residential and R2 Low Density Residential zoning boundary, north along the boundary to Station Street, right to and then north along Marlborough Street to Polding Street (currently zoned R2 Low Density Residential land and proposed to be rezoned to Zone R3 Medium Density Residential, as well as the inclusion of a pocket of two sites at 128 and 130 Station Street to be rezoned from R3 Medium Density Residential to RE1 Public Recreation);



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Street name	Street numbers
Camden Street	40 to 86, 31 to 83A
Churchill Street	1A to 61
Eustace Street	36 to 36B
Granville Street	2 to 30, 1 to 27A
Hale Place	1 to 5, 2 to 6A
Polding Street	19 B to 49, 59 to 71
Marlborough Street	2 to 18B
Nelson Street	68 to 116, 77 to 145
Sackville Street	1 to 13, 15 to 25, 27 to 39, 47 to 55, 57 to 67, 71 to 83
Smart Street	116 to 144, 152 to 168; 153C to 171; 129-153
Station Street	70 to 86, 63 to 117, 128 and 130
Ware Street	205 to 225 , 227A to 243,

4. **Fairfield East (west) Precinct** - Land within Fairfield East located in the precinct bounded by Tangerine Street, the eastern boundary of the public school at 66 Tangerine Street, South to Bligh Street, west to Normandy Street, south to Mitchell Street, north along Hercules Street to Tangerine Street (currently Zone R2 Low Density Residential land and proposed to be rezoned to Zone R3 Medium Density Residential);

Street name	Street numbers
Bligh Street	91
Cary Way	1 to 7, 4 to 8
Hercules Street	32, 34, 36 to 62, 64
Laurina Avenue	4 to 38, 15 to 31
Melaleuca Avenue	1 to 11, 15, to 21,
Mitchell Street	1 to 11, 19 to 27
Normanby Street	34 to 44,
Peppercorn Avenue	4 to 20, 22 to 38
Robina Avenue	14 to 24, 1 to 35
Tangerine Street	66 to 90, 92 to 100A, 102 to 110

5. **Fairfield East / Villawood (north) Precinct** - Land within Fairfield East located in the precinct approximately bounded by the beginning from 64 Tangerine Street east to Mandarin Street (inclusive of all properties along Mandarin Street and within the immediate precinct currently Zone R3 Medium Density Residential except for No.32 to 36 Tangerine Street and 82 to 84 Mandarin Street), south to River Avenue and inclusive of Zone R3 Medium Density Residential land east of Mandarin Street in Bligh and Belmore Streets, west to Normandy Street, north along Normanby Street to Bligh Street, east to eastern edge of the primary school boundary and thence north along the boundary to Tangerine Street (currently Zone R3 Medium Density Residential and proposed to be rezoned to Zone R4 High Density Residential and RE1 Public Recreation);

Street name	Street numbers
Belmore Street	19 to 33, 47 to 87, 4 to 16, 50 to 56, 82, 86 to 92,
Bligh Street	26 to 40, 50 to 82, 25 to 39, 49 to 79,

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Lupin Avenue	2 to 30, 1 to 17
Macarthur Street	2 to 28, 1 to 3
Mandarin Street	86 to 100, 102 to 118, 120 to 122, 83A to 99, 101 to 117, 119 to 129,
Normanby Street	70 to 86, 50 to 62,
River Avenue	105 to 117, 121 to 125, 127 to 133, 135 to 141
Seaman Avenue	2A to 16, 1 to 15
Tangerine Street	40 to 46, 48 to 54, 56-64,

6. **Villawood (south) Precinct** - Land within Villawood located in the precinct bounded by and beginning with 45 Villawood Road east to Kamira Avenue, south along Kamira Avenue and inclusive of R3 Medium Density Residential land east to Villawood Road south to Kirrang Road, north west/north to Wattle Avenue, west to and including 47 Wattle Avenue and north along its side boundary to the railway line, thence east to Kamira Avenue (currently R3 Medium Density Residential) to be rezoned to Zone R4 High Density Residential as well as an extension of the R3 Medium Density Residential Zone bound by 38 Wattle Avenue to Elm Street and 63 Koonoona Avenue to Elm Street.

Street name	Street numbers
Elm Street	2 and 4
Hillawa Street	4 to 16, 1 to 19
Kamira Avenue	22 to 1 to
Kirrang Avenue	1 to 11,
Koonoona Avenue	63 to 91
Villawood Road	40 to 45
Wattle Avenue	1 to 47, 38 to 52
Woodville Road	898 to 918

While every care has been taken to account for affected properties by street address, refer to the attached Precinct Location Map contained in Appendix A - A.1

In addition to the above precincts, land at No.2 -10 Jacaranda Court, Fairfield East (currently Zoned R2 Low Density Residential) is proposed to be rezoned to Zone RE1 Public Recreation. As previously discussed in Section 1.2 of this Planning Proposal, the proposed rezoning addresses an existing anomaly where Council owned land serving as a dual use detention basin and open space is currently zoned for a residential purpose.

## 1.4 Surrounding Development

The precincts are contained within established areas significantly developed and expanded during the post WWII period. Surrounding development is typified as:

**Fairfield (north) Precinct and Fairfield Heights Precinct** –To the east of Sackville Street, development within the existing R3 Medium Density residential zone consists of mainly detached houses with a small number of medium density developments.

Surrounding the subject area to the south and east is high density housing, typically 3 to 4 storey residential flat buildings predominately developed in the 1970s, as well as the Fairfield

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mixed use commercial and retail centre. A standalone shopping centre (site area  $<2,900\text{m}^2$ ), the Fairfield Forum, is located on Cunninghame Street surrounded by an extensive at grade car park. To the north, across Polding Street, is a low density residential environment with both post WWII cottages and larger new dwellings. A service station and place of public worship are also within close proximity.

To the west of Sackville Street, development within the existing R2 Low Density Residential zone consists of mainly detached houses with a small number of medium density developments. The age of housing stock is predominately post WWII cottages, with larger, new dwellings progressively replacing older houses.

Surrounding the subject area is a greater mix of low and medium density housing, with Fairfield Heights shopping centre being 500 metres to the west along The Boulevard with retail shopfronts, a supermarket and other community uses. Local open space ( $900\text{m}^2$ ) immediately adjoins the subject area. Smaller neighbourhood parks are located within a 400 metre radius. A growing number of narrow lot housing developments on existing lots with a width between 6.7 and 7 metres are located to the south of the subject land within narrow lot precincts.

**Fairfield (south) Precinct** – The existing R3 Medium Density Residential precinct contains a mix of post WWII detached cottages, larger new dwellings progressively replacing older homes, and pockets of medium density development spread throughout the area. To the south of Frederick Street, a small number of narrow lot housing has been developed on existing lots with a width between 6.7 and 7 metres.

Surrounding the subject land to the north and east is high density housing, typically 3 to 4 storey residential flat buildings predominately developed in the 1970s, as well as the Fairfield mixed use commercial and retail centre. The subject land also adjoins the Southern railway line to the east. South of Coleraine Street a growing number of narrow lot housing developments on existing lots with a width between 6.7 and 7 metres are being developed within a narrow lot precinct.

However, the area contains predominately post WWII detached cottages and larger new dwellings progressively replacing older homes. A neighbourhood park ( $4100\text{m}^2$ ) is located within this precinct. To the west of Sackville Street is an older post WWII low density residential environment progressively being renewed with new housing. A primary school is located within this adjoining precinct.

**Fairfield East (west) Precinct** – The existing R2 Low Density Residential zoned area west of Normanby Street contains two storey detached cottages on lots less than  $450\text{m}^2$  as part of a residential redevelopment, forming a medium density environment containing a neighbourhood park. The portion of R2 Low Density Residential zoned land east of Normanby Street contains a small number of detached cottages, an aged care facility and a primary school.

Surrounding the subject land to the north, east, south and west is a R2 Low Density Residential zone consisting of detached post WWII cottages, with larger new dwellings progressive replacing older housing. Pockets of medium density housing on a small number of sites are scattered in the surrounding neighbourhood.

**Fairfield East / Villawood (north) Precinct** - The existing R3 Medium Density Residential zoned area consists of mainly detached post WWII brick and fibro cottages with a small number of community housing medium density developments constructed since 2010 to

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replace existing low density housing stock. A small neighbourhood park (1238 m<sup>2</sup>) is contained within the precinct. Surrounding the subject land to the north is a R2 Lcw Density Residential zone consisting of detached post WWII cottages, with larger new dwellings progressive replacing older housing.

To the east is light industrial and business development zoned land, with a large prefabricated building with solid wall along the eastern edge of the subject land, thereby reducing traffic noise from Woodville Road. The light industrial developments are contained within a 14,000 m<sup>2</sup> site area, with a car park immediately adjoining the subject land's eastern boundary to the north of the precinct.

To the south is the railway line adjoining River Road and Villawood railway station. To the west is a R2 Low Density Residential zone consisting of detached post WWII cottages, with larger new dwellings progressive replacing older housing. Pockets of medium density housing on a small number of sites are scattered in the surrounding neighbourhood.

**Villawood (south) Precinct -**

The existing R3 Medium Density Residential zoned area consists of mainly detached post WWII brick and fibro cottages, with larger new dwellings progressive replacing older housing. Surrounding the subject land to the north is the railway line, to the east vacant R4 High Density Residential zoned land with a concept for a multi storey residential development adjoining the Villawood local centre and Villawood railway station.

A small pocket park is also located to the east, with Villawood local centre in immediate proximity. To the south and west is R3 Medium Density Residential zoned land consisting of detached post WWII brick and fibro cottages, a community housing medium density development constructed since 2010 to replace existing low density housing stock, and larger new dwellings progressive replacing older housing.

Beyond the R3 Medium Density Residential zone boundary is R2 Low Density Residential zoned land, with aged and new detached housing and a primary school, and medium density community housing. A neighbourhood park (approximately 3,000m<sup>2</sup>) is in close proximity to the subject land, with a child care facility adjoining it. The Horsley Drive, Hume Highway (Liverpool Road), Woodville Road and the railway line contain this surrounding precinct within clear boundaries.

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## 2. Parts of the Planning Proposal

### 2.1 Part 1 - Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to rezone certain precincts within Fairfield City (east of the Cumberland Highway) to permit higher density forms of residential development than are currently permitted under the existing zoning applying to the land as well as the sites for the purpose of dual use detention basins/open space to facilitate the development. In addition, a number of sites are proposed to be rezoned to provide for neighbourhood parks to meet existing open space deficiencies as well as future demand generated by new development to be facilitated by this planning proposal.

The precincts identified for housing growth are due to their strategic location in close proximity to public transport corridors and retail/business centres that can meet the needs of local and future residents.

The Planning Proposal also aims to rezone a parcel of Council owned public open space land from the existing R2 Low Density Residential zone to a RE1 Public Recreation zone to reflect the current and future use of the land for public recreation purposes.

In summary, the objectives of the Planning Proposal are to amend the Fairfield Local Environmental Plan 2013 as follows:

- a) To rezone R3 Medium Density Residential land in Fairfield, Fairfield East, and Villawood to Zone R4 High Density Residential;
- b) To rezone R2 Low Density Residential land in Fairfield East and Fairfield Heights to Zone R3 Medium Density Residential;
- c) To rezone land at 2 - 10 Jacaranda Court, Fairfield East (Lot10, DP1025300) from Zone R2 Low Density Residential to Zone RE1 Public Recreation.
- d) To rezone R2 Low Density Residential land in Fairfield and Fairfield Heights to Zone RE1 Public Recreation.
- e) To rezone R3 Medium Density Residential land in Fairfield, Fairfield Heights and Villawood to Zone RE1 Public Recreation.
- f) To rezone R4 High Density Residential land in Villawood to Zone RE1 Public Recreation.
- g) To amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps as described in detail within Part 4 – Maps.

The planning proposal is in accordance with Council's Outcomes Committee decision at its meeting on 14 July 2020 - see **Attachment A** for Council report and minutes.

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## **2.2 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:

- a) Zone R2 Low Density Residential land in Fairfield East and Fairfield Heights to Zone R3 Medium Density Residential and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps;
- b) Zone R3 Medium Density Residential land in Fairfield, Fairfield East and Villawood to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps;
- c) Zone R2 Low Density Residential land in Fairfield, Fairfield Heights and applying to No. 2-10 Jacaranda Court Fairfield East (Lot 10, DP 1025300) to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps;
- d) Zone R3 Medium Density Residential land in Fairfield, Fairfield Heights and Villawood to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps; and
- e) Zone R4 High Density Residential land in Villawood to Zone RE1 Public Recreation and amend associated Floor Space Ratio and Height of Building Maps.

Refer to Appendices depicting the abovementioned sites and related maps.

- Appendix A.1 The land subject to the Planning Proposal
- Appendix A.2 Current and proposed Land Use Zone
- Appendix A.3 Current and proposed Floor Space Ratio
- Appendix A.4 Current and proposed Height of Buildings
- Appendix A.5 Current and proposed Lot Size
- Appendix A.6 Current and proposed Lot Size for Dual Occupancy Development



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**2.3 Part 3 – Justification****Section A – Need for a planning proposal****Is the planning proposal a result of any strategic study or report?**

Yes. The Planning Proposal is in response to the State Government's former Metropolitan Strategy and draft West Central Sub-Regional Strategy, and more recently the Western City Parklands District Plan 2018. Council also prepared a Residential Development Strategy in 2009 to assist Council to meet its obligations for the provision of dwelling targets to meet the needs of the future population as proposed under the previous draft WCSRS.

The Fairfield Residential Development Strategy (RDS) 2009 (copy attached in Appendix C) was prepared by a consultant appointed by Council and aims to ensure a clear understanding of the social, environmental, demographic and economic factors associated with identifying opportunities for the rezoning of land to increase residential densities. The principles within the RDS remain current and will be applied in Council's draft Local Housing Strategy due for completion later in 2020.

Existing planning controls were subsequently reviewed to determine their effectiveness in permitting appropriate forms of residential development to meet the future housing needs of the population. Consequently amendments are now required to Fairfield LEP 2013 to enable the future redevelopment of the five precincts identified for higher density forms of residential development including multi-unit housing, residential flat buildings and shop top housing, supported by public recreation land that will facilitate the construction of three detention basins and neighbourhood parks required to meet the needs of new development.

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

Yes. The planning proposal is the best means of achieving the intended outcome of redevelopment of planned precincts for higher density forms of residential development, by rezoning land to permit the relevant form of housing and supported by vital community infrastructure.

**Is there a net community benefit?**

Yes. The Planning Proposal will deliver a net community benefit by providing opportunities for the development of housing which:

- increases housing diversity within the Fairfield LGA;
- increase the provision of affordable housing opportunities;
- improves access to public transport for new residents;
- assists local older people to downsize into villas, townhouses and apartments ;
- assists first time property buyers to enter the property market;
- provides for accessible open space and recreation opportunities close to where people will live;
- addresses drainage issues in the catchment by facilitating the construction of detention basins;
- provides certainty to residents as to where housing will be located in the future;
- maintains the low density character of the remaining suburban areas by identifying precincts for up-zoning near shops and public transport with minimal constraints;

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- improves access for more residents to retail, education, health, leisure and entertainment;
- contributes to the revitalisation of commercial centres; and
- promotes local employment opportunities.

**Table A – 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?	<p>The amendment proposes to up-zone land identified in five precincts within Fairfield City that are in close proximity to public transport infrastructure and retail/business centres.</p> <p>This proposal supports many strategic directions contained within Metropolitan, District and Local plans.</p> <p>The purpose of the Planning Proposal is to facilitate implementation of housing target in accessible areas ready for renewal.</p>	✓
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. There are no global/regional cities or strategic centres identified within Fairfield City. The precincts covered by this Planning Proposal are predominantly adjoining and surrounding local centres and Fairfield Town Centre.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	<p>No. The LEP amendment proposes to facilitate rezoning of five specific residential precincts that have been identified under Council's Residential Development Strategy.</p> <p>The land affected by the proposal is specifically identified due to its strategic location in close proximity to established town centres and public transport facilities.</p> <p>A review of social, environmental, economic and demographic information has led to these areas being recommended for upzoning.</p> <p>Council has also conducted community consultation to gauge landowner expectations within and around these precincts.</p> <p>Council exhibited the plan during 2016 with the majority of submissions received being positive of the change proposed.</p> <p>The background work undertaken to date will provide a sound justification for limiting the rezoning of land to the areas identified under this Planning Proposal.</p> <p>Council is currently preparing a draft Local Housing Strategy that will consider submissions seeking investigation of areas outside of this proposal.</p>	✓



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Evaluation Criteria	Assessment	✓/x
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The LEP Amendment is as a result of a Council resolution at its Comprehensive LEP Committee on 17 April 2012.  The proposal is as a result of recommendations contained within Council's Residential Development Strategy and accordingly, in the short term it is unlikely that any other spot rezoning would be pursued by Council in the precinct.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The LEP aims to facilitate increased residential development in existing residential areas and 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?	The proposal will increase the development potential of that land and in turn significantly increase housing supply and affordability within the City of Fairfield most accessible to services, facilities and public transport in the east of the City.	✓
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?  Is there good pedestrian and cycling access?  Is public transport currently available or is there infrastructure capacity to support future public transport?	The existing road and utilities infrastructure is considered capable of servicing the increased residential density as supported by traffic modelling and state agency submissions received in 2016.  Flood modelling identifies the need for three detention basins which is facilitated by the rezoning of land proposed in this proposal in Fairfield, Fairfield heights and Villawood.  There is sufficient pedestrian and cycle access to the precincts nominated for rezoning and also providing greater access to local shops and public open space.  The lands identified in this proposal benefit from good access to a number of railway stations and regular bus routes running along strategic transport corridors.	✓
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?	The proposal aims to increase housing town centres and public transport nodes/corridors thus improving access to public transport and reducing distances travelled to local services and facilities.  The proposal will reduce the likely impacts of greenhouse gas emissions, operating costs and road safety by providing for housing in accessible locations, thereby reducing the likelihood of increased car distance travelled by residents.	✓
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. The expected impact of the proposal is that there will be additional patronage on the strategic bus corridors and the existing rail network.	✓

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Evaluation Criteria	Assessment	✓/x
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.	✓
Will the LEP be compatible or complementary with surrounding land uses?	The proposal is compatible with the surrounding residential land uses as well as the character and density of surrounding residential development.	✓
What is the impact on amenity in the location and wider community?	The proposal will likely generate redevelopment of lands in the future and gentrification of many existing areas. This will contribute to improved streetscape and visual amenity. There will however be intermittent impacts on amenity of existing residents during the future demolition and construction of new housing.	
Will the public domain improve?	The proposal does not propose improvement to the public domain however funds collected through Section 94 contributions will be reinvested into many areas of the public domain.	
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?	N/A.	✓
What are the public interest reasons for preparing the draft plan?	The proposal is in response to submissions received during the public exhibition of Council's Standard Instrument LEP in early 2012 and Council's Residential Development Strategy (RDS).	✓
What are the implications of not proceeding at that time?	The implication of not proceeding at this time is the lands identified by the proposal will continue to develop in an ad hoc manner consistent with the current zoning. This will have a significant impact on Council's ability to meet its allocated dwelling target under the previous and current Sydney Metropolitan Plan and Western City parkland District Plan 2018.	

**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: As discussed in Section A above, the Planning Proposal in 2016 formed part of Council's response to the allocation of an additional 24,000 dwellings within the City of

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Fairfield by 2031 under the State Government's previous Metropolitan Plan for Sydney 2036 and DWCSRS.

The Planning Proposal is consistent with a number of objectives contained within the Sydney Metropolitan Strategy including:

**Objective D1**

- To ensure an adequate supply of land and sites for residential development.

**Objective D2**

- To produce housing that suits our expected future needs.

**Objective D3**

- To improve housing affordability

The Planning Proposal is consistent with a number of objectives and actions contained within the DWCSRS including:

- C1.3 - Plan for increased housing capacity targets in existing areas.
- C2.1 - Focus residential development around centres, town centres, villages and neighbourhood centres.
- C2.3 - Provide a mix of housing.

The section below outlines how the Planning Proposal is consistent with the objectives and actions of key strategies including A Metropolis of Three Cities and the Western City District Plan:

**Metropolis of Three Cities**

The Metro Strategy is the overarching strategic land use plan for the Greater Sydney metropolitan area, outlining the strategic vision for managing growth to 2056. The vision seeks to transform Greater Sydney into a metropolis of three cities, with the site being located within the Western Parklands City.

Under a Metropolis of Three Cities, Fairfield Town Centre is identified as one of 34 strategic centres across Sydney. Strategic centres differ in scale, but all include:

- High levels of private sector investment;
- Flexibility so that the private sector can choose where and when to invest;
- Co-location of a wide mix of land uses including residential;
- High levels of amenity and walkability and being cycle friendly; and
- Areas identified for commercial uses, and where appropriate, commercial cores.

Public transport is identified as a significant focus for strategic centres, particularly in pursuit of the 30-minute city objective set by the greater Sydney Commission.

The metropolitan strategy for Greater Sydney is underpinned by ten strategic directions each with specific objectives designed to deliver the plan. The following table summarises the planning proposal's consistency with the relevant directions.

Directions	Comments on the planning proposal
A city supported by infrastructure	Will facilitate an increase in housing density which will increase the local community's capacity to live within 30 minutes of the nearest strategic centres

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Directions	Comments on the planning proposal
	<p>of Liverpool and Parramatta.</p> <p>Traffic modelling has concluded that the residential upzoning will not significantly impact upon intersections associated with state roads.</p> <p>Flood modelling has concluded that detention basins are required and this planning proposal seeks to rezone land for their provision.</p>
A collaborative city	<p>Will not compromise the co-ordination and delivery of the Western City Deal or the proposed Liverpool collaboration area.</p> <p>The proposal has been exhibited in 2016 to allow community and State Government authorities/agencies to provide their views, and will be re-exhibited to allow comment on the amended proposal.</p>
Housing the city	Will facilitate the provision of diversified housing choice in the precincts of Fairfield, Fairfield Heights, Fairfield East and Villawood in the form of medium and high density housing. The proposal will increase housing diversity through the provision of apartment living and supply in an accessible location, close to regional open space and community facilities.
A well-connected city	<p>Is close to surrounding strategic centres of Parramatta and Liverpool, with connection by rail to the Sydney CBD and strategic centres.</p> <p>The precincts are largely within a ten minute walk to the railway stations or a bus stop to railway stations and centres.</p> <p>The proposal will not prevent the delivery of metropolitan transport infrastructure projects.</p>
Jobs and skills for the city	The proposal will renew residential precincts over time, creating ongoing construction related jobs as well as creating additional demand for services and facilities in local centres.
A city in its landscape	<p>The site is developed and absent of any ecological or biodiversity significance.</p> <p>The proposal does not propose to rezone any environmentally zoned land.</p> <p>The concept introduces a number of neighbourhood parks, inclusive of detention basins.</p>

**Western City District Plan**

Fairfield City is located within the Western City District. In the Western City District Plan, Fairfield is identified as a "Strategic Centre". Strategic Centres are typically centres that are seen as important employment hubs that enjoy good access to public transport.

The Greater Sydney Commission's overarching vision for the Western City is to provide a 30-minute city; this means that residents in the Western City District will have quicker and easier access to a wider range of jobs, housing types and activities. The Western City District Plan sets out 20 strategic Planning Priorities to achieve the vision. The table below sets out the key planning priorities applicable to this proposal and justification of consistency.



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Planning Priority	Consistency of Planning Proposal
Planning Priority W1 – “Planning for a city supported by infrastructure”	The proposal maximises the proximity to the Fairfield railway station and associated bus interchange and the Villawood railway station.  Residential upzoning in all precincts will be supported by the additional zoning of RE1 Public Recreation land for the provision of detention basins and recreation opportunities.
Planning Priority W2 – “Working through collaboration”	Council officers have actively collaborated with State authorities and the community during the exhibition period and subsequent time in satisfying concerns as well as keeping submission authors updated.
Planning Priority W3 – “Providing services and social infrastructure to meet people’s changing needs”	The renewal of the various precincts will give rise to a review of community facilities and services over time through periodic needs studies to supplement extensive work undertaken during 2019. Infrastructure contribution plans will be amended accordingly to ensure timely funding and provision of community infrastructure.
Planning Priority W4 – “. Fostering healthy, creative, culturally rich and socially connected communities”	The proposal’s concept of a series of new neighbourhood parks will provide the opportunity for active and passive recreation in a public space that will be accessible by the wider community and thereby build social capital.
Planning Priority W5 – “Providing housing supply, choice and affordability with access to jobs, services and public transport”	The proposal will, in part, upzone approximately 50 hectares of R2 Low Density Residential land to R3 Medium Density Residential, and 75 hectares of R3 Medium Density Residential land to R4 High Density Residential land. The proposal will boost diverse housing supply within Fairfield City Centre in the short, medium and long term, being within walking distance of services, community facilities and public transport and thereby able to deliver the ‘30-minute City’.
Planning Priority W6 – “Creating and renewing great places and local centres, and respecting the District’s heritage”	The proposal will redevelop post WWII areas that have entered into the next phase of their lifecycle. The low density environment is no longer the most efficient use of land given its locational advantage of being within close proximity to services, community facilities and public transport.
Planning Priority W11 – “Growing investment, business opportunities and jobs in strategic centres”	The proposal will see an injection of significant capital to redevelop the various precincts in the short, medium and longer term thereby maintaining employment in the construction industry. The increase in villas, townhouse and apartments will generate new demand within the local economy, giving rise to a broader retail offer that will act as an attractor in the various town centres including Fairfield, Fairfield Heights and Villawood.
Planning Priority W12 – “Protecting and improving the health and enjoyment of the District’s waterways”	The proposal seeks to rezone land in order to provide three detention basins and associated works that will be designed to improve the quality of stormwater run-off into local creeks.
Planning Priority W15 – “Increasing urban tree canopy cover and delivering Green Grid connections”	The proposal will increase open space and raise the quality of public domain in the precincts where they are located. Council’s Public Domain Plans will seek to increase the tree canopy within the public domain along pedestrian corridors.

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Planning Priority W18 – “Delivering high quality open space”	The proposal contains a series of neighbourhood parks to be delivered through the RE1 Public Recreation land zoning and embellished according to high standards within Council's Open Space Strategy for residents to enjoy. Embellishment will be funded, in part, by revised Infrastructure Contribution Plans.
Planning Priority W19 - Reducing carbon emissions and managing energy, water and waste efficiently	The proposal's location of upzoning precincts close to public transport is ideally suited to minimise the number of vehicles required for journeys to the job centres of Sydney CBD, Parramatta and Liverpool, as well as local services, facilities and recreation opportunities.

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

**Fairfield City Plan 2010-2020 - Community Strategic Plan** sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. The proposed amendment is considered to be consistent with directions and themes contained in the Fairfield City Plan 2010 – 2020 aimed at providing a mix of housing and tenure types for all sectors and in providing more affordable rental housing.

**The Fairfield Local Strategic Planning Statement (LSPS)** provides the strategy for the Fairfield community's economic, social and environmental land use needs over the next 20 years. It implements and provides a line-of-sight to the Priorities and Actions of the Western City District Plan (2018) and the Goals and Outcomes of the Fairfield City Plan (Community Strategic Plan). The LSPS sets short, medium and long term planning priorities for what is needed in the local area, such as jobs, homes, services, open space and thriving town centres. The proposal satisfied the following priority actions contained within the LSPS:

- Planning Priority 1 - Provide housing that accommodates the needs of existing and future residents.
- Planning Priority 2 - Deliver greater housing diversity and affordability to meet the changing needs of the community
- Planning Priority 4 - Provide attractive, healthy and safe places for the whole community
- Planning Priority 8 - Protect areas of high natural value and environmental significance and improve the health of catchments & waterways
- Planning Priority 9 - Realise the Parkland City Vision
- Planning Priority 10 - Adapt to natural hazards and environmental impacts
- Planning Priority 11 - Promote a robust economy which generates diverse services and job opportunities

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

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

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SEPP Title	Applies to the land	Relevance	Consistency of Planning Proposal
SEPP 19 – Bushland in Urban Areas	Yes	No	
SEPP 21 – Caravan Parks	Yes	No	
SEPP 30 – Intensive Agriculture	Yes	No	
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes	Consistent
SEPP 33 – Hazardous and Offensive Development	Yes	No	
SEPP 50 – Canal Estate Development	Yes	No	
SEPP 55 – Remediation of Land	Yes	No	
SEPP 62 – Sustainable Aquaculture	Yes	No	
SEPP 64 – Advertising and Signage	Yes	No	
SEPP 65 – Design Quality of Residential Flat Development	Yes	No	
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	No	
SEPP (Affordable Rental Housing) 2009	Yes	No	
SEPP (Building Sustainability Index: BASIX) 2004	Yes	No	
SEPP (Exempt and Complying Development Codes) 2008	Yes	No	
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	No	
SEPP (Infrastructure) 2007	Yes	No	
SEPP (Major Development) 2005	Yes	No	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	No	
SEPP (Miscellaneous Consent Provisions) 2007	Yes	No	
SEPP (State and Regional Development) 2011	Yes	No	

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	

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SREP Title	Relevance	Consistency of Planning Proposal
SREP 18 – Public Transport Corridors	N/A	
SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)	N/A	
GMREP No.2 – Georges River Catchment	Yes	Yes

**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
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	<ul style="list-style-type: none"> <li>Encourage employment growth in suitable locations</li> <li>Protect employment land in business and industrial zones</li> <li>Support the viability of identified strategic centres.</li> </ul>	The proposal does not affect land within any existing or proposed business or industrial zone.	NA
1.2 Rural Zones	<ul style="list-style-type: none"> <li>Protect agricultural production value of rural land.</li> </ul>	The proposal does not affect land within any existing or proposed rural zone	NA
1.3 Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> <li>Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</li> </ul>	The proposal does not prohibit mining or restrict the potential development of resources	NA
1.4 Oyster Aquaculture	<ul style="list-style-type: none"> <li>Protect oyster aquaculture areas.</li> </ul>	The proposal does not apply to any Priority Oyster Aquaculture Areas and other oyster aquaculture outside such an area.	NA
1.5 Rural Lands	Not applicable to Fairfield LGA	Not applicable to Fairfield LGA	NA
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zones	<ul style="list-style-type: none"> <li>Protect and conserve environmentally sensitive areas.</li> </ul>	The proposal does not apply to any land within an environment protection zone or any land otherwise identified for environmental protection purposes under FLEP 2013	NA
2.2 Coastal	<ul style="list-style-type: none"> <li>Implement the principles in</li> </ul>	This proposal does not apply	NA



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
Protection	the NSW Coastal Policy.	to any land identified within the coastal zone as defined under the Coastal Protection Act 1979	
2.3 Heritage Conservation	<ul style="list-style-type: none"> <li>Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</li> </ul>	<p>There are a small number of items of environmental heritage included within the land identified by this Planning Proposal. This proposed amendment to Fairfield LEP 2013 does not in itself have any direct impact of the heritage significance of these sites.</p> <p>Future redevelopment proposals that will be initiated by the proposed amendments to Fairfield LEP 2013 will need to assess the heritage impacts on individual heritage items either affected by or in the vicinity of such proposals. This will be undertaken individually at each subsequent development application stage.</p>	YES
2.4 Recreation Vehicle Areas	<ul style="list-style-type: none"> <li>Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</li> </ul>	The proposal does not enable land to be development for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983)	NA
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	<ul style="list-style-type: none"> <li>Encourage a variety and choice of housing types to provide for existing and future housing needs</li> <li>Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services</li> <li>Minimise the impact of residential development on the environment and resource lands.</li> </ul>	<p>The proposal is consistent with this Direction as it broadens the choice of building types and location available to increase densities. It makes more efficient use of infrastructure and services. The outcome of the planning proposal will be to ultimately increase density and housing choice in existing residential areas where there is good access to existing infrastructure and services. The planning proposal will promote residential</p>	YES

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		development in established areas and will accommodate part of Council's dwelling target without the need to impact upon other areas of the LGA considered to have greater environmental significance.	
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> <li>Provide for a variety of housing types</li> <li>Provide opportunities for caravan parks and manufactured home estates.</li> </ul>	The proposal does not impact upon existing caravan parks and manufactured homes estates.	NA
3.3 Home Occupations	<ul style="list-style-type: none"> <li>Encourage the carrying out of low-impact small businesses in dwelling houses.</li> </ul>	The planning proposal aims to increase density in established areas of the LGA which will in turn promote opportunities for the establishment of low-impact small businesses in dwelling houses.	YES
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> <li>Improve access to housing, jobs and services by walking, cycling and public transport.</li> <li>Increase choice of available transport and reducing car dependency.</li> <li>Reduce travel demand and distance (especially by car)</li> <li>Support the efficient and viable operation of public transport services</li> <li>Provide for the efficient movement of freight</li> </ul>	The proposal is consistent with this Direction as it rezones land for greater residential densities in locations that improve access to housing, jobs and services by walking, cycling and public transport. The outcome of the planning proposal will be to ultimately increase density and housing choice in existing residential areas where there is good access to existing infrastructure and services.	YES
3.5 Development Near Licensed Aerodromes	<ul style="list-style-type: none"> <li>Ensure effective and safe operation of aerodromes</li> <li>Ensure aerodrome operation is not compromised by development</li> <li>Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.</li> </ul>	This proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	NA
3.6 Shooting Ranges	<ul style="list-style-type: none"> <li>Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</li> <li>Reduce land use conflict arising between existing</li> </ul>	The proposal does not rezone land adjacent to and/or adjoining any existing shooting range.	NA

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	shooting ranges and rezoning of adjacent land <ul style="list-style-type: none"> <li>Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</li> </ul>		
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	<ul style="list-style-type: none"> <li>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</li> </ul>	The Planning Proposal does include the rezoning of some lands that are identified as Class 5 of the acid sulphate soils map under FLEP 2013. The relevance of this Direction will come into play upon lodgement of any future development application which proposes works on these affected sites. Rezoning of these sites to increase residential densities does not trigger an assessment under Clause 6.1 of FLEP 2013. This clause will come into consideration when future development is proposed.	YES
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> <li>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</li> </ul>	The proposal does not apply to any land within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or has been identified as unstable land.	NA
4.3 Flood Prone Land	<ul style="list-style-type: none"> <li>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>.</li> <li>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.</li> </ul>	The existing urban areas of Fairfield City are located within a floodplain (part of the Georges River Catchment). These areas are highly urbanised and have the potential to be exposed to different degrees of overland and mainstream flooding associated with stormwater runoff.  Council has undertaken a number of Flood Studies which have identified several	YES

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		<p>areas included within the Planning Proposal as having varying levels of flood risk.</p> <p>Flood modelling has determined that three detention basins are required and this proposal has been amended to ensure land is rezoned for their provision.</p> <p>Future redevelopment of land in accordance with the proposed changes to Fairfield LEP 2013 will be required to meet the provisions of Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments <i>Flood Planning Development Manual 2005</i>.</p> <p>The potential for overland flooding is assessed on a case by case basis and having regard to Council flood maps and site investigations. Development is required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments <i>Flood Planning Development Manual 2005</i>.</p>	
4.4 Planning for Bushfire Protection	<ul style="list-style-type: none"> <li>Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.</li> <li>Encourage sound management of bush fire prone areas.</li> </ul>	N/A - None of the lands identified in this Planning Proposal area affected by Bushfire Hazard/Risk	NA
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> <li>To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</li> </ul>	The proposal does not include land to which any of the listed Regional Strategies apply.	NA
5.2 Sydney	<ul style="list-style-type: none"> <li>To protect water quality in the</li> </ul>	This Direction does not apply	NA

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
Drinking Water Catchments	hydrological catchment.	to Fairfield City	
5.8 Second Sydney Airport: Badgerys Creek	<ul style="list-style-type: none"> <li>Draft LEPs shall not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport at Badgerys Creek.</li> </ul>	This Direction does not apply to this Planning Proposal.	NA
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> <li>Ensure LEP provisions encourage the efficient and appropriate assessment of development</li> </ul>	The PP is consistent with this direction	YES
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> <li>Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes</li> <li>Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul>	<p>The provisions of the Planning Proposal do not propose any changes to land reserved for public services and facilities.</p> <p>The proposal will rezone land RE1 Public Recreation and Council will be the responsible acquiring authority.</p>	YES
6.3 Site Specific Provisions	<ul style="list-style-type: none"> <li>Discourage unnecessarily restrictive site specific planning controls</li> </ul>	The Planning Proposal aims to rezone land and amend FSR and height provisions applying to some areas but it does not propose to introduce any unnecessarily restrictive site specific planning controls.	YES
<b>7. Metropolitan Planning</b>			
7.1 Implementation of including A Metropolis of Three Cities (Greater Sydney Region Plan)	<ul style="list-style-type: none"> <li>Planning proposals shall be consistent with the NSW Government's including A Metropolis of Three Cities (Greater Sydney Region Plan).</li> </ul>	<p>The planning proposal is consistent with this direction.</p> <p>Further details are provided earlier in this proposal under <b>Section B – Relationship to Strategic Planning Framework</b></p>	YES
7.8 Implementation	<ul style="list-style-type: none"> <li>Applies to a Planning</li> </ul>	The planning proposal is	YES

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	<p>Proposal for any land affected by the obstacle limitation surface and ANEF contours for Western Sydney Airport.</p> <ul style="list-style-type: none"> <li>A planning proposal is to be consistent with the Stage 1 Land Use and Infrastructure Implementation Plan approved by the Minister for Planning.</li> </ul>	consistent with this direction.	

**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?**

No, the land affected by this Planning Proposal does not contain any critical habitat or threatened species, communities etc.

The subject sites are currently occupied by low to medium density residential dwellings.

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

The planning proposal involves minimal adverse environmental effects. The future re-development of sites in the precincts identified by this Planning Proposal will potentially cause environmental impacts during future construction phases. Any likely environmental effects will be controlled through the provisions of the Fairfield City Wide Development Control Plan 2013 including Chapter 3 – Environmental Site Analysis.

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

There are a number of identified social benefits resulting from the proposed amendment to the FLEP 2013 which include:

- Diversifying the existing housing stock by providing for higher density housing, in particular within Fairfield Heights, Fairfield East and Villawood where the predominate form of housing stock is older detached cottages or large new dwellings
- Providing more affordable housing options which is typical of higher density housing where either ownership or renting is cheaper;
- Promoting accessible housing within existing urban areas around town centres and public transport, leading to reduced car dependence and increasing pedestrian movements.

The Planning Proposal is anticipated to have a positive economic impact by further maximising the potential of commercial and retail centres adjoining the precincts where higher density housing is proposed, as well as making public transport services more economically viable with an increase in patronage.

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The Villawood local commercial centre will benefit from revitalised residential areas, with an increased new population seeking local goods and services to meet both daily and other needs.

Redevelopment activity will stimulate a number of industries associated with the development, construction and sale of new real estate property.

**Section D – State and Commonwealth interests****Is there adequate public infrastructure for the Planning Proposal?**

It is expected that there will be an increase in demand for public infrastructure as a result of this proposal. Council consulted with key government agencies in the identification of precincts for increased residential density during preparation of the DS.

The agencies have confirmed that additional demands generated by the increase in population associated with the additional housing can either be catered for by existing services or through augmentation to services.

Precincts have been selected on the basis of proximity to train stations and/or proposed strategic bus corridors and are located in areas which are sewered and serviced by Sydney Water.

Since the RDSE Phase 2 planning proposal was exhibited in 2016 there have been a number of strategic planning policy documents released including the Western City District Plan and the Local Strategic Planning Statement. Both contain liveability objectives and planning priorities inclusive of the need for accessible open space.

With the planning proposal potentially enabling significant growth over the next 20 years, the provision of open space per person will decrease unless new open space areas are delivered. This is a challenge, especially in areas that already have a low provision of open space, particularly in areas of high density within the suburb of Fairfield.

The Fairfield Community Facility and Open Space Needs Study has identified that the provision of open space per person in an urban infill environment should aim to be around 9m<sup>2</sup>. In 2016, the areas of Fairfield City which fall under the 9m<sup>2</sup> include:

- Fairfield Heights (1.6m<sup>2</sup> per person)
- Fairfield East (5.2m<sup>2</sup>)
- Villawood (3.6m<sup>2</sup> per person)

The high need areas that are forecast up to 2036 to experience the greatest decline in open space provision per person include Fairfield and Villawood.

The Greater Sydney Commission indicates that all residents should have access to Regional Open Space within 5km, District Open Space within 2km and that all dwellings should be within 400m of quality open space of at least 3,000m<sup>2</sup> (e.g. the new neighbourhood park at Villawood). Dwellings in high density should also be within 200m of quality open space of at least 1,000m<sup>2</sup> (approximately the same size as the Nelson/Barbara Street pocket park).



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The Greater Sydney Commission's 'The Pulse of Greater Sydney' indicates that currently 58% of homes in Fairfield City are within a 400m walk to open space. Access to open space is not distributed evenly in the City, with mapping showing that there are clear priority areas that emerge, depending on residential density as well as social needs..

The highest priority areas for enhancing connectivity and proximity for new parks include Central Fairfield and Fairfield Heights and the northern portion of Fairfield (north of Polding Street). The sites required for detention basins and additional neighbourhood and pocket parks identified in the preparation of the Open Space Strategy demonstrate how existing and forecasted open space needs can be met with strategic acquisitions.

To ensure longstanding open space deficiencies are addressed for existing high density areas, as well as addressing the needs of precincts identified for upzoning, a number of strategic rezonings are proposed to provide for open space needs of existing and future residents. This will ensure benchmarks for open space provision are met at the time of residential upzoning, thereby providing for accessible recreation opportunities and community wellbeing.

Neighbourhood parks are proposed to meet significant current deficiency as well as provide for future demand as a consequence of new development in the following suburbs:

- **Fairfield:**

Two parks are proposed south of Hamilton Road – one neighbourhood park of 3,000m<sup>2</sup> (potentially with an extensive recreational offer) and one pocket park of 1800m<sup>2</sup>. These two parks will complement the site of the detention basin north of Hamilton Road that will act as an active play area of 8,700m<sup>2</sup>. These three parks will serve a R4 High Density precinct of 37 hectares.

One neighbourhood park, north of Polding Street and east of Granville Street, being 3,000m<sup>2</sup> in area located to the north of the Fairfield R4 High Density Precinct of 10 hectares where no open space is proposed to be provided under this planning proposal. The Fairfield Forum site will deliver a 4,000m<sup>2</sup> neighbourhood park in the future subject to a Planning Agreement, and therefore no additional open space south of Polding Street is recommended.

The park will serve the Fairfield north and east Smithfield residential precinct where a significant deficiency in open space exists. The precinct was excluded from the Phase 2 planning proposal in 2015 due to its lack of open space. Further, this neighbourhood park could be delivered in the shorter term given that there are currently two owners of the five lots.

- **Fairfield Heights:**

One neighbourhood park of 3000m<sup>2</sup> to the west of the precinct on Station Street, with one of two parcels recently acquired for open space purposes. Given this acquisition and the remaining parcel, it is anticipated that the neighbourhood park will be delivered in short to medium term (less than 10 years). This park will complement the site of the detention basin south of Polding Street that will act as an active play area of 6,300m<sup>2</sup>. These two parks will serve a R3 Medium Density precinct of 38 hectares.

- **Villawood:**

One neighbourhood park of 3000m<sup>2</sup> to the immediate south of the town centre, with two of the seven parcels recently rezoned for open space purposes. This park was identified in the Public Domain Study and will assist to rationalise the road network on



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open space in a high density environment. The park will complement future provision of open space south of the railway line that will serve a R4 High Density precinct of 10 hectares.

The detention basin in Villawood (north of the railway line) will act as an active play area of 5,200m<sup>2</sup> and will serve a R4 High Density precinct of 21 hectares.

The proposed RE1 Public Recreation rezoning complements the significant investment by Council over the last ten years in regional and district facilities, inclusive of the recreation offer in Fairfield Park that is of the highest standard. The pressing and core open space needs now and into the future is the availability of accessible neighbourhood parks in close proximity to where people live as required by Greater Sydney Commission benchmarks.

**What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Four responses were received from public authorities and they are detailed below.

**Office of Environment and Heritage – Flood Division**

The submission recommended that Council undertake a flood assessment using available information as part of the rezoning process so as to identify if there are any significant flood related issues. To address floodplain risk management issues, Council was required to refer to up-to-date hydrological and hydraulic assessments for the catchment in which the upzoning precincts are located including overland flow paths associated with major drainage.

In addition, a detailed assessment was recommended for both existing and developed conditions in order: understand flood risk to people and property; assess impact on existing flood behaviour; identify appropriate mitigation measures; assess impact of earthworks and filling within flood prone land up to the PMF level; a sensitivity analysis to determine the potential impacts from climate change on flooding behaviour; and prepare an emergency response plan inclusive of community education and awareness program.

Council undertook flood detailed modelling to comply with OEH recommendations. A flood modelling report commissioned by Council details the assessment completed using TUFLOW models that were originally developed as part of Government funded overland flood studies for Fairfield City Council.

The TUFLOW models were used to simulate flood behaviour for a range of design floods up to and including the Probable Maximum Flood (PMF) for existing topographic and development conditions. The results of the existing flood simulations showed several overland flow paths extending through the areas where rezoning is proposed.

In general, the flow paths within the Villawood area were shallow and primarily contained to roadways. Some more significant overland flow paths are predicted through the Fairfield area with two overland flow paths showing water depths of more than 0.3 metres during large design floods.

The models were updated to include a representation of the upzoned areas being developed to the full extent possible under the proposed zoning. The results from these simulations showed that there is potential for this development to adversely impact on flood behaviour across external areas.

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Flood mitigation options were explored to assist in reducing the predicted flood impacts. The flood mitigation options recommended for implementation incorporate stormwater drainage system upgrades and the provision of detention basins, including:

**Fairfield**

- Inclusion of a 6,970m<sup>2</sup> detention basin on Harris Street (just south east of its intersection with Sackville Street) that provides a maximum storage depth of 1.3 metres with a gradient of 1:6 for the batter side slopes.
- Provision of an unobstructed overland flow path (6 metres wide) from Sackville Street to the upstream end of the existing Hamilton channel currently located to the rear of properties on Hamilton Road and Harris Street and subject to an easement for stormwater drainage
- Some minor regrading of Sackville Road between Hamilton Road and Harris Street to promote overland flow movement towards the new basin and overland flow path described above.
- Inclusion of a new 2.1 m diameter pipe extending from The Horsley Drive, through Fairfield High School and into Prospect Creek.

**Fairfield Heights**

- Inclusion of a new 6,240m<sup>2</sup> detention basin between Polding Street and Smart Street with a maximum storage depth of 1.3 metres and a gradient of 1:6 for the batter side slopes.
- Inclusion of a new 1.8mW x 0.9mH culvert extending along Smart Street from Marlborough Street to Sackville Street. Additional minor stormwater pipes and pits are also required around the intersection of Marlborough Street and Smart Street to assist in capturing runoff and distributing it into the new pipe system.

**Villawood**

- Inclusion of a new detention basin of 3,500 m<sup>2</sup> on Belmore Street (just east of its intersection with Mandarin Street) with a storage depth of 0.5 metres and a gradient of 1:6 for the batter side slopes.

Given the report's findings, in order to facilitate additional development in the subject precincts, three detention basins are proposed at Fairfield, Fairfield Heights and Villawood in the locations that will best address flood mitigation.

The provision of detention basins in renewal areas are often provided in tandem with open space requirements that result from the demand arising from new population associated with increased development. To accommodate dual use, additional land is recommended for flexibility in detention basin and recreation design.

The rezoning to RE1 Public Recreation is required to ensure sites are identified and not sterilised by redevelopment that would make acquisition unfeasible. It is important that all landowners are afforded transparency in future land use zoning as well as limit speculative buying of properties.

Landowners will be eager to understand what are the implications of a proposed RE1 Public Recreation, including how landowners will be compensated, and whether they will be forced to sell (only when land owners are ready to do so, unless there is an urgent need to augment the drainage system).

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Council is well practiced in assisting landowners with these types of land acquisition enquiries and can point to local case studies including land zoned RE1 Public Recreation in Ascot Street Canley Heights in 2013. Since that time, the first of five properties has recently been purchased at the request of the owner.

In order to allow the residential upzoning to proceed to the next stage, it is recommended that the three dual purpose detention basin and recreation sites be rezoned RE1 Public Recreation. This will necessitate a re-exhibition of the planning proposal for 28 days for public feedback.

**Transport for NSW / Roads and Maritime Services**

The submission recommended that a Transport Study be undertaken to assess the cumulative impacts on the transport system using the maximum potential yields for each of the precincts.

- Fairfield Heights
  - Zone R2 Low Density to R3 Medium Density Residential – up to 500 dwellings
- Fairfield North and South
  - Zone R3 Medium Density to R4 High Density Residential – up to 3,295 dwellings
- Fairfield East / Villawood North and South
  - Zone R2 Low Density to R3 Medium Density Residential, and
  - Zone R3 Medium Density to R4 High Density Residential – up to 2,975 dwellings
- Villawood Town Centre
  - Zone R4 High Density Residential – up to 495 dwellings
- Fairfield Heights Town Centre Precinct
  - Zone B2 Local Centre - Shop top housing increase – up to 363 dwellings

Council commissioned a Traffic Modelling Report to assess intersections to determine traffic impacts on them due to the residential upzoning and the Fairfield Heights Town Centre rezoning to permit greater height of building for shop-top housing. These signalised intersections included:

- The Horsley Drive / Cumberland Highway / Smithfield Road
- The Horsley Drive / Polding Street
- The Horsley Drive / River Avenue
- The Horsley Drive / Hume Highway (North)
- The Horsley Drive / Hume Highway (South)
- Woodville Road / Hume Highway, and
- Woodville Road / Fairfield Street.

RMS Desired Standard of Service (DSS) Criteria was used to identify the state-controlled road intersections that require upgrades. The calculated development traffic was assigned in the RMS-provided Sydney Strategic Transport Model (STM) using 2016, 2026 and 2036 models to create strategic models.

The STM volumes comparison between the “Base” and the “With Development” models indicate that the proposed additional development contributes a relatively minor proportion of peak traffic volumes passing through the assessed intersections. Most of the traffic through

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those intersections is background traffic originating from and destined to area beyond the proposed developments.

There were two major conclusions from the Traffic Study:

- there is substantial background traffic growth occurring in the study area between 2016 and 2026 and through to 2036 meaning that a number of major intersection upgrades are required at the assessed intersections, regardless of the rezoning proposals; and
- the proportion of the future year intersection traffic which generated by the rezoning proposals is relatively small and in the order of 2%-5% of total intersection traffic.

Despite the minimal impact attributed to the proposed upzoning, a comprehensive Traffic Study for the entire LGA will examine localised impacts as part of the overall LEP Program.

**Sydney Water**

The submission notes that development forecasts arising from the upzoning will significantly exceed forecasts by Sydney Water. In addition, water servicing will require amplification of some water mains to comply with the Supply of Water for Fire Fighting Purposes Policy. It is anticipated that there will be capacity in the existing trunk system for the initial development, however detailed water modelling will be required to confirm trunk system capacity for the full development potential. Wastewater servicing has sufficient capacity in existing wastewater treatment plants to service developments. Wastewater modelling will be required to confirm trunk capacity to service additional growth.

Water and wastewater serving is a matter for Sydney Water's forward planning to accommodate Sydney's growing population of which the residential upzoning is a small but important part.

**Heritage Council**

The submission highlights the threat of heritage item landowners seeking additional development potential, thereby encouraging owners to propose demolition or substantial alterations to heritage items. Adequate provisions within the planning proposal were recommended to avoid creation of such expectations.

The precincts subject to upzoning contain eight (8) heritage items including:

- Fairfield Heights – 2 items
- Fairfield North – 0 items
- Fairfield South – 6 items, including three adjoining narrow Federation cottages, and two already subject to development or development approval.
- Fairfield East / Villawood North and South – 0 items

Given the small number of heritage items, there is no need to prepare strategies or plans to cater for the protection of a cluster or precinct of heritage items. Notwithstanding, under FLEP 2013, Clause 5.10 Heritage conservation, there are sufficient protections for local heritage items within the precincts, inclusive of conservation incentives.

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## 2.4 Part 4 – Mapping

This part of the Planning Proposal deals with the maps associated with the Fairfield Local Environmental Plan 2013 that are to be amended to facilitate the necessary changes as described in this report.

To achieve the objectives of the Planning Proposal, Fairfield Local Environmental Plan 2013 will be amended as follows:

### **Fairfield East - upzoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential**

- a) Amend the relevant Land Zoning Map (LZN\_020) for the subject land in Fairfield East from Zone R2 Low Density Residential to Zone R3 Medium Density Residential land;
- b) Amend the relevant Lot Size Map (LSZ\_020) for the subject land in Fairfield East by deleting G (450 m<sup>2</sup>) and thereby removing the Lot Size development standard;
- c) Amend the relevant Lot Size for Dual Occupancy Development Map (LSD\_020) for the subject land in Fairfield East by deleting M (600 m<sup>2</sup>) and thereby removing the Lot Size for Dual Occupancy Development development standard.

### **Fairfield Heights – upzoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential**

- a) Amend the relevant Land Zoning Map (LZN\_016, LZN\_020) for the subject land from Zone R2 Low Density Residential land to Zone R3 Medium Density Residential;
- b) Amend the relevant Lot Size Map (LSZ\_016, LSZ\_020) for the subject land by deleting G (450 m<sup>2</sup>) and thereby removing the Lot Size development standard; and
- c) Amend the relevant Lot Size for Dual Occupancy Development Map (LSD\_016, LSD\_020) for the subject land by deleting M (600 m<sup>2</sup>) and T (900 m<sup>2</sup>) and thereby removing the Lot Size for Dual Occupancy Development development standard.

### **Villawood – upzoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential**

- a) Amend the relevant Land Zoning Map (LZN\_021) for the subject land from Zone R2 Low Density Residential land to Zone R3 Medium Density Residential;
- b) Amend the relevant Lot Size Map (LSZ\_021) for the subject land by deleting G (450 m<sup>2</sup>) and thereby removing the Lot Size development standard; and
- c) Amend the relevant Lot Size for Dual Occupancy Development Map (LSD\_021) for the subject land by deleting M (600 m<sup>2</sup>) and T (900 m<sup>2</sup>) and thereby removing the Lot Size for Dual Occupancy Development development standard.

### **Villawood – upzoning from Zone R2 Low Density Residential to Zone R4 High Density Residential**

**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

- a) Amend the relevant Land Zoning Map (LZN\_021) for the subject land from Zone R2 Low Density Residential land to Zone R4 High Density Residential;
- b) Amend the relevant Floor Space Ratio Map (FSR\_021) for the subject land from C (0.45:1) to T (2:1);
- c) Amend the relevant Height of Building Map (HOB\_021) for the subject from J (9m) to Q (20m);
- d) Amend the relevant Lot Size Map (LSZ\_021) for the subject land by deleting G (450 m<sup>2</sup>) and thereby removing the Lot Size development standard; and
- e) Amend the relevant Lot Size for Dual Occupancy Development Map (LSD\_021) for the subject land by deleting M (600 m<sup>2</sup>) and T (900 m<sup>2</sup>) and thereby removing the Lot Size for Dual Occupancy Development development standard.

**Fairfield, Fairfield East and Villawood – upzoning from Zone R3 Medium Density Residential to Zone R4 High Density Residential**

- a) Amend the relevant Land Zoning Map (LZN\_020, LZN021) for the subject land from Zone R3 Medium Density Residential to Zone R4 High Density Residential;
- b) Amend the relevant Floor Space Ratio Map (FSR\_020, FSR\_021) for the subject land from C (0.45:1) to T (2:1);
- c) Amend the relevant Height of Building Map (HOB\_020, HOB\_021) for the subject from J (9m) to Q (20m);

**Fairfield and Fairfield East – change in zone from Zone R2 Low Density Residential to Zone RE1 Public Recreation**

- a) Amend the relevant Land Zoning Map (LZN\_020) for the subject land from Zone R2 Low Density Residential to Zone RE1 Public Recreation;
- b) Amend the relevant Floor Space Ratio Map (FSR\_020) for the subject land by deleting C (0.45:1) and thereby removing the Floor Space Ratio development standard.
- c) Amend the relevant Height of Building Map (HOB\_020) for the subject land by deleting J (9m) and thereby removing the Height of Building development standard;
- d) Amend the relevant Lot Size Map (LSZ\_020) for the subject land by deleting G (450 m<sup>2</sup>) and thereby removing the Lot Size development standard;
- e) Amend the relevant Lot Size for Dual Occupancy Development Map (LSD\_020) for the subject land by deleting M (600 m<sup>2</sup>) and thereby removing the Lot Size for Dual Occupancy Development development standard.

**Fairfield, Fairfield Heights and Villawood – change in zone from Zone R3 Medium Density Residential to Zone RE1 Public Recreation**



**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

- a) Amend the relevant Land Zoning Map (LZN\_016, LZN\_020 and LZN\_021) for the subject land from Zone R3 Medium Density Residential to Zone RE1 Public Recreation;
- b) Amend the relevant Floor Space Ratio Map (FSR\_016, FSR\_020 and FSR\_021) for the subject land by deleting C (045:1) and thereby removing the Floor Space Ratio development standard, and
- c) Amend the relevant Height of Building Map (HOB\_016, HOB\_020 and HOB\_021) for the subject land by deleting J (9m) and thereby removing the Height of Building development standard.

**Villawood – change in zone from Zone R4 High Density Residential to Zone RE1 Public Recreation**

- a) Amend the relevant Land Zoning Map (LZN\_021) for the subject land from Zone R4 High Density Residential to Zone RE1 Public Recreation;
- b) Amend the relevant Floor Space Ratio Map (FSR\_021) for the subject land by deleting C (045:1) and thereby removing the Floor Space Ratio development standard, and
- c) Amend the relevant Height of Building Map (HOB\_021) for the subject land by deleting Q (20m) and thereby removing the Height of Building development standard.

**Appendix A** contains maps of existing and proposed zones and development standards applying to this Planning Proposal.

- The land subject to the Planning Proposal
- Current and proposed Land Use Zone
- Current and proposed Floor Space Ratio
- Current and proposed Height of Building
- Current and proposed Lot Size
- Current and proposed Lot Size for Dual Occupancy Development

**2.5 Part 5 - Community Consultation**

Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979.

The Act sets out the community consultation requirement for planning proposals and these are determined or confirmed at the Gateway.

The period of consultation is 28 days as contained as a condition of the Gateway Determination dated 7 February 2016.

**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

## 2.6 Part 6 – 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	<ul style="list-style-type: none"> <li>Prepare and submit Planning Proposal to DP&amp;I</li> </ul>	September 2015
2	Gateway Determination	<ul style="list-style-type: none"> <li>Assessment by DP&amp;I (including LEP Panel)</li> <li>Advice to Council</li> </ul>	February 2016
3	Completion of required technical information and report (if required) back to Council	<ul style="list-style-type: none"> <li>Prepare draft controls for Planning Proposal</li> <li>Update report on Gateway requirements</li> </ul>	June 2020
4	Public consultation for Planning Proposal	<ul style="list-style-type: none"> <li>In accordance with Council resolution and conditions of the Gateway Determination.</li> </ul>	July/August 2020
5	Government Agency consultation	<ul style="list-style-type: none"> <li>Notification letters to Government Agencies as required by Gateway Determination</li> </ul>	As determined by the Gateway Determination
6	Public Hearing (if required) following public consultation for Planning Proposal	<ul style="list-style-type: none"> <li>Under the Gateway Determination issued by DP&amp;I public hearing is not required.</li> </ul>	NA
7	Consideration of submission	<ul style="list-style-type: none"> <li>Assessment and consideration of submissions</li> </ul>	2 weeks
8	Report to Council on submissions to public exhibition	<ul style="list-style-type: none"> <li>Includes assessment and preparation of report to Council</li> </ul>	September 2020
9	Possible re-exhibition	<ul style="list-style-type: none"> <li>Covering possible changes to draft Planning Proposal in light of community consultation</li> </ul>	NA
10	Report back to Council	<ul style="list-style-type: none"> <li>Includes assessment and preparation of report to Council</li> </ul>	NA
11	Referral to PCO and notify DPIE	<ul style="list-style-type: none"> <li>Draft Planning Proposal assessed by PCO, legal instrument finalised</li> <li>Copy of the draft Planning Proposal forwarded to DP&amp;I.</li> </ul>	October 2020
12	Plan is made	<ul style="list-style-type: none"> <li>Notified on Legislation web site</li> </ul>	Prior to 14 November 2020
Estimated Time Frame #			Five years
# Note: Extensions Granted by DPIE			



**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

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## Appendices

**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

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**Appendix A.1****The land subject to the Planning Proposal**

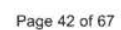
**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



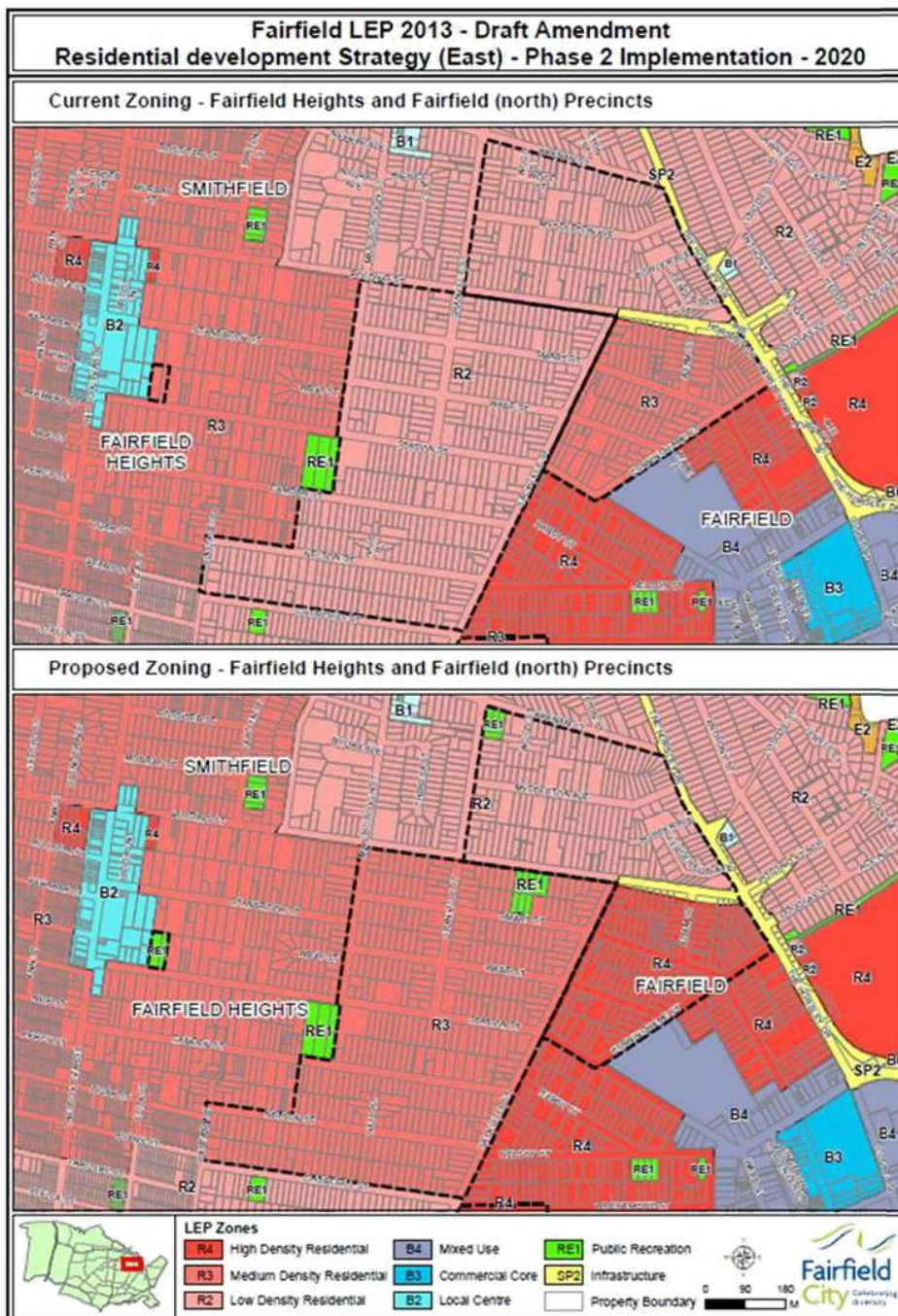


## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

## Appendix A.2

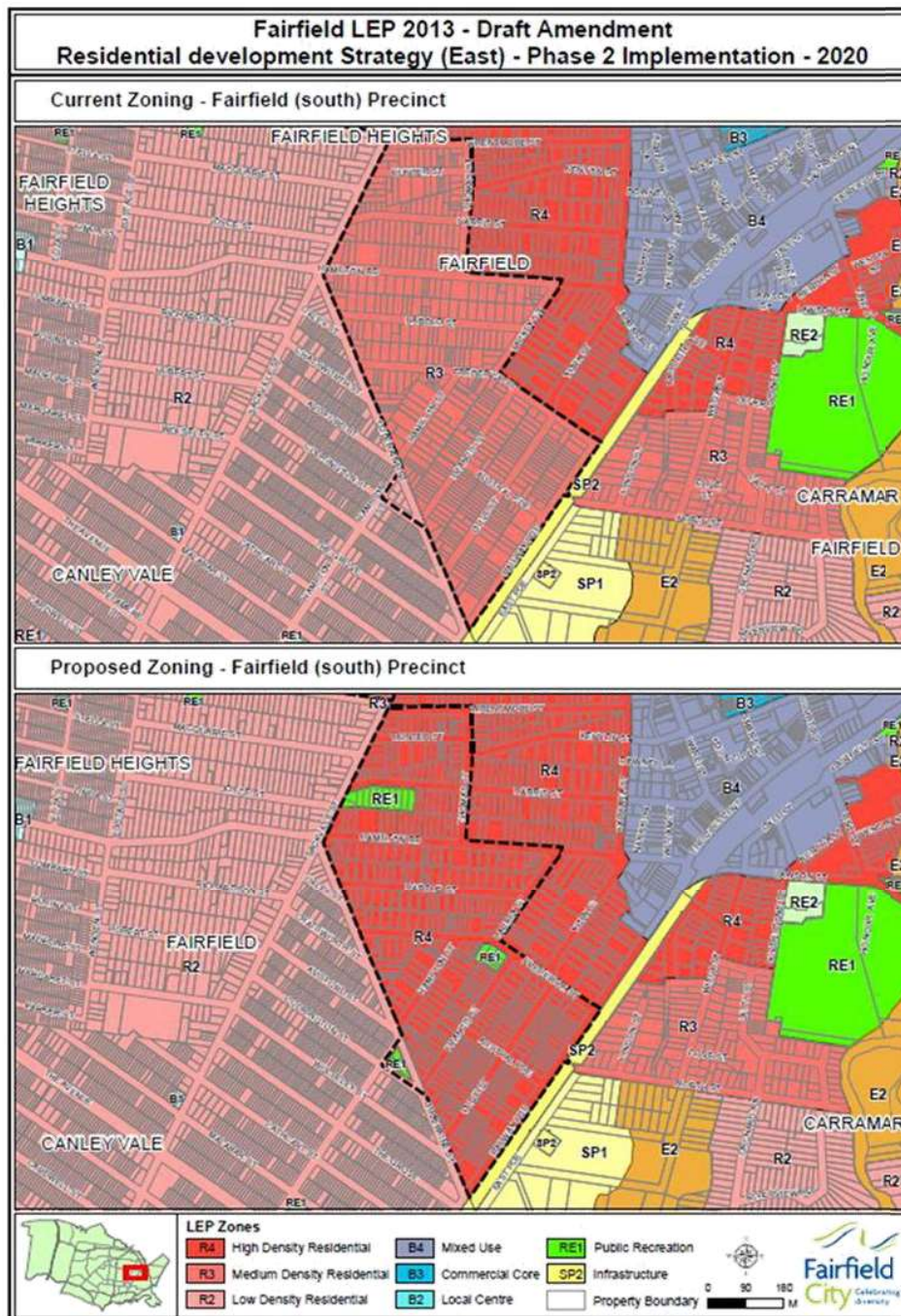
## Current and Proposed Land Use Zoning





## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





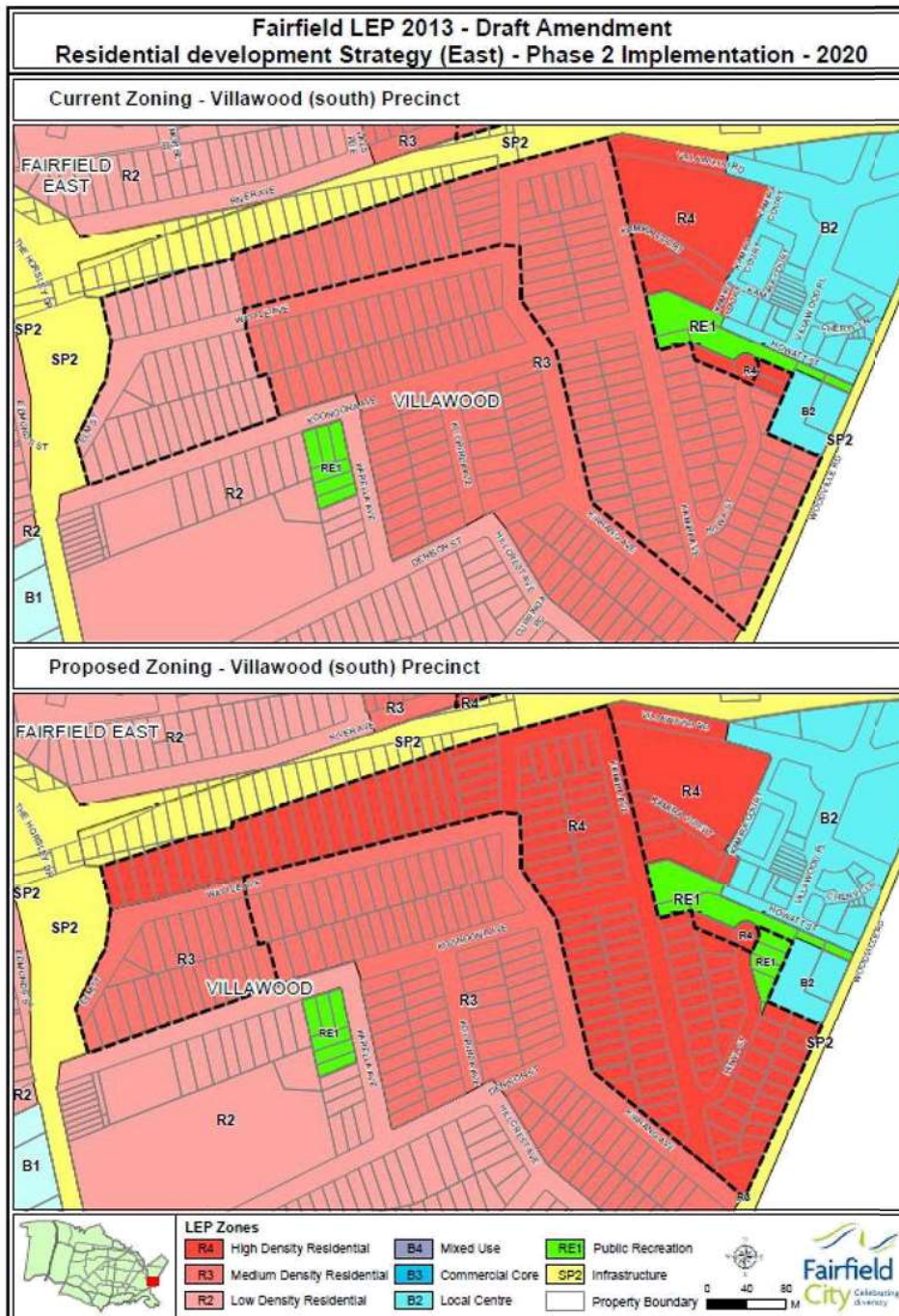
## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



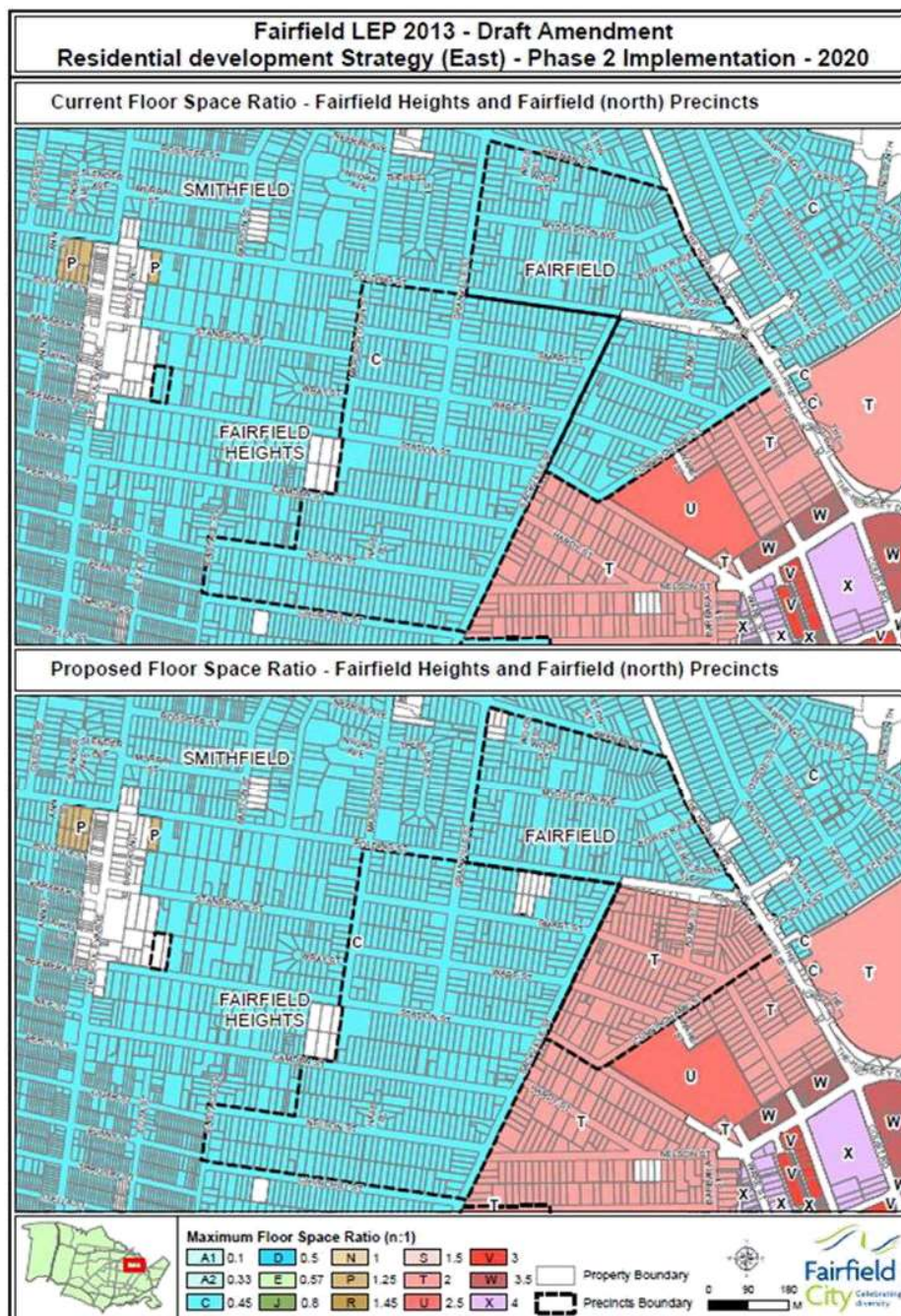


## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

## Appendix A.3

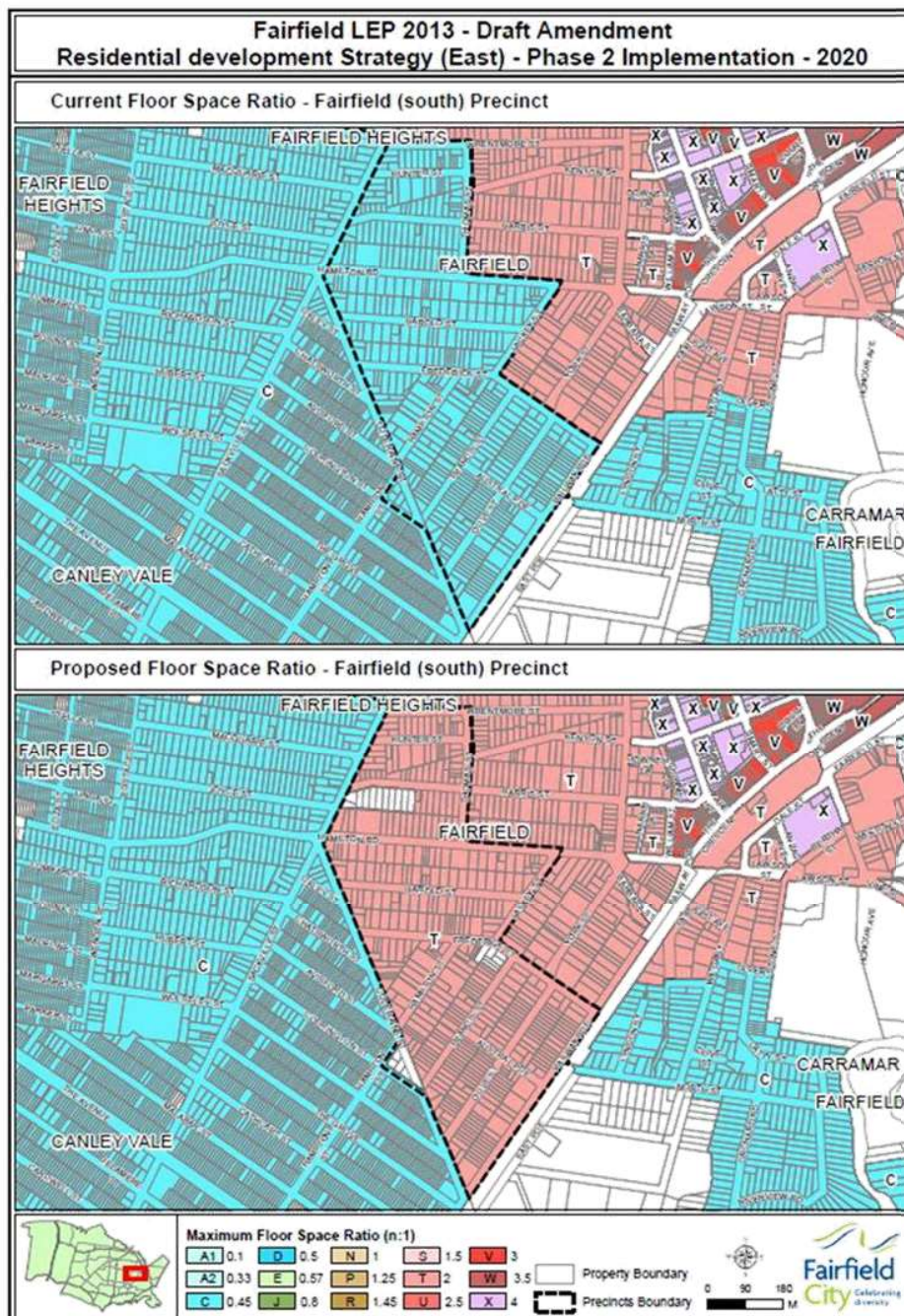
### Current and Proposed Floor Space Ratio





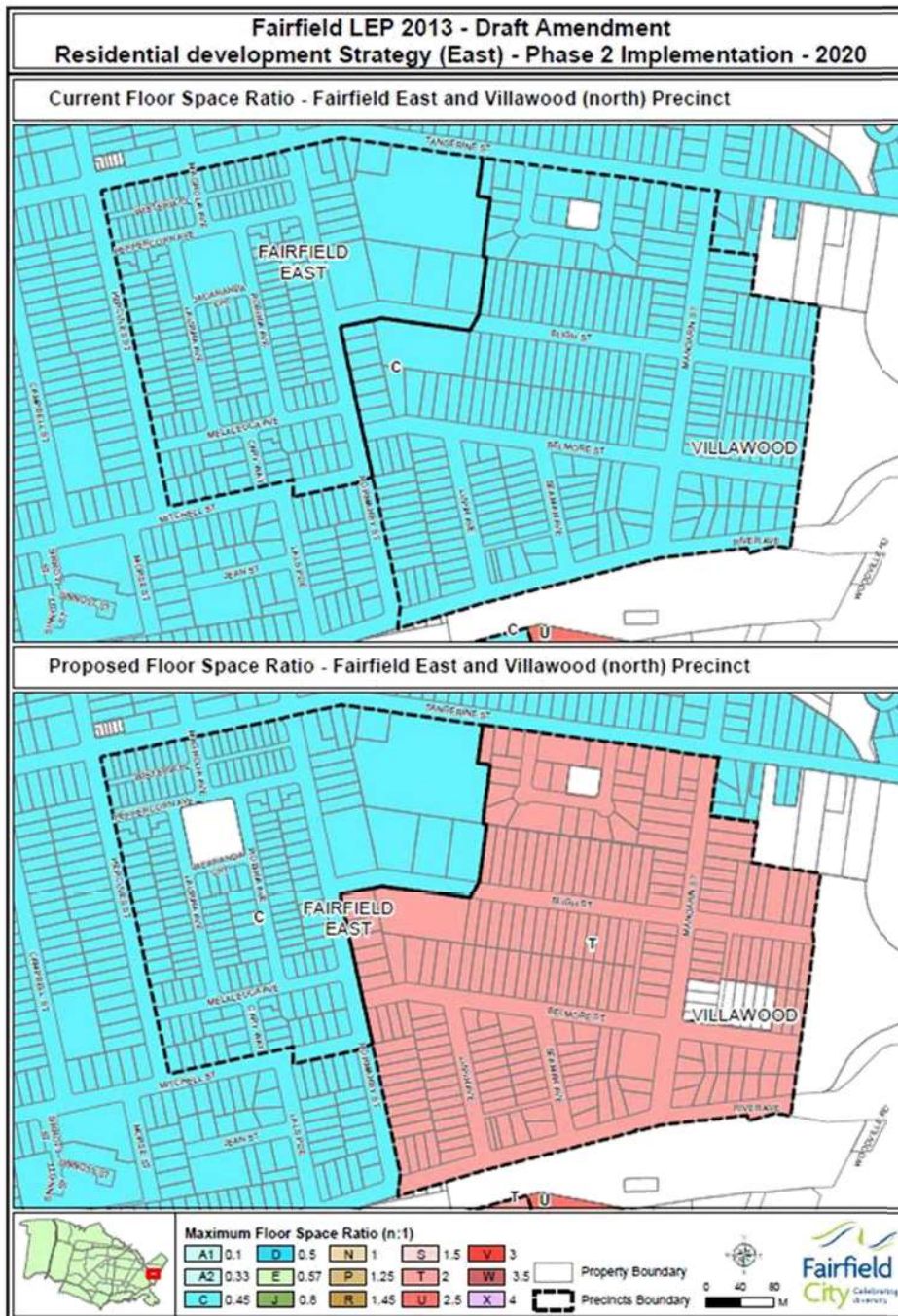
## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



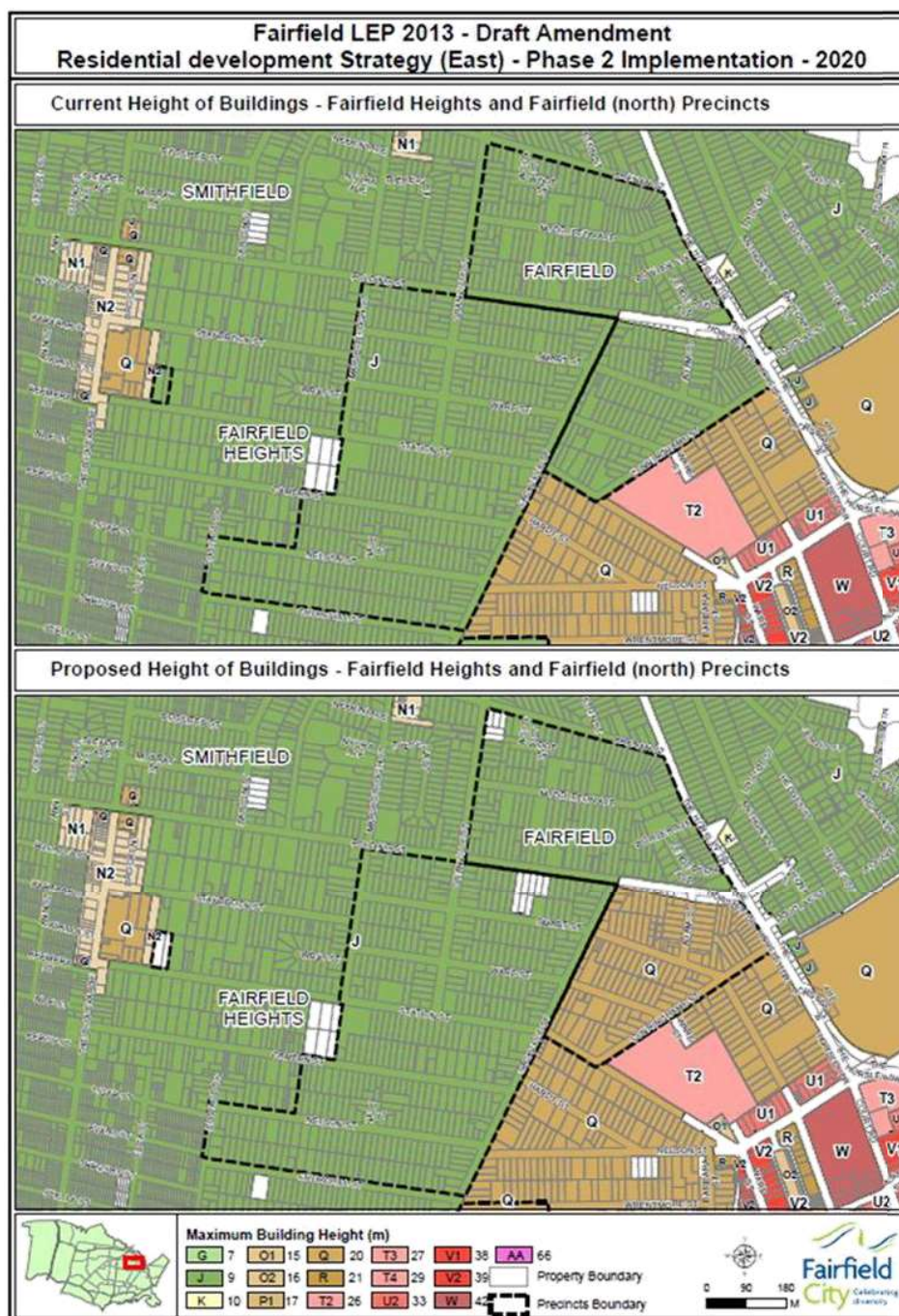


Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

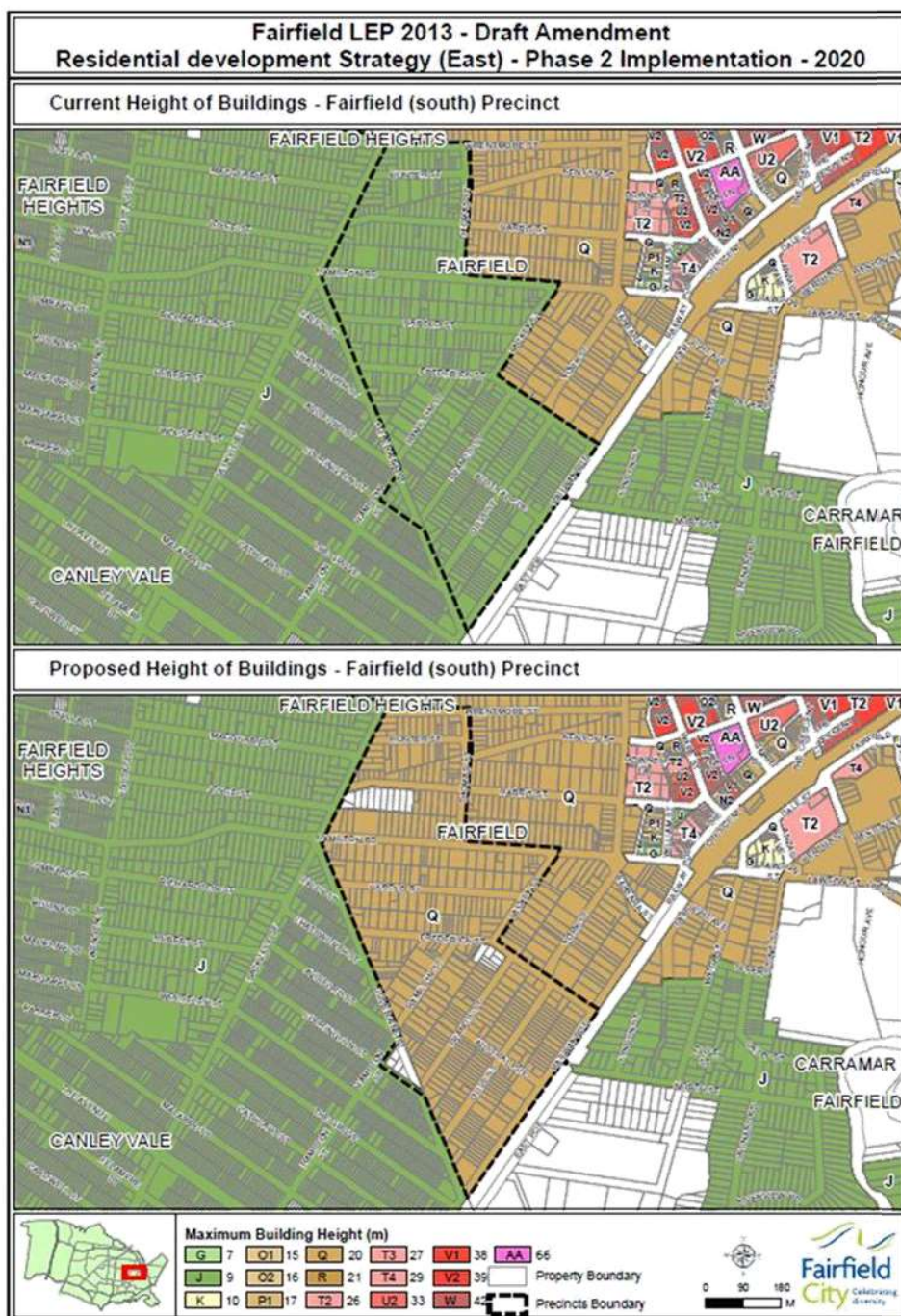
Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

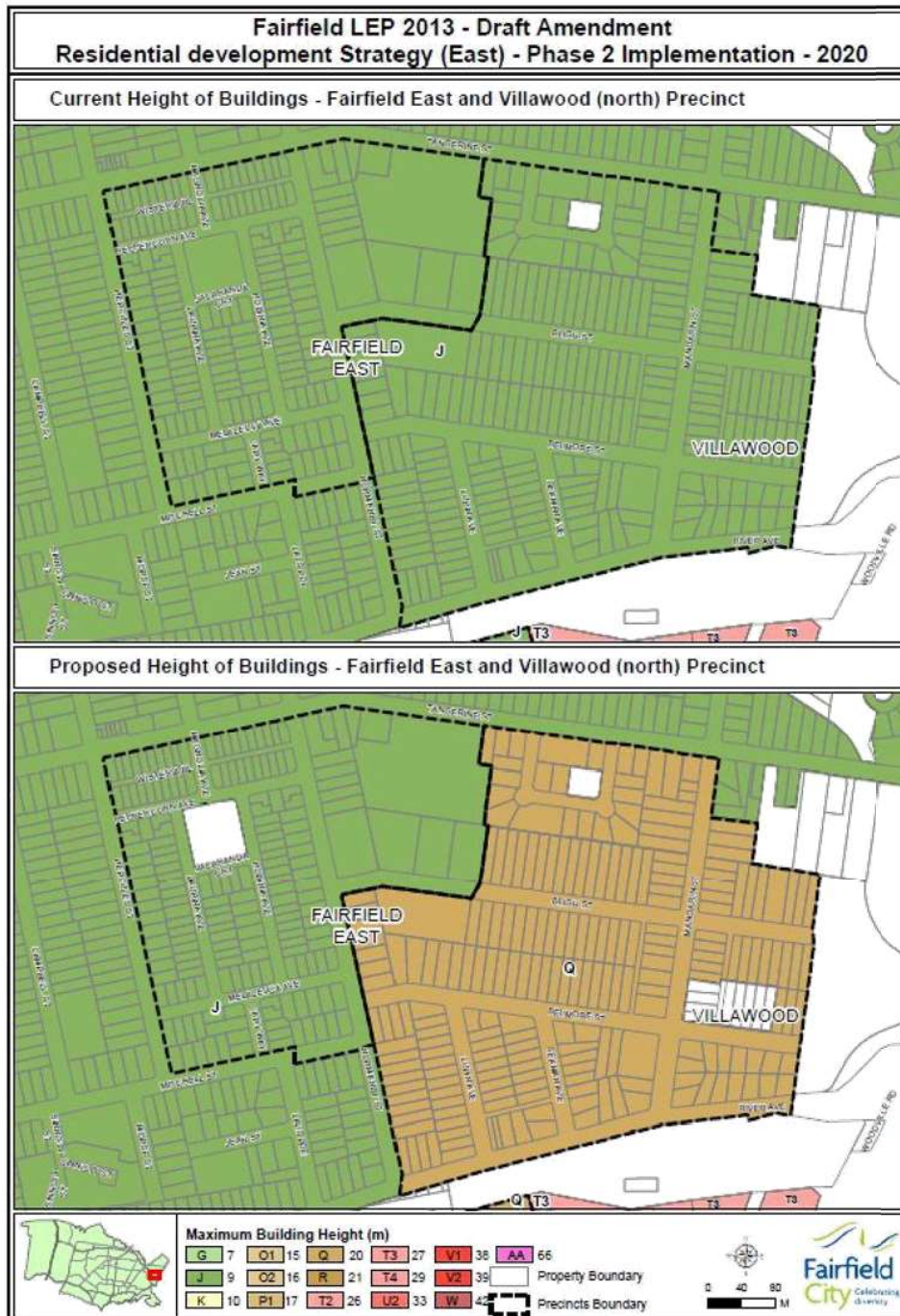
Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

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## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

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## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

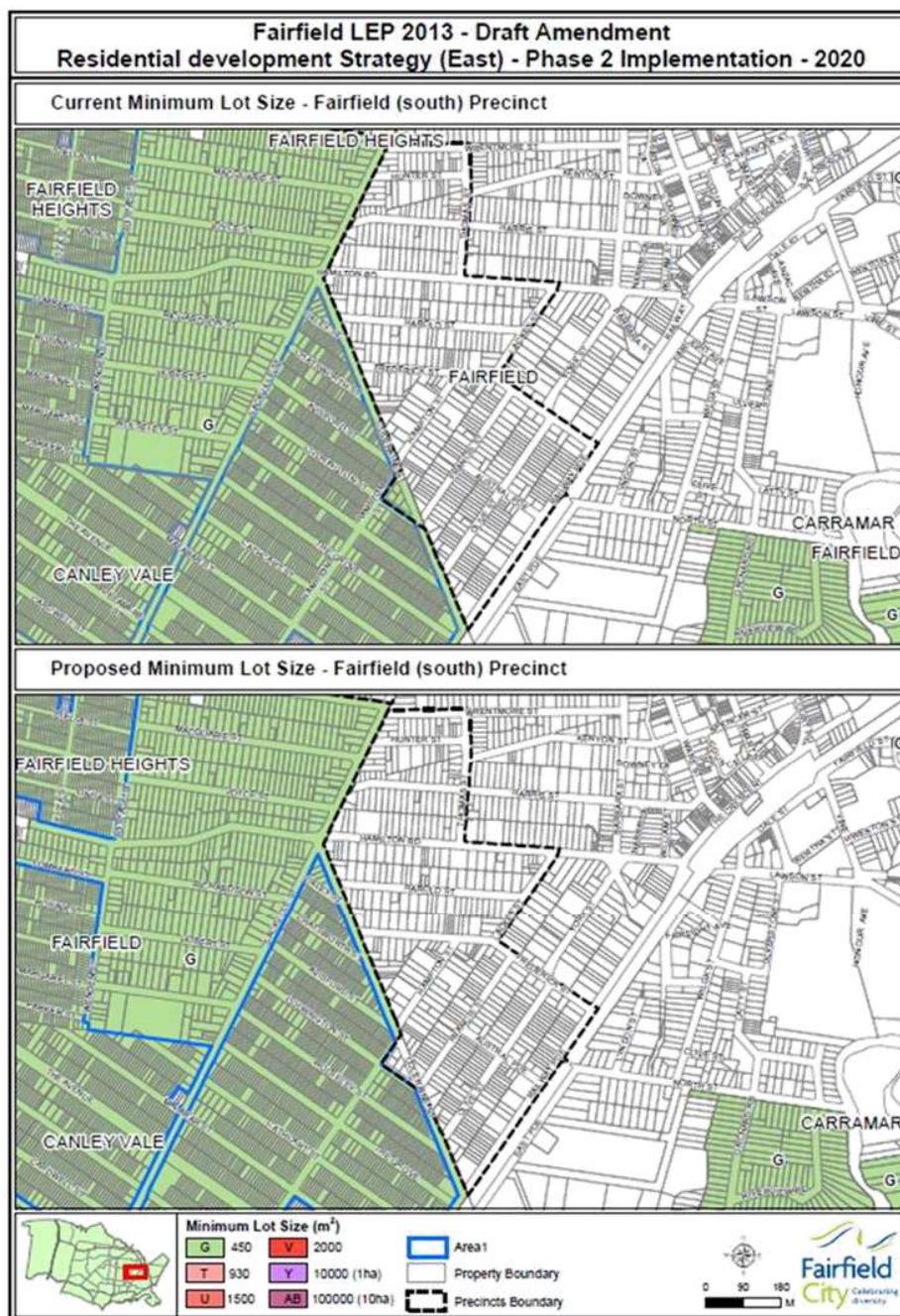
## Appendix A.5

### Current and Proposed Lot Size



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

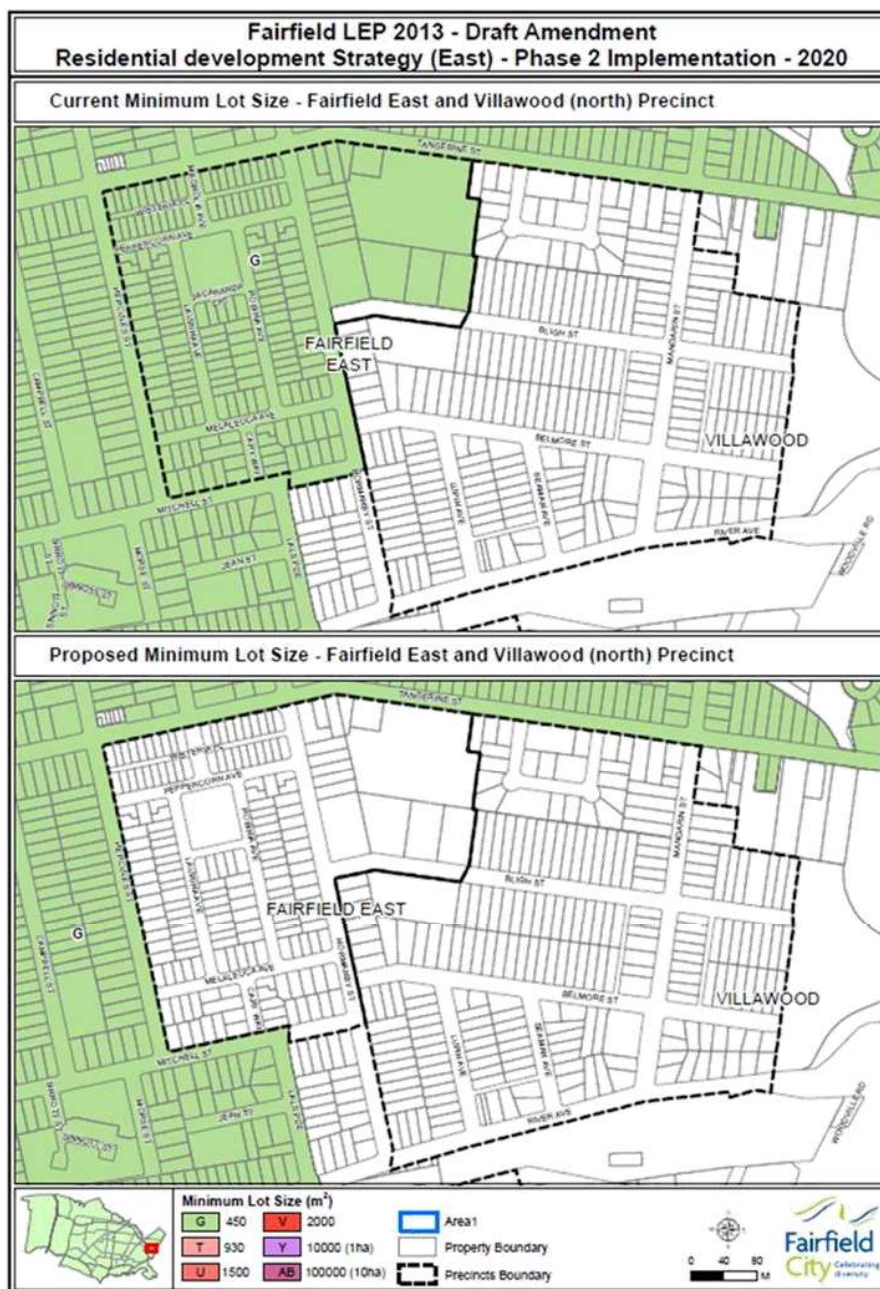
Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood





## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

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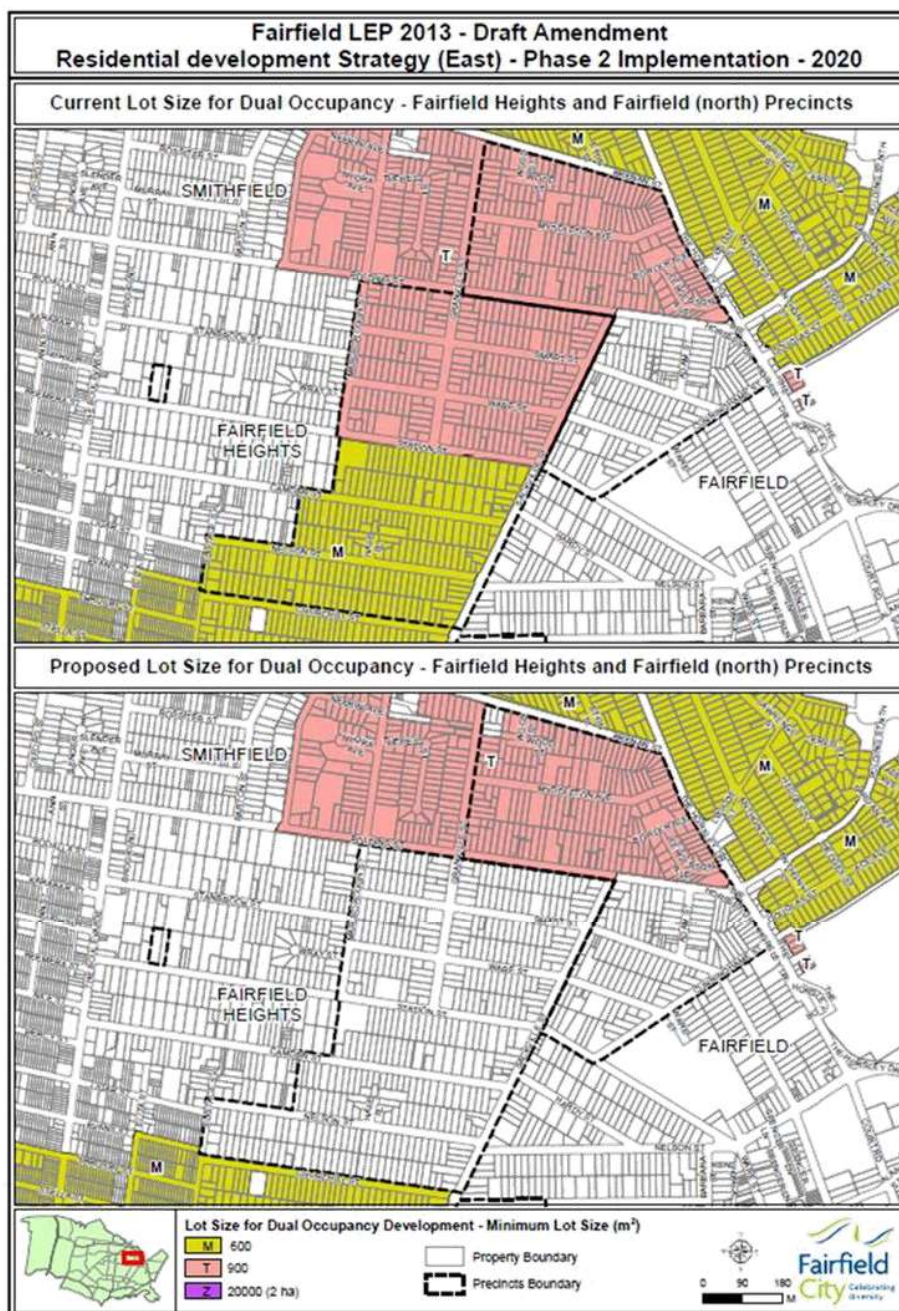
## **Appendix A.6**

### **Current and proposed Lot Size for Dual Occupancy Development**



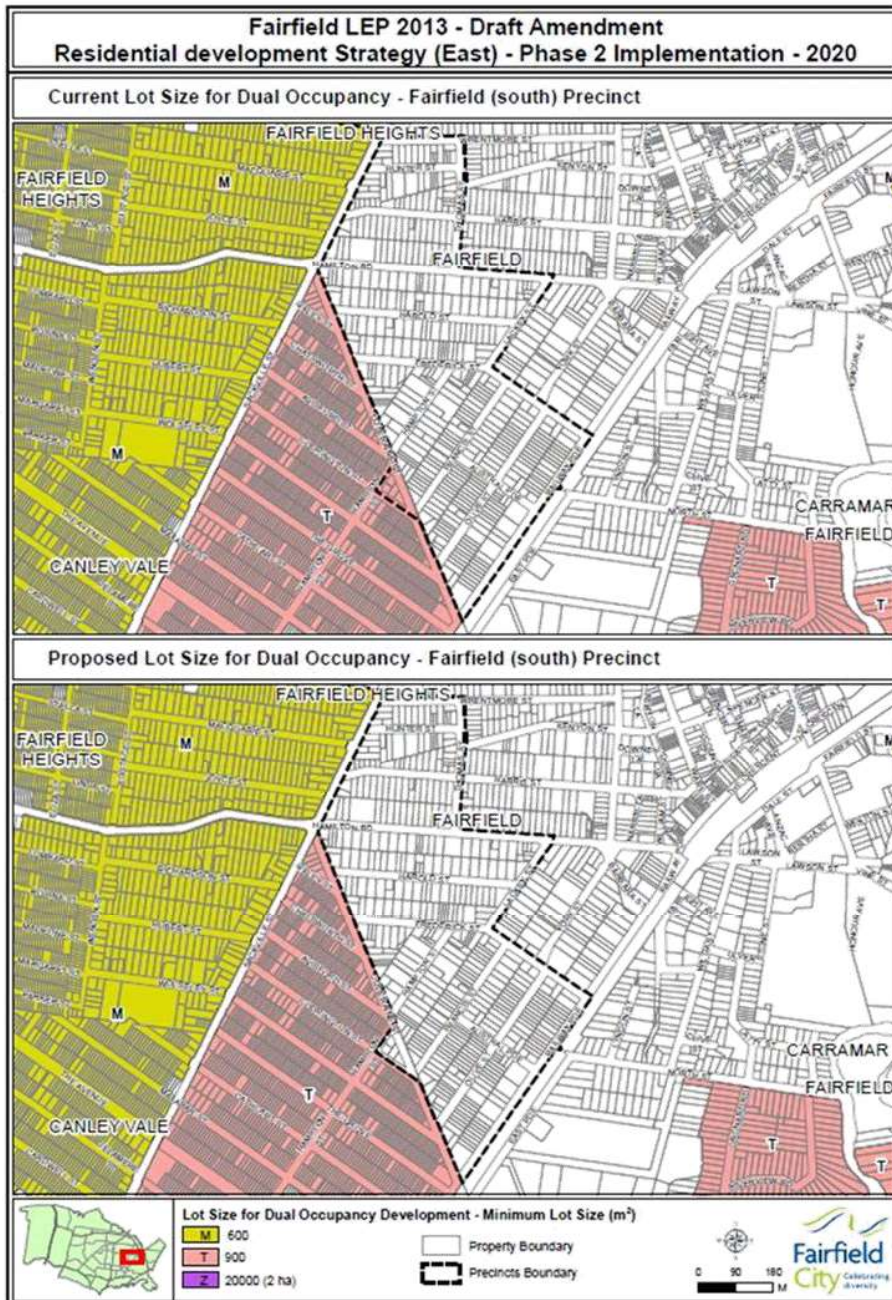
## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



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## Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood



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**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

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**Appendix B.1  
Council Report – 28 July 2015**

See separate attachment

**Planning Proposal - Amendment to Fairfield Local Environmental Plan 2013**

Residential density increase for precincts in Fairfield, Fairfield Heights, Fairfield East and Villawood with associated residential to public recreation rezoning in Fairfield, Fairfield Heights, Fairfield East and Villawood

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## **Appendix C.1**

### **Fairfield City Residential Development Strategy**

See separate attachment

## Ordinary Council



## MINUTES

**DATE OF MEETING:** 28 July 2015

**LOCATION:** Council Chambers

**TIME:** 7.07pm

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**Ordinary Council  
Minutes**

Meeting Date: 28 July 2015

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**MEETING 1450**Administration Centre, WAKELEY

**MINUTES OF THE MEETING OF COUNCIL OF THE CITY OF FAIRFIELD HELD IN THE COUNCIL CHAMBERS AT THE ADMINISTRATION CENTRE, AVOCA ROAD, WAKELEY ON 28 JULY 2015 AT 7.07PM.**

**PRESENT:**

His Worship Mayor Carbone.

Councillors Barcha, Bennett, Karajcic, Khoshaba, Le, Molluso (arrived 7.10pm), Saliba, Tran, White and Yeung.

Also in attendance were the City Manager, Director Community Outcomes, Director Corporate Governance, Group Manager Corporate Services, Group Manager City & Community Development, Group Manager Place & Infrastructure Operations, Group Manager Community Life & Information Management, Group Manager Public Health and Environment, Chief Financial Officer/Group Manager Integrated Planning & Reporting, Manager Governance and Legal, Manager Communications & Marketing, IT Help Desk & Support Officer (G Joseph), Civic Attendant and Committee Clerk (L Kalatzis and A Seraglio).

The State Member for Prospect (Dr Hugh McDermott) and the State Member for Fairfield (Guy Zangari) were also in attendance to discuss their positions on the Council amalgamation options under the NSW Government Fit for the Future process.

**National Anthem**

All present, stood for the National Anthem.

**Councillor Molluso arrived (7.10pm) to the meeting.**

**Acknowledgement of Traditional Custodians**

The Mayor acknowledged the Cabrogal of the Darug nation, the traditional custodians of the land upon which the meeting was held. He acknowledged their elders, past and present, and other Aboriginal people present.

**Prayer**

The Prayer was read by Councillor Khoshaba.

**Ordinary Council  
Minutes**

Meeting Date: 28 July 2015

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A division was taken with the following results:

**Aye****Nay**

Mayor Carbone  
Councillor Barcha  
Councillor Bennett  
Councillor Karajcic  
Councillor Khoshaba  
Councillor Le  
Councillor Molluso  
Councillor Saliba  
Councillor Tran  
Councillor White  
Councillor Yeung

Total=(11)

Total=(0)

**CARRIED UNANIMOUSLY****REPORT BY CHAIRMAN OF THE OUTCOMES COMMITTEE - 14 JULY 2015**

**PROCEDURAL MOTION:** (White/Barcha)

That Item 90 be dealt with in conjunction with Supplementary Item 105.

**CARRIED UNANIMOUSLY**

**90** Residential Development Strategy East - Phase 2 Implementation - Recommended  
& Upzoning of Residential Land  
**SUP** File Number: 13/07278  
**105:**

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Mayor Carbone	Pecuniary	A relative has an interest in this area and although it is unlikely to have any impact, given the character, I won't take part in this item.	Mayor Carbone left and took no further part in debate or discussion.
Yeung	Significant Non-Pecuniary	I have a business client who owns a property in this area but won't take part in this decision.	Councillor Yeung left and took no further part in debate or discussion.

**Mayor Carbone vacated (8.12pm) the Chair and left the meeting.**

**Deputy Mayor, Councillor Khoshaba assumed (8.12pm) the Chair.**

**Ordinary Council  
Minutes**

Meeting Date: 28 July 2015

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**Councillor Yeung left (8.14pm) the meeting.**

**Councillor Bennett left (8.16pm) and returned (8.18pm) to the meeting.**

**MOTION:** (White/Barcha)

That Council:

1. Endorse the preparation of a Planning Proposal, as per Attachment D of the report (Item 105) and as necessary be amended so that it be consistent with the following decisions, to amend Fairfield Local Environmental Plan (LEP) 2013 in relation to:
  - 1.1 Fairfield:  
Rezone R3 Medium Density Residential land in the vicinity of Fairfield Town Centre to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps.
  - 1.2 Fairfield Heights:  
Rezone the land in the Fairfield Heights precinct to the west of Sackville Street to Zone R3 Medium Density Residential and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps.
  - 1.3 Fairfield East:
    - 1.3.1 Rezone R3 Medium Density Residential land in the vicinity of Fairfield, Fairfield East Town Centre to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps; and
    - 1.3.2 Rezone R2 Low Density Residential to Zone R3 Medium Density Residential land in Fairfield East and amend associated Lot Size and Lot Size for Dual Occupancy Development Maps; and
    - 1.3.3 Rezone Council owned land at 2-10 Jacaranda Court Fairfield East (Lot10, DP1025300) from Zone R2 Low Density Residential to Zone RE1 Public Recreation and amend associated Floor Space Ratio, Building Height, Lot Size and Lot Size for Dual Occupancy Development Maps.
  - 1.4 Villawood:  
Rezone R3 Medium Density Residential land in the vicinity Villawood Town Centre to Zone R4 High Density Residential and amend associated Floor Space Ratio & Building Height Maps.

**Ordinary Council  
Minutes**

Meeting Date: 28 July 2015

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2. Refer the Planning Proposal included in Attachment B of the report (Item 105), to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the Planning Proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report (Item 105) and the conditions set out in the Gateway Determination.
3. In requesting the Gateway Determination, advise NSW DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). The delegated functions will be undertaken by the Group Manager City and Community Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
4. Receive a report following the public exhibition of the Planning Proposal.
5. Receive further reports on urban infill issues in Cabramatta and Integrated Parking Strategy for the City.

A division was taken with the following results:

**Aye****Nay**

Councillor Barcha  
Councillor Bennett  
Councillor Karajcic  
Councillor Khoshaba  
Councillor Le  
Councillor Molluso  
Councillor Saliba  
Councillor Tran  
Councillor White

Total=(9)

Total=(0)

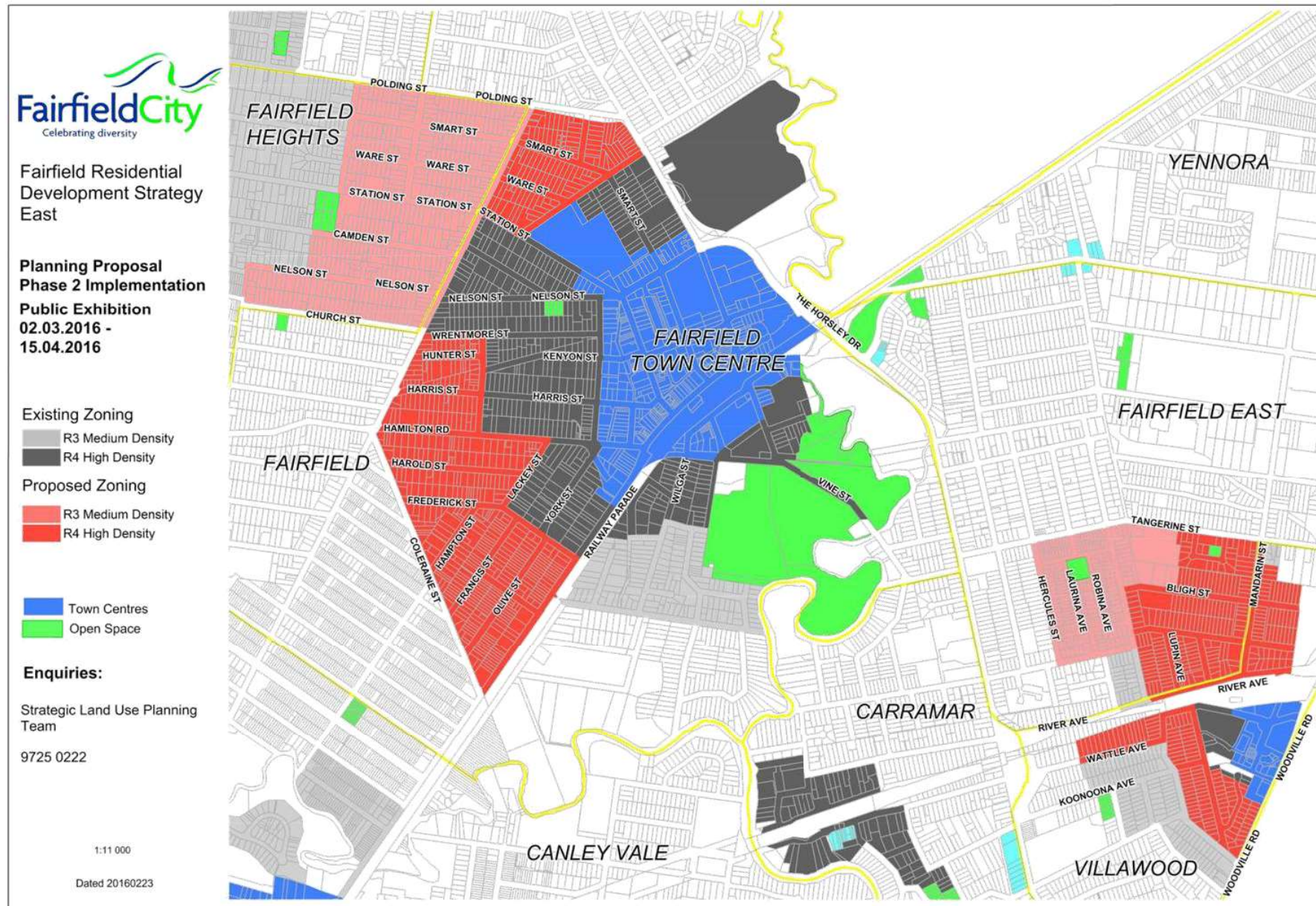
**CARRIED UNANIMOUSLY**

Councillor Yeung returned (8.16pm) to the meeting.

Due to the large public gallery that was present for this item, the Deputy Mayor read aloud the decision that the Council had taken.

Mayor Carbone returned (8.20pm) to the meeting and resumed Chair.







Mr Alan Young  
City Manager  
Fairfield City Council  
PO BOX 21  
Fairfield NSW 1860

Contact: Georgina Ballantine  
Phone: 9860 1568  
Email: georgina.ballantine@planning.  
nsw.gov.au  
Our ref: 15/14601  
Your ref: 15/13681

Attention: Edward Saulig

Dear Mr Young

**Re: Planning Proposal for residential density increase in 6 precincts at Fairfield, Fairfield Heights, Fairfield East and Villawood, with associated rezoning from residential to public recreation in East Fairfield**

I am writing in response to Council's letter dated 3 September 2015 requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Fairfield Local Environmental Plan 2013 to increase residential density in 6 precincts at Fairfield, Fairfield Heights, Fairfield East and Villawood, with associated rezoning from residential to public recreation in East Fairfield.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

Plan making powers were delegated to councils in October 2012. I have considered the circumstances of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 2.3 Heritage Conservation and Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under Section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Department of Planning & Environment  
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 |  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)





Planning &  
Environment

The State Government is committed to reducing the time taken to complete 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 Environmental Planning and Assessment Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Georgina Ballantine, of the Metropolitan Region (Parramatta) office of the Department of Planning and Environment on 9860 1568.



*February 2016*

Acting Executive Director  
Regions  
Planning Services

Department of Planning & Environment

23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 |  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



Planning &  
Environment

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2015\_FAIRF\_003\_00):** to increase residential density in 6 precincts at Fairfield, Fairfield Heights, Fairfield East and Villawood, with associated rezoning from residential to public recreation in East Fairfield.

I, the Executive Director, Regions, as delegate of the Greater Sydney Commission, have determined under Section 56(2) of the Act, that an amendment to the Fairfield Local Environmental Plan 2013, to facilitate the above proposal, should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal should be updated to address 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
- Office of Environment and Heritage - Flooding Division
- Office of Environment and Heritage – Heritage Division
- Roads and Maritime Services
- Sydney Water
- 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).

Department of Planning & Environment

23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 |  
www.planning.nsw.gov.au



6. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

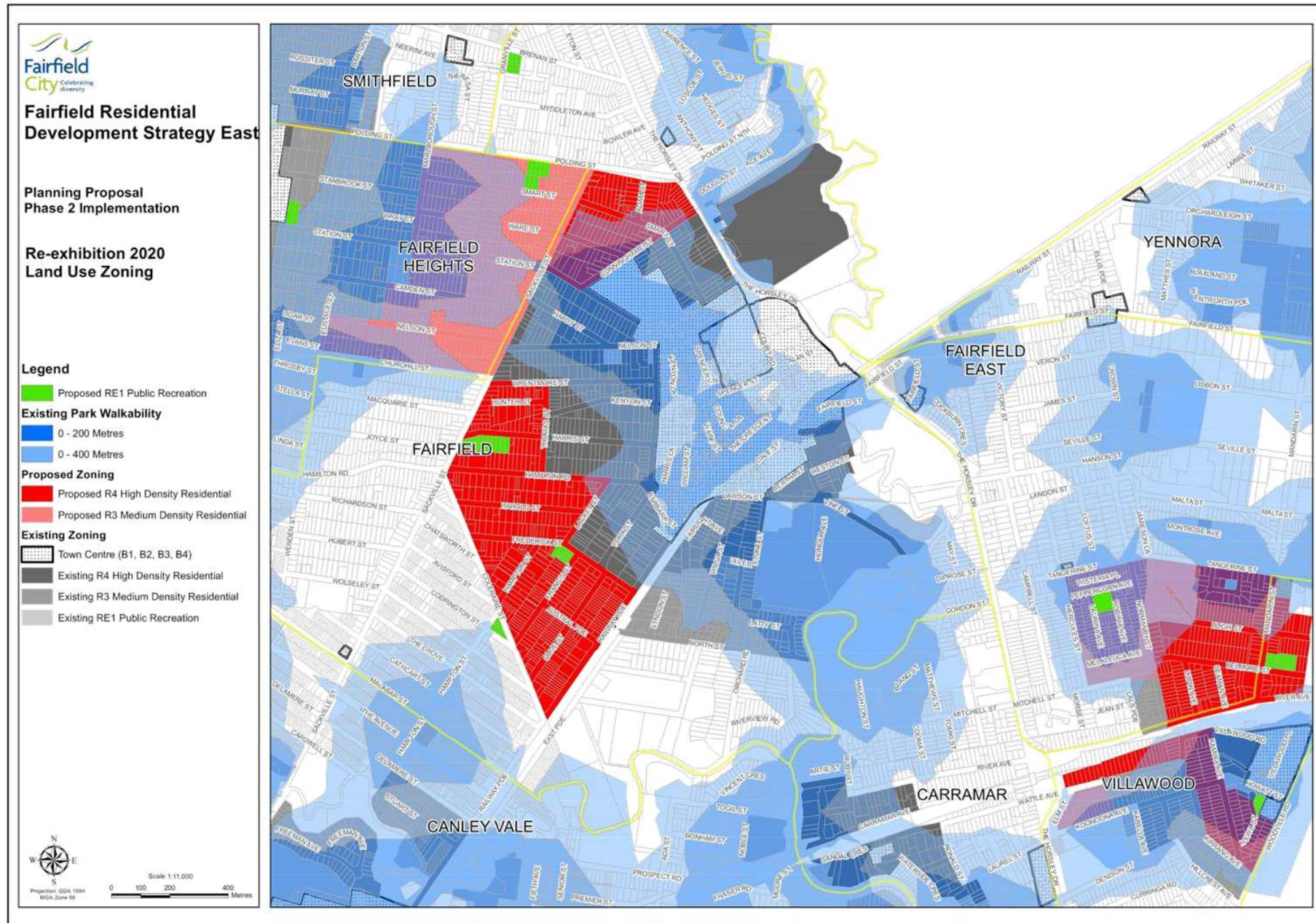


**Acting Executive Director  
Regions  
Planning Services**

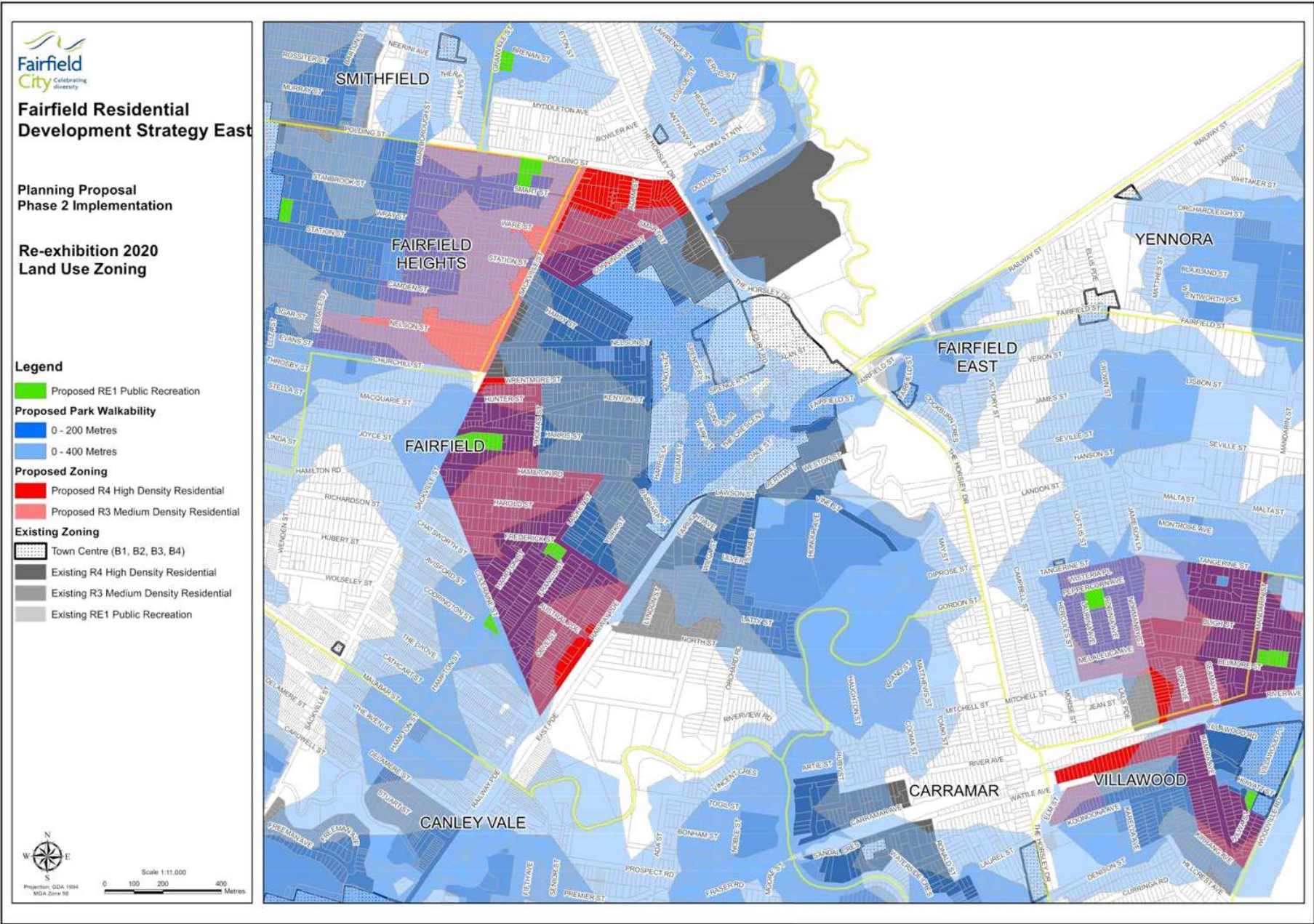
As delegate of the Greater Sydney  
Commission

*7 February 2016*

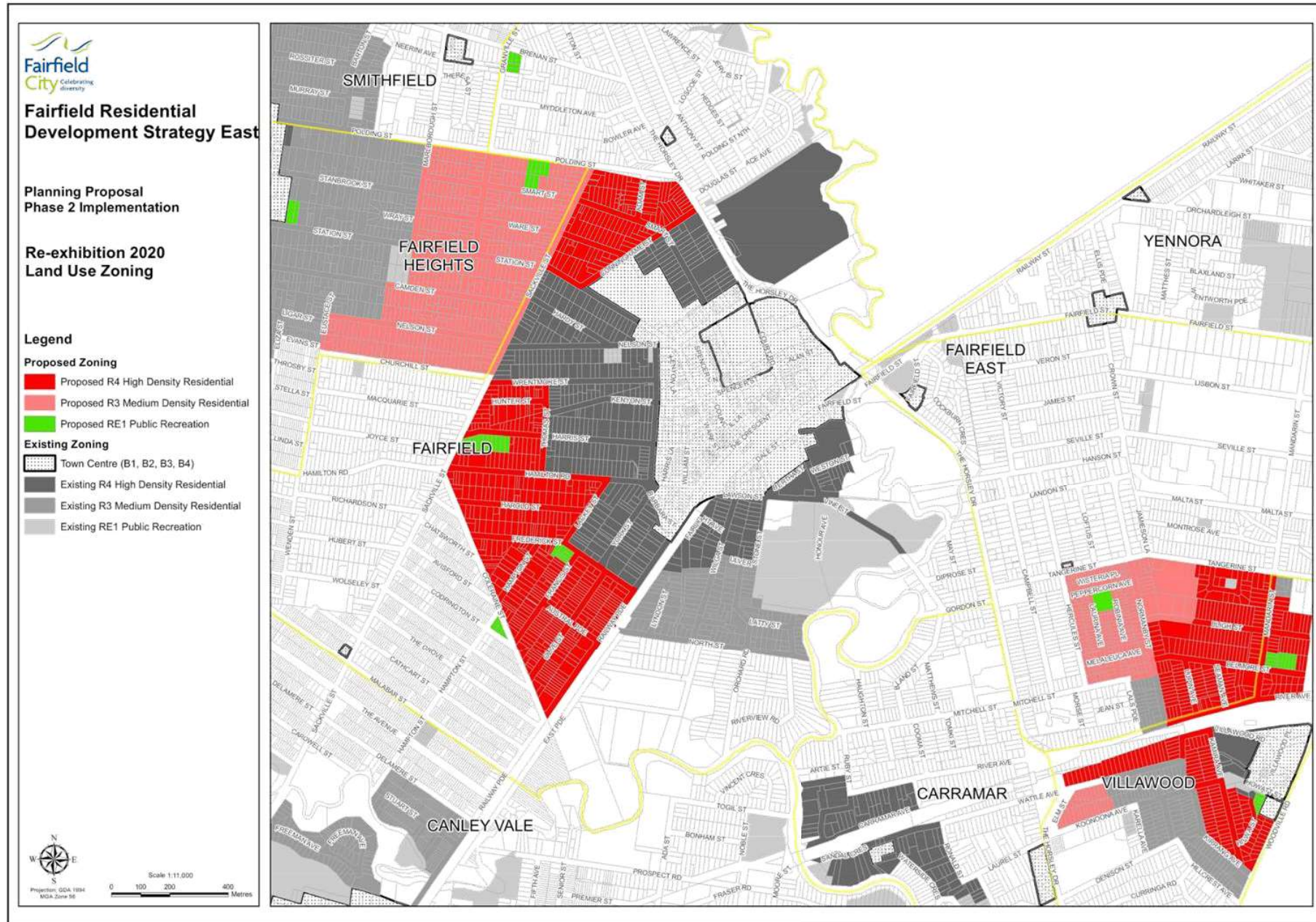












## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 64

**SUBJECT:** Aircraft Noise Restrictions - Potential Impact of State Planning Controls on Residential Development of Land at Horsley Park

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**FILE NUMBER:** 14/01576

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**PREVIOUS ITEMS:** 11 - Submission to Draft Western Sydney Aerotropolis Plan - Outcomes Supplementary Reports - 25 Feb 2020

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**REPORT BY:** Andrew Mooney, Acting Manager Strategic Land Use Planning

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### RECOMMENDATION:

That Council write to the NSW Premier, relevant State and Federal Ministers and Local Members of Parliament:

1. Highlighting Council's concerns regarding the lack of consultation undertaken with residents of Horsley Park affected by the 20 Australian Noise Exposure Concept (ANEC) contour and with Council about potential controls on residential development and subdivision of land.
  2. Requesting in the strongest terms that any changes to existing controls on residential development and subdivision of land affected by the 20 ANEC contour not be progressed until such time as appropriate community engagement is undertaken and there is greater certainty regarding the scope and timing of aircraft noise impacts associated with the second runway for the Western Sydney Airport.
- 

### SUPPORTING DOCUMENTS:

**AT-A** [↓](#) Rural Lands Urban Investigation Area (UIA) Draft Structure Plan 1 Page

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### CITY PLAN

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

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### SUMMARY

In December 2019, the State Government exhibited the Western Sydney Aerotropolis Plan (WSAP). The WSAP sets out a proposed new planning framework governing planning issues relevant to the Western Sydney Aerotropolis and Western Sydney Airport. The package included background information on planning controls that will be included in a proposed new State Environmental Planning Policy (SEPP) and development control plan (DCP).

The website for the exhibition was quite specific that it applied to the Liverpool and Penrith local government areas and the exhibited proposed SEPP stated that it will apply to the area of land shown on the draft Land Application Map which did not include Horsley Park.

The NSW Department of Planning and Infrastructure and Environment (DPIE) are currently in the process of preparing the SEPP (Aerotropolis) that will be implemented in coming months. Council officers understand that consideration is being given to the inclusion of controls that would apply to all land affected by the 20 ANEC for both the initial and future second runway.

This has the potential for significant implications for land owners in Horsley Park that are affected by the 20 ANEC contour for the second runway in regard to the future development potential of their land. Moreover, staff are concerned that the affected landowners in Horsley Park were not notified of this potential as part of the public exhibition of the WSAP and therefore not given a chance to comment on development restrictions that are being considered for land affected by the 20 ANEC contour.

Specifically, it is unclear whether the restrictions will affect the current ability for landowners in Horsley Park affected by the 20 ANEC contour to construct a house on a vacant lot or, where the potential exists, to submit an application for subdivision of land to the level currently permitted under the Fairfield LEP 2013 (ie. 1ha). It is also unclear whether the restrictions will remove the ability to apply for a secondary dwelling (on any property) or a dual occupancy (on properties 2ha or more).

Given the impending implementation of the SEPP (Aerotropolis), unknown consequences for existing planning controls and the lack of consultation undertaken with land owners of Horsley Park, it is recommended Council write to the Premier, relevant State and Federal Ministers and Members of Parliament, as well as to land owners of Horsley Park affected by the 20 ANEC contour.

### Background

As Council would be aware, the 20 ANEC area applies to sections of Horsley Park as shown on the draft preferred Structure Plan for the Fairfield Rural Lands Urban Investigation Area (UIA), endorsed by Council in April 2019 (Attachment A). In particular, Horsley Park is affected primarily by the longer term 20 ANEC contour associated with the full operation of the Airport projected to commence in 2063.



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Currently, the provisions of a Ministerial Planning Direction under the Environmental Planning and Assessment (EP&A) Act 1979, applies to Horsley Park which restricts the ability for a Council to rezone land for “*increased residential density under the 20 ANEC for the Western Sydney Airport*”. Council has previously regarded this restriction as too strict given the long time period before the second runway is built and Horsley Park is affected by aircraft noise and Council’s submission to the WSAP (February 2020 Outcomes Committee) made the following recommendation:

*There is a need for greater flexibility for consideration of additional 1 acre (4,000m<sup>2</sup>) subdivision in areas of Horsley Park, located under the 20 Australian Noise Exposure Concept (ANEC) aircraft noise contour area associated with the Western Sydney Airport.*

While Council has been seeking support for a level of increased density, recent discussions with DPIE have failed to discount the possibility that the proposed SEPP (Aerotropolis), will not result in all forms of new residential development (ie. dwellings, secondary dwellings and dual occupancy) being prohibited in the areas of Horsley Park affected by the 20 ANEC contour.

This may also include prohibition of any further subdivisions (ie. 1ha subdivision) taking place within the 20 ANEC area for residential development as currently permitted in zone RU4 – Primary Production Small Lots applying to the area.

### Public Consultation undertaken for the WSAP

The public consultation process for the WSAP did not include notification to any landowners in Horsley Park affected by the 20 ANEC contour. This is in major contrast to consultation undertaken for landowners in Liverpool and Penrith City Councils where the consultation process involved a number of steps including:

- A mail out to all affected landowners
- One-on-one meetings between landowners and the representatives of various State Agencies coordinating preparation of the planning controls for Aerotropolis
- Three drop in information sessions (Twin Creeks Golf and Country Club, Workers Hubertus Country Club, and Bringelly Community Centre)
- Conducting a ‘listening panel’
- Advertisements in local newspapers
- Social media posts
- Active email and phone line information

In addition to the above, the website associated with public exhibition of the WSAP indicated that relevant information on public exhibition only **related to Liverpool City Council and Penrith City Council**.

This would have left residents of Horsley Park viewing the website, with the impression that the WSAP proposals on public exhibition were not relevant to their land.

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Council officers have raised these concerns with Departmental officers who have referred to a sentence within the exhibited Discussion Paper that states *“As noted above the airport safeguarding controls will be applied to land beyond the Aerotropolis through the SEPP”*.

It is our view that appropriate community engagement must be undertaken with the affected Horsley Park land owners if any changes to their development potential is to be included in the SEPP. If extensive consultation was appropriate for the Aerotropolis land owners, then it is appropriate for the Horsley Park land owners. Further, it is considered that there is no urgency in introducing any changes to the controls given that the impacts in Horsley Park result from the proposed second runway which is at least 40 years from being operational.

### Context and implications for Horsley Park

As referred above, depending on interpretation of the information contained in the WSAP, there is potential that once implemented, the SEPP (Aerotropolis) will prohibit all forms of residential development affected by the 20 ANEC contour. There is also potential that further subdivision of land to 1ha will be prohibited on land affected by the 20 ANEC contour.

As stated in the WSAP only *“renovations to existing houses or minor extensions within the ANEC/ANEF 20 contour may still be allowed subject to appropriate noise mitigation management measures”*.

As well as the lack of community consultation (detailed above), there are a number of major concerns in relation to the potential that the SEPP will prohibit all forms of housing and 1ha subdivision of land affected by the 20 ANEC contour of Horsley Park as summarised below:

- The ability to apply to construct a house and secondary dwelling (on a 1ha lot or greater) or a dual occupancy (on a 2ha lot or greater) and the ability to apply to subdivide to 1ha has been in place in Horsley Park since 1993. These are basic ‘development rights’ implicit to the intent and structure of the rural/residential zone applying to the area.
- Currently there are approximately 344 properties located affected by the 20 ANEC area of Horsley Park with the potential (under the current 1ha subdivision allowance) for the creation of a further 134 lots.
- The approach of restricting development affected by the 20 ANEC contour pre-empts planning investigations being undertaken for the Fairfield UIA and effectively sterilizes land that could support the future Aerotropolis and contribute to Sydney's housing targets. A more reasonable approach would be to require an aircraft noise study and acoustic treatment of buildings where rezoning of land within the 20-25 ANEC/ANEF contours is proposed. This could be done as part of detailed planning investigations for the UIA, noting that this work has been chaired by the Western City

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District Commissioner and includes senior representatives of the GSC, DPIE and other agencies.

- Under the current long term operational plan associated with the Western Sydney Airport, the 20 ANEC contour will not come into effect over Horsley Park until 2063. There is potential that improvements to aircraft technology will reduce both the extent and level of impacts of aircraft noise on Horsley Park. In this regard it is premature to apply any ANEC restrictions to the area until there is greater certainty regarding the medium to longer term levels of operation of the Airport.

### CONCLUSION & NEXT STEPS

This report highlights that there have been major deficiencies in notification and engagement of residents in Horsley Park affected by the 20 ANEC contour and proposals contained in the WSAP that may severely restrict the ability of land owners to develop their properties for residential uses including 1ha subdivision.

It is recommended that Council write to the Premier, relevant State and Federal Ministers, and Members of Parliament highlighting the concerns detailed in this report.

In addition, it is recommended that Council send letters to all landowners in Horsley Park affected by the 20 ANEC contour, highlighting the issues raised in this report and associated actions being undertaken by Council.

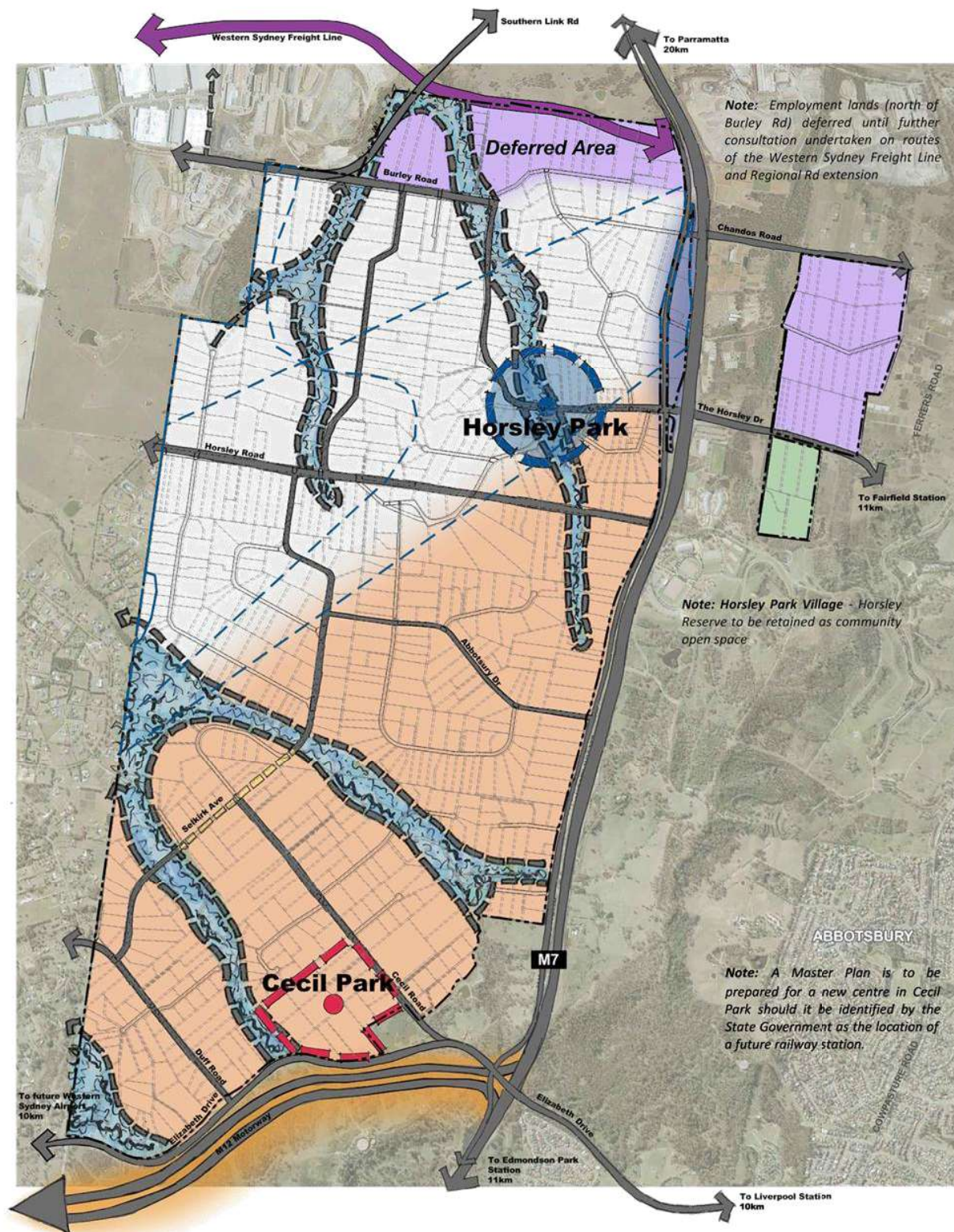
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Andrew Mooney  
**Acting Manager Strategic Land  
Use Planning**

**Authorisation:**  
Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

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\*\*\*\*\* END OF ITEM 64 \*\*\*\*\*



### DRAFT PREFERRED STRUCTURE PLAN OPTION

LOW DENSITY RESIDENTIAL (half hectare/1 acre) AND SMALL LOT SINGLE DWELLING HOUSING (rail station enabled)



- Low Density: Agribusiness and Estate Homes (1 acre)
- Small Lot Single Dwelling Housing
- Employment Land
- Rural Landscape
- Environmental Living and Vegetation Corridors (1 acre)
- Enterprise Corridor

- Major Roads
- Potential Road Extension
- M12 Motorway
- Western Sydney Freight Line corridor

- Commercial Village Centre
- Civic Village Centre
- Western Sydney Airport ANEC Boundary



## OUTCOMES COMMITTEE

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**SUBJECT:** Bonnyrigg Living Centres Project - Modification to Concept Plan

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**FILE NUMBER:** 18/05366

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**PREVIOUS ITEMS:** 96 - Bonnyrigg Living Centres Project - Submission to Modification to Concept Plan - Outcomes Supplementary Reports - 30 Sep 2019

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**REPORT BY:** Andrew Mooney, Acting Manager Strategic Land Use Planning

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### RECOMMENDATION:

That:

1. Council request that the NSW Department of Planning, Industry and Environment (DPIE) liaise with Council in regard to the preparation of any conditions of approval that are issued for the Modification.
  2. Council acknowledge the revised letter of offer submitted by the Land and Housing Corporation to prepare a new Voluntary Planning Agreement (VPA) for the Project, with a detailed report on the revised draft VPA to be referred to Council.
- 

### SUPPORTING DOCUMENTS:

<b>AT-A</b> <a href="#"><u>↓</u></a>	Proposed Newleaf Community Facility	3 Pages
<b>AT-B</b> <a href="#"><u>↓</u></a>	Open Space Provision & Pedshed Analysis	2 Pages
<b>AT-C</b> <a href="#"><u>↓</u></a>	VPA Letter of Offer	5 Pages

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### CITY PLAN

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

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### SUMMARY

Council has received notification from the NSW Department of Planning, Industry and Environment (DPIE) of re-exhibition of a proposed modification to the Concept Plan for the Bonnyrigg Estate.

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The Ordinary Council Meeting of 30 September 2019 endorsed a previous submission to the proposal, requesting further justification from the proponent, Land and Housing Corporation (LAHC), regarding the proposed provision of public open space, community floor space and visitor car parking space for apartments included in the modification.

LAHC has now provided a response to Council's submission with the key issues dealt with in this report. It is noted that re-exhibition of the proposal is the result of changes to the legal description of some of the properties affected by the project. However, there have been no changes to the nature and extent of modifications included in the original project as reported to Council in September 2019.

In summary, the additional information submitted by the LAHC demonstrates that the proposed modification achieves consistency with a previous modification to the Concept Plan approved by the NSW Planning Assessment Commission (PAC) in 2014.

Further, the additional information and analysis submitted by LAHC indicates that the proposed modifications to the Concept Plan address relevant benchmarks, best practice guidelines and appropriate qualitative outcomes in relation for the provision of open space and community facilities for the future population of the Bonnyrigg Living Centres project.

LAHC has acknowledged Council's issues in relation to visitor car parking for future apartment development on the Estate and that this matter will need to be addressed at development application stage.

LAHC has also provided a letter of offer (Attachment C) to prepare a new Voluntary Planning Agreement (VPA) to reflect the scope of changes and commitment to provision of infrastructure, open space and community facilities reflected in the modified Concept Plan.

In light of the above, it is proposed that Council endorse the recommendations in this report.

### BACKGROUND

The previous report to Council (30 September 2019) provides detailed information on the history of the Bonnyrigg Living Centres Project (that commenced in 2008) associated with redevelopment of the Bonnyrigg Housing Estate and current scope of the proposed modifications that comprises the following:

- Reconfiguration of the construction staging plan for the project from the previous 18 stages to 5 new staging precincts, with the completed or approved stages 1-7 being allocated to Stage 1 of the project.
- Under future stages, increase in the total number of dwellings generated by the project from 2,500 to 3,000. This increase is predominantly due to additional 3-6 storey apartment style buildings in the new stages 3, 4 and 5 adjacent to Bonnyrigg Plaza.

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- The modification will aim to meet the original 70:30 split of private and social housing intended for redevelopment of the estate, resulting in a total 2,100 private dwellings and 900 social housing dwellings upon completion.
- Increase in public open space from 12.13ha to 13.04ha (additional 9,100m<sup>2</sup> in public open space).
- Additional 204m<sup>2</sup> in floor space for community facilities on top of the current allocation of 700m<sup>2</sup> associated with the approved Concept Plan.
- Revised local road network to remove dead ends and cul-de-sacs where possible, and introduce additional through site links to improve pedestrian connections and walkability.
- Increase in commercial floor space (on ground floor of apartment buildings) by approximately 2000m<sup>2</sup>.
- Increase in tree canopy from 14% to 25%.
- Four kilometres of new dedicated pedestrian and cycle paths including new links to transport, retail and community services.

Council at its Ordinary Meeting of 30 September 2019 adopted the following in relation to the above modifications:

1. *Council endorse the issues raised in the report as the basis for the making of a submission to the Department of Planning Industry and Environment regarding the proposed modifications to the Bonnyrigg Living Communities Project.*
2. *The proponent address the concerns raised in the report in relation to:*
  - 2.1 *Deficiency in the provision of public open space as a result of the underestimation of occupancy rates for dwellings associated with the re-development of the Bonnyrigg Estate.*
  - 2.2 *Deficiency in the provision of community floor space due to the incremental approach used to justify the additional floor space resulting in insufficient floor space to meet the needs of the total future population.*
  - 2.3 *The proposed reduction of visitor parking rate for high density residential development.*

The NSW LAHC response to the above issues is discussed in the following sections of this report.

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### Community Facilities

LAHC's response in relation to the provision of community facilities is summarised below:

- Council's submission in regard to the amount of community facility space approved in the original 2009 Concept Plan and modification 4 does not pertain to the changes proposed in modification 5. It is not possible to change what has already been previously approved in the original Concept Plan and previous modifications.
- The provision of community facility floor space has been calculated using the updated occupancy rate assumptions to ensure the process is based on the best available evidence. The provision of 222.18m<sup>2</sup> of floor space was calculated to support the 1,587 residents attributable to the 500 additional dwellings proposed under modification 5.
- The 222.18m<sup>2</sup> of additional community facility space proposed under modification 5 is considered appropriate in servicing the additional forecast population, applying the rate of community facilities space provision of 0.14m<sup>2</sup> per person determined through Council's section 94 Development Contributions Plan (2011), and differentiated occupancy rates for private and social dwellings to better reflect the likely demand for community facilities based on the different household sizes and tenant profiles of private and social dwellings.
- Under modification 4 and the original 2009 Concept Plan, a total of 700m<sup>2</sup> of community facility floor space has already been approved. Therefore, a total of 922.18m<sup>2</sup> is proposed for Bonnyrigg Estate.

### Officer Comments:

Since Council made its submission to the modification, in April 2020 LAHC submitted a Development Application (DA) (Attachment A) with Council for the provision of a new community facility and community garden at 3 Wall Place Bonnyrigg (next to the existing NewLeaf offices). This step addresses a requirement of the original Concept Plan approval for redevelopment of the Bonnyrigg Housing Estate, as well as an associated voluntary planning agreement entered into with Council.

The DA for the proposal is currently being assessed by Council's Development Control Branch. Council's Social Planning and Community Development Branch has undertaken a detailed assessment of the proposed facility and has provided the following advice:

*"The development application is supported. The centre and community garden will be a much needed addition to the developing community of NewLeaf. The centre has been designed with extensive consultation with both the community and council staff and reflects identified needs. The community garden will meet an important community need, having been identified at the beginning of this project in 2008 as a way to mitigate the loss of garden for residents transitioning from detached dwellings to medium density".*



## OUTCOMES COMMITTEE

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As well as obtaining the above support, it is noted that the proposed community facility complies with the floor space benchmark contained in Council's current Direct Contributions Plan of "0.14m<sup>2</sup> per person". This benchmark applies to general multi-purpose community facilities for the various subdistricts of the City as identified in Council's Contribution Plan.

In 2012, under modification No.4 to the Concept Plan (for an increase of 168 dwellings), the 0.14m<sup>2</sup> benchmark was utilised as the basis for provision of additional community floor space in the Bonnyrigg Living Centres Project (increasing the floor space of the community facility to 790m<sup>2</sup>).

This benchmark has previously been endorsed by the former Department of Planning and Infrastructure (DPI) and NSW Planning and Assessment Commission (PAC) in its approval to modification No.4 to the Bonnyrigg Concept Plan in 2014.

Given the above, the proposed provision of community floor space under the current modification is considered appropriate.

### Public Open Space

LAHC's response in relation to the provision of open space is summarised below:

- Council's estimate of 16.94ha of open space, is based on a rate of 2.0ha of open space per 1,000 persons. This rate has then been applied to the total estimated population at completion (8,468 residents), rather than the estimated increase of 500 dwellings (1587 residents) proposed under modification 5.
- Council's rate of provision is not relevant. The approval of modification 4 applied Council's section 94 Development Contributions Plan (2011) rate of 2.78m<sup>2</sup> per additional person. The rate of 2.78m<sup>2</sup> was also supported by DPIE in the approval of modification 4.
- The rate of open space provision is consistent with the agreed rate of 2.78m<sup>2</sup>. This has been applied to the estimated population of 1,587 to determine the additional open space requirements to support the increase in population.
- The proposed modification does not seek to revisit the agreed and approved open space provision in previous Concept Plan approvals.
- Council also queried that the shortfall for public open space is likely to be larger given use of an occupancy rate that is below the rate for private dwellings across the Fairfield local government area. The University of Technology Sydney (UTS) Needs Analysis uses differential occupancy rates for private and social housing dwellings because a single flat occupancy rate fails to consider the differences in demand generated by the likely different tenant profiles and household sizes of these different types of housing stock.

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- The 13.04ha of open space to be provided includes 5 new public parks including Bonnyrigg Square, Village Green, Community Park, Upper Valley Creek Park and Junior Play Park. The proposed landscape buffers (including the 'narrow green band between Park 4, Park 5 and Tarlington Parade') have not been included as part of the total open space provision across the site.
- The open space concept plans provided as part of the modification 5 are conceptual only and show how a combination of active and passive spaces can be accommodated in the proposed open spaces. Detailed landscape plans and strategies for each open space will be developed during the DA phase and could explore adaptable options for the parks to meet the open space and sporting needs of future residents.
- The open space concept plans provide an idea of what could be achieved in the parks. The size and configuration of open space allows flexibility in the detailed design to provide active spaces for sports including tennis, netball or basketball facilities.

### Officer Comments

Issues relating to the provision of public open space for modification 5 are similar to issues associated with the provision of community facilities. This is in respect to the rate of 2.78m<sup>2</sup> of open space per additional person associated with modification 5, which is the same rate approved by DPI and the NSW PAC under modification 4 in 2012. LAHC also confirm that landscape buffer areas, verges and on site detention areas have not been included in the calculation of open space for modification 5.

Under modification 5, public open space areas have been amalgamated to provide a more even distribution of neighbourhood parks throughout the Estate and options for provision of both active and passive open space within these parks.

LAHC has also provided a 'pedshed' analysis (Attachment B) that indicates that the majority of residential development within Newleaf will be located within 200m of a neighbourhood park with all properties being located within 400m.

The proposed open space outcomes comply with guidelines published by the Government Architect NSW and are applicable to open space planning under the NSW Greater Sydney Regional Plan and Western City District Plan. In this regard the level of provision of open space under the modified Concept Plan comply with relevant standards.

**Car Parking Issues**

LAHC's response in relation to the provision of car parking is as follows:

- The proposed visitor parking for high density housing is 0.2 visitor spaces per dwelling. This is consistent with what is suggested under the Apartment Design Guide (ADG) which provides that for apartments within a walkable distance from a commercial centre or public transport hub the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.
- The location of the proposed apartment buildings of up to 6 stories are all a walkable distance to Bonnyrigg Plaza and the Bonnyrigg T-way Station. The Guide to Traffic Generating Development sets a visitor parking rate of 1 for every 5-7 apartments (0.14-0.20 visitor spaces per dwelling), while Council's Citywide Development Control Plan (DCP) 2013 prescribes a 0.25 visitor parking rate per dwelling.
- The 0.2 visitor parking rate is considered appropriate to service the proposed apartment buildings as they will primarily be located within a walking distance to Bonnyrigg Town Centre, which will provide local services, retail and community facilities, and the Bonnyrigg T-way Station which provides high frequency services to Parramatta and Liverpool.
- Parking requirements for the retail commercial aspects of the Bonnyrigg precinct will be addressed through future DAs and agreement with Council, and could include:
  - Indented parking bays along Bonnyrigg Avenue and the new internal collector road; and
  - Undercover customer parking included within the multi storey shop top housing development.
- The new street and active transport layout has been designed with improved pedestrian access to Bonnyrigg Town Centre and Bonnyrigg T-way Station. This will encourage local residents to walk rather than drive and reduce the vehicular dependency currently experienced.

**Officer Comments**

As indicated under LAHC's response, the provisions of the State Environmental Planning Policy (SEPP) Apartment Design Guideline in relation to visitor car parking for apartment development override local planning controls.

Notwithstanding, the proponents for future apartment development within the Estate will be required to submit a traffic study at DA stage demonstrating that the level of car parking associated with future apartment developments is appropriate. This approach also applies to future retail development associated with the project, which will also be required to submit a traffic study.

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In general, the proposed apartment precincts included under the modified Concept Plan are located within 300-400m of the Bus T-Way Station adjoining Bonnyrigg Avenue. In addition the proposed new urban form and modified street layout within the Estate will enhance pedestrian access to Bonnyrigg Town Centre and the Bus T-Way.

### **Traffic Management & Stormwater Issues**

LAHC has provided the following responses to other issues raised in Council's submission:

#### Traffic Management

- Whilst the density immediately adjacent to the local school will increase, it will not necessarily result in increased vehicular traffic. Families living in the immediate vicinity of the school will be able to use new active transport links to access the school by foot or bicycle, rather than by car.
- However, to improve the traffic flow during school hours, it is proposed to formalise the school drop off/pickup parking zones along the school frontage. This will be further discussed and developed with Council and the Department of Education to reach a solution for the school and community.
- The road network within Bonnyrigg estate has been simplified, with an intersection near the corner of Humphries and Cabramatta Roads removed to improve the parking capacity of Humphries Road. Options for improving the short term/drop off/parking and bus zones have been discussed with Council Officers. No decision has been reached on improvements beyond the removal of the 1 intersection. Further discussions will be sought with Council to resolve.

#### Stormwater Management

- Fencing off Basin 1 from the public is not required in accordance with Fairfield City Council's (FCC) Stormwater Management Policy 2017. This is because the ponding of water is limited to no more than 0.5m deep in the detention storage areas. The lower level detention area is intended to be grassed and will remain as useable open space.
- Provision of Basin 2 aboveground is unsuitable and inappropriate to its site context. Provision of the required detention storage volume would exceed 1.2m maximum depth of storage identified in FCC's Stormwater Management Policy 2017. A below ground solution allows the site to remain as useable open space. It is noted that Section 4.5.10 of Fairfield City Council's Stormwater Management Policy 2017 does allow for below ground storage where 'no suitable hardstand or landscaped area is available'.



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- Super lot K1 is required to discharge water to a different stormwater drainage network, as it is not possible to drain the entire lot to the proposed on-site detention (OSD) location. The most feasible option is to provide a separate OSD within the lot. The use of on lot detention has already been discussed and approved by Council Officers in a meeting on 27 August 2018.
- The concept of underground storage was decided as more appropriate than aboveground storage because of the greater usability and flexibility of the space, given the significant water depths required by an aboveground storage alternative. As such an underground storage was considered more appropriate for the site.

### Officers Comments

The above traffic management measures proposed by LAHC aimed at improving drop off/pick-ups around school zones is supported. Council's Traffic and Transport Branch is working with LAHC in helping to resolve these issues.

Council's Catchment Branch has reviewed additional technical documents and advice associated with the modified Concept Plan and have advised that the capacity and design of stormwater detention basins for the project are acceptable.

### **CONCLUSION & NEXT STEPS**

The additional advice and analysis provided by LAHC indicates that the provision of community facilities, passive and active recreation areas associated with the proposed modifications to the Concept Plan address relevant benchmarks and requirements established by the NSW PAC under the previous approval for modification of the Concept Plan in 2012.

The recent DA submitted for a proposed new community facility in Wall Street complies with relevant floor space requirements of Council's Contributions Plan and has received the endorsement of Council's Social Planning and Community Development Branch.

The NSW LAHC has submitted a letter of offer (Attachment C) that will initiate the preparation of a revised voluntary planning agreement for the Project to reflect the provision of open space, infrastructure and community facilities associated with the modified Concept Plan. A more detailed report on the VPA will be referred to a future meeting of Council.

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Andrew Mooney  
**Acting Manager Strategic Land  
Use Planning**

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 65

### Authorisation:

Group Manager City Strategic Planning

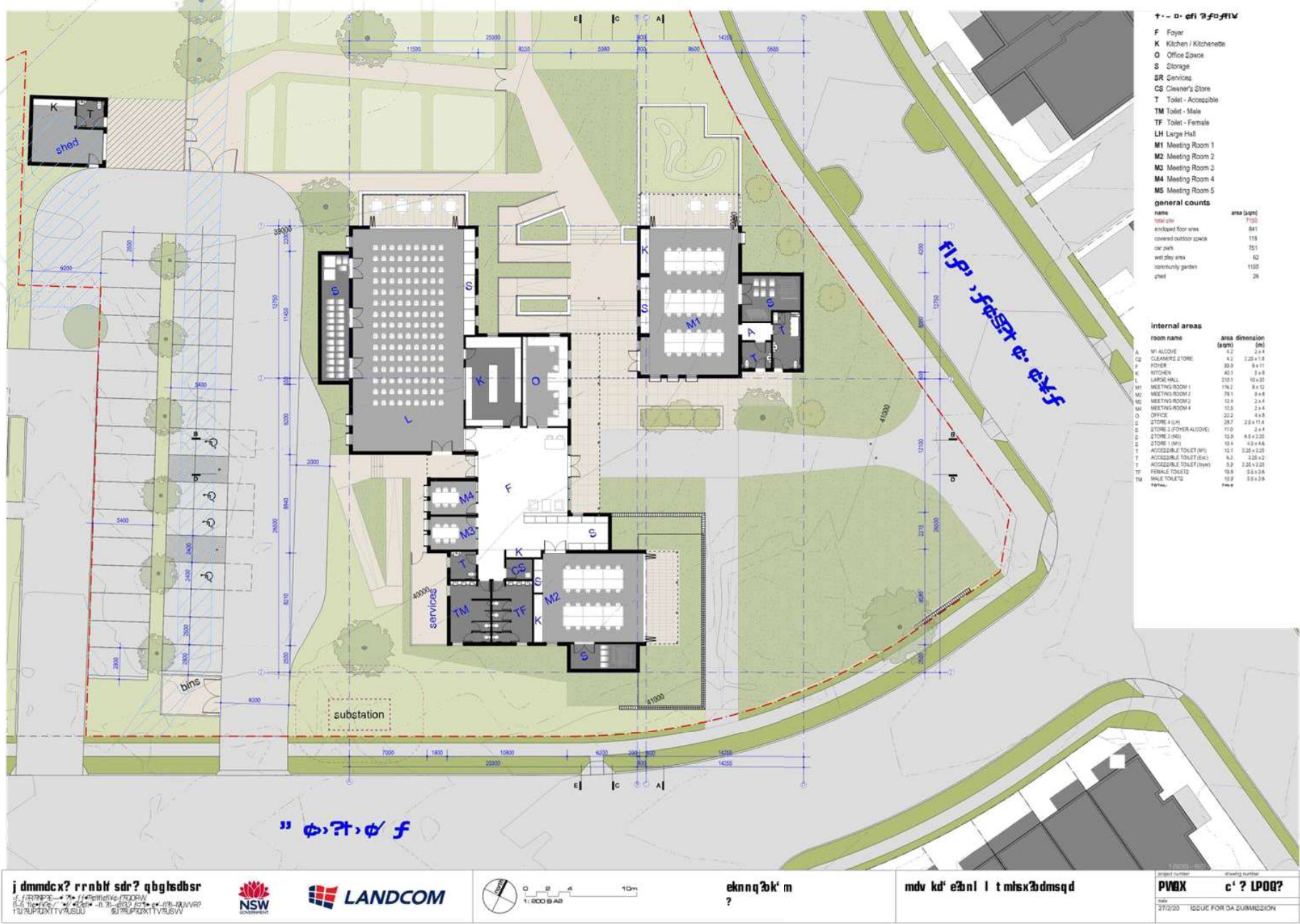
Outcomes Committee - 14 July 2020

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Bonnyrigg Communities Plus  
Project

Drawing: **Open Space - Pedsheds**  
 Drawing no: MOD0014  
 Issue: A  
 Date: 13-Dec-19

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 GOVERNMENT





Planning,  
Industry &  
Environment

Our ref: D19/1983622

General Manager  
Fairfield City Council  
86 Avoca Road,  
Wakeley NSW

18<sup>th</sup> December 2019

Dear Sir,

**Subject: VPA offer and amendment to existing VPA**

As you are aware LAHC is currently pursuing a modification to the Concept Approval for the Bonnyrigg estate (MP06-0046). As part of this application the open space provision and supporting infrastructure is substantially modified and enhanced from that envisaged in the original consent as it relates to stages 8 – 18 of the Estate.

I am also aware that elements of supporting infrastructure relating to stages 5,6 and 7 as described in the executed VPA are in need of updating.

LAHC is proposing a two part approach.

- VPA 1 - Amend the existing VPA to provide for the agreed infrastructure for stage 1-7 and remove its operation to stage 8-18.
- VPA 2 - Provide a new VPA for the local infrastructure to be delivered as works in kind for the portion of the Estate currently the subject of the modification (stage 8-18) state infrastructure will be dealt with through a separate arrangement.

The purpose of this letter is to commence the process to amend VPA 1 (2008 agreement) to provide for the current approval as modified for 2,500 dwellings and remove its operation to 8-18.

The updated schedule of items for VPA 1 are included at Appendix A.

The purpose of this letter is also to make an offer under Section 7.4 of the Environmental Planning and Assessment Act (Act) to enter into a Voluntary Planning Agreement with Fairfield City Council for the delivery of infrastructure, facilities and services associated with the Bonnyrigg Renewal Project (Project) as part of the new VPA 2.

- The proposed schedule of infrastructure items for VPA 2 is included at Appendix B.
- The general terms of the Planning Agreement (VPA 2) for the Project are summarised below;
- The Agreement is between NSW Land and Housing Corporation and Fairfield City Council;
- The objective of the Agreement is to provide infrastructure, facilities and services to meet the needs of the Project, consistent with the terms of the approved Part 3A Concept Plan for the Project for stages 8-18 and to provide for the dedication of community land and roads to Council;





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- The Agreement is not to be registered on title;
- The Agreement excludes the application of 7.11 and 7.12 of the Act to the Project;
- The Agreement does not exclude the application of S 7.22 of the Act to the Project;
- Each Party is to pay for their own costs of preparing, negotiating, executing and stamping the Agreement.

Appendix C contains items yet to be addressed in further discussion with Council.

Subject to your in principle support to this approach LAHC will commence the draft for each of the agreements and forward a copy for Councils comment.

Should you require any further information or would like to arrange a time to discuss, I have arranged for Paul Parfenow to assist. He can be contacted on 9374 3652.

Yours sincerely,



Project Director  
Communities Plus



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## Appendix A

Stage	Development Consents	Bonnyrigg Infrastructure and Services Delivery Plan	Works Status
Stage 1	Concept Approval MP 06_0046 and Stage 1 Approval	Upgrade of collector roads within the Bonnyrigg Estate	372.88 m collector road type 3 completed (Newleaf Parade)
		Works for the provision of roads adjacent to parks	372.88 m collector road type 3 completed (Newleaf Parade)
		Provision of cycleway within Bonnyrigg Estate and connections to established cycleway outside the Bonnyrigg Estate	1173.75 m shareways completed
		Installation of public art	Way Finding installed
		Construction of detention basins	Detention basin at Tarlington Reserve constructed
		Provision of gross pollutant traps	3 gross pollutant traps constructed
		Works for the construction and embellishment of the 'Valley Park'	Works completed, total of 6.95 ha (now named Tarlington Reserve)
		Construction and embellishment of works along creek lines to contribute to site water management to improve drainage, planting, riparian protection and pedestrian crossings	Works completed, total of 6.95 ha (now named Tarlington Reserve)
		Installation of water quality measures	Works adjacent to Edensor Road completed
		Contribution of funding for youth and children services, \$70,000	\$70,000 Contribution paid
		Contribution of funding for upgrade of Bonnyrigg library, \$50,000	\$50,000 Contribution paid
		Land dedication associated with the provision of facilities	6.9Ha dedicated. Further 0.31 Ha to be dedicated in Stage 12/13
Stage 2	DA 123.1/2010	Works for the construction of the bus shelters	Not yet completed
		Works for the construction and embellishment of the 'Valley Park'	Works completed, total of 6.95 ha (now named Tarlington Reserve)
		Provision of cycleway within Bonnyrigg Estate and connections to established cycleway outside the Bonnyrigg Estate	394.49 m shareways completed
		Installation of water quality measures	Works completed
		Land dedication associated with the provision of facilities	Land dedicated
Stage 3	DA1303.1/2010	Works for the construction of the bus shelters	Not yet completed
		Land dedication associated with the provision of facilities	Land dedicated
Stage 4	DA 1098.1/2011	Upgrade of collector roads within the Bonnyrigg Estate	135.34 m collector road type 2 (Newleaf Parade)
		135.34 m collector road type 2 (Newleaf Parade)	122.28 m collector road type 3 (Newleaf Parade)
		122.28 m collector road type 3 (Newleaf Parade)	
		Works for the construction of the bus shelters	Not yet completed - to be completed as part of Stages 6 - 7 works
		Provision of cycleway within Bonnyrigg Estate and connections to established cycleway outside the Bonnyrigg Estate	115.84 m shareways completed
		Works for the construction and embellishment of the 'Valley Park'	Works completed, total of 6.95 ha (now named Tarlington Reserve)
		Installation of water quality measures	Works completed
		Contribution of funding for Bonnyrigg library services. Stage 4 or at 440 total dwellings. \$225,000	\$225,000 Contribution paid
		Land dedication associated with the provision of facilities	Land dedicated
Stage 5	DA 843.1/2012	Upgrade of collector roads within the Bonnyrigg Estate	166.24 m collector road type 1 (Newleaf Parade)
			24.23m collector road type 2 (Newleaf Parade)
		Works for the provision of roads adjacent to parks	
		Works for the construction of the bus shelters	Not yet completed - to be completed as part of Stages 6 - 7 works
		Provision of cycleway within Bonnyrigg Estate and connections to established cycleway outside the Bonnyrigg Estate	Works completed
		Works for the construction and embellishment of the 'Hilltop Park'	Works completed, total of 2.72 ha (now named Bunker Park)
		Installation of water quality measures	Works completed
		Installation of public art	Not yet completed
		Land dedication associated with the provision of facilities	2.5Ha Land dedicated Further 0.2Ha in later stages
Stage 6	DA 422.1/2017	Upgrade of collector roads within the Bonnyrigg Estate	Under construction (completion March 2020)
		Works for the construction and embellishment of the 'Valley Park'.	Completed in Stages 1-3
		Installation of water quality measures	Under construction (completion March 2020)
		Construction of the community centre, Stage 6 or at 776 total dwellings	
		Construction of the community garden, Stage 6 or at 776 total dwellings	
		Land dedication associated with the provision of facilities	Under construction (completion March 2020)
Stage 7	DA 422.1/2017	Upgrade of collector roads within the Bonnyrigg Estate	Under construction (completion March 2020)
		Works for the construction of the bus shelters	Under construction (completion March 2020)
		Provision of cycleway within Bonnyrigg Estate and connections to established cycleway outside the Bonnyrigg Estate	Under construction (completion March 2020)
		Works for the construction and embellishment of the 'Valley Park'. (excluded)	Completed in Stages 1-3
		Installation of water quality measures	Under construction (completion March 2020)
		Land dedication associated with the provision of facilities	Under construction (completion March 2020)



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## Appendix B

### New Bonnyrigg VPA 2 to replace stages 8-18

Precinct	Items	Value
Bonnyrigg Precinct	Bonnyrigg Square (0.2ha)	\$1.6M
	Village Green (0.4ha)	\$1.8M
	Community Facility (220 sqm)	\$0.8M
Tarlington East	Upper Valley Creek Park (2.3ha)	\$3.1M
Tarlington West	Community Park (1.9ha)	\$3.4M
	Bonnyrigg/Tarlington Intersection	\$0.5M
Humphries	Junior Play Park (0.92ha)	\$1.2M

- It is anticipated that all estate works will be done as part of the proposed precinct to relevant Councils standards except as varied by the Concept Approval.
- The VPA will remove the operation of Section 7.11 developer contributions.



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## Appendix C

Items yet to be allocated;

Item	Recommendation
Cycleways inside site	To be done as estate works consistent with approved plans – not necessary to be included in VPA
Cycleways outside site	An amount to be agreed per stage and included in VPA
Detention Basins/Gross Pollutant Traps/Water quality measures	Other than works incorporated into Junior Play Park these are Estate Works – not necessary to be included in VPA
Public Art	An amount to be agreed per stage and included in VPA
Senior Program Space	TBC
Upgrade of Collector Roads within the site	To be done as estate works consistent with approved plans – not necessary to be included in VPA
Bus shelters	TBC



## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 66

**SUBJECT:** Submission - Infrastructure Contributions Review - Discussion Papers

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**FILE NUMBER:** 14/12429

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**REPORT BY:** Edward Saulig, Senior Strategic Land Use Planner

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### RECOMMENDATION:

That Council endorse the submission to the NSW Department of Planning, Industry and Environment (DPIE) on the 5 Discussion Papers for improving the NSW infrastructure contributions system in NSW based on the matters detailed in the report.

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### SUPPORTING DOCUMENTS:

<b>AT-A</b> <a href="#">↓</a>	Discussion Paper - Improving the Review of Local Infrastructure Contributions Plans	19 Pages
<b>AT-B</b> <a href="#">↓</a>	Discussion Paper - Criteria to Request Higher Section 7.12 Percentage	13 Pages
<b>AT-C</b> <a href="#">↓</a>	Discussion Paper - Planning Agreements Practice Note - Exhibition Draft	32 Pages
<b>AT-D</b> <a href="#">↓</a>	Discussion Paper - Special Infrastructure Contributions Guidelines - Draft	19 Pages
<b>AT-E</b> <a href="#">↓</a>	Discussion Paper - EPA Regulation 2000 Proposed Amendments	14 Pages

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### CITY PLAN

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

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### SUMMARY

The NSW Department of Planning, Infrastructure and Environment is seeking feedback on 5 discussion papers raising possible options and priorities for improvements to the development contribution system. Council officers working with consultants GLN Planning have prepared a draft submission highlighting issues important to the local experience of administering development contributions and delivering community infrastructure. Council officers have also contributed to a submission made by the Western Sydney Planning Partnership.

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In addition to feedback on proposed changes, a number of improvements to the current system are recommended for consideration by the State Government including local circumstances that impact upon Council's ability to plan, collect contributions and deliver infrastructure.

### Background

The NSW Department of Planning, Industry and Environment (DPIE) has exhibited 5 discussion papers seeking to improve the infrastructure/development contributions system as follows:

- Draft planning agreements policy framework
- Improving the review of local infrastructure contributions plans discussion paper
- Criteria to request a higher Section 7.12 percentage discussion paper
- Draft Special Infrastructure Contributions (SIC) guidelines
- Proposed amendments to the EP&A Regulation

The Minister for Planning and Public Spaces also announced that the NSW Productivity Commissioner will conduct a comprehensive review of the NSW infrastructure contributions system. The terms of reference for this review are:

- Review the infrastructure contributions system to determine whether it meets the objectives of certainty and efficiency while delivering public infrastructure required to support development;
- Make recommendations for reform aimed at delivering a principles-based system that delivers the infrastructure required to accompany growth; and
- Identify legislative and regulatory changes necessary to implement the proposed reforms.

It is anticipated that the Commissioner will provide a Final Report to the Minister for Planning and Public Spaces by the end of 2020.

### DISCUSSION PAPERS

Key content from the 5 discussion papers is discussed below:

#### **Discussion Paper - Improving the Review of Section 7.11 Local Infrastructure Contributions Plans (Attachment A)**

The review process is triggered when a local Section 7.11 development contributions plan exceeds the thresholds set out in the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012. The current \$20,000.00 (established areas) and \$30,000.00 (greenfield areas) thresholds have not changed since their introduction in 2008 and 2010, therefore their value has continuously fallen in real terms for the past 10 years, while capital and land infrastructure costs have continued to increase.

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Options being considered include:

1. Index the existing \$20,000.00 and \$30,000.00 per lot/dwelling thresholds by the Australian Bureau of Statistics (ABS) Consumer Price Index (CPI) - All Groups Sydney (CPI) from June 2010 to the latest available quarter.
2. Increase the thresholds to \$35,000.00 per lot/dwelling and \$45,000.00 per lot/dwelling in greenfield (urban release areas).
3. Implement one single threshold of \$45,000.00 for all Independent Pricing and Regulatory (IPART) reviewed contributions plans.

### **Discussion Paper - Criteria to Request a Higher Section 7.12 Percentage (Attachment B)**

Six NSW councils levy higher maximum percentages, 2 being neighbouring Councils.

#### **Liverpool**

- 3% in Neighbourhood Centre, Commercial Core, Mixed Use, Enterprise Corridor Zones where the cost of development is greater than \$1,000,000.00
- 2% in High Density Residential, Light Industrial Zones where the cost of development is greater than \$1,000,000.00

#### **Parramatta**

- 3% in all land use zones where the cost of development is greater than \$250,000.00

The Department is proposing to adopt a series of consistent criteria and request evidence to assist with submissions seeking to increase maximum percentage levies in specific areas.

### **Discussion Paper - Draft Planning Agreements Practice Note and Ministerial Direction (Attachment C)**

The draft framework was originally exhibited in early 2017 and submissions were received with diverse and complex comments.

The Draft Ministerial Direction seeks to identify standard requirements for negotiating or preparing a planning agreement with councils having regard to the Secretary's Practice Note:

- Planning agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand.
- Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.

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- Planning agreements must not include public benefits wholly unrelated to the particular development.
- Value capture should not be the primary purpose of a planning agreement.

### **Discussion Paper - Draft Special Infrastructure Contributions (SIC) Guidelines (Attachment D)**

Special infrastructure contributions (SICs) help fund key elements of state and regional infrastructure in growing areas of Greater Sydney and regional NSW. The purpose of the Draft Guidelines is to give greater clarity about the purpose and objectives of the SIC framework applying to current SICs (particularly how to manage expenditure) and the development and implementation of prospective SICs.

### **Discussion Paper - Proposed amendments to the Environmental Planning and Assessment (EP&A) Regulation (Attachment E)**

In 2018, the Kaldas Review made key recommendations including an audit of all infrastructure contributions and spending of same in NSW to enable evidence based decision-making on the collection and monitoring of those contributions, as well as an updated Voluntary Planning Agreement framework to include requirements for reporting and auditing where the funds are being allocated.

### **KEY LOCAL CONSIDERATIONS**

The application of a development contribution system must consider the circumstances of individual local government areas, as well as regions and NSW as a whole. Fairfield City has experienced a unique combination of demographic, planning, and development circumstances that impact on its ability to provide for community infrastructure as intended. Those circumstances include:

**New population in recent years has specialised needs for local infrastructure and services** including community facilities, open space and recreation. The Western District Plan (2018) highlights that the number of migrants in Fairfield City has grown significantly between 2015 and 2018 with more than 9,000 refugees (accounting for approximately 50% of NSW arrivals) settling in the Fairfield community, being the equivalent to the creation of a new suburb. Many are settling in areas of existing higher residential density where, despite significant investment by Council in recent years, deficiencies exist in community infrastructure for current populations, including open space.

**The rate of development growth and the corresponding flow of contributions will not match the cash flow** required to undertake land acquisition for open space in a timely manner. There is a shortfall in neighbourhood parks within the high-density residential areas of the City. Coupled with refugee resettlement, the anticipated growth in housing demand (associated with the proposed upzoning of adjoining residential precincts), will give rise to major increases in the demand for new open space, community facilities and infrastructure in the established areas of the City alone, estimated to cost approximately \$100 million.



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**Housing target set by the State Government result in a significant cost to local government to address community infrastructure needs.** Council has investigated opportunities for new homes close to transport and services in Fairfield, Fairfield Heights, Fairfield East and Villawood, as well as shop top housing in the Fairfield Heights and Villawood Town Centres. This growth in dwellings over time increases the need for significant community infrastructure to address key liveability priorities within the Western District Plan and Council's Local Strategic Planning Statement.

**Land acquisition presents the most significant and challenging aspect of delivering community infrastructure that requires sufficient cash on hand to meet commitments and liabilities.** The established areas contain varying degrees of deficiency in open space provision, necessitating consideration of strategic rezoning of land for open space having regard to Council's capacity to carry a financial burden of significant land acquisition. Development contribution cash flows from 2009 to 2019 indicate that the rate of contribution collection falls significantly short of liabilities should community infrastructure need to be provided in the short term, particularly in relation to land acquisition.

**State Government housing policy has unforeseen consequences and impacts for the provision of community infrastructure.** Over the last decade, the major contributor to the City's housing stock has been in the form of secondary dwellings (granny flats), with approximately 3,500 built between 2008 and 2018. The dispersed nature of secondary dwelling development across the City creates a complexity in addressing the demand of additional community infrastructure and services. In the absence of well-located community housing, secondary dwellings are serving as affordable housing that is often over-crowded by families in financial stress.

Given the above, the Development Contributions system must adequately generate contributions to fund community infrastructure in order that the City achieves the liveability priorities championed in the Western City District Plan and incorporated into actions contained in the Fairfield Local Strategic Planning Statement 2040. The system must strive to achieve a simplification on how contributions are calculated without local government being overburdened with justifying contributions or the administration and reporting of contribution expenditure.

### SUBMISSION

A summary of recommendations for the various discussion papers is provided below:

#### **Discussion Paper - Improving the Review of Section 7.11 Local Infrastructure Contributions Plans**

- Support changes to the current \$20,000.00 and \$30,000.00 per residential lot thresholds because their real value has continuously fallen for the past 10 years, as well as support indexing the threshold into the future.

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- Support a threshold based on the works contribution rate only given research on IPART reviewed plans for Western Sydney precincts suggest that a State-wide \$30,000.00 per lot works-only contribution rate would be an appropriate threshold.

### **Discussion Paper - Criteria to Request a Higher Section 7.12 Percentage**

- Support councils being allowed to seek approval for higher Section 7.12 levies, without the need to go through a formal and resource intensive application process where the areas to be subject to the higher levy are designated strategic centres or economic corridors in a regional or district strategic plan.
- Recommend the EP&A Regulation be changed to authorise a maximum levy of 3% in these areas as the need for significant investment in infrastructure where these locations have already been identified for growth through the strategic planning process.
- There should be no arbitrary maximum percentage rate set for applications to increase the Section 7.12 rate from the current 1% maximum levy. Councils should be allowed to justify the levy rate that is needed to fund the minimum infrastructure required to meet the demands of growth, by responding to set criteria.

### **Discussion Paper - Draft Planning Agreements Practice Note and Ministerial Direction**

- Support the practice note requirement that agreements relate to and actively support the local council's strategic land use and infrastructure planning to meet the needs of future population, with the provision of public benefits relating in part to demand generated by the development.
- Support the continued use of planning agreements as a means for the public to share in any land value uplift created by rezoning decisions until such time the Government (and this could happen through the Productivity Commission review) establishes an appropriate mechanism that ensures that the unearned windfalls that come with planning decisions and infrastructure investments are fairly shared between the landowner and the wider community.
- Recommend that the draft practice note, or some other advice document containing the same content, should apply to all planning authorities that negotiate planning agreements, and not just councils.

### **Discussion Paper - Draft Special Infrastructure Contributions (SIC) Guidelines**

- Support the initiatives for greater accountability and transparency in the preparation and implementation of SICs, however suggests the State Government provide more prescriptive measures than indicated in the draft guidelines.

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- Support the proposed changes to the EP&A Regulation requiring greater reporting, however with the proviso that the changes do not lead to excessive administrative burden without funding support from Government, or from users of the system (e.g. through a higher administration charge in the contribution).

### CONCLUSION

Fairfield City Council has development contributions that are well below the current threshold of \$20,000.00. However, as growth in the City increases the pressure to provide community infrastructure will exceed its capacity to fund acquisitions and provide capital works.

The 5 discussion papers identify important opportunities to improve the development contribution system. A number of the suggested options are supported, whilst also highlighting circumstances that make the application of a standard development contributions system challenging.

Local circumstances particular to Fairfield City that impact upon Council's ability to plan, collect contributions and deliver infrastructure have been identified. It is recommended that Council endorse the submission to the Department of Planning, Infrastructure and Environment based on the matters detailed in this report.

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Edward Saulig  
**Senior Strategic Land Use Planner**

#### Authorisation:

Coordinator Strategic Planning  
Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_7.DOCX**

\*\*\*\*\* END OF ITEM 66 \*\*\*\*\*

# Improving the review of local infrastructure contributions plans

## Discussion Paper

April 2020





Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Improving the review of local infrastructure contributions plans

Subtitle: Discussion Paper

Department reference number: EF19/17682

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[Improving the review of local infrastructure contributions plans](#)

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## Executive summary

The Department of Planning, Industry and Environment (the Department) is committed to ensuring that the process of reviewing higher-rate local (s7.11) infrastructure contributions plans (the review process) remains efficient while serving its purpose to ensure transparency and accountability.

The review process is triggered when a local s7.11 development contributions plan exceeds the thresholds set out in the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 (currently \$20,000 per lot/dwelling and \$30,000 per lot/dwelling in identified urban release/greenfield areas). Its purpose is to ensure contributions plans above the thresholds reflect reasonable costs of providing necessary local infrastructure to support development.

The review process is comprised of multiple steps undertaken by council, the Independent Pricing and Regulatory Tribunal (IPART), the Department and the Minister's nominee. Community consultation takes place at different stages of the process (refer to Appendix A for a full overview of the process stages). The review process is an important way to ensure that the system remains transparent and accountable.

The Department has identified a series of improvements to collectively make the review process more efficient.

### Box 1: Summary of system improvements discussed in this paper

1. Increase the value thresholds that trigger the review process (refer to options in section 2.2).
2. Implement an annual indexation mechanism for the thresholds that trigger the review process, based on the CPI.
3. Review the IPART terms of reference.
4. Remove existing exemptions to the review process, known as grandfathered contributions plans.
5. Remove existing requirement for councils to re-exhibit an IPART reviewed contributions plan following the receipt of advice from the Minister's nominee. See also detailed paper on proposed amendments to the [EP&A Regulation](#).

These system improvements will collectively ensure the review process remains efficient and certain. They will reduce the time required to complete the review process while maintaining the transparency and accountability underpinning it.

# 1. Introduction

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows councils to levy contributions towards the cost of providing local infrastructure. Councils levy contributions through local contributions plans which identify the infrastructure needed to support new development, how much it costs and how costs will be shared.

Councils that propose to levy s7.11 local infrastructure contributions above thresholds set out in the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* (the Ministerial Direction)<sup>1</sup> are required to go through a review process. The thresholds currently are:

- \$20,000 per lot/dwelling
- \$30,000 per lot/dwelling in identified urban release/greenfield areas.

The process of reviewing local (s7.11) infrastructure contributions plans (the review process) provides independent oversight to higher-rate local infrastructure contributions to ensure that they are reasonable (i.e. they fairly reflect the relationship between development and demand for public amenities and services) and align with the Department's essential works List (which can be found in the Local Infrastructure Contributions Practice Note 2019).<sup>2</sup> As part of the review process, IPART assesses the nexus (the connection between proposed development and the demand created), apportionment, cost estimates and delivery timeframes.

## 1.1 Purpose

The Department has identified a series of improvements to collectively make the review process more efficient, reducing its timeframes while maintaining the transparency and accountability underpinning the entire process.

These are:

1. Increase the value thresholds that trigger the review process.
2. Implement an indexation mechanism for the thresholds that trigger the review process based on the CPI.
3. Review the IPART terms of reference.
4. Remove existing exemptions to the review process, known as grandfathered contributions plans.
5. Remove existing requirement for councils to re-exhibit an IPART reviewed contributions plan following the receipt of advice from the Minister's nominee. See also detailed paper on proposed amendments to the *EP&A Regulation*.

## 1.2 Working group

Councils and other stakeholders have expressed concerns about the time it takes to have a reviewed contributions plan in place to levy appropriate infrastructure contributions and the resulting lost revenue.

A working group of officers from the Department and Blacktown City Council was established to identify factors which contribute to the current timeframes and potential ways to collectively make the system more efficient and aligned with contemporary planning requirements and costs of delivering local infrastructure, whilst maintaining the transparency and accountability of the review process. Based on the working group's findings, the Department has developed a number of system improvements aimed at collectively streamlining the entire review process.

<sup>1</sup> Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 <<https://www.planning.nsw.gov.au/-/media/Files/DPE/Directions/environmental-planning-and-assessment-direction-2012-act-s-94e-consolidated-2019-01-29.pdf?la=en>>

<sup>2</sup> Local Infrastructure Contributions Practice Note 2019 <[www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/practice-note-local-infrastructure-contributions-january-2019-01-21.pdf?la=en](https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/practice-note-local-infrastructure-contributions-january-2019-01-21.pdf?la=en)>



### Box 2: The thresholds triggering the review process are no longer maximum caps on s7.11 contributions

It is important to note that the thresholds for review are no longer maximum caps on s7.11 local infrastructure contributions. Instead they are a trigger for when a s7.11 contributions plan is to go through the review process. Once councils have an IPART reviewed contributions plan, they can levy an amount above the threshold.

Although the \$20,000 and the \$30,000 per lot/dwelling thresholds were originally introduced as maximum amounts for contributions (or caps), above which councils were not able to levy s7.11 contributions, their role as maximum caps was removed in 2017 for most areas as part of the NSW Government Housing Affordability Strategy. The caps have remained in place in some areas eligible to apply for Local Infrastructure Growth Scheme (LIGS) funding.

## 1.3 Rationale for process improvements

The proposed improvements set out in this paper aim to collectively streamline the process of reviewing s7.11 contributions plans by making improvements at different stages of the process. Their aim is to ensure that the process remains efficient and fair.

### The review process is taking longer

The review process comprises several steps managed by different agencies, which must be completed before a plan can be considered an IPART reviewed contributions plan. Analysis by the Department indicates that the entire process can take over 12-18 months to be completed and is becoming longer (refer to Table 1).

### The current thresholds triggering the review process are outdated

The current \$20,000 and \$30,000 thresholds have not changed since their introduction in 2008 and 2010. This means that their value has continuously fallen in real terms for the past 10 years, while capital and land infrastructure costs have continued to increase. There is a risk that eventually, as costs continue to increase due to inflation and other factors, the value threshold will mean most s7.11 local infrastructure contribution plans will be required to go through the review process.

The improvements to the review process outlined in this paper are timely considering the thresholds have not changed since their introduction. Collectively they will ensure the process remains efficient, fair and certain for councils, developers and communities.

Table 1 - Overview of the current review process

	Step	Description	Current typical timeframes	
1	Council prepares and publicly exhibits a Draft Contributions Plan	In preparing a contributions plan, the council must publicly exhibit a contributions plan for a minimum period of 28 days and must consider any submissions received. Preparation of a plan may be concurrent with rezoning process.	6-12 months	
2	If the council wants to impose a levy above the relevant threshold amount, the plan is submitted to IPART for review	Council completes IPART application form and has pre-lodgement discussions with IPART.	2-4 weeks	
3	IPART receives formal application for review	IPART reviews the plan consistent with the Practice Note and Terms of Reference. IPART aims to complete this task within the 6-month review timeframe.	6 months	12-18 months
4	IPART publishes draft findings report and recommendations	Public consultation and consideration of submissions. IPART usually publicly exhibit the draft report for a period of 4 weeks, prior to releasing final recommendations.	6-8 weeks	
5	IPART provides final report and recommendations to the IPART provides final report and recommendations to the Department for issuing of advice by the Minister's nominee	Department reviews IPART recommendations and forwards to the Minister nominee to seek approval to issue advice to the council on implementing the IPART recommendations.	4-8 weeks	
6	Council receives Minister nominee's advice and amends the Contributions Plan	Council is currently required to re-exhibit the amended Contributions Plan for a period of 28 days and consider submissions received. The council must then consider submissions received prior to adopting the plan.	3-6 months	

Source: Department internal data

## 1.4 Appointment of a Minister's Nominee

The Minister has recently delegated the Minister's functions under clause 5(3) of the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* to the following nominees:

- The Secretary of the Department.
- Any Deputy Secretary in the Department in a role with responsibility for administering the *Environmental Planning and Assessment Act 1979*.

The appointment of a Minister's nominee shortens the time required to provide advice to councils as it reduces administrative processes. It does not alter the existing process of receiving and reviewing IPART recommendations by the Department and the issuing of advice to the council under delegation.

The appointment of a Minister's nominee is an important step in streamlining the process of reviewing s7.11 contributions plans. It complements the proposals outlined in this paper by reducing the time required to complete the review process while maintaining the transparency and accountability underpinning it.

## 1.5 Improving the infrastructure contributions system

The above proposals are part of a wider suite of system improvements intended to fix the uncertainty in the infrastructure contributions system. More information on other current proposals can be found on: [planning.nsw.gov.au/infrastructure-contribution-reforms](http://planning.nsw.gov.au/infrastructure-contribution-reforms)



## 2. Update the thresholds that trigger the review process

### Proposal:

- Increase the value thresholds that trigger the review process (refer to options in section 2.2).
- Implement an indexation mechanism for thresholds triggering the review process, based on CPI.

### 2.1 Why should the thresholds increase?

#### Infrastructure costs continue to increase

Since the thresholds were established, both capital and land infrastructure costs have increased significantly while the thresholds have remained the same. The absence of indexation means that their real value has been gradually falling relative to infrastructure construction costs.

The Australian Bureau of Statistics (ABS) Road and Bridge Construction Costs Index is a good indicator of the escalating construction costs of local infrastructure. ABS data shows that over the past 10 years Road and Bridge Construction Costs Index has persistently increased faster than inflation.<sup>3</sup> Figure 2 illustrates the growing gap between the value of the fixed contributions thresholds and the costs of delivering infrastructure, adjusted for inflation using the Consumer Price Index (CPI).

Land costs associated with delivering local infrastructure also continue to significantly increase. For instance, data shows that between 2010 and 2018, Sydney residential land

values have increased by 101%.<sup>4</sup> An audit of contributions plans by the Department in 2014 showed land costs represent about 30% of the value of plans in metropolitan Sydney.

The thresholds that trigger the review process do not currently reflect increasing infrastructure delivery costs and land values over the past 10 years.

#### Infrastructure contributions rates are already indexed

Unlike the review process thresholds, contributions rates set by councils are usually indexed to a readily accessible index (such as the Consumer Price Index) in accordance with cl32(3) and Division 1B, Part 4 of *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

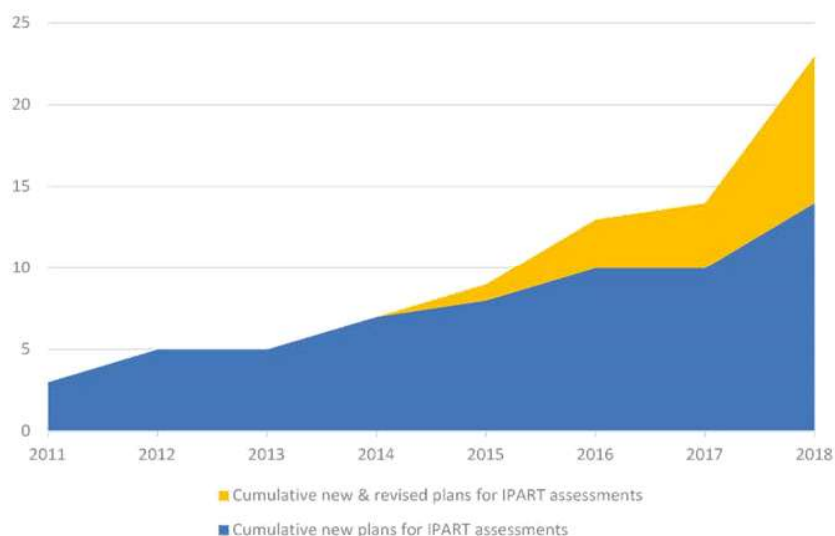
This means that the rates in contributions plans continue to increase, while the review thresholds have remained static. Unless the review thresholds are adjusted and indexed, over time all s7.11 contributions plans will exceed the existing thresholds triggering the review process triggers, even if there are no changes to the infrastructure being funded, as demonstrated by [Figure 1](#).

<sup>3</sup> ABS64270, Table 17.

<sup>4</sup> NSW Valuer General, [https://www.valuergeneral.nsw.gov.au/land\\_value\\_summaries/historical\\_values.php](https://www.valuergeneral.nsw.gov.au/land_value_summaries/historical_values.php)

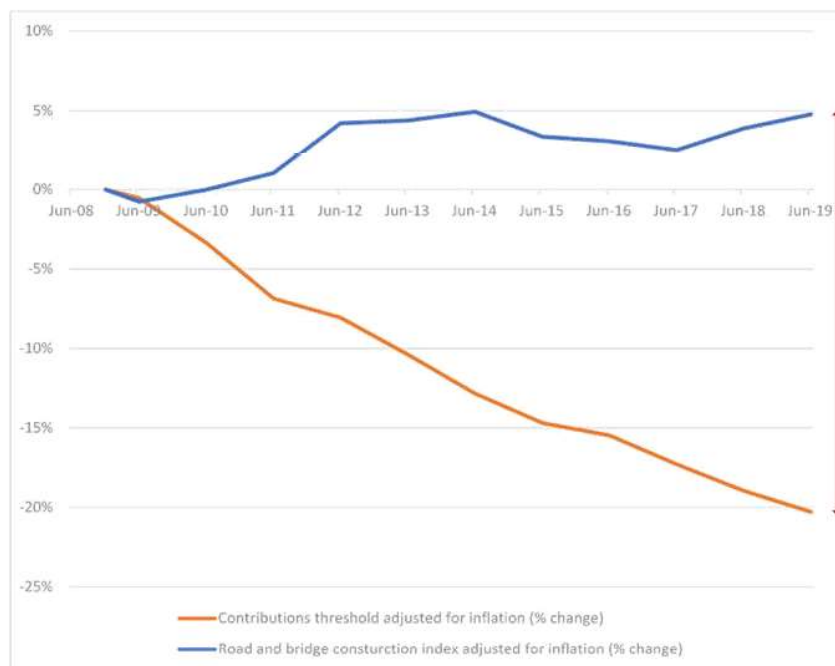


Figure 1 – Cumulative increase in local contributions plans requiring review



Source: Department analysis

Figure 2 - Percentage change in Road and Bridge Construction cost compared to the fixed contributions thresholds (adjusted for CPI - All Groups, Sydney)



Source: DPIE internal analysis, ABS 6401.0 Table 5; and ABS 6427.0 Table 17

## 7 Improving the review of local infrastructure contributions plans

## 2.2 What thresholds are proposed?

### Options:

1. Index the existing \$20,000 and \$30,000 per lot/dwelling thresholds by the ABS Consumer Price Index - All Groups Sydney (CPI) from June 2010 to the latest available quarter.
2. Increase the thresholds to \$35,000 per lot/dwelling and \$45,000 per lot/dwelling in greenfield (urban release areas).
3. Implement one single threshold of \$45,000 for all IPART reviewed contributions plans.

Councils are able to levy contributions that are higher than the specified thresholds, but only once their plan is an IPART reviewed contributions plan. All s7.11 contributions plans, regardless of the review process, are required to demonstrate nexus between development and the infrastructure to be funded through the s7.11 contributions plans.

Note, the thresholds do not represent maximum caps on s7.11 local infrastructure contributions. Instead, they act as thresholds which trigger the review process.

The Department has considered multiple indices to develop the options for increasing the threshold, as shown on Table 2.

Table 2 - Escalations of thresholds from June 2010 to June 2019 quarter using various indices

Current Thresholds	Adjusted thresholds using various indices				
	CPI (All groups, Sydney) <sup>5</sup>	CPI (New dwelling purchase by owner-occupiers, Sydney) <sup>6</sup>	Bridge & Road Index (NSW) <sup>7</sup>	Residential Property Price Index (Sydney) <sup>8</sup>	Land value (Sydney) <sup>9</sup>
\$20,000	\$ 24,247	\$ 27,942	\$ 25,409	\$ 30,276	\$ 40,183
\$30,000	\$ 36,370	\$ 41,913	\$ 38,114	\$ 45,414	\$ 60,275

Source: DPIE internal analysis based on published data

5 ABS6401.0, Table 5. Indexed to June 2019 quarter.

6 ABS6401.0, Table 9. Indexed to June 2019 quarter.

7 ABS6427.0, Table 17. Indexed to June 2019 quarter.

8 ABS6416.0, Table 1. Indexed to June 2019 quarter.

9 NSW Valuer General, [https://www.valuergeneral.nsw.gov.au/land\\_value\\_summaries/historical\\_values.php](https://www.valuergeneral.nsw.gov.au/land_value_summaries/historical_values.php). Indexed to June 2018 only.

### Option 1:

This option involves indexing the existing \$20,000 and \$30,000 per lot/dwelling thresholds by the ABS Consumer Price Index - All Groups Sydney (CPI) from June 2010 to the latest available quarter. The CPI is a well-understood, accessible and widely used index and it is updated quarterly.

Many local contributions plans already use the CPI as an indexing mechanism for local contributions, making the proposed changes consistent with existing approaches to the indexation of local contributions plans. However, this index does not fully reflect the actual increase in infrastructure delivery and land costs as it is based on increase in prices of general household expenditure.

### Option 2:

This option involves increasing the thresholds to \$35,000 per lot/dwelling and \$45,000 per lot/dwelling in greenfield (urban release areas). This is more in line with increasing infrastructure delivery costs and land costs associated with building local infrastructure since 2010, as shown on Table 2. This option is also consistent with the levels of development contributions in transitional areas as prescribed in the EP&A (Local Infrastructure Contributions) Amendment Direction 2017 applicable on 30 June 2020. This will provide certainty and continuity for the development industry in these transitional areas.

### Option 3:

A third option is to simplify the system by applying a single threshold where all s7.11 contribution plans would be subject to an IPART review. This would remove the existing split between greenfield (urban release areas) and all other areas with the additional benefit of removing the administrative requirements associated with including areas in the list of urban release areas in Schedule 2 of the Ministerial Direction.

It is suggested that a single threshold of \$45,000 per lot or dwelling could be applied and any council that proposed to levy above this amount would first need to have their plan reviewed by IPART.

This option would remove Schedule 2 of the Ministerial Direction, and the Ministerial Direction would be updated to clarify that one single threshold applies across NSW.

**Box 3: The Department welcomes your feedback on the proposed options and any other ideas to simplify and improve the Ministerial Direction**

Adjusting the thresholds will require an update to the Ministerial Direction to replace the existing thresholds triggering the review process.

The Department welcomes your feedback and ideas on other ways to simplify and improve the operation of thresholds and the Ministerial Direction.



## 2.3 How should the thresholds be indexed?

### Proposal:

- Implement an annual adjustment of the review thresholds, based on the Australian Bureau of Statistics Consumer Price Index -All Groups, Sydney (the CPI).

To ensure the thresholds triggering the review process keep pace with cost increases, it is necessary to implement an indexing mechanism that adjusts the thresholds to inflation.

The EP&A Regulation already allows councils to make annual or quarterly amendments to existing s7.11 contributions plans to reflect variations to index figures adopted by the plan. The EP&A Regulation includes the CPI as a common index for this purpose.

Since the CPI is a well-understood and widely used index, the Department proposes to implement an annual adjustment of the thresholds, using the CPI published figures for the March quarter. A similar methodology is already used to reflect annual variations to Special Infrastructure Contributions (SICs). A common methodology provides consistency within the system and simplicity to ensure the adjustment is well-understood.

## 2.4 What will happen to local contributions plans below the relevant threshold?

All s7.11 local development contributions plans need to reflect reasonable costs of providing necessary local infrastructure to support development. They are based on demand for infrastructure created by the development (called nexus) and the share of the total demand that the developer must pay (called apportionment).

In preparing a contributions plan, all councils (whether or not they are required to go through the review process) must publicly exhibit a contributions plan for a minimum period of 28 days and must consider any submissions received.

The increase in the thresholds will mean that contributions plans below the threshold will not be required to go through the review process and will not be limited to the essential works list. They will however still need to reflect reasonable costs of providing necessary local infrastructure to support development, be exhibited and be in line with statutory requirements and practice notes.

## 2.5 Consequential amendments to the Ministerial Direction

To give effect to the proposed updates to the thresholds, the existing *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* (Ministerial Direction) would need to be amended to reflect the new thresholds and annual indexation. The updated Ministerial Direction would ensure the review thresholds remain up-to-date, clear and accessible to all stakeholders.



### 3. Review of the IPART terms of reference

#### Proposal:

- Review the IPART terms of reference.

#### 3.1 Issues with the current terms of reference

The IPART terms of reference was established at the same time as the maximum caps on infrastructure contribution rates and subsequently updated in 2018. With the replacement of maximum caps for thresholds triggering the review process, the context and purpose of the review process has changed. It is timely that the IPART terms of reference are reviewed.

The existing terms of reference are broadly worded and therefore unclear on the scope of certain aspects of the review. The open-ended wording on some of the review requirements has resulted in IPART being required to:

- Consult widely throughout each iteration of the review rather than being able to tailor the consultation scope to the specific requirements of each review.
- Undertake detailed analysis of every aspect of the plan notwithstanding the level of impact.

Additionally, the current terms of reference includes duplications with the practice note in relation to assessment criteria and services. Having detailed guidance in two separate documents reduces transparency and adds complexity to the system. There is a need to ensure that the IPART terms of reference remain up-to-date, transparent and respond to the changing role and scope of the review.

#### 3.2 Intent of proposed updates to the terms of reference

It is proposed to review the existing terms of references to:

- Clarify the purpose of the terms of reference and removing duplications with the practice note to ensure the practice note remains the source of detailed guidance on the review process.
- Consider introducing a targeted review of additional information to facilitate quicker review in situations where a plan has already been reviewed, allowing a targeted review rather than requiring IPART to review the whole plan when additional information is supplied.
- Simplify consultation requirements so that IPART is only required to consult with the relevant council. While IPART may still consult with other parties as appropriate on a case by case basis and as detailed in the practice note, the updated terms of reference would not make this a requirement.
- Modernise and clarify wording, references and definitions.

The review will allow IPART to focus on the aspects which have the most impact in ensuring that s7.11 contributions plans are reasonable. This will contribute to streamlining aspects of the review without affecting the rigour and transparency of the process, especially for plans which are proposing rates only marginally above the threshold.

The IPART Terms of Reference are issued and signed by the NSW Premier. The Department will work closely with the Department of Premier and Cabinet (DPC) and IPART in considering submissions received and finalising the proposed Terms of Reference for signature by the Premier.

## 4. Remove existing exemptions from the review process

### Proposal:

- Remove the list of grandfathered contributions plans from Schedule 1 of *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012*.

Currently the review process and the essential works list do not apply to land identified in [Schedule 1](#) of the Ministerial Direction. The grandfathering of contribution plans through Schedule 1 was introduced when the \$20,000 and the \$30,000 per lot/dwelling thresholds were established as maximum amounts above which councils were not able to levy s7.11 contributions (caps).

Since the maximum caps have been removed and the thresholds now operate as triggers for the review process, it is no longer appropriate to exempt these contribution plans from the review process.

There are several benefits associated with removing these existing exemptions from the IPART review process to:

- Support IPART's role in ensuring that the contributions system remains transparent and accountable by encouraging councils to review outdated contributions plans.
- Remove references to outdated and superseded contributions plans from Schedule 1 of the Ministerial Direction.
- Simplify the operation of the Ministerial Direction to clarify that the review process applies to all contribution plans that meet the review triggers.

The removal of grandfathering will provide additional certainty about the operation of the review process. It complements other system improvements proposed in this paper, such as increasing the thresholds that trigger the review and updating IPART's terms of reference.

## 5. Remove re-exhibition requirements for councils

### Proposal:

- Streamline the process following IPART's review by removing the existing requirement in the EP&A Regulation for councils to re-exhibit a contributions plan for a minimum period of 28 days following the receipt of advice from the Minister or Minister's nominee. 3.1 Issues with the current terms of reference

The Department proposes to amend the EP&A Regulation to allow for contributions plans to be amended to give effect to the advice of the Minister or Minister's nominee in relation to implementing IPART recommendations without requiring a further 28-day exhibition following IPART's review.

Appendix A illustrates the current process and the proposed improvements.

### Effect of the changes

In preparing a contributions plan, councils must publicly exhibit a contributions plan for a minimum of 28 days and consider any submissions received. Where contribution plans go to IPART for review, IPART also have a practice of publicly exhibiting the draft report for a period of 4 weeks, prior to releasing final recommendations.

Currently, councils are required to re-exhibit the contributions plan for a further 28 days following the issuing of advice to council by the Minister or Minister's nominee on amendments required to the contributions plan. Council must then consider submissions received. During the re-exhibition of a contributions plan councils are constrained in their ability to make any further changes as a result of any submissions received.

This amendment will therefore remove the requirement for councils to re-exhibit their IPART reviewed contributions plan. This does not reduce the community's ability to contribute to the review process. The community is able to provide upfront input during council's exhibition of draft plan and during the exhibition of IPART's draft findings report and recommendations.

To facilitate public review of final approved contributions plans, the Department is also proposing to amend the Regulation to require councils to publish contributions plans on their websites or on the NSW Planning Portal. See also detailed paper on proposed amendments to the [EP&A Regulation](#).

## 6. Have your say

The Department welcomes your feedback on the proposals in this paper. Your feedback will help us better understand the views of the community and will assist us to finalise the proposals.

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Submissions can be made via the  
Department's website:

[www.planningportal.nsw.gov.au/exhibition](http://www.planningportal.nsw.gov.au/exhibition)

You may also post your submission to:

Executive Director

Planning Policy

Department of Planning, Industry and  
Environment

Locked Bag 5022, Parramatta NSW 2124

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The Department will publish all individual submissions and an assessment report on all submissions shortly after the exhibition period has ended.



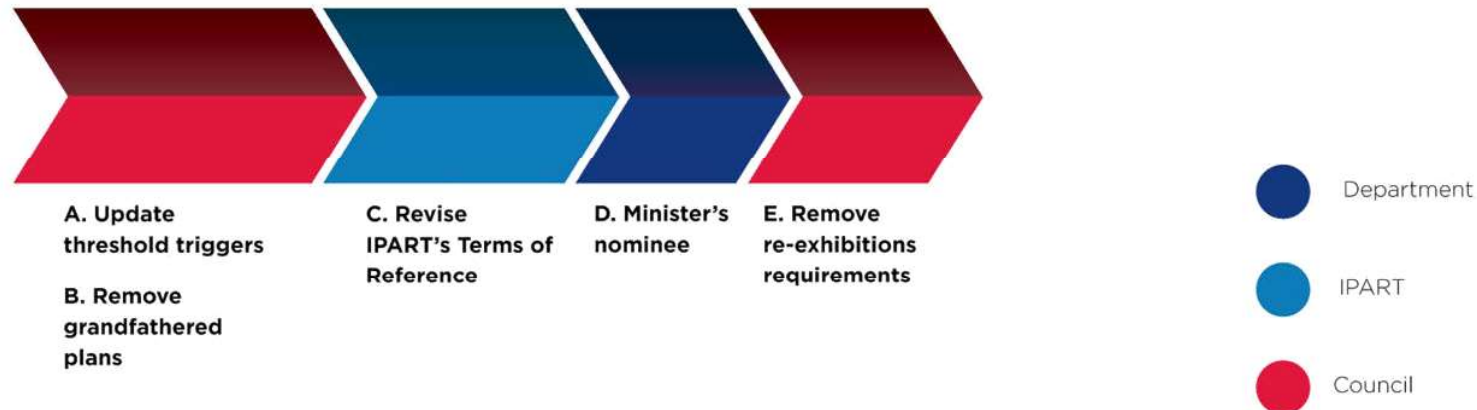
## Appendix A

Overview of the review process and proposed improvements

### Current



### Improvements



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# Criteria to request a higher s7.12 percentage

## Discussion Paper

April 2020



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[Criteria to request a higher s7.12 percentage](#)



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## Executive summary

An underlying principle of the NSW planning system is that new development should pay a contribution towards the cost of infrastructure needed to support that development. Section 7.12(s7.12) contributions are one of several mechanisms available to local councils to fund new development-related infrastructure. They operate as 'flat rate levies', meaning that they are charged as a percentage of the proposed development cost.

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) sets 1% as the standard highest maximum percentage which councils can levy under a s7.12 development contributions plan. The EP&A Regulation, however, identifies specific areas which are subject to higher maximum percentage levies if listed in clause 25K(1)(b). Currently, land in six local government areas (LGAs) is listed in this clause as having higher maximum percentage levies (see Table 2).

The Department is committed to ensuring the process of assessing and determining requests to increase the maximum percentage levy for s7.12 contributions is efficient and transparent.

For this purpose, the Department is proposing to adopt a series of consistent criteria and request evidence to assist with the assessment and determination of submissions to increase maximum percentage levies in specific areas.

The proposed criteria discussed in this paper are based on three key principles to increase the maximum percentage:

1. The area being proposed for a higher maximum percentage levy must be identified in a strategic plan as a strategic centre, local centre or economic corridor.
2. It must have an existing or identified potential for significant employment growth.
3. Planning controls will need to reflect and support the planned increase in population and employment capacity of the identified area.

Based on the above principles, a two sets of potential assessment criteria, for either an increase of the maximum percentage to up to 2%, or up to 3%, have been developed for discussion and feedback.

The use of criteria will provide certainty, transparency and consistency in the Department's decision-making in response to submissions seeking to increase the maximum percentage s7.12 levy in specific areas. They will also support councils in understanding when it may be appropriate to request a higher maximum percentage levy and assist them in preparing requests.

Feedback is sought on the proposed approach, including the draft criteria outlined in this paper. Targeted discussion questions have been developed to assist with the discussion (see Section 4.3). However, feedback on all aspects of the discussion paper are welcome and will be used to develop the finalised set of criteria.

# 1. Introduction

## 1.1 Purpose

Section 7.12 (s7.12) fixed development consent levies under the *Environmental Planning and Assessment Act 1979* (EP&A Act) are one of several mechanisms available to local councils to fund local infrastructure.

This discussion paper seeks feedback on a new approach to improve decision-making in relation to council requests to increase the maximum percentage for s7.12 levies as provided for under the EP&A Regulation. It outlines draft principles and criteria proposed to be used by councils and the Department when preparing and considering increasing the maximum percentage for s7.12 levies. It also outlines how s7.12 levies currently operate including how variations to the maximum percentage rate of 1% are considered.

## 1.2 Improving the infrastructure contributions system

The above proposals are part of a wider suite of system improvements intended to fix the uncertainty in the infrastructure contributions system. More information on other current proposals can be found on: [planning.nsw.gov.au/infrastructure-contribution-reforms](https://planning.nsw.gov.au/infrastructure-contribution-reforms).

# 2. How the s7.12 fixed rate levy operates?

Section 7.12 fixed development consent levies operate as 'flat rate levies', meaning they are charged as a percentage of the proposed development cost. They were introduced into the EP&A Act in 2005 as an alternative to s7.11 development contributions and are generally used in rural, infill and mixed-use areas<sup>1</sup>.

The premise of a simple low flat percentage charge is that s7.12 contributions do not require consent authorities to identify the connection between development which pays the levy and the object of the expenditure of the levy. As such, s7.12(4) removes a proponents' right to appeal against a condition imposed for a s7.12 levy solely on the grounds of a lack of connection between the development and what the contributions are expended on.

The intent of fixed percentage levies is to deliver an efficient outcome for both developers and the consent authority by providing a low-cost charge on development in areas where nexus (the connection between proposed development and the demand created) and apportionment (the share of the total demand that the developer must pay) may be difficult to establish. This is particularly useful in regional areas, established urban areas or mixed-use areas where development rates are difficult to predict<sup>2</sup>.

The maximum percentages councils can levy in a s7.12 development contributions plan is defined in clause 25K of the EP&A Regulation.

<sup>1</sup> Note the City of Sydney has been able to adopt a 1% fixed development consent levy where the cost of development exceeds \$200,000 since 1997 through s61 of the City of Sydney Act 1988

<sup>2</sup> See 2005 Development Contributions - Practice Note



Table 1 – Current s7.12 standard maximum percentage

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 percent
More than \$200,000	1.0 percent

## 2.1 Areas where a higher maximum percentage levy currently applies

Councils have previously requested increases to the maximum percentage levy for specific parts of their local government area. In order to achieve a higher maximum levy percentage, the council makes a request and the Department recommends to the Minister on whether to list the area in clause 25K(1)(b) of the EP&A Regulation.

Presently six councils<sup>3</sup> levy higher maximum percentages for specified areas within their LGA which are identified as important economic and job priority areas. These are listed in Table 2. The higher maximum percentages were specifically permitted for a limited geographical area usually within the boundaries of the commercial cores where identified local and place-based local amenities were to be funded.

The intent and features shared by the areas which currently have a higher maximum percentage levy have been analysed and used to form the principles and criteria in this paper.

Table 2: List of s7.12 contribution plans with higher maximum percentage levies

LGA	Planning instrument where the land area is identified	Zones where the higher maximum levy apply	Maximum levy	Cost of development for which the maximum levy applies
Liverpool	Liverpool City Centre Local Environmental Plan 2007	Neighbourhood Centre, Commercial Core, Mixed Use, Enterprise Corridor	3%	>\$1,000,000
		High Density Residential, Light Industrial	2%	>\$1,000,000
Wollongong	Wollongong City Centre Local Environmental Plan 2007	Commercial Core	2%	>\$250,000
Parramatta	Parramatta City Centre Local Environmental Plan 2007	All	3%	>\$250,000
Newcastle	Newcastle City Centre Local Environmental Plan 2008	All	3%	>\$250,000
Burwood	Burwood Local Environmental Plan (Burwood Town Centre) 2010	All	4%	>\$250,000
Willoughby	Chatswood Central Business District (CBD) Section 94A Development Contributions Plan 2011	All in map 1	3%	>\$250,000

<sup>3</sup> Gosford City Centre will revert to 1% following introduction of Gosford City Centre Special Infrastructure Contribution and under a proposed amendment to the EP&A Regulation.

### 3 Criteria to request a higher s7.12 percentage



## 2.2 The standard 1% levy will be maintained

This paper is not proposing to increase the overall s7.12 maximum rate as specified under clause 25K(1)(a) of the EP&A Regulation, this will be maintained at 1% of the cost of development. This is because the charge is a flat rate levy on development costs, which track closely to construction costs overtime.

Contribution revenues from s7.12 contribution plans should therefore keep up with cost escalations of capital component of infrastructure costs. Australian Bureau of Statistics and internal Department's analysis have shown that both the House Construction Index (NSW) and Other Residential Building Construction Index (NSW) have relatively kept up with capital cost of infrastructure investments, when using the Road and Bridge Construction Index as a proxy.

## 2.3 How the s7.12 fixed levy is applied

The *2005 Development Contributions - Practice Note* outlines principles for the use of s7.12 fixed development consent levies. This discussion paper does not intend to depart from these principles, but rather provides additional requirements to strengthen or extend the desired development context for which the plan applies.

The following outlines general features of areas where a standard s7.12 fixed levy may apply as shaped by the existing principles. They provide a frame of reference for the principles and criteria discussed in Section 4 of this paper.

### Infrastructure demand is difficult to establish

Section 7.12 is designed to deliver an efficient outcome for both developers and the government where provision of the infrastructure benefits a dispersed set of contributors, and the connection, or nexus, between the development and required infrastructure is difficult to identify.

It is often difficult to measure demand arising from non-residential development. Consequently, in some areas it can be more efficient and effective to collect contributions through a s7.12 fixed levy. This can be especially true in areas which are experiencing high levels of development to accommodate employment opportunities.

Section 7.12 also offers greater flexibility in what contributions can be spent on. This is important for employment centres where public amenities and services can be quite different to that required in standard residential precincts. For example, centres may require provision or upgrade to public spaces and centre domain works for retail precincts, concourses to transport interchanges and undergrounding of cables. In some cases, special customised local infrastructure is required to service the industries that anchor the centres.

### Growth is sporadic

In areas where the rate of development is difficult to predict, a s7.12 levy is useful in collecting contributions and funding dispersed local infrastructure projects. The strength of s7.12 contribution plans is that local infrastructure can still be provided from different sets of contributors and in areas with multiple land owners.

This is also especially important for urban centres which are experiencing high levels of growth. These areas can experience the added complexity of both residential and commercial development occurring and complex land ownership structures. It can be difficult to forecast levels of commercial development and different industries have different impacts on infrastructure requirements and amenities.

This makes s7.12 fixed levies appropriate for urban centres and commercial cores.

### 3. Principles for a higher maximum levy

The following principles are the basis on which higher maximum percentage levies are proposed to be set. They are instrumental in determining whether it is appropriate to consider an identified centre for a higher s7.12 maximum percentage levy.

#### 3.1 Identified in a strategic plan

In order to be considered for a higher maximum percentage levy, it is important that the proposed area is identified as a strategic centre, local centre or economic corridor in a strategic plan, which may be a regional plan, or district plan.

This principle recognises the importance of supporting centres in facilitating growth and delivering placed-based public infrastructure with an appropriate funding mechanism. It is also consistent with previous decisions to increase the maximum percentages for areas already identified in the EP&A Regulation.

Currently, the six areas identified in the EP&A Regulation as having higher maximum percentage levies share a common goal of facilitating employment growth. In fact, all of them except Burwood Town Centre are intended to facilitate at least 25% more new jobs than new residents over the planned 25-year period.

This principle, therefore, is linked to these centres having a specific need for distinct infrastructure and civic improvements.

#### 3.3 Local planning controls will need to support growth

It is important to ensure that planning controls reflect the planning outcomes, strategic direction and targets identified for the centre in the relevant strategic plan. This includes any planned increase in population and employment capacity identified at the strategic level.

As such, the boundary of the contributions area must fall within the strategic centre as identified in the relevant strategic plan and this should be clearly reflected in planning instruments, including the local environmental plan (LEP) and development control plan (DCP).

Refer to Example 1 below in relation to the process of increasing the maximum percentage levy for Chatswood Central Business District and related updates to its LEP.

#### 3.2 Significant employment growth

In addition to being identified in a strategic plan, the centre needs to demonstrate a significant increase in employment capacity. This establishes a need for additional resources to fund infrastructure that supports mixed-use of employment-related development.

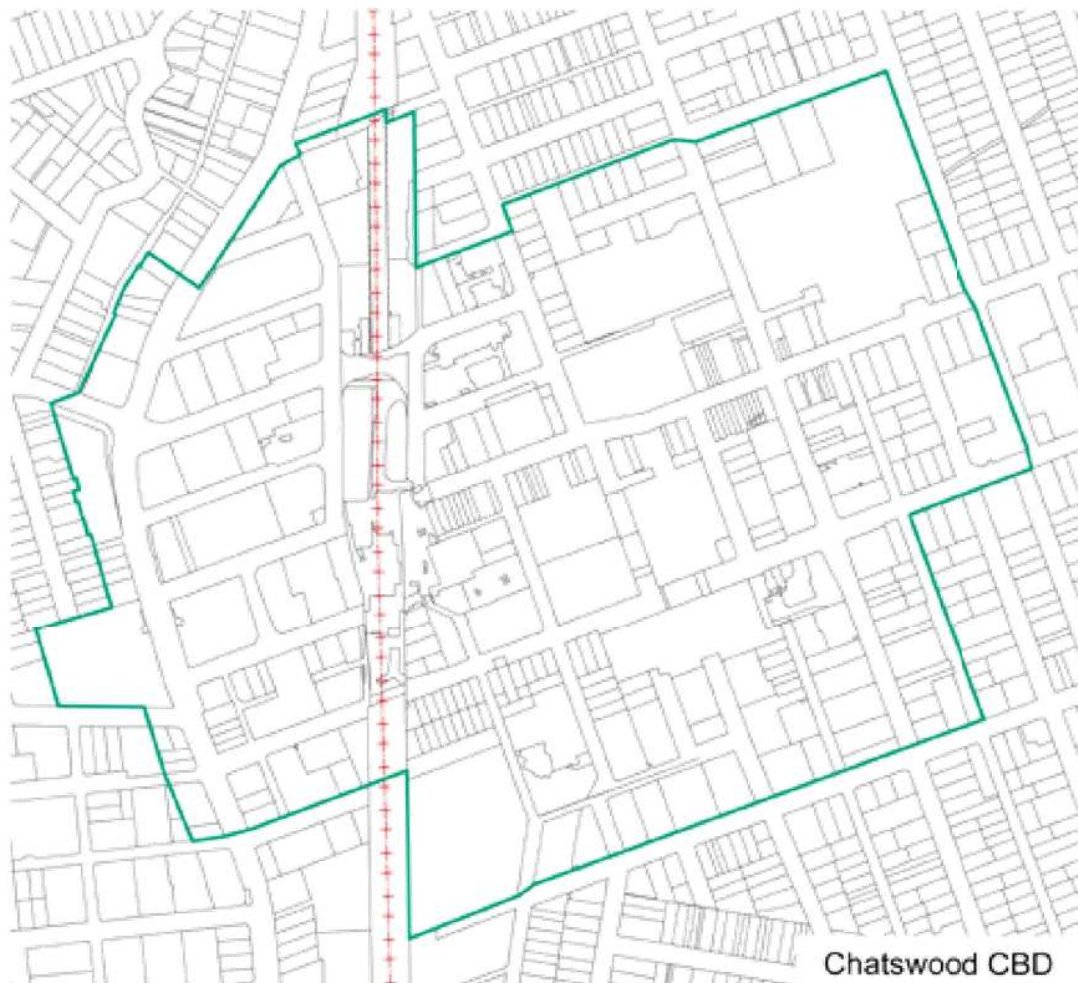
This is also related to the fact that it is difficult to measure demand arising from non-residential development, especially in areas experiencing high levels of development to accommodate employment opportunities.



### Example 1: Chatswood Central Business District (CBD) s94A (now s7.12) development contributions

In 2010 the maximum fixed contribution levy for Chatswood CBD was increased to 3% for developments over \$250,000. This decision was based on planning controls for Chatswood CBD being updated through Willoughby Local Environmental Plan 2011 in recognition of Chatswood's role as a key sub-regional centre, as identified in 2005 Sydney Metropolitan Strategy.

The Willoughby Local Environmental Plan was updated then to facilitate 7,000 new jobs (30% increase) and accommodate 3,000 new residents over the 25 years to 2036, in line with the metropolitan strategy. This equates to over 233% more new jobs than additional residents, which is in line with the principle of significant employment growth.



*Map of Chatswood CBD area where up to 3% section 7.12 levy applies, adapted from Willoughby Local Infrastructure Contributions Plan 2019*

## 4. Potential criteria for discussion

The following criteria are proposed for discussion. Their intent is to assist councils and the Department with the assessment and determination of requests to increase maximum percentage levies in specific areas. The proposed criteria are based on the three principles outlined in Section 3. They are also founded on criteria used in the past to determine requests for increases to the maximum percentage levies.

Councils that want to request a higher maximum percentage would need to provide a draft s7.12 plan with a works schedule and would also need to provide evidence addressing the criteria outlined below. A request for a levy up to 2% would have to address the criteria outlined in 4.1. A request for a levy up to 3% would have to address the criteria in 4.1 and 4.2.

### 4.1 Criteria for a maximum levy up to 2%

#### **C1.1 The area must be identified in the relevant strategic plan**

The area must be identified in a strategic plan, which may be a regional plan, or district plan.

#### **C1.2 The strategic plan must include a 'significant' employment growth target for the centre**

The strategic plan must identify the centre as having potential for significant employment growth over the next 25 years. There are a few ways to quantify the significant increase in employment including:

- Supporting at least 25% more new jobs than the number of additional residents planned to be accommodated in the contribution area.
- Facilitating an increase of at least 25% more employment opportunities than currently available.
- An increase in additional non-residential gross floor area greater than 20% of existing total non-residential gross floor area.

#### **C1.3 Local planning controls must reflect relevant strategic direction and targets for the centre**

The planning controls for the area, including development standards and controls in the LEP and DCP, will need to reflect the strategic direction and targets for the centre in the relevant strategic plan at the time the higher maximum percentage levy starts operating.

#### **C1.4 The contributions plan should focus primarily on delivering quality place-based community infrastructure and improvements that enhance amenity of the centre**

The focus of a higher levy should to deliver quality place outcomes and the draft plan should demonstrate this. This could be measured in several ways, including:

- Open space, public domain streetscape, community facilities, and district infrastructure costs must represent at least 50% of total value of the contributions plan.
- Roads, traffic and stormwater management costs cannot constitute more than 49% of total value of the contributions plan.



Areas primarily requiring roads, traffic and stormwater infrastructure are more appropriately addressed through a s7.11 contributions plan. This infrastructure can be attributed to both residential and non-residential developments. There are established guides and modelling methodologies to apportion these types of infrastructure needs to most non-residential developments.

**C1.5 Plan administration cost must not exceed 0.2% of total value of the contributions plan**

This is because s7.12 contributions plans require less work and associated costs to make, and less administration when development applications are submitted. It should be noted that *2005 Development Contributions - Practice Note* does not permit costs associated with administration of a s7.12 contributions plan to be included as part of the overall infrastructure costs to be recovered through development contributions.

**C1.6 The contributions plan should clearly set out the relationship between the expected types of development in the area and the demand for additional public amenities and services**

A consent authority may impose a condition of development consent for the payment of a levy even though there is not a connection between the development, the subject of the consent and the public amenities or public services for which the levy is required.

However, when developing a contributions plan for the purpose of authorising s7.12 levies, the consent authority should consider whether development of a class for which the levy will be payable generates a need for, or benefit from, the relevant public amenities or services.

**C1.7 Demonstrate that s7.11 has been considered and why it is not appropriate in this area**

Council should show the efficiency of implementing a s7.12 contributions plan in lieu of a s7.11 plan for the centre's development context.

**C1.8 Include a financial analysis that demonstrates a 1% fixed levy is insufficient, and forecast the revenue outcomes for a higher percentage levy**

Financial modelling must show the estimated revenue generated by the higher percentage levy compared to a standard 1% fixed levy. It must also compare the expected revenue with total estimated cost of the infrastructure identified on the works schedule.

**C1.9 Changes to the works schedule require approval from the Minister**

The Minister will need to approve any future changes to items on the work schedule, otherwise the higher percentage levy will no longer apply, and the contributions plan will revert to the maximum of 1%.

This will ensure ongoing monitoring and review of eligibility for the higher maximum percentage.

## 4.2 Additional criteria for a maximum levy up to 3%

**C2.1 The contribution plan must include funding and delivery of district-level infrastructure, representing at least 10% of total value of the contributions plan**

To justify a levy that is three times the legislative maximum percentage, the area must have a significant district presence and as such it will require more interconnecting or wide-reaching level of infrastructure provision. This might include major parklands and sports-fields, or district libraries and other community facilities.

**C2.2 The works schedule must be prepared in consultation with the Department to identify potential district level infrastructure**

A collaborative approach between State and local governments ensures strategic planning and infrastructure provision meets local needs, are place appropriate, enhance local character and aligns with broader economic strategies.

### 4.3 Discussion questions

To facilitate the discussion on this paper the Department has prepared the following questions:

1. Should all the criteria be mandatory for a s7.12 plan to be considered for a higher percentage levy?
2. Are there any alternative criteria that should be considered?
3. C1.2: Considering the different ways 'significant' employment growth can be measured, what would be the most effective?
4. C1.9: Is this requirement necessary? Are there other mechanisms that would ensure ongoing monitoring and review?
5. C2.1: District level infrastructure remains generally undefined. Should the Department publish a list of acceptable district-level infrastructure items or should it be determined on a case by case basis?
6. C2.1: Is 10% of the total value of the contributions an appropriate amount to be allocated for the provision of district level infrastructure? Should this be desirable rather than mandatory?

## 5. Have your say

The Department welcomes your feedback on the proposals in this paper. Your feedback will help us better understand the views of the community and will assist us to finalise the proposals.

Submissions can be made via the Department's website:

[www.planningportal.nsw.gov.au/exhibition](http://www.planningportal.nsw.gov.au/exhibition)

You may also post your submission to:

Executive Director

Planning Policy

Department of Planning, Industry and Environment

Locked Bag 5022, Parramatta NSW 2124.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The Department will publish all individual submissions and an assessment report on all submissions shortly after the exhibition period has ended.

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# Planning agreements practice note

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## Preface

### Planning agreements

This practice note provides guidance on matters relating to planning agreements, often referred to as voluntary planning agreements. It sets out the statutory framework for planning agreements and deals with issues such as the fundamental principles governing their use.

### Legislative and regulatory framework

Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for planning agreements.

Part 4 Division 1A of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) has further requirements relating to the making, amending and revocation of planning agreements, giving public notice and other procedural arrangements relating to planning agreements.

### About this practice note

This practice note is made for the purposes of clause 25B (2) of the EP&A Regulation to assist parties in the preparation of planning agreements.

This practice note applies in accordance with the draft *Environmental Planning Assessment (Local Infrastructure Contributions) Direction 2020*.

Parties to proposed planning agreements which were publicly notified under section 7.5 (1) of the EP&A Act, but not finalised before the issue of this practice note, are not required to have regard to it. However, planning authorities may choose to consider parts of the practice note when finalising these planning agreements.

This practice note replaces the previous 'Practice Note – Planning Agreements' issued by the Director General of the then Department of Infrastructure, Planning, and Natural Resources in July 2005.

### How to use this practice note

The practice note is structured as follows:

**Part 1** provides the rationale for planning agreements.

**Part 2** identifies and provides fundamental principles and policy considerations.

**Part 3** sets out strategic considerations for when and how planning agreements can be used.

**Part 4** provides guidance on the procedures and decision-making for application, negotiation and administration of planning agreements.

**Part 5** provides examples of the use of planning agreements.

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### Affordable Housing Contributions

*State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)* (SEPP 70) is the enabling mechanism for securing affordable housing contributions. The preferred pathway for a council to secure contributions in relation to SEPP - Affordable Housing (Revised Schemes) is through preparing an affordable housing contribution scheme and amending the relevant local environmental plan. *Environmental Planning Assessment (Planning Agreements) Direction 2019* sets out the matters to be considered by council if negotiating a planning agreement which includes provision for affordable housing.

### Mining Projects

This practice note does not apply to planning agreements for mining projects. However, councils and proponents can refer to Parts 1, 4 and 5, for guidance on use, process and governance, which is appropriate for all planning agreements.

## Terminology

The following terminology is used to convey key concepts in relation to planning agreements:

- **development application** has the same meaning as in the EP&A Act
- **development consent** has the same meaning as in the EP&A Act
- **development contribution** means the provision made by a developer under a planning agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material public benefit to be used for or applied towards a public purpose
- **planning authority** has the same meaning as in Division 7.1 of Part 7 of the EP&A Act, and means:
  - a council, or
  - the Minister for Planning, or
  - the Planning Ministerial Corporation, or
  - a development corporation (within the meaning of the *Growth Centres (Development Corporations) Act 1974*), or
  - a public authority
- **planning obligation** means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution
- **planning proposal** has the same meaning as in the EP&A Act
- **public benefit** is the benefit enjoyed by the public as a consequence of a development contribution
- **public facilities** means public infrastructure, amenities and services

## Updates to this practice note

This practice note will be periodically updated. More detailed information or guidance on specific matters in this practice note may also be the subject of future separate practice notes.



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## Part 1 Introduction

### 1.1 Purpose of planning agreements

Planning agreements are used widely in the planning system as a tool for delivering innovative or complex infrastructure and public benefit outcomes in connection with planning proposals and development applications.

They provide a way for planning authorities and developers to negotiate flexible outcomes in respect of development contributions and enable the NSW planning system to deliver sustainable development while achieving key economic, social and environmental objectives.

Planning agreements authorise development contributions for a variety of public purposes, some of which extend beyond the scope of section 7.11 and 7.12 (local infrastructure contributions), or section 7.24 (special infrastructure contributions) of the EP&A Act. For example, these additional purposes could include the recurrent funding of public facilities provided by councils, the capital and recurrent funding of transport, the protection and enhancement of the natural environment, and the monitoring of the planning impacts of development.

Planning agreements are negotiated between planning authorities and developers in the context of applications for changes to environmental planning instruments (planning proposals) or for consent to carry out development (development applications).

In many cases, the planning authority negotiating a planning agreement is also responsible for the exercise of statutory functions relating to the agreement, such as the Minister or a council having functions relating to the making of an instrument or the determination of a development application.

### 1.2 Rationale for planning agreements

Since the commencement of the *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*, the use of planning agreements has steadily grown across NSW. There is a range of reasons why the use of planning agreements has become widespread.

- Developers recognise that their own developments benefit from the provision of public facilities and are seeking greater involvement in determining the type, standard and location of these facilities.
- Planning agreements provide a flexible means of achieving tailored development outcomes and focused public benefits, including agreement by communities to the redistribution of the costs and benefits of development.
- Planning agreements can provide enhanced and more flexible infrastructure funding opportunities and better planning implementation.
- Planning agreements allow for the flexible delivery of infrastructure for a development proposal which may have good planning merit but be out of sequence with broader strategic planning processes.

Planning agreements provide a flexible framework under which the planning authorities can share responsibility for the provision of infrastructure in new release areas or in major urban renewal projects. They permit tailored governance arrangements and the provision of infrastructure in an efficient, co-operative and coordinated way.

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## Part 2 Principles and policy for planning agreements

### 2.1 Fundamental principles

Planning agreements must be governed by a set of policy principles that ensure transparency, fairness and flexibility of planning decisions. A planning agreement cannot and should not purport to fetter a planning authority's exercise of statutory functions, in particular the function of a relevant planning authority in relation to a planning proposal or as the consent authority for a development application.

A planning agreement related to a development application is one of several matters for consideration identified by the EP&A Act when a consent authority is determining a development application. Public benefits offered by developers do not make unacceptable development acceptable.

Planning authorities and developers that are parties to planning agreements should adhere to the following fundamental principles.

- Planning authorities should always consider a proposal on its merits, not on the basis of a planning agreement.
- Planning agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand.
- Strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population.
- The progression of a planning proposal or the approval of a development application should never be contingent on entering into a planning agreement.
- Planning agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- Planning agreements must not include public benefits wholly unrelated to the particular development.
- Value capture should not be the primary purpose of a planning agreement.

### 2.2 Public interest and probity considerations

It is critical to consider whether a planning agreement is in the public interest. Generally speaking, the public interest is directed towards ensuring planning controls are imposed fairly for the benefit of the community. In some cases, the public interest may be directed towards the need to mitigate adverse impacts of development on the public domain or towards providing a benefit to the wider community.

Planning agreements are matters of public interest and this is a relevant consideration in negotiating outcomes. The negotiation of planning agreements involves the use of discretion on both sides, giving planning authorities and developers room to accommodate subjective values and varying concepts of the public and private interests.



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The ability for a planning agreement to wholly or partly exclude the application of other infrastructure contributions gives a planning authority scope for tradeoffs under an agreement. This means that the financial, social and environmental costs and benefits of development can be redistributed through a planning agreement.

However, there is no guarantee that these costs and benefits will be equitably distributed within the community and what may be a specific benefit to one group in the community may be a loss to another group or the remainder of the community. As such, best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process. These are discussed in *2.6 Policies and procedures for planning agreements*.

If probity and public interest are not considered, planning agreements may produce undesirable outcomes, including where:

- A planning authority seeks inappropriate benefits through a planning agreement because of opportunism or to overcome revenue-raising or spending limitations that exist elsewhere.
- A planning authority has not undertaken appropriate infrastructure planning as part of strategic land use planning, resulting in growth being poorly aligned with infrastructure planning and funding, infrastructure demand and costs relating to infrastructure operation.
- There is insufficient analysis of the likely planning impacts of a proposed development because a planning authority is determined to enter into, or to give effect, to a planning agreement.
- A planning authority allows the interests of individuals or small groups to demand benefits, which otherwise outweigh the public interest.
- A planning authority takes advantage of an imbalance of bargaining power between the planning authority and developer, for example by improperly relying on its statutory position in order to extract unreasonable public benefits under a planning agreement.
- A planning authority's bargaining power is compromised, or its decision-making freedom appears to be fettered by a planning agreement.

The potential for misuse also exists where a planning authority, acting as consent authority or in another regulatory capacity for development, is both party to a planning agreement and a development joint venture partner under the agreement, for example as a landowner. Special safeguards, such as the use of an independent third party in the development assessment process, would be appropriate in such circumstances.

### **Considerations for public participation**

Public participation in the planning agreement process is important to ensure the community has an opportunity to provide input into decisions being made relating to public benefit and development. Planning agreements redistribute the costs and benefits of a development, and it is critical the public can comment on whether they think the balance between development and public benefit is achieved successfully. Public participation processes are discussed in *4.5 Public participation and notification*.

## 2.3 Value capture

The term value capture is widely used and covers several different practices; this practice note does not attempt to define or discuss them all. In general, the use of planning agreements for the primary purpose of value capture is not supported as it leads to the perception that planning decisions can be bought and sold and that planning authorities may leverage their bargaining position based on their statutory powers.

Planning agreements should not be used explicitly for value capture in connection with the making of planning decisions. For example, they should not be used to capture land value uplift resulting from rezoning or variations to planning controls. Such agreements often express value capture as a monetary contribution per square metre of increased floor area or as a percentage of the increased value of the land. Usually the planning agreement would only commence operation as a result of the rezoning proposal or increased development potential being applied.

## 2.4 Relationship with development applications and planning proposals

### Development applications

When determining a development application, the consent authority is required by the EP&A Act to take into consideration any relevant planning agreement or draft agreement that has been entered into. The consent authority is also required to take into consideration any public submissions made in respect of the development application, which may include submissions relating to a planning agreement.

### Planning proposals

The EP&A Act requires a planning authority to state the objectives and outcomes of a planning proposal, and to describe and justify the process by which they will be achieved. The role of a planning agreement in facilitating these objectives or outcomes should be clearly set out in the planning proposal documentation.

### Nexus

Development contributions provided for in a planning agreement are not required to bear the same nexus with development as required for section 7.11 local contributions. Because planning agreements are voluntary and facilitate public benefits, they can allow for a wider consideration of the costs and benefits of development, subject to the fundamental principles discussed in Part 2.1. However, planning agreements should provide for public benefits that are not wholly unrelated to development.

### Varying development standards

Benefits provided under a planning agreement must not be exchanged for a variation from a development standard under any circumstances. Variations to development standards under Clause 4.6 of the Standard Instrument LEP or SEPP1 must be justified on planning grounds, and the benefit under the agreement should contribute to achieving the planning objective of the development standard.



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### Conditions of development consent

Planning authorities and developers must make a judgement in each case about whether negotiation of a planning agreement is beneficial and otherwise appropriate. However, planning agreements should not be used to require compliance with or restate obligations imposed by conditions of development consent.

## 2.5 Acceptability test

Planning agreements should be assessed against the test below which is a generally applicable test for determining the acceptability of a planning agreement.

The acceptability test requires that planning agreements:

- Are directed towards legitimate planning purposes, that can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development.
- Provide for the delivery of infrastructure or public benefits not wholly unrelated to the development.
- Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.
- Provide for a reasonable means of achieving the desired outcomes and securing the benefits.
- Protect the community against adverse planning decisions.

## 2.6 Policies and procedures for planning agreements

Councils are strongly encouraged to publish policies and procedures concerning their use of planning agreements. Best practice principles, policies and procedures should be implemented as safeguards to protect the public interest and the integrity of the planning process.

These safeguards are to protect against the misuse of planning discretions and processes, which may seriously undermine good planning outcomes and public confidence in the planning system. They should ensure that planning decisions are exercised openly, honestly and freely in any given case and fairly and consistently across the board.

Policies applying to the use of planning agreements should:

- Provide a generally applicable test for determining the acceptability of a planning agreement (see 2.5 Acceptability Test).
- Contain specific measures to protect the public interest and prevent misuse of planning agreements.
- Have published and accessible rules and procedures.
- Provide for effective formalised public participation.
- Extend fairness to all parties affected by a planning agreement.
- Guarantee regulatory independence of the planning authority.

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Policies and procedures prepared by planning authorities should incorporate the contents of this practice note and the following considerations:

- How the use of planning agreements aligns with any relevant district and regional strategic plans and policies.
- How the use of planning agreements fits within the context of the planning authorities' broader organisational strategic planning and land use planning policies, goals, and strategies.
- The circumstances in which the planning authority would consider entering into a planning agreement.
- The land use planning and development objectives that are sought to be promoted or addressed by the use of planning agreements.
- The role served by planning agreements in the development contributions and infrastructure funding systems of the planning authority.
- The types of development to which planning agreements will ordinarily apply, and how their use may be differentiated between different types of development.
- Whether any thresholds apply to the use of planning agreements in relation to particular types of development or in particular circumstances.
- The matters ordinarily covered by a planning agreement.
- The form of development contributions ordinarily sought under a planning agreement.
- The kinds of public benefits sought.
- The method for determining the value of public benefits.
- Whether money paid under different planning agreements is to be pooled and progressively applied towards the provision of public benefits to which the different agreements relate.
- When, how and where public benefits will be provided.
- The procedures for negotiating and entering into planning agreements.
- The planning authority's policies on other matters relating to planning agreements, such as review and modification, discharging of the developer's obligations under agreements, dispute resolution and enforcement mechanisms, and payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of agreements.

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## Part 3 Strategic considerations when using planning agreements

### 3.1 When to use planning agreements

This section provides guidance and strategic considerations on when to use planning agreements. Planning agreements should meet the considerations set out in *2.1 Fundamental principles* and *2.5 Acceptability test* and should comply with the specific requirements in this section to the fullest extent possible. Whether a planning agreement is acceptable and reasonable can only be judged in the circumstances of the case and considering State, regional or local planning policies.

Planning agreements have the potential to be used in a wide variety of circumstances. For example, they may be an appropriate contribution mechanism:

- In major development sites or precincts that are owned by a single land owner or a consortium of land owners.
- Where the developer has a direct incentive, such as bringing forward potential development, to be involved in the delivery of community infrastructure.
- Where the developer wants to provide community infrastructure in addition to, or at a higher standard than, what has been specified under the contributions plan.
- Where a council and the developer negotiate a different and better or more innovative outcome than can be achieved through imposing direct or indirect contributions.
- Where a proposed development has not been anticipated by local council and thus works and facilities to cater for this development have not been identified. A planning agreement can be prepared to specifically target the needs of the development.

#### Objectives of planning agreements

The objectives of planning agreements will be dictated by the circumstances of each case and the policies of planning authorities in relation to their use. However, as a general indication, planning agreements may be directed towards achieving the following broad objectives:

- Meeting the demands created by the development for new or augmented public infrastructure, amenities and services.
- Securing off-site benefits for the community so that development delivers a net community benefit.
- Compensating for the loss of or damage to a public amenity, service, resource or asset by development through replacement, substitution, repair or regeneration.

#### Relationship to other contributions mechanisms

Planning agreements should complement other contribution mechanisms. They can be used to deliver infrastructure outcomes for which these contributions are required, or additional public benefit. Planning agreements should not be used as de facto substitutes for contributions plans.

There is a clear legislative, regulatory and policy framework supporting contributions plans which does not apply to planning agreements. Where there is need for public infrastructure across a development area with a range of land owners, a contributions plan is likely to be more appropriate because it simplifies transactions and is underpinned by clear strategic planning.



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Planning agreements may be used to overcome past deficiencies in infrastructure provision that would otherwise prevent development from occurring. This may involve the conferring of a public benefit under the agreement.

### 3.2 Land use and strategic infrastructure planning

This section provides advice on how planning agreements can support broader strategic infrastructure planning, particularly in areas where there is significant growth, and where a planning agreement may be associated with a planning proposal.

Land use planning should occur concurrently with strategic infrastructure planning to ensure that built form provisions and infrastructure contributions deliver both appropriate urban forms and contributions related to the development.

Strategic infrastructure planning should be undertaken regularly and address expected growth, infrastructure demand resulting from this growth, and the apportioned cost of these infrastructure provisions. Planning agreements should be used towards public benefits that are in accordance with the council's infrastructure planning and funding policies and strategies. Planning agreements should not be used as a substitute to proper strategic infrastructure planning.

#### Local Strategic Planning Statements

Local strategic planning statements set out the 20-year vision for land use in the local area, including how change will be managed into the future. These statements need to align with the regional and district plans, and council's own priorities in the community strategic plan it prepares under the *Local Government Act 1993*. The statements identify the planning priorities for an area and explain how these are to be delivered.

In this regard, local strategic planning statements will identify upfront the strategic planning priorities and infrastructure needs for an area, which should be reflected in planning agreements that demonstrate a comprehensive approach to infrastructure planning and funding.

#### Impact of planning proposals

There may be circumstances where a developer lodges a planning proposal that was not anticipated at the time the local strategic planning statement was prepared. It is common site-specific planning proposals in locations where development had not been anticipated to be accompanied by offers to enter into planning agreements. While it is appropriate that applications for more intensive development also consider opportunities for public benefit associated with development, this must be in a way that is mutually agreeable between the planning authority and the developer.

Planning authorities must ensure that adequate infrastructure is available to support the development, that the community can be confident in the integrity of the planning decision and that the planning authority is not improperly relying on its statutory role to extract unreasonable contributions.

Site specific planning proposals must not be prioritised on the basis they provide an opportunity for public benefits. Public benefits to be delivered by development should not be wholly unrelated to the development and the costs should be clearly set out and justified in the planning agreement. It is important that planning agreements in relation to planning proposals complement a comprehensive approach to infrastructure planning and funding.



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## Part 4 Procedures and decision making

### 4.1 Basic procedures for entering into a planning agreement

Planning agreements may be negotiated between planning authorities and developers in relation to development applications or changes sought by developers to environmental planning instruments. Where possible, planning agreements should be negotiated between planning authorities and developers before a related development application or planning proposal is made so that it may be accompanied by the draft agreement. The steps below are provided for general guidance and are indicative only. The actual steps taken in negotiating each specific planning agreement may differ.

#### Indicative steps for planning agreements

**Step 1 Commencement.** Before making a development application or submitting a planning proposal, the planning authority and developer decide whether to negotiate a planning agreement. In making this decision consideration should be given to this practice note, relevant legislation and any relevant policies. The parties consider whether other planning authorities and other persons associated with the development should be additional parties to the agreement, such as the landowner if the landowner is a different person to the developer.

**Step 2 Negotiation.** If an agreement is negotiated, it is documented as a draft planning agreement with an accompanying explanatory note. The draft planning agreement should be assessed against the acceptability test outlined in this practice note. The parties should consider how the planning agreement will be enforced and when the planning agreement will be executed, as this will inform the security provisions and conditions of the agreement. Legal advice should be sought in each case to ensure that the appropriate conditions are imposed on the planning agreement.

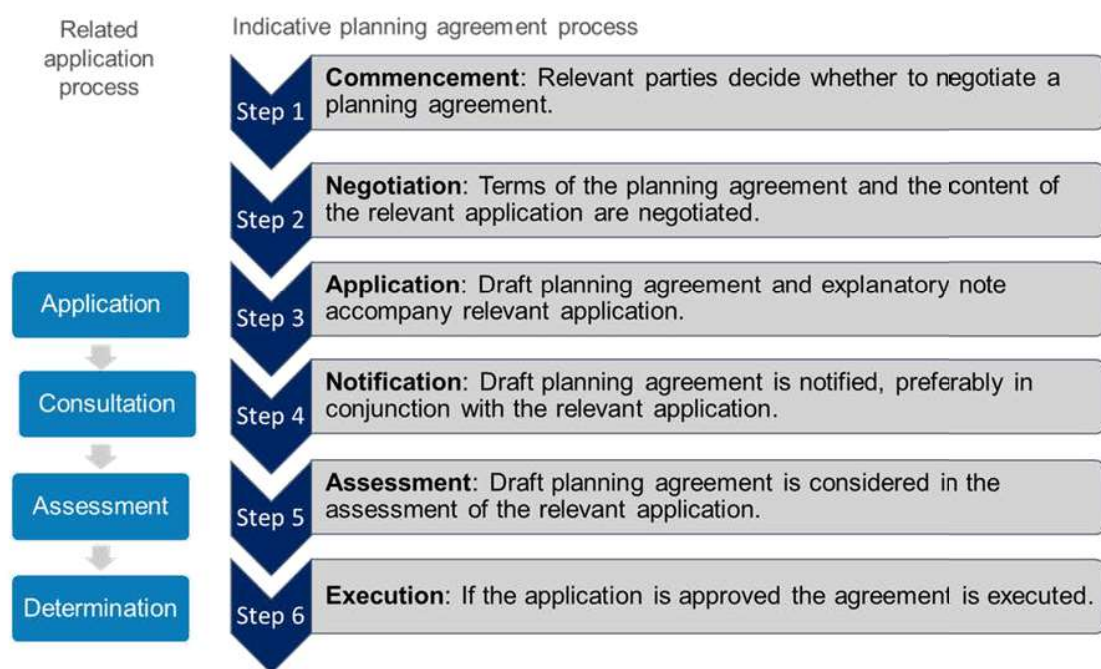
**Step 3 Application.** When the developer makes the application to the relevant authority, it should be accompanied by the draft planning agreement that has been signed by the developer and the explanatory note.

**Step 4 Notification.** Relevant public authorities are consulted and the application, draft planning agreement and explanatory note are publicly notified in accordance with the EP&A Act and EP&A Regulation. Any amendments required to the application and draft agreement as a result of submissions received are made. If necessary, the amended application, draft planning agreement and explanatory note are renotified.

**Step 5 Assessment.** The draft planning agreement and public submissions are considered in the determination of the related application. The weight given to the draft agreement and public submissions is a matter for the relevant authority acting reasonably.

**Step 6 Execution.** The development application or planning proposal is determined by the approval authority. The planning agreement is generally executed at this stage.

Figure 1 – Indicative planning agreement process and related application process



## 4.2 Offer and negotiation

### Offer to enter into a planning agreement

The EP&A Act does not define what constitutes an 'offer' for the purpose of section 7.7(3) of the EP&A Act. However, an offer should:

- Be in writing.
- Be addressed to the planning authority to whom it is made.
- Be signed by or on behalf of all parties to the proposed planning agreement other than the planning authority to whom the offer is made.
- Outline in sufficient detail the matters required to be included in a planning agreement as specified in s7.4 (3) of the EP&A Act to allow proper consideration of the offer by the planning authority.
- Address in sufficient detail any relevant matters required to be included in an offer as specified in any applicable planning agreements policy published by the planning authority to whom the offer is made to allow proper consideration by the planning authority.
- Outline in sufficient detail all other key terms and conditions proposed to be contained in the planning agreement to allow proper consideration by the planning authority.

A consent authority cannot refuse to grant development consent on the grounds that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement.

However, if a developer has offered to enter into a planning agreement in connection with the development application or a change to an environmental planning instrument, then a consent



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authority is authorised to require a planning agreement to be entered into in the terms of the offer as a condition of development consent.

### **Efficient negotiation systems**

Planning authorities, particularly councils, should implement fast, predictable, transparent and accountable negotiation systems for planning agreements. Negotiation of planning agreements should not unnecessarily delay ordinary planning processes and should run in parallel with applications to change environmental planning instruments or development applications. This includes through pre-application negotiation in appropriate cases. Negotiation should be based on principles of co-operation, full disclosure, early warning, and agreed working practices and timetables.

### **Involvement of independent third parties**

Independent third parties can be used in a variety of situations involving planning agreements. Planning authorities and developers are encouraged to make appropriate use of them during negotiation. Including where:

- An independent assessment of a proposed change to an environmental planning instrument or development application is necessary or desirable.
- Factual information requires validation.
- Sensitive financial or other confidential information must be verified or established in the course of negotiations.
- Facilitation of complex negotiations is required for large projects or where numerous parties or stakeholders are involved.
- Dispute resolution is required.

### **Dispute resolution**

Different kinds of dispute resolution mechanisms may suit different disputes and this should be reflected in a planning agreement. For example, mediation may be suitable to deal with disputes arising from grievances, while expert determination may be suitable to resolve disputes of a technical nature and arbitration may be suitable for resolving commercial disputes.

## **4.3 Costs and charges**

### **Costs**

There is no comprehensive policy on the extent to which a planning authority may recover costs for negotiating, preparing, executing, registering, monitoring, enforcing and otherwise administering planning agreements. Wherever possible, planning authorities and developers should negotiate and agree costs at the earliest opportunity.

### **GST considerations**

Both parties to a planning agreement have a potential GST liability and they should obtain advice in every case on whether a potential GST liability attaches to the agreement.

### **Recurrent costs and maintenance payments**

Planning agreements may require developers to make contributions towards the recurrent costs of facilities that primarily serve the development to which the planning agreement applies or neighbouring development in perpetuity. However, where the facilities are intended to serve the

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wider community, planning agreements should only require the developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility.

#### **Pooling of monetary contributions**

Planning authorities should disclose to developers, and planning agreements should specifically provide, that monetary contributions paid under different planning agreements are to be pooled and progressively applied towards the provision of public benefits that relate to the various agreements. Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

While planning agreements allow for pooling of funds, if significant pooling is required the planning authority should consider if a s7.11 infrastructure contributions plan would be appropriate.

#### **Refunds**

Planning agreements may provide that refunds of monetary development contributions made under the agreement are available if public benefits are not provided in accordance with the agreement.

### **4.4 Registration and administration**

#### **Standard form planning agreements**

Planning authorities are encouraged to publish and use standard form planning agreements or standard clauses for inclusion in planning agreements in the interests of process efficiency. Planning authorities are encouraged to use the template planning agreement (Attachment A).

#### **Documentation of planning agreements**

The parties to a planning agreement should agree on which party is to draft the agreement to avoid duplication of resources and costs.

Councils are required to keep and make available a register of planning agreements. The register should be made available online or incorporated into the online planning register of the planning authority's website.

#### **Monitoring and review of planning agreements**

Planning authorities should use standardised systems to monitor the implementation of planning agreements in a systematic and transparent way. This may involve co-operation by different parts of planning authorities.

Monitoring systems should enable information about the implementation of planning agreements to be made readily available to public agencies, developers and the community. Planning agreements should contain a mechanism for their periodic review that should involve the participation of all parties.

#### **Security for enforcement of developer's obligations**

Parties should consider the means by which a planning agreement may be enforced. The most suitable means of enforcement may depend on:

- The circumstances of the planning agreement.
- The nature and extent of the developer's obligations under the planning agreement.



- The planning authority's reasonable assessment of the risk and consequences of non-performance.

Tying the performance of the developer's obligations to the issuing of construction or subdivision certificates may provide a suitable means of enforcing planning agreement obligations in some cases. The EP&A Act and the EP&A Regulation restrict the issuing of a construction certificate or subdivision certificate by a certifier until any preconditions to the issuing of the certificate specified in a planning agreement have been complied with. Where adopting this approach, consider including provisions to allow a developer to provide a financial security, such as a bond or bank guarantee, if they subsequently seek release of a certificate before completing the required obligations. This will avoid the need to amend the planning agreement.

Some planning agreements require land to be dedicated to the planning authority. It may be suitable for the planning agreement to contain a pre-acquisition agreement for the purposes of the *Land Acquisition (Just Terms Compensation) Act 1991* enabling the planning authority to compulsorily acquire the land to be dedicated for nominal or an agreed value in the event of default by the developer.

Financial security, such as a bond or bank guarantee, can be a suitable means of enforcement where a planning agreement requires the carrying out of works by the developer. Financial security can be called on by the planning authority in the event of default, coupled with step-in rights by the planning authority. The value of the financial security should relate to the potential costs that may be incurred by the planning authority in carrying out the relevant works obligations of the developer in the event of default by the developer.

Financial security or additional financial security may also be appropriate where the developer seeks to postpone obligations under a planning agreement to a time later than the time originally specified for performance. An amendment to the planning agreement would ordinarily be required in such circumstances unless the planning agreement already makes provision for such an arrangement.

### Registration on title

Registration is important to inform people of the existence of a planning agreement affecting the land and for the enforcement of a planning agreement. Registration on title may bind future owners of the land to the agreement. There is no requirement that a planning agreement must be registered over the whole of the land covered by the agreement.

To ensure that the intention of the parties to register the planning agreement is not defeated, the developer should get written agreement to the registration from each person with an estate or interest in the land to which the planning agreement applies. This should be provided to the planning authority as a precondition to the execution of the planning agreement.

Provision should be made in a registered planning agreement about when the notation of the planning agreement on the title to land can be removed. For example, when:

- The developer has complied with all obligations under the planning agreement relating to the land and is discharged from the planning agreement.
- The developer has complied with all relevant obligations under the planning agreement relating to a stage of development and the notation about that stage in the planning agreement on the title to the land is removed.

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- Land the subject of the planning agreement is subdivided and titles for new lots are created and the developer has complied with all relevant planning agreement obligations relating to the subdivision.
  - Additional valuable security for performance of the planning agreement acceptable to the planning authority is provided by the developer in exchange for removal of the registration of the planning agreement from the title to land.

#### **Discharge of developer's obligations**

Planning agreements should not impose obligations on developers indefinitely. Planning agreements should set out the circumstances in which the parties agree to discharge the developer's obligations under the agreement.

### **4.5 Public participation and notification**

Planning agreements must be publicly notified and made available for public inspection before they can be entered into.

The EP&A Regulation requires that the notification of a proposed planning agreement occurs at the same time as the planning proposal or development application, or if this is not practicable, as soon as possible after.

The terms of the planning agreement and its proposed public benefits should be clearly shown as part of consultation material. This will help the community make a fully informed decision on the overall proposal.

Planning agreements must be accompanied by an explanatory note to assist the public in understanding the agreement. Other types of consultation material are encouraged in addition to the explanatory note. This might include additional written material, diagrams or plans.

#### **Amendment to proposed planning agreement after public notification**

Any material changes that are proposed to be made to a planning agreement after a public notice has been given should be subject to renotification if the changes would materially affect:

- How any of the matters specified in section 7.4 of the EP&A Act are dealt with by the planning agreement.
- Other key terms and conditions of the planning agreement.
- The planning authority's interests or the public interest under the planning agreement.
- Whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.

### **4.6 Explanatory notes**

Planning agreements are legal documents and may not be easily understood by the public. An explanatory note can help the public understand a planning agreement and facilitate informed discussion. The EP&A Regulation requires that an explanatory note is provided with the public notice of a planning agreement and it is to be prepared having regard to this practice note.

The explanatory note is to be prepared jointly with the other parties proposing to enter into the planning agreement. However, if two or more planning authorities propose to enter into a planning agreement, an explanatory note may include separate assessments prepared by the planning



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authorities in relation to matters affecting only one of the planning authorities or affecting those planning authorities in a different manner.

In practice, the explanatory note can be prepared by one of the parties but should be reviewed and agreed on by any other party to the agreement.

The explanatory note must help the broader community to simply and clearly understand what a planning agreement is proposing, how it delivers public benefit, and why it is acceptable and in the public interest. It should be easy to understand, written in plain English and address all considerations outlined in this practice note.

The explanatory note must:

- Identify how the agreement promotes the public interest.
- Identify whether the agreement conforms with the planning authority's capital works program, if any.
- State whether the agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

It should be possible for a person to be able to readily understand the nature of the development proposed and the public benefits to be provided. The explanatory note should indicate timing of delivery and should include maps, diagrams and other material to help explain what is proposed.

A template is also attached to guide councils in the preparation of explanatory notes (Attachment B). It includes model content to be adopted and adapted by councils in accordance with related guidance in this practice note.

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## Part 5 Examples of the use of planning agreements

Planning agreements have the potential to be used in a wide variety of planning circumstances and to achieve many different planning outcomes. Their use will be dictated by the circumstances of individual cases and the policies of planning authorities. Accordingly, it is not possible to set out all the circumstances in which a planning agreement may be appropriately entered into.

Below are some examples of the potential scope and application of planning agreements.

### **Compensation for loss or damage caused by development**

Planning agreements can provide for development contributions that compensate for increased demand on the use of a public amenity, service, resource or asset that will or is likely to result from the carrying out the development.

For example, development may result in the loss of or increased impact on the provision of public open space, public car parking, public access, water and air quality, bushland, wildlife habitat or other natural areas.

The planning agreement could impose planning obligations directed towards replacing, substituting, or restoring the public amenity, service, resource or asset to an equivalent standard to that existing before the development is carried out.

In this way, planning agreements can offset development impacts that may otherwise be unacceptable.

### **Meeting demand created by development**

Planning agreements can also provide for development contributions that meet the demand for new public infrastructure, amenities and services created by development. For example, development may create a demand for public transport, drainage services, public roads, public open space, streetscape and other public domain improvements, community and recreational facilities.

The public benefit provided under the agreement could be the provision, extension or improvement of public infrastructure, amenities and services to meet the additional demand created by the development. An agreement may be used to meet the requirements set out in a contributions plan in relation to certain land, or, potentially in the case of a large development area being delivered by one or a small number of developers, provide public amenities and services in lieu of preparing a contributions plan.

### **Prescribing inclusions in development**

Planning agreements can be used to secure the implementation of particular planning policies by requiring development to incorporate particular elements that confer a public benefit.

Examples include agreements that require the provision of public facilities, open space or the retention of urban bushland. Agreements may also require development, in the public interest, to meet aesthetic standards, such as design excellence.

### **Providing benefits to the wider community**

Planning agreements can also be used to secure the provision of broader benefits for the wider community. Broader benefits provided through planning agreements involve an agreement between a developer and a planning authority to allow the wider community to share in benefits resulting from the development. The benefit may be provided in conjunction with planning



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obligations or other measures that address the impacts of the development on surrounding land or the wider community.

Alternatively, the benefit could wholly or partly replace such measures if the developer and the planning authority agree to a redistribution of the costs and benefits of development in order to allow the wider community, the planning authority and the developer to realise their specific preferences for the provision of public benefits.

Broader benefits may take the form of additional or better-quality public facilities than is required for a particular development. Alternatively, benefits may involve the provision of public facilities that, although not strictly required to make the development acceptable in planning terms, are not wholly unrelated to the development.

### **Recurrent funding**

Planning agreements may provide for public benefits that take the form of development contributions towards the recurrent costs of infrastructure, facilities and services. Such benefits may relate to the recurrent costs of items that primarily serve the development to which the planning agreement applies or neighbouring development. In such cases, the planning agreement may establish an endowment fund managed by a trust, to pay for the recurrent costs of the relevant item.

For example, a planning agreement may fund the recurrent costs of water quality management in respect of development that will have a demonstrated impact on a natural watercourse that flows through or nearby to the development.

Broader benefits may also take the form of interim funding of the recurrent costs of infrastructure, facilities and services that will ultimately serve the wider community. The planning agreement would only require the developer to make such contributions until a public revenue stream is established to support the on-going costs of the facility.

### **Biodiversity offsetting**

A planning agreement may fund the recurrent costs of habitat protection where development will trigger the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016*. Where planning agreements are used in this manner, they must adhere to the processes identified in Part 6 of the *Biodiversity Conservation Regulation 2017*.

This includes the implementation of a biodiversity stewardship agreement on the land that has been identified, which will include identifying the status on title and create a traceable alignment of obligations on all parties. A condition of the planning agreement must include fully funding the required total fund deposit value relevant for the biodiversity stewardship agreement and site, as a monetary contribution indexed accordingly.

The total fund deposit pays for the management actions identified in the biodiversity stewardship agreement to be undertaken in-perpetuity. The value of the total fund deposit is determined when the biodiversity stewardship agreement is entered into.

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## Attachment A – Template planning agreement

### PLANNING AGREEMENT

#### Parties

## of ##, New South Wales (**Council**)

and

## of ##, New South Wales (**Developer**).

#### Background

(For Development Applications)

- A. On, ##, the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. That Development Application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities if that Development consent was granted.

(For Changes to Environmental Planning Instruments)

- A. On, ##, the Developer made an application to the Council for the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. The Instrument Change application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities that Development Consent was granted.
- C. The Instrument Change was published in NSW Government Gazette No. ## on ## and took effect on ##.
- D. On, ##, the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.

#### Operative Provisions

##### 1 Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 7.1 of Part 4 of the Act.

### Application of this Agreement

[Drafting Note 2: Specify the land to which the Agreement applies and the development to which it applies]

### Operation of this Agreement

[Drafting Note 3: Specify when the Agreement takes effect and when the Parties must execute the Agreement]

### Definitions and interpretation

In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979 (NSW)*.

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development** means ##

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and any other Act or regulation relating to the imposition or administration of the GST.

**Instrument Change** means ## Local Environmental Plan ##.

**Land** means Lot ## DP ##, known as ##.

**Party** means a party to this agreement, including their successors and assigns.

**Public Facilities** means ##.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

Headings are inserted for convenience only and do not affect the interpretation of this Agreement.



A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.

If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.

A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.

A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.

A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.

An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

References to the word 'include' or 'including' are to be construed without limitation.

A reference to this Agreement includes the agreement recorded in this Agreement.

A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.

Any schedules and attachments form part of this Agreement.

## Development Contributions to be made under this Agreement

[Drafting Note 5: Specify the development contributions to be made under the agreement; when they are to be made; and the manner in which they are to be made]

## Application of the Development Contributions

[Specify the times at which, the manner in which and the public purposes for which development contributions are to be applied]

## Application of s7.11 and s7.12 of the Act to the Development



[Drafting Note 7: Specify whether and to what extent s7.11 and s7.12 apply to development the subject of this Agreement]

## Registration of this Agreement

[Drafting Note 8: Specify whether the Agreement is to be registered as provided for in s7.6 of the Act]

## Review of this Agreement

[Drafting Note 9: Specify whether, and in what circumstances, the Agreement can or will be reviewed and how the process and implementation of the review is to occur].

## Dispute Resolution

[Drafting Note 10: Specify an appropriate dispute resolution process]

## Enforcement

[Drafting Note 11: Specify the means of enforcing the Agreement]

## Notices

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

Delivered or posted to that Party at its address set out below.

Faxed to that Party at its fax number set out below.

Emailed to that Party at its email address set out below.

### **Council**

Attention: ##

Address: ##

Fax Number: ##

Email: ##

### **Developer**

Attention: ##

Address: ##

Fax Number: ##

▪ Email: ##

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If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

Any notice, consent, information, application or request is to be treated as given or made at the following time:

If it is delivered, when it is left at the relevant address.

If it is sent by post, 2 business days after it is posted.

If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

## Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## Assignment and Dealings

[Drafting Note 14: Specify any restrictions on the Developer's dealings in the land to which the Agreement applies and the period during which those restrictions apply]

## Costs

[Drafting Note 15: Specify how the costs of negotiating, preparing, executing, stamping and registering the Agreement are to be borne by the Parties]

## Entire agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

## Further acts

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Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

### Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

### Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

### No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

### Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

### Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

### Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

### Waiver

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The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**GST**

If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then recipient of the supply must pay an additional amount equal to the GST on that supply.

**Execution**

**Dated: ##**

**Executed as an Agreement: ##**



## Attachment B – Template explanatory note

### Explanatory Note Template

Environmental Planning and Assessment Regulation 2000 (Clause 25E)

Explanatory note for planning agreements under section 7.4 of the Environmental Planning and Assessment Act 1979

#### 1. Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **planning agreement**). This explanatory note explains what the planning agreement is proposing, how it delivers public benefit and whether it is an acceptable means of achieving the proposed planning outcomes.

#### 2. The parties to this planning agreement are:

[Planning authority name] as the planning authority

[Developer name] as the developer

#### 3. The land subject to the planning agreement is:

Lot and deposited plan	Address or description of location

A map of the subject land is attached to this explanatory note.

Will the planning agreement be registered on the subject land titles? Yes / No

#### 4. Description of the proposed [development application/application for complying development certificate / change to the environmental planning instrument] *(delete as appropriate)*

The developer is seeking approval for subdivision of the subject land into approximately [xx] residential lots / approval for development of approximately [xx] dwellings in accordance with Development Application [DA reference] and has made an offer to enter into the planning agreement in connection with the proposed development.

OR

The developer is seeking an amendment to the planning controls for the subject land in accordance with Planning Proposal [PP reference] and has made an offer to enter into a planning agreement in connection with the planning proposal. The amendments outlined in the related planning proposal are:

	Current	Proposed
Zone		
Floor space ratio		
Max height		
Dwelling yield		
Non-residential floor space		
(add others as appropriate)		

*Note: Provide new tables for separate lot/DP where appropriate (e.g. if the existing zones, or proposed planning controls are different between each lot.)*

#### 5. Description of the planning agreement *(delete as appropriate)*

The objectives of the planning agreement are **[describe]**. The effect of the planning agreement will be **[describe]**.

*Will the contributions be in the form of land, works or a monetary contribution?*

The contributions required by the planning agreement will be provided in the form of a monetary contribution paid to **[describe]**. The contribution is for approximately **[\$xxx per lot / \$xxxx for the subject land]**.

OR

The contributions required by the planning agreement will be provided in the form of works undertaken by the Developer. The scope of works is **[describe works]**.

OR

The contributions required by the planning agreement will be provided in the form of dedication of land **[describe land]**. A map of the proposed land to be dedicated is attached to this explanatory note.

*Will the contributions be provided in addition to or in lieu of other contributions?*

The contributions required by the planning agreement will be provided in addition to contributions under **[relevant contributions plan]**.

OR

The contributions required by the planning agreement will be provided in lieu of the contributions under **[relevant contributions plan]**, which would have required the development to contribute **[\$xxx]**.

OR

The contributions required by the planning agreement will be provided partially in lieu of the contributions under **[relevant contributions plan]**, which would have required the development to contribute **[\$xxx]**. The planning agreement will reduce the payment under the local contributions plan to **[\$xxx]**.

*When will the contributions be provided?*

The contributions required by the planning agreement will be provided before **[describe timeframe for provision, whether the provision will be linked to the release of subdivision/construction certificates etc]**.

#### 6. Assessment of the merits of the planning agreement

How is the planning agreement in the public interest?

What is the impact, positive or negative, of the planning agreement on the public or any section of the public?

How does the planning agreement conform with the planning authority's capital works program, if any?

Are there any other matters which a reasonable member of the public would wish to know in understanding this planning agreement?

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# Special Infrastructure Contributions Guidelines

**Draft**

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**The Department acknowledges the traditional custodians of the land and pays respect to elders past, present and future.**

Special Infrastructure Contributions Guidelines

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# 1. Introduction

## Purpose of this Guideline

Infrastructure is the foundation of cities and regions. It helps transform a collection of houses, shops or factories into a community, providing a sense of place.

Ensuring that new growth makes a contribution to infrastructure is a key concept of the planning system in NSW. The development contributions framework under the planning legislation recognises different types of contributions mechanisms for infrastructure.

Special Infrastructure Contributions (SICs) are a key part of the State developer contributions framework and operate under Division 7.1 Subdivision 4 of the *Environmental Planning and Assessment Act 1979*.

A SIC is paid by developers to help fund key elements of state and regional infrastructure in growing areas of Greater Sydney and regional NSW.

The Department of Planning, Industry and Environment (the Department) is responsible for the operation and management of the SIC framework, including the preparation of SIC Determinations, Ministerial Directions and Orders, the collection of SIC revenue, investment prioritisation and distribution of funds for infrastructure delivery.

The purpose of these Guidelines is to give greater clarity about:

- The purpose and objectives of the SIC framework applying to current SICs (particularly how to manage expenditure) and the development and implementation of prospective SICs.
- The key principles guiding the State Government in implementing and administering the SIC framework.
- The method for determining a new SIC.
- The process for allocating SIC revenue to infrastructure investment once a SIC has been determined.

## 2. Structure of the Guideline

This Guideline clarifies the role of SIC within a place-based planning system and establishes the key principles underpinning the SIC framework. This Guideline also provides information on the procedures followed by the Department in managing the SIC program.

This Guideline is structured as follows:

1. Introduction and purpose of the Guideline
2. Structure of the Guideline
3. Purpose of SICs in the planning system
4. Governance, oversight and program assurance
5. Steps to implementing a SIC
6. Key principles of the SIC framework
7. Key components of a SIC:
  - a. Locations where the SIC applies
  - b. Detail of the supporting strategic land use planning context
  - c. Types of development subject to a SIC
  - d. SIC Infrastructure list
  - e. Infrastructure costs and cost apportionment
  - f. Method to calculate the SIC
  - g. Timing of payments and administration
8. Public consultation and transparency
9. Expending SIC revenue
10. State Planning Agreements.

The Guidelines will be reviewed and updated in response to changing government policy, advice from local government and feedback from the community. Suggestions, comments and feedback are welcome and can be made at any time by contacting the Department or via the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).



### 3. The purpose of SICs in the planning system

The NSW Government is focussed on creating great places through collaborative engagement and integrated design; planning supported by infrastructure investment in the right place at the right time.

The Department is collaborating with local councils as they prepare long-term land use and infrastructure plans for growth areas in NSW. Local knowledge and expertise will be used to define a vision for places and communities and will guide planning decisions and infrastructure investment.

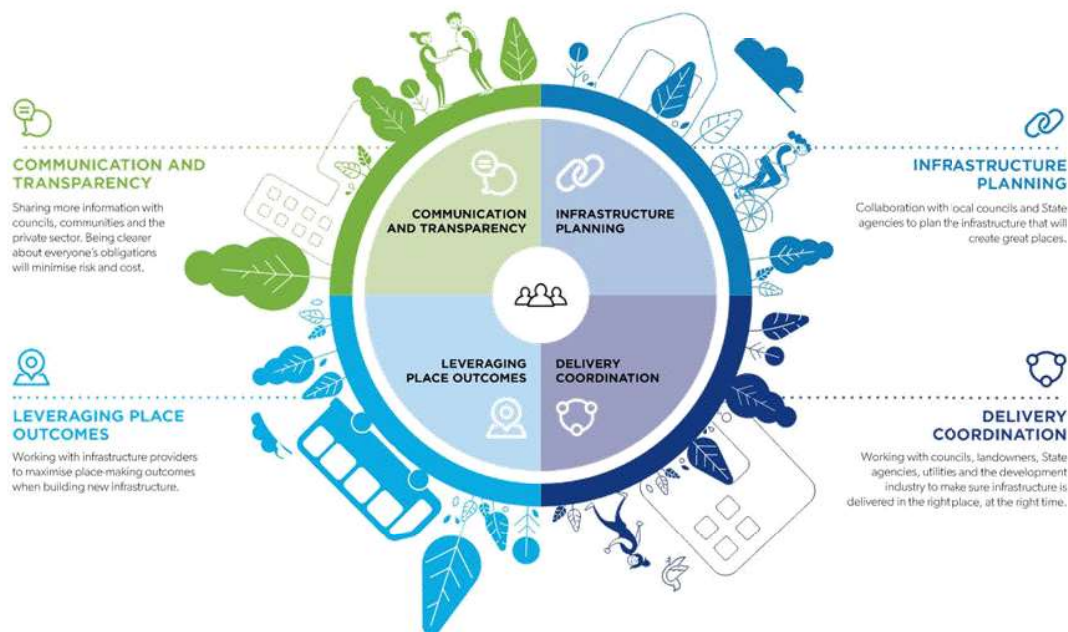
SICs will be part of this coordination process by supporting new infrastructure in high growth areas as part of the land-use planning system. They provide a source of funding to State and local governments, and a basis for partnering with the private sector on the delivery of infrastructure. The SIC aims to help achieve the

objectives for a place, facilitate development and protect public safety and amenity.

The Department works closely with government agencies and councils who are responsible for delivering and maintaining State and regional infrastructure during the development of a SIC and when scheduling SIC-funded infrastructure investments.

This partnership is part of a wider collaboration with local councils, utility providers and the development industry to coordinate capital investment in growth areas and to deliver infrastructure that supports housing and employment growth. Types of infrastructure that are typically funded by the SIC include (but are not limited to), road upgrades, school or education facilities, health infrastructure and emergency services facilities.

#### DELIVERY AND INFRASTRUCTURE



## 4. Governance, Oversight and Program Assurance

The SIC framework is broadly aligned to the Infrastructure NSW *Infrastructure Investor Assurance Framework*.

Similar to the concepts that underpin the Infrastructure Investor Framework, the Department will be guided by the following when developing a SIC:

- **Governance and oversight** Major decisions relating to the SIC will be overseen and informed by collaboration with NSW government agencies. Where appropriate other infrastructure and service agencies will be invited to advise on proposals.
- **Service need and alignment to government policy** The SIC will help deliver on an established Government policy, in relation to growth, renewal or major infrastructure investment associated with new housing or employment.
- **Needs analysis and outcomes** The SIC should be critical to meeting service need for a defined area such as a region or sub-region. Strategic land use plans will form the basis of the needs analysis and define the outcomes to be achieved by future infrastructure investment.
- **Investment decision** Projects to be funded by the SIC should demonstrate economic, social and environmental benefit. Delivery agencies who receive SIC funding will adhere to the Government's budget-setting and assurance processes in relation to expenditure and procurement of infrastructure.
- **Delivery** Agencies will be responsible for the delivery of infrastructure including managing risk, budget and schedule. The Department will oversee SIC funding allocation and disbursement and monitor progress in the delivery of the SIC program.
- **Benefits realisation** The Department will monitor the program to prioritise investment of SIC revenue towards projects that will achieve the stated objectives of the SIC and the broader strategic planning context.

## 5. Steps to implementing a SIC

The SIC implementation process is guided by the statutory framework of the *Environmental Planning and Assessment Act 1979*, and supported by the Department's SIC preparation, program management, governance, assurance and delivery framework outlined in this Guideline.

A SIC framework is put in place through the making of three instruments:

- **SIC Determination** The legal instrument that defines the level and nature of the Special Infrastructure Contribution and identifies:
  - the cost and items of infrastructure to be funded
  - the kinds of development required to make a contribution
  - the method of calculating a SIC
  - requirements for payment and timing of the contribution.
- **Ministerial Direction** Applies to consent authorities and imposes the requirement to place a SIC condition on development consents within Special Contribution Areas, and for developers to make contributions towards State and regional infrastructure.

- **Ministerial Order** Establishes the Special Contributions Area through an amendment to the *Environmental Planning and Assessment Act 1979* to include a map of the Special Contributions Area (SCA) boundary in Schedule 4 of the Act.

Before a SIC is finalised, if the cost of the infrastructure exceeds \$30 million the Minister will consult with the Treasurer on the proposed level and nature of the contribution, and the expected SIC revenue and expenditure program in relation to State capital planning and budget processes. Once approved by the Minister, the SIC Determination is published in the *Government Gazette of the State of New South Wales*. At this time, the SIC can be applied to new development consents.

Periodic reviews of the SIC Determination will allow for ongoing alignment to strategic land use planning, updated planning assumptions or changes to infrastructure requirements.



## 6. Key principles of the SIC framework

SICs will be applied in specific circumstances that relate to new growth areas or urban renewal. The SIC framework should seek to be fair, reasonable and simple. The key principles underpinning the SIC framework and informing this Guideline are:

### **Principle 1 - The SIC will relate to new growth and urban renewal**

- The SIC will support the objectives of the broader planning system, such as a major State or council led rezoning, land release or urban renewal process.
- A SIC will be applied only to new development and growth.
- SIC revenue will be used to provide land and/or capital works that support new growth.

### **Principle 2 - The SIC will support the achievement of place objectives**

- SIC revenue will be spent on the infrastructure identified in this Guideline.
- SIC revenue will be invested in State and regional infrastructure projects that contribute to the identified place outcomes and strategic objectives for a place.
- SIC revenue will be invested in projects that are consistent with infrastructure or service requirements identified in relevant State or local planning strategies.
- Over the planning cycle, the amount of the SIC revenue collected in a SCA will be used to fund SIC infrastructure that supports and services that SCA.

### **Principle 3 - The SIC will be reasonable and fairly apportioned**

- The contribution will be determined according to the share of the cost of infrastructure used by the development being charged.

- The SIC will maintain a reasonable balance between funding infrastructure and facilitating private sector investment in development.
- The SIC will not duplicate charges for infrastructure covered by local contributions.

### **Principle 4 - The SIC will be relevant, current and outcome-focused**

- The SIC will be regularly reviewed to reflect infrastructure needs and strategic priorities.
- SIC expenditure will be scheduled for a SIC area when sufficient funds for delivery and construction have accumulated (or earlier if budget allows).
- SIC expenditure will be programmed in accordance with an understood and accepted investment decision framework.
- SIC expenditure will align to capital planning programs managed by other State agencies, State-owned corporations and councils.

### **Principle 5 - The SIC will be transparent and predictable**

- The SIC will be clear and simple; providing clarity on financial obligations of the development industry and landowners.
- A set of standard SIC instruments will be used across NSW. They will apply to greenfield residential, infill residential and industrial/commercial development.
- Stakeholders will be consulted before a SIC is made. Consultation could occur by publishing (and seeking feedback on) an initial proposed approach and/or a final Determination.
- Introduction of a SIC will include transition arrangements, in consideration of implications for development outcomes and timing.
- SIC revenue and expenditure of funds will be published for transparency.



## 7. Key components of a SIC

A SIC will include mandatory information as required by the *Environmental Planning and Assessment Act 1979*. It will also include information that demonstrates adherence to the principles set out in this Guideline.

In order to achieve consistency and simplicity, three standard SIC instruments will generally be applied across NSW. These will relate to greenfield, infill and industrial/commercial developments.

Each SIC will include the following information:

- a. location where the SIC applies
- b. detail of the supporting strategic land use planning context
- c. types of development subject to a SIC
- d. the SIC infrastructure list
- e. infrastructure costs and apportionment
- f. method to calculate the SIC
- g. when the SIC is payable.

### a. Location where the SIC applies

A location or area where the SIC applies is called a Special Contributions Area (SCA). A SCA can be declared over any location where an integrated land use and infrastructure planning process identifies the need for additional state and regional infrastructure linked to development outcomes. Where possible, the boundary of the SCA will support multiple high growth areas. This will assist with simplicity, consistency and clarity.

A SCA will be applied where:

- There is sufficient new demand for new State and regional infrastructure to justify introducing a SIC.
- The SIC will be able to generate sufficient revenue to support place outcomes and strategic objectives.

### b. Detail of the supporting strategic land use planning context

Each SIC is aligned to the broader strategic land use planning context, forecasting likely infrastructure needs - based on planning assumptions - and allocating a share of the cost of that infrastructure to forecast growth. Elements of the land use planning process that inform the preparation of a SIC include:

- The boundary and extent of the land use planning area and its relationship to the SCA.
- The range, types and locations of intended future land uses.
- The proposed development and urban design outcomes, including proposed planning controls where available.
- The proposed structure plan including the spatial relationships and alignment of key infrastructure.
- Supporting technical information such as site analysis, land valuation and economic analysis, and infrastructure scoping studies.

### c. Types of development subject to a SIC

A SIC establishes a financial contribution for new developments that generate a need for additional State and/or regional infrastructure. The SIC will apply only to land rezoned after the SIC takes effect.

A land-use strategy can facilitate a range of planning outcomes, so a SIC must contemplate a range of development types that will contribute to the cost of infrastructure. This includes residential, commercial and industrial development, and subdivisions.

Some development types will be exempt from a SIC charge. Depending on the nature of development expected in the SCA, this could include certain types of developments, development under certain types of zoning,

types of development approvals or for temporary developments that are necessary to support the Government's broader strategic objectives. Examples of development typically not required to make a contribution include public schools, emergency services, affordable housing, open space and public recreation facilities.

Land that may not be required to make a contribution includes flood-prone land, public utility easements, public roads and transport corridors.

All exemptions and exclusions will be published in supplementary guidance, for clarity.

Exemptions and exclusions may vary across SIC Determinations to cater to the specific needs of each place.

#### **d. SIC Infrastructure list**

Infrastructure that can be funded under a SIC must be consistent with the strategic land use planning context, be related to development being charged and support the objectives for a place. Table 1 identifies the state and regional infrastructure categories and components that can be included in an infrastructure schedule within a SIC. Note that a SIC will not necessarily provide funding towards all the categories of infrastructure identified below.

Table 1 – SIC Infrastructure

Category	SIC infrastructure
Transport	<ul style="list-style-type: none"> <li>Roads being land and/or works for State and regional roads (new roads and upgrades to existing roads and intersections), including active transport components.</li> <li>Bus infrastructure being land and/or works for bus interchanges, transit routes and bus stops (infrastructure to be owned by a public authority, but services may be operated by a contractor appointed by the state government).</li> <li>Active transport infrastructure aligned with regional networks identified in a relevant adopted strategy or plan (e.g. Green Grid, Principal Bicycle Network or Regional Cycle Plan).</li> </ul>
Open space and green infrastructure	<ul style="list-style-type: none"> <li>Land acquisition for regional open space in greenfield locations, and land and/or works for regional open space in urban renewal locations (including works for regional recreation facilities, tree planting and strategies for urban canopy).</li> <li>Regional green infrastructure in the form of open space connections or linear parks where identified in a relevant state strategy or an adopted local recreation study where they form part of a regional network.</li> </ul>
Education facilities	<ul style="list-style-type: none"> <li>Education facilities and land covering public primary schools, special schools, high schools and TAFEs.</li> <li>Land acquisition in greenfield locations for new education facilities.</li> <li>Land and/or works in urban renewal locations to contribute towards new education facilities or expansion of existing facilities (based on the additional expected student population).</li> </ul>
Health facilities	<ul style="list-style-type: none"> <li>Health facilities and land for regional and community health facilities.</li> <li>Land acquisition in greenfield locations for new or expanded health facilities.</li> <li>Land and/or works in urban renewal locations to contribute towards new health facilities or expansion of existing facilities.</li> </ul>



Table 1 – SIC Infrastructure (CONT.)

Category	SIC infrastructure
Justice and emergency services facilities	<ul style="list-style-type: none"> <li>Justice and emergency services land and facilities covering police stations, court facilities, fire and rescue and ambulance facilities.</li> <li>Land acquisition in greenfield locations for new or expanded justice and emergency services facilities.</li> <li>Land and/or works in urban renewal locations to contribute towards new justice and emergency services facilities or expansion of existing facilities.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>Biodiversity certification offsets for specific land release areas.</li> </ul>
Public space, community and cultural facilities	<ul style="list-style-type: none"> <li>Regionally significant public space and community or cultural facilities (such as regional libraries and regional sporting facilities).</li> <li>Land acquisition in greenfield locations.</li> <li>Land and/or works in urban renewal locations to contribute towards new facilities or expansion of existing facilities.</li> </ul>
Planning and delivery	<ul style="list-style-type: none"> <li>A contribution towards the strategic land use and infrastructure planning costs, and the cost of preparing, administering and monitoring the SIC system. This is generally a maximum of 1.5% of the cost of infrastructure.</li> </ul>

An integrated infrastructure planning process considers the full range of infrastructure to support desired place outcomes. The draft SIC infrastructure list forms part of the package of information in the SIC consultation and exhibition process. Feedback from consultation on the draft SIC will inform the preparation of a final infrastructure schedule which is reflected in a SIC Determination.

Key information used to identify the infrastructure to be nominated in a SIC includes:

- **Technical studies** Analysis of growth scenarios, economic feasibility and key assessments including transport, open space and community infrastructure. This considers the existing infrastructure capacity and forecast future infrastructure requirements.
- **Design studies** Urban design and public realm studies to provide the spatial context and inform infrastructure needs.
- **Agency and council advice** Input and feedback from State agencies and councils on growth-related infrastructure needs, including relevant cost information where available.

- **Existing Government strategies and plans** This includes statutory planning instruments and land-use planning and infrastructure strategies and policies.

#### e. Infrastructure costs and cost apportionment

The SIC aims to balance the funding of infrastructure with broader development objectives and provides funding towards infrastructure related to growth in the SCA.

Where an infrastructure item is only partly required to service growth with the remainder required to service either existing demand, background growth, or growth from outside the SCA, the cost of the infrastructure will be apportioned to users outside of the SCA (i.e. the cost will be recovered from other sources than the SIC).

The mechanism for calculating apportionment varies according to infrastructure type.

Table 2 – Approach to apportionment

Infrastructure type	Approach
Education, health, justice, community, cultural and emergency services facilities	<ul style="list-style-type: none"> <li>Advice is sought from relevant agencies during the planning stage on infrastructure requirements. Boundaries of the planning area and the catchments for education, health, justice, community, cultural and emergency services facilities planning often do not coincide with the SCA.</li> <li>Where the need for new or upgraded facilities is identified and a link to growth in the precinct is established the SIC can contribute towards the facility. Apportionment is based on the proportion of the cost of the facility serving growth as a component of the overall facility's service catchment.</li> </ul>
Open Space and open space connections	<ul style="list-style-type: none"> <li>The availability of and need for open space and active transport connections is analysed during the planning stage. Technical studies will identify the need and opportunities for new and/or improved regional open and public spaces forming part of a regional network. The costs and apportionment are based on the purpose of the park and its catchment.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>Any applicable biodiversity offset will be subject to the requirements identified in the wider biodiversity policy and specific land release areas.</li> </ul>
Transport (roads, public transport and active transport infrastructure)	<ul style="list-style-type: none"> <li>Transport analysis will identify the proportion of new and upgraded transport infrastructure generated by growth compared to other demands, usually through traffic modelling across the growth horizon. For example, where modelling indicates that 75% of traffic on an item of road infrastructure is due to growth in the SCA, the SIC will recover 75% of the cost of that item.</li> </ul>
Funding for investigations	<ul style="list-style-type: none"> <li>The SIC can recover funding for investigations such as scoping studies, concept design and business case preparation to assist agencies and councils in progressing the item towards delivery.</li> </ul>

Cost estimates for the SIC infrastructure are derived from three primary sources:

- Delivery agencies' or councils' strategic cost estimates where available.
- Costs identified in an executed planning agreement (for example, where a developer is delivering an item as works-in-kind).
- Quantity surveyor and/or licensed land valuer advice for items where information is not available from the relevant developer, delivery agency or council.

SIC Infrastructure costs include project overheads and on-costs.

Sufficient contingency must be allowed for unexpected costs or cost escalation. Contingencies vary according to the infrastructure type, the quality of information available and the standard practices of the responsible delivery agency.



As a general guide, the following criteria and benchmarks are used to inform a consistent approach to costs and contingencies at the early infrastructure identification stage, where advice from a quantity surveyor is required:

- **Roads** Delivery agency or council estimate, or a benchmark of 40% where other information is not available.
- **Active transport** Benchmark 40% within a road, or 30% elsewhere.
- **Open space embellishment** Benchmark 30%.
- **Social infrastructure and community facilities** Benchmark 20%.

These benchmark rates reflect the general nature of the high-level strategic information available at the planning stage. Alternate contingencies may be developed for individual projects as more information becomes available to reflect project-specific risk factors, a unique design or project scope.

#### f. Method to calculate the SIC

Applying a consistent charging approach across all SICs will improve predictability, simplicity and certainty. Equally, it is important to ensure that a SIC can be applied to a range of land uses that generate infrastructure demand and this can require a range of SIC calculation methods to be utilised. The standard calculation method approaches are:

- A charge per net developable hectare in greenfield areas.
- A charge per dwelling and/or gross floor area in urban infill areas.

In some exceptional cases, a charge based on percentage of the capital investment value (CIV) will be considered to further simplify the calculation method.

The Department will seek to ensure a SIC does not unreasonably impact on development feasibility and will, prior to implementing a SIC, investigate the impact of the SIC charge on general development viability.

Table 3 below provides a general overview of the approach to a SIC feasibility analysis.

Table 3 – Approach to SIC Feasibility

Item	Approach
Planning uplift	<ul style="list-style-type: none"> <li>• When sites are rezoned, there can be some increase in land values. This uplift will vary across a SCA and may make a SIC more feasible. A statistical analysis is used to identify an average or representative SIC feasibility thresholds post-uplift, across the SCA.</li> </ul>
Development and construction costs	<ul style="list-style-type: none"> <li>• Industry benchmarks will generally be used to determine average development costs across the SCA.</li> </ul>
Affordable housing	<ul style="list-style-type: none"> <li>• The impact of any affordable housing contributions (in place under State Environmental Planning Policy 70) is considered before setting a SIC rate.</li> </ul>
Local developer contributions	<ul style="list-style-type: none"> <li>• It will be assumed that local developer contributions will be imposed on development to which a SIC applies. The higher of the adopted local contributions charge or the rate cap will be used. Advice is sought from councils on any proposed updates to local contributions plans at the time of the SIC feasibility study.</li> </ul>

If development feasibility is to be impacted, consideration is given to strategic development priorities, and the SIC may be adjusted to:

- Reduce the scope of infrastructure to align with the revenue forecast to be received under a feasible SIC charge.
- Cap the SIC charge.
- Consider a percentage-based cost recovery target for the SIC.

In some situations, the government may consider growth areas for early release and rezoning on the basis that the release will incur no additional cost to government in relation to State or regional infrastructure. In this instance the SIC rate will be set with an assumption the developers have considered feasibility before making the offer to develop.

The SIC will provide clarity on costs as early as possible in the development cycle. In addition to the public consultation process outlined in Part 8, SIC rates may be introduced in stages. Where appropriate, the Department will apply incrementally increasing rates each year from the date of implementation until a time when the full SIC rate will apply. These transitional rates will be outlined in the SIC determination.

The base SIC rate will be increased at the start of each financial year.

#### **g. Timing of payments and administration**

The timing of a SIC payment can have significant implications on development feasibility and cash-flow. However, the timing of the SIC payment should also align to relevant stages of the land-use planning system. Therefore, the payment should be required as late as possible in the development process but no later than the issuing of final development consents.

A SIC is generally payable at the subdivision or construction certificate stage, depending on the type of development making the contribution. The development consent will specify when the SIC must be paid.

Developers can also propose to meet their obligations under a SIC by providing SIC infrastructure in lieu of paying a charge. This is known as 'works in kind' (WIK).

If agreed by the Minister or the relevant delegated authority, the planned cost of the WIK infrastructure (or actual cost, whichever is lesser), will be set off against the relevant SIC charge for the development.

Before accepting a WIK proposal, the Minister or Minister's delegate will consider the priority of the infrastructure and the value for money represented by the proposed alternative delivery method.

In relation to monetary contributions, a SIC Certificate of Payment is issued when SIC's obligations are satisfied. In relation to WIK, the obligation is met when the obligations are fulfilled in accordance with a works-in-kind agreement between the developer and the Minister or the relevant delegated authority.

SIC financial contributions are paid into a special deposits account known as the '*Special Contributions Area Infrastructure Fund*.' The Secretary of the Department administers the Fund in consultation with the NSW Treasury.

## 8. Public consultation and transparency

Public consultation and opportunities for feedback will occur before a SIC is implemented. The Department will consider a range of public consultation opportunities such as:

- Publish draft proposals (proposed SIC, SCA and infrastructure list).
- Release draft determination, direction and order (proposed statutory instruments).
- Organise community feedback session and industry engagement workshops.

Feedback will be sought on all aspects of the proposed SIC, including the contribution, the SCA, the infrastructure list and the types of development that will be required to make a contribution.

All submissions received during the public consultation period will be made available on the Department's website.

A range of supplementary materials and publications will be made available for all SICs. These are:

- User guides, including information about amendments to the SIC, how to apply for works-in-kind and how to nominate a project for SIC investment.
- Financial reports, detailing SIC annual revenue and total revenue.
- SIC project delivery including investment prioritisation and selection.

## 9. Expending SIC revenue

The principles of nexus and apportionment appropriately constrain the SIC's ability to fully recover the full cost of new infrastructure even in areas with the highest rates of growth. The SIC is therefore not a commitment to the delivery of any infrastructure item.

However, the SIC is derived according to a reasonable assumption of infrastructure needs and costs, fairly apportioned to the users of that infrastructure. SIC revenue is to be directed to the infrastructure required to support the new or growing communities to which it applies.

SIC revenue will be programmed for disbursement as soon as practical. Where possible, SIC funding will be aligned to capital planning programs, to create a forward pipeline of asset delivery. Councils, State-owned corporations and the private sector will be consulted on investment programming, through Infrastructure Coordination Committees and local collaboration frameworks.

This will minimise delays in the development process and help to progress land-use plans from conception to completion.

The SIC funding cycle will only commence when sufficient revenue is collected in a SCA and there is sufficient confidence that a substantial delivery program can be committed to.

SIC revenue can take some years to accumulate to an adequate level to fund a major capital investment program. SIC funding can be disbursed to discrete project components including the preparation of business cases, strategic planning, concept design, detailed design or construction funding. In some cases, SIC funding will be made available for planning and business cases; in others the SIC will fund the project through to construction.

Where appropriate, delivery programs and investment decisions will be considered according to the objectives and priorities of the whole SCA.



The SIC program will inform the broader Government expenditure and capital allocation programs.

The SIC expenditure program is supported by:

- A project nomination and selection process with clear objectives and a statement of intended benefits.
- Alignment with the investment decision process of the NSW Treasury and the Infrastructure NSW Infrastructure Investor Assurance Framework.
- Oversight and scrutiny by key Government agencies.
- Advice and feedback from stakeholders including local councils, utility providers and developers.
- Annual reporting on program investments, expenditure and revenue.

Investment programs will need to be prioritised according to the broader objectives for the area to which the SIC applies. The primary considerations for the effective programming and coordination of infrastructure for a place include:

- The land use planning strategy for the relevant area.
- Monitoring of development activity in an area, including dwelling or employment

land completion and the pipeline of new development approvals.

- Assumptions about growth, demographic changes and infrastructure demand forecasts.
- Broader infrastructure planning for the place, including State government, local council, utility provider and private sector investment planning.

Investment decisions will be aligned to a SIC-specific prioritisation process and the Infrastructure NSW Infrastructure Investor Assurance Framework as outlined in Part 4 of this Guideline.

Information about SIC revenue and funds allocation will be published annually on the Department of Planning, Industry and Environment's website. This will:

- Improve collaboration between infrastructure providers, state and local governments and the private sector on development and growth management.
- Better inform investment decisions across public and private sectors.
- Improve confidence in the SIC program.

The information will be further supported by ongoing improvements to ePlanning. A web-based map browser will allow users to access information on projects funded from the SIC.

## 10. State Planning Agreements

In some cases, a development proponent will seek to progress a major development proposal prior to a SIC being implemented. In these instances, the assessing authority may approve the proposal, subject to conditions including satisfactory provision being made by the proponent for the provision of State and regional infrastructure.

To meet their obligations under the planning approval, the proponent may offer to enter into a Planning Agreement with the Minister for Planning and Public Spaces or the relevant delegated authority. The State Planning

Agreement could, for example, commit the proponent to dedicating an infrastructure asset to a State agency or to making a financial contribution towards the provision of State and regional infrastructure.

State Planning Agreements will generally apply to major re-zoning in areas of high growth or renewal, unless a SIC is contemplated or already in place. Planning Agreements can still be considered where a SIC is in place if it provides a better infrastructure or planning outcome in the opinion of the Minister or delegate.



## 11. Have your say

The Department is committed to ensuring a transparent and predictable SIC program to meet the community needs of each contribution area.

The SIC aims to effectively and efficiently collect contributions towards state and regional infrastructure that relates to development growth and in doing so will:

- Align with new place-based models for planning.
- Generate funding for a pipeline of state/regional infrastructure that relates to development growth.

The Department invites your feedback. This will help us better understand the views of stakeholders and the community and will assist us to finalise the Guidelines.

Submissions can be made via the Department's website:

[www.planningportal.nsw.gov.au/exhibition](http://www.planningportal.nsw.gov.au/exhibition)

You may also post your submission to:

Executive Director

Planning Policy

Department of Planning, Industry and Environment

GPO Box 39, SYDNEY, NSW 2001.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The Department will publish all individual submissions and a submission report shortly after the exhibition period has ended.

The Department will provide regular updates on the SIC program via its website, and will provide ongoing opportunities for councils, agencies, development industry and the broader community to participate in the design of the SIC program.

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[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

# Environmental Planning and Assessment Regulation 2000 proposed amendments

## Policy Paper

April 2020



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Title: Environmental Planning and Assessment Regulation 2000 proposed amendments

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## **2** Environmental Planning and Assessment Regulation 2000 proposed amendments



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## Executive summary

An underlying principle of the NSW planning system is that new development should pay a contribution towards the cost of infrastructure needed to support that development.

Transparency and accountability underpin the system to help maintain public confidence in the collection and use of contributions for infrastructure.

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) set out the statutory requirements for infrastructure funding contribution collection and use in NSW.

The EP&A Regulation sets out a scheme where infrastructure costs are passed on in an equitable manner.

The Department of Planning, Industry and Environment (the Department) is proposing changes to the EP&A Regulation for:

- Reporting and accounting on contributions received through contributions plans and planning agreements.
- Online publication of reports and information related to infrastructure contributions received by councils and planning authorities via development contributions plans and planning agreements.
- The making of contributions plans requiring Independent Pricing and Regulatory Tribunal (IPART) review.
- Minor administrative amendments related to fixed development levies (s7.12) in Gosford and Wollongong City Centres.

More detail is outlined in section 4 of this paper.

The changes respond to issues raised by local government and industry stakeholders. They implement recommendations from Government reviews to address outstanding issues in the NSW planning system following recent reforms to the EP&A Act. They also implement proposed policy changes described in Policy Papers exhibited with this paper.

The changes aim to:

- Improve transparency and accountability in how contributions are received and used via contributions plans and planning agreements.
- Streamline existing processes.

The proposed changes are important incremental steps to increase transparency and consistency in the contributions system. They will assist in improving public understanding of and trust in the infrastructure contributions system and in reducing the risk of delays in the development assessment process by streamlining some contribution plan-making requirements.

The proposed changes can be viewed in the draft [Environmental Planning and Assessment Amendment \(Development Contributions\) Regulation 2019](#) (draft instrument).

# 1. Introduction

## 1.1 Purpose

The EP&A Act provides the overarching framework for the NSW planning system. The EP&A Regulation supports the day-to-day requirements of this system. It contains key operational provisions including those relating to development contributions and planning agreements.

A number of proposed amendments to the EP&A Regulation were exhibited in 2017 and following changes to the EP&A Act in 2018. This paper outlines proposed amendments to the EP&A Regulation relating to infrastructure contributions levied under development contributions plans and planning agreements. It also explains the rationale for and effect of the proposed changes.

## 1.2 Improving the infrastructure contributions system

These proposals are part of a wider suite of system improvements intended to fix the uncertainty in the infrastructure contributions system. More information on other current proposals can be found on: [planning.nsw.gov.au/infrastructure-contribution-reforms](https://planning.nsw.gov.au/infrastructure-contribution-reforms)

## 2. Planning context

Development contributions are a means of funding infrastructure and services needed to support new development. Contributions may be in the form of payment, the dedication of land or the provision of a material public benefit such as works in kind.

State government planning provisions for development contributions are in Part 7 of the EP&A Act (infrastructure contributions) and Part 4 of the EP&A Regulation (planning agreements and contributions plans).

Legislation requiring development contributions towards the provision of public infrastructure was first introduced in NSW in 1980 through section 94 (now s7.11) of the EP&A Act. This was subsequently amended to expand the types of and methods for funding infrastructure to include percentage levies, planning agreements, levies for affordable housing as well as special infrastructure contributions (SICs) for state-provided infrastructure. There are also other mechanisms for funding local infrastructure, such as rates and user charges.

Through the enabling provisions of the EP&A Act and the detailed requirements of the EP&A Regulation, economies of scale can be achieved as infrastructure is strategically planned rather than on a development-by-development basis. The legislative framework also reduces the need for individual developers to negotiate with other developers regarding the provision of larger infrastructure items.

### 2.1 Environmental Planning and Assessment Act 1979

The EP&A Act requires developers to contribute to public infrastructure and ensures provision of infrastructure is considered in the decision whether to proceed with the development.

The EP&A Act provides mechanisms for State and local government to levy contributions:

- **Planning agreements** – commercial agreements between developers and planning authorities to deliver innovative infrastructure outcomes.
- **Section 7.11 Local infrastructure contributions** – fund local infrastructure with a relationship to development, generally used in high growth and planned precincts.
- **Section 7.12 Local infrastructure contributions** – fund local infrastructure with a relationship to overall development, collected as a flat rate percentage and generally used in rural, infill and mixed-use areas.
- **Special infrastructure contributions** – fund state and regional infrastructure.
- **Affordable housing contributions** – allows conditions to be imposed requiring land or contributions for affordable housing.

In conjunction with other funding sources such as rates these mechanisms provide for the costs of infrastructure and other public benefits to be recovered, or to be delivered, through the planning system.



## 2.2 Environmental Planning and Assessment Regulation 2000

The EP&A Regulation contains requirements for councils to achieve accountability and monitoring within the developer contributions framework. This includes the way funds received are managed, record keeping, public participation requirements and the procedure for approving, amending, reviewing and repealing contributions plans.

The EP&A Regulation:

- Prescribes the form and subject matter of planning agreements as well as requirements for making, amending and revoking them. It includes requirements for public notice, explanatory notes and public inspection for councils, the Planning Secretary and other planning authorities.
- Details the method of indexation for s7.11 development consent contributions and determination of the cost of development and maximum contribution percentage for the s7.12 levy.
- Prescribes the form and content requirements for contributions plans including that they have regard to practice notes and that councils must not approve them without adhering to any directions from the Minister.
- Requires that draft contributions plans are publicly exhibited, copies are made available and that any person can make a submission.
- Sets out the process for the approval, amendment, review and repeal of contributions plans by councils including any public notice requirements.
- Requires councils to maintain accounting records in a specified format for contributions, and records for inclusion in council's annual financial report and annual statements.
- Identifies public access requirements for contributions plans and their records.

## 3. Rationale for the Regulation amendments

### 3.1 Policy intent

The role played by contributions in council and planning authority income and expenditure varies significantly depending on how and when development occurs in different areas. Regardless of the amounts received, probity and governance is essential to ensure the contributions framework fulfils its intended function under the EP&A Act.

Retention and amendment of some provisions in the EP&A Regulation ensures transparency and consistency within the framework, assisting stakeholders to identify what they can expect from the framework and how it should be applied.

The proposed amendments to the EP&A Regulation are aimed at:

- Providing greater direction and transparency in the practical application of the contributions framework.
- Improving accountability and monitoring within the contributions framework.
- Facilitating necessary probity and governance including auditing.
- Promoting efficient infrastructure provision for development.

## 3.2 Implementation of planning system review recommendations

The proposed changes address recommendations in the Kaldas Report *Review of Governance in the NSW Planning System*<sup>1</sup>, as well as the Legislative Assembly – Committee on Environment and planning *Land Release and Housing Supply in NSW*<sup>2</sup> report.

### Kaldas Report

In 2018 Nick Kaldas, former NSW Deputy Police Commissioner and Director of Internal Oversight Services for the UN's Relief Works Agency, was engaged to undertake a holistic review of governance across the planning system including a review of decision-making.

Among other matters, the Kaldas Review identified areas for improvement to ensure best practice against international standards, including in interactions between levels of government.

The NSW Government accepted all of the review's recommendations, including an infrastructure contribution audit.

The proposed changes to the EP&A Regulation respond to the report's recommendations:

*Recommendation 10. That the Department of Planning and Environment consider undertaking an audit of all infrastructure contributions and spending of same in NSW to enable evidence-based decision-making on the collection and monitoring of those contributions.*

*Recommendation 12. The updated Voluntary Planning Agreement framework<sup>3</sup> should also include requirements for reporting and auditing where the funds are being allocated. This will further ensure transparency, compliance and accountability.*

### Legislative Assembly Committee on Environment and Planning - Land Release and Housing Supply in NSW Report

The Legislative Assembly's Land Release Report also called for greater transparency in funding and delivering infrastructure.

The proposed changes respond to the report's recommendation 6:

The Committee recommends that the NSW Government ensure infrastructure funding mechanisms are simple and made transparent by:

- *Undertaking an audit of current infrastructure funding arrangements and funds available, publishing the results, and ensuring ongoing transparency.*
- *Consulting with local government, professional planners and the development industry on the most effective ways to simplify the current arrangements.*

<sup>1</sup> Kaldas Review, December 2018, available at [www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Kaldas-review](http://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Kaldas-review)

<sup>2</sup> Land Release Report, October 2018, available at [www.parliament.nsw.gov.au/files/74614/f\\_and%20release%23and%20Housing%20Supply%20in%20NSW.pdf](http://www.parliament.nsw.gov.au/files/74614/f_and%20release%23and%20Housing%20Supply%20in%20NSW.pdf)

<sup>3</sup> Refers to Recommendation 11 calling for an update to the VPA Practice Note which does not require but is being progressed concurrently with the proposed Regulation amendments.

## 4. Proposed changes

### 4.1 Improve reporting on development contributions

Part 4, Divisions 5 and 6 of the EP&A Regulation set out accounting and public access requirements for contributions, levies and contributions plans.

It is proposed to amend the EP&A Regulation to:

- Require reporting by councils on development contributions generally rather than just monetary contributions ie works, services or facilities accepted in part or full satisfaction of the contribution obligations, land dedicated in part or full satisfaction of the contribution obligations in addition to monetary contributions.

- Require more detailed reporting on infrastructure contributions such as specific project and location.
- Require councils to publish contributions plans, indexed s7.11 contribution rates, annual statements, and contributions registers on their website or on the NSW Planning Portal.

Councils currently report on contributions as required under the EP&A Regulation and the *Local Government Act 1993* (LG Act). Currently the wording of the EP&A Regulation allows for this to be high level and for monetary contributions only.

The following is a typical layout of councils annual financial statements for developer contributions which follows the *Local Government Code of Accounting Practice and Financial Reporting*<sup>4</sup> (the Code).

**Figure 1: Aggregated monetary amounts typically provided by councils now in annual financial statements**

Purpose	Opening balance	Total annual contributions received		Total annual interest & investment income	Total annual expenditure	Total annual internal borrowings	Total annual held as restricted assets
		Cash \$,000 & Non-Cash \$,000		\$,000	\$,000	\$,000	\$,000
Drainage							
Roads etc							

<sup>4</sup> [www.calg.nsw.gov.au/sites/default/files/General%20Purpose%20Financial%20Statements%20\\_1.pdf](http://www.calg.nsw.gov.au/sites/default/files/General%20Purpose%20Financial%20Statements%20_1.pdf) Update 27 March 2019) General Purpose Financial Statements



Detailed reporting requirements (to be outlined in separate guidance to support councils):

- Retain the aggregated report currently required under the EP&A Regulation and the Code, but also require more information on contributions provided as land or material public benefit.
- Require additional information in published reports already required such as contributions registers and annual financial reports required under both the EP&A Regulation and the LG Act including:

#### Contributions received

- relevant Contribution Plan name
- DA reference, consent authority/ies, date consent was granted and mechanism (s7.11 or s7.12)
- the purpose eg open space
- amount received (monetary)
- details of land, or works in kind including value and location.

#### Contributions expended/used (for each contribution plan)

- project identification and description
- amount expended
- use of or development of the land or works in kind
- internal borrowings
- percentage of project funded.

#### Effect of the changes

The new requirements will:

- Allow greater transparency about contributions received and how they are used or expended (in the case of monetary contributions).
- Draw on information councils already collect and hold in their financial management systems.
- Allow for auditing of all infrastructure contributions and use in NSW.

## 4.2 Improve reporting on contributions received via planning agreements

Part 4 Division 1A of the EP&A Regulation sets out requirements for contributions received via planning agreements.

It is proposed to amend the EP&A Regulation to:

- Require planning authorities to provide additional reporting and accounting information for planning agreements as follows:
  - planning agreements register to include the type of development proposed
  - annual financial reports to include:
    - monetary amounts actually received and expended
    - works in kind delivered, value and location including of assets held by receiving agencies
    - land dedications received, value and location.
- Require planning authorities to publish a Register of Agreements, copies of planning agreements and annual reports on their website or on the NSW Planning Portal (in line with current Departmental practice of publishing [planning agreements](#) entered into by the Minister for Planning)<sup>5</sup>.
- Remove prescriptive requirements related to explanatory notes for proposed planning agreements and address through a Practice Note (see [Draft Secretary's Practice Note on Planning Agreements](#) in infrastructure contributions improvements package).
- Require explanatory notes for planning agreements to be prepared in accordance with the Practice Note.

<sup>5</sup> Published planning agreements entered into by the Minister for planning are available at [www.planningportal.nsw.gov.au/SVPA](http://www.planningportal.nsw.gov.au/SVPA)



## Effect of the changes

There are currently limited reporting and publication requirements for planning agreements in the EP&A Regulation. Recommendations 11 and 12 of the Kaldas Report specifically dealt with planning agreements.

The new requirements will:

- Provide greater transparency through new publication and expanded reporting requirements.
- Apply to planning agreements entered into by all planning authorities.
- Promote a strategic approach by councils in the use of planning agreements.
- Ensure detailed guidance on the preparation of planning agreements is contained in the Practice Note.
- Support update and use of the Practice Note for Planning Agreements.
- Allow for auditing of where contributions received via planning agreements are being allocated.

## 4.3 Streamline the process for making a contribution plan following receipt of the Minister's (or Minister's nominee) advice

Part 7 of the EP&A Act sets out requirements for making contributions plans including that a council, or two or more councils, may, subject to meeting the requirements of the EP&A Regulation, prepare and approve a contributions plan. Schedule 1 specifies a minimum 28 day exhibition period for draft contributions plans.

Part 4 Divisions 1C, 2, 3 and 4 of the EP&A Regulation set out requirements for preparing, exhibiting, approving, amending and repealing contributions plans. Clause 32 of the EP&A

Regulation states that to amend a contributions plan, a council must make a subsequent plan.

It is proposed to amend the EP&A Regulation to:

- Allow for contributions plans to be amended to give effect to the advice of the Minister (or Minister's nominee) in relation to implementing IPART recommendations without requiring a further 28 day exhibition following IPART review (see below).

## Effect of the changes

In preparing a contributions plan, councils must publicly exhibit a contributions plan for a minimum of 28 days and consider any submissions received.

Where contribution plans are required to be submitted to IPART for review<sup>6</sup>, IPART also has a practice of publicly exhibiting their draft recommendations 14 days, prior to releasing final recommendations.

When the Minister (or Minister's nominee) issues advice to council on amendments required to the contributions plan following the IPART review and prior to being able to levy their proposed contribution amount, council is currently required to re-exhibit the contributions plan for a further 28 days. Council must then consider submissions received. However council is constrained in their ability to make any further changes as a result of any submissions received.

The amendment will remove the 28 day re-exhibition requirement for contribution plans reviewed by IPART.

To facilitate public review of final approved contributions plans, it is proposed to require councils to publish contributions plans on their websites or on the NSW Planning Portal (see section 4.1 above)<sup>7</sup>. See also paper on improving the [Improving the review of local infrastructure contributions plans](#).

<sup>6</sup> Is required if councils propose to levy contribution amounts which exceed specified cap.

<sup>7</sup> Clause 31 requires public notice to be given by a council within 28 days of its decision to approve a plan as exhibited, with alterations or to not proceed.

## 4.4 Limit the maximum percentage s7.12 levy that can be imposed in Gosford City Centre

Part 4 Division 1B cl25K of the EP&A Regulation specifies a maximum percentage of the proposed cost of carrying out development that may be imposed by council under s7.12 of the EP&A Act (fixed development consent levies) for several environmental planning instruments (EPIs). This includes a maximum 4% levy for development over \$250,000 in Gosford City Centre Local Environmental Plan 2007 (LEP).

A Special Infrastructure Contribution (SIC) for the Gosford City Centre was made on 12 October 2018. As a result, council is no longer required to fund regional infrastructure through the s7.12 levy. It is no longer appropriate for council to levy in excess of 1%.

It is proposed to amend the EP&A Regulation to limit the maximum percentage levy amount council can impose in Gosford City Centre.

### Effect of the changes

Clause 25K of the EP&A Regulation establishes a maximum percentage levy Central Coast Council can impose under a local contributions plan, being 4%. However the intention of the Gosford City Centre SIC was to create a contribution rate in Gosford of 3% (2% under the SIC and 1% under the local contributions plans made under s7.12).

The amendment will achieve consistency between the intended levy amount specified in the Gosford City Centre SIC with that which can be imposed by Gosford City Council.

## 4.5 Update the cl 25K outdated reference to Wollongong City Centre LEP

Part 4 Division 1B cl25K of the EP&A Regulation also specifies a maximum percentage for development levies under s7.12 of the EP&A Act for 'Land within the Commercial Core zone under 'Wollongong City Centre Local Environmental Plan 2007'. This Plan was repealed by the Wollongong Local Environmental Plan 2009 in 2010. The current (2009) LEP includes B3 Commercial Core land.

It is proposed to amend the EP&A Regulation to update cl25K references to the 'Wollongong City Centre Local Environmental Plan 2007' to refer to 'Wollongong Local Environmental Plan 2009'.

It should be noted that some other LEPs referred to in cl25K have also been repealed however retention of the LEPs as currently named is necessary to maintain the effect of clause.

### Effect of the changes

The amendment is required as the boundary of the Wollongong City Centre was changed in the 2009 LEP and will provide consistency for land in the Wollongong Commercial Core.

## 5. Have your say

The Department welcomes your feedback regarding the proposals outlined in this paper and on the [draft instrument](#). Your feedback will help us better understand the views of the community and will assist us in finalising the proposals outlined in this paper.

Submissions can be made via the Department's website:

[www.planningportal.nsw.gov.au/exhibition](http://www.planningportal.nsw.gov.au/exhibition)

You may also post your submission to:

Executive Director

Planning Policy

Department of Planning, Industry and Environment

Locked Bag 5022, Parramatta NSW 2124.

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All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The Department will publish all individual submissions and an assessment report on all submissions shortly after the exhibition period has ended.

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## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 67

**SUBJECT:** Major Projects Update - June 2020

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**FILE NUMBER:** 17/17730, 17/22902

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**REPORT BY:** Chantelle Thistleton, Project Manager; Craig Cavanagh, Major Projects Coordinator; Stuart McDougall, Project Manager; Suhail Sayeed, Major Projects Engineer

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**RECOMMENDATION:**

That the report be received and noted.

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**SUPPORTING DOCUMENTS:**

There are no supporting documents for this report.

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**CITY PLAN**

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

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**SUMMARY**

This report provides a summary of the status of a number of key projects in planning or under construction.

**Fairfield Showground**

Works on the Amenities Building are complete with an occupancy certificate to commence use of the facility being finalised.

**Aquatopia Water Park**

Design of alterations to the existing car park layout and the landscaping for the proposed wave pool are being finalised.

Tenders for Stage 5 Design and Construct Wave Pool and Stage 6 Dry Recreation close on 8 and 9 July 2020.

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### Fairfield Library

The tender for the New Fairfield Library Fit Out closes 9 July 2020, with the assessment to be completed in the following 2 weeks.

### FAIRFIELD SHOWGROUND – STAGE 1A – AWNING AND SPORTS FIELDS



### Stage 1A Project Status

Design											100%
Construction											97%

### Stage 1A Procurement Activities

Construction of floodwall/footpath Smithfield Road – preapproved civil works panel.

### Stage 1A Project Summary

#### Works undertaken in June

- Elite Sports Field surface remediation by Council
- AFL Field maintenance program continues
- Completion of landscaping and minor civil works
- Design for the floodwall along Smithfield Road required for Stage 1 planning approval

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### Works expected in July 2020

- Completion of the Elite Sports Field initial stage remediation program
- Commencement of the floodwall footpath along Smithfield Road as per the approved design
- Practical Completion for all of Stage 1A works

### Stage 1A Project Timeline

Key Milestone	Target Date	Status
a) Elite Field handover	March 2020	Taken back from contractor Remediation in progress
b) Surrounds Handover	June 2020	In progress
c) Practical Completion	July 2020	In progress

### Stage 1A Budget Summary

Capex Budget	Forecast Remaining Expenditure	Expenditure Position
\$20,332,592	\$300,000	Tracking to new 20/21 budget

### Key Issues/Risks

Current and/or potential risks are identified as part of the risk management process, with measures in place to monitor and assess mitigation strategies on a regular basis.

### Budget

- Stage 1A works is near completion however, there are a number of remaining works (included in the forecast report) which may require additional funding.

### Program

- Stage 1A head contractor has yet to achieve Practical Completion

### Delivery

- The finalisation of the surface for the Elite Sports Field require further works to bring it up to the standard set in the contract specifications. This may require laser levelling in early spring with a 10 week establishment period.
- A number of minor works under the contract scope remains outstanding. Council is urgently looking to resolve and close out the contract with the head contractor for Stage 1A.



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- Council is monitoring the current COVID-19 situation, its obligation as the site owner and the safety measures implemented by the various contractors on site.

### **FAIRFIELD SHOWGROUND – STAGE 1B – AMENITIES BUILDING**



*New Amenities Building's western façade and main entrance to the new social room*

### **Stage 1B Project Status**

Design												100%
Construction												100%

### **Stage 1B Procurement Activities**

No activities planned.

### **Stage 1B Project Summary**

#### Works undertaken in June

- Minor outstanding works completed

#### Works expected in July 2020

- Occupancy Certificate issued
- Builder to complete defects rectification works



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### Stage 1B Project Timeline

Key Milestone	Target Date	Status
a) Practical Completion	May 2020	Completed
b) Interim Occupancy Certificate	July 2020	On track

### Stage 1B Budget Summary

Capex Budget	Forecast Remaining Expenditure	Expenditure Position
\$6,337,942	\$55,000	Tracking to new 20/21 budget

### Stage 1B Key Issues/Risks

There are a few additional items required for Building Code compliance that were not part of the original contract scope. There are also a number of defects identified that do not meet Building Code compliance and will need to be rectified prior to the issue of the Interim Occupancy Certificate. The Builder is currently addressing both of these matters.

### FAIRFIELD SHOWGROUND LIVEABILITY FUND – STAGE 1C – COMMUNITY ELEMENTS (PROGRAM 1 DEERBUSH PARK)

Deerbush Park project introduces all abilities play equipment and amenities in the existing park, including a splash pad.

### Stage 1C Project Status

Design												80%
Construction												5%

### Stage 1C Procurement Activities

Landscape contractor appointed.  
No other activities planned.

### Stage 1C Project Summary

The City Deal's Liveability Fund includes the amenities building and a number of community elements including Deerbush Park, walking paths, feature lighting and fit out.

### Works undertaken in June

- Site remediation works in progress
- Construction works in progress

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### Works expected in July 2020

- Completion of site remediation works
- Construction works in progress

### Stage 1C Project Timeline

Key Milestone	Target Date	Status
a) Site Remediation and Civil Construction works Start	May 2020	Completed
b) Splash Pad Construction	August 2020	On track
c) Play Tower Installation	August 2020	On track
d) Civil Works Practical Completion	November 2020	On track



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### Stage 1C Budget Summary

Capex Budget	Forecast Remaining Expenditure	Expenditure Position
\$6,374,053	\$TBA	Contingency Available

### Stage 1C Key Issues/Risks

The soil investigation identified contamination with a Remedial Action Plan to make safe being implemented. This modified the expected completion of Deerbush Park to the current November 2020 timeframe.

### FAIRFIELD SHOWGROUND LIVEABILITY FUND – STAGE 1C – COMMUNITY ELEMENTS (PROGRAMS 2-5)

In addition to Program 1 Playzone (Deerbush Park), the City Deal Liveability Fund will support 4 other mini-programs at Fairfield Showground. These are currently in preliminary project phases with costs being tracked.

#### Program 2 Feature Lighting

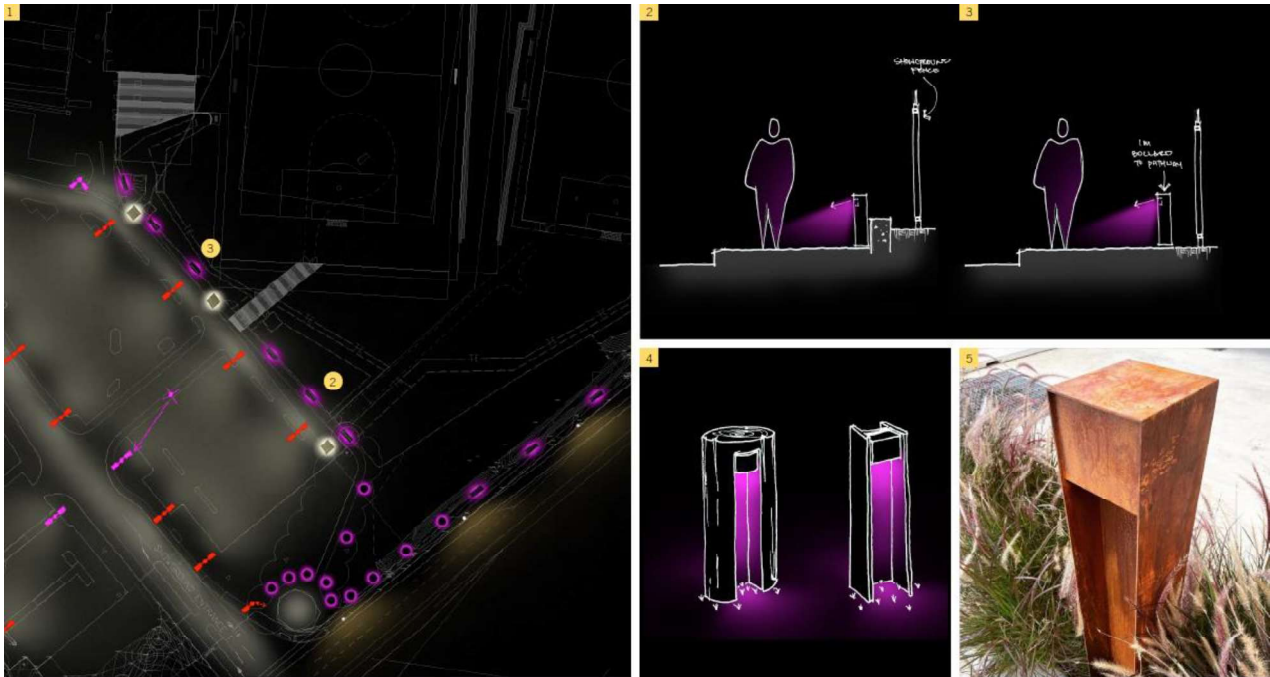
Electrolight (lighting consultant) has been engaged to produce lighting designs. The following diagram indicates the feature lighting for the entrance to the Showground along Smithfield Road.



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*Feature Lighting proposal for the Smithfield Road frontage*

### Program 3 Old Grandstand

The Head Contractor has been appointed and commenced structural repair works for the grandstand seating. Seating replacement and façade works commenced in May.





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*Works on Renewal of the old Moorefield Grandstand (Program 3 Liveability Fund)*

### Program 4 Fitout

Mobile stage has been procured and is currently on site.  
Shade umbrellas have been installed around the AFL Sports Field.  
A BBQ shelter has been installed adjacent the AFL Sports Field.

### Program 5 Site Infrastructure

The signage design is awaiting approval prior to Request for Quotation (RFQ) issue. Internal stakeholders have signed off (Assets, Traffic, DIAP Committee Lead) on the Review Environmental Factors (REF). A quotation has been sourced from the signage designer.

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### **FAIRFIELD SHOWGROUND – STAGE 2 – REGIONAL MULTICULTURAL AND INDOOR SPORTS CENTRE**

#### **Stage 2 Project Status**

Design											40%
Construction											0%

The design development for Fairfield Showground Redevelopment Stage 2 has been completed to a preliminary Development Application (DA) stage. A key matter to be resolved for the DA is car parking.

A value management exercise was undertaken to reduce costs where practicable. This has also assessed the impacts of the biodiversity and bushfire constraints on the site, leading to an assessment of the location of the building and fine tuning its position to minimise overall project impacts and costs. The design has been completed to draft DA stage. The project is on hold and work is expected to be completed shortly with a cost estimate review.

#### **Stage 2 Procurement Activity**

Nil to note.

#### **Stage 2 Project Timeline**

Key Milestone	Target Date	Status
a) DA lodgement	On hold	On hold

#### **Stage 2 Budget Summary**

Capex Budget	Committed	Forecast	Forecast Project Value	Expenditure Position
\$720,000.00	\$675,428.00	\$TBA	\$TBA	Within Budget

#### **Stage 2 Key Issues/Risks**

This project is only funded to development approval ie. no funding for construction has been allocated/voted.

Additionally, Stage 2 is tracking behind schedule and financials are currently being reviewed.

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### **FAIRFIELD SHOWGROUND – STAGE 3 – NEW GRANDSTAND**

#### **Stage 3 Project Status**

Design											60%
Construction											0%

The planning application for the Stage 3 concept design was lodged on 1 November 2019. A determination has been made a development consent issued for the project.

Preparation works for a Design and Construct tender have commenced.

#### **Stage 3 Procurement Activity**

##### Completed

- Detailed design and tender documentation
  - Architect
  - Structural engineer
  - Building services engineers
  - Landscape architect
  - Acoustic engineer
  - Lift consultant

##### Remaining to Procure

- Private Certifying Authority (PCA)
- Water Services Coordinator

Release of Design and Construct tender in late July/early August 2020.

#### **Stage 3 Project Summary**

##### Works completed in June 2020

- Appointment of architect for detailed design and tender documentation
- Appointment of other consultants for documentation package
- Drawing set up for detailed design
- Kick-off meeting with stakeholders
- Funding Agreement with grant funding body resolved

##### Works expected in July 2020

- Appointment of PCA
- Preliminary detailed design submission



## OUTCOMES COMMITTEE

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### Stage 3 Project Timeline

Key Milestone	Target Date	Status
a) DA Approval	June 2020	Awarded

### Stage 3 Budget Summary

Capex Budget	Committed	Forecast	Expenditure Position
\$10,000,000	\$0	\$TBA	Tracking to new 20/21 budget

### Stage 3 Key Issues/Risks

Management of spoil removal

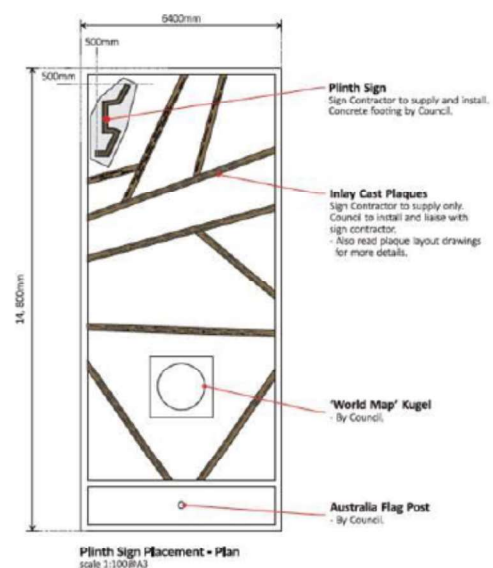
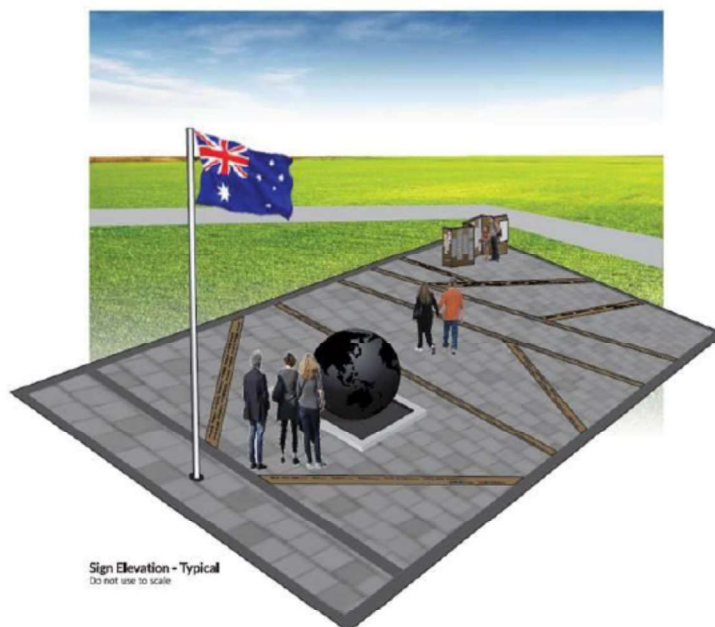
Utilities and services

Quantity Survey accuracy and included assumptions

Tight schedule allowing little room for significant changes in the design

### FAIRFIELD SHOWGROUND – THE PEOPLE’S GLOBE (Kugel Ball)

The People’s Globe (Kugel Ball) and associated emblem wall, country distance markers and associated landscaping is located in the geographical centre of the City. This space celebrates the people of Fairfield and their rich cultural heritage. The emblem wall recognises the many backgrounds and ancestry of our people, whilst the bronze ground inlays acknowledge the distances our residents have travelled to settle here.





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### Works completed in June 2020

- Landscaping works commenced with the installation of edging, completion and delivery of inlays
- Installation of the Kugel Ball on its podium

### Work expected for July 2020

- Completion of Flag Wall and Installation
- Continued Landscape works

### Key Issues/Risks

- None identified

## **AQUATOPIA - STAGE 4 RACING SLIDES & PROGRAMMABLE OPEN SPACE**

### Project Status

Design											80%
Construction											0%

A review of the adjacent Programmable Open Space Concept Plan was done to optimise the utilisation of the remaining portion of the site, particularly with the Dry Recreation component, which has now been completed.

### Procurement Activity

- Request for Tender (RFT) due to go to market in early July 2020

### Tender Dates/Project Timeline

Key Milestone	Target Date	Status
a) Procurement/RFT	June 2020	On track
b) Tender Award	Early August 2020	On track
c) Project Completion	Late November 2020	On track

## OUTCOMES COMMITTEE

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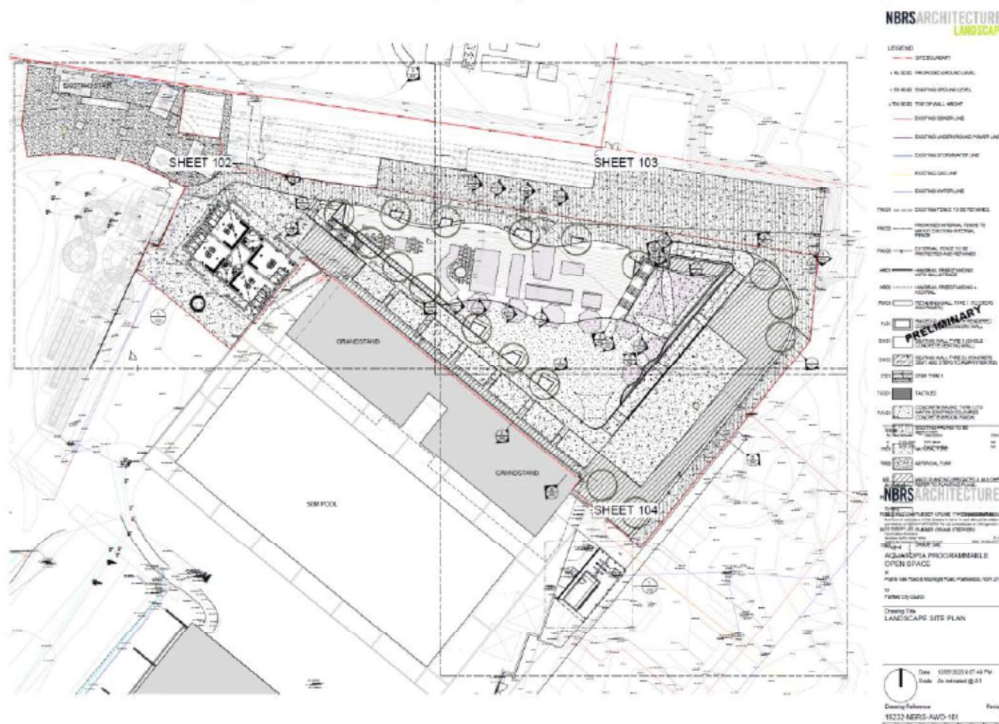
### Project Summary

#### Works completed in June 2020

- NBR Architecture (NBR) Detailed Design has been updated and is ongoing
- Access from 50m Pool was designed
- Integration of design with Stage 6 Rope Structure footings and columns
- Preparation of RFT in has been completed in June

#### Works expected for July 2020

- The Review Environmental Factors (REF) approval for landscaping works of the Programmable Open Space
- The Detailed Design of retaining structure, Entry Kiosk and Playground Facilities
- The RFT for the Programmable Open Space to be released in July



*Layout plan for Stage 4 Programmable Open Space*

### Budget Summary

Budget (\$) As at March 2020	Actuals (\$) As at June 2020
\$7,700,000.00	\$ 6,030,710.35



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### **AQUATOPIA – STAGE 5 WAVE POOL AND AWNING**

#### **Project Status**

Design											50%
Construction											0%

There was work done on developing a master plan for the site, incorporating a wave pool, amenities block and general layout, which is now complete. The master plan includes 3 main elements – the wave pool and immediate landscape areas, provision of amenities accessible from the waterpark and car park.

The Design and Construct (D&C) RFT has been released to the market and RFT submission date is the first week of July. The tender award is due in late July 2020.

Work will then start on the Detailed Design of the pool surrounds (landscaping elements), which will be completed at the end of July for an August release to the market.

To provide space for the wave pool development, part of the existing car park at the western side of Prairiewood Leisure Centre will be closed, and the car park spaces removed will be required to be provided through re-configuration of the remaining car park area.

In addition, the existing Substation will be relocated. The RFT is now complete and a recommendation had been submitted to the June Council Meeting. Construction is proposed to start in early July 2020.





## OUTCOMES COMMITTEE

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The timing for the completion of the wave pool is April/May 2021. The timing of the Substation works is on the projects critical path and Council needs to be sure it can hand over an unencumbered site to the Pool Contractor.

The new Amenities are in planning to improve the facilities (such as the toilets and change rooms) within the Aquatopia Precinct. It has been designed so the Dry Recreation area and future Rope Structure area will be able to operate independently to Aquatopia in the winter months. The Detailed Design of the Amenities is now complete and will be issued as a separate Tender in July/August 2020. The Amenities construction will start after the Stage 4 Programmable Open Space Project, and after the December/January peak period. Construction is proposed to start February/March 2021.



*Site plan for Stage 5 works – Wave pool*



*Renditions of the wave pool looking towards the wave generator*



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### Procurement Activity

- The Wave Pool Tender – Expression of Interest (EOI) is complete and 2 Tenderers have been selected. The RFT with appointed panel was released in May 2020.
- The car park is in redesign, and Tender will follow in October 2020

### Tender Dates/Project Timeline

Key Milestone	Target Date	Status
Substation Procurement	June 2020	On track
Tender Award Substation	Early July 2020	On track
Project Completion	October 2020	On track
Wave Pool D&C Procurement	July 2020	On track
Tender Award Wave Pool D&C	August 2020	On track
Project Completion	May 2021	On track

### Project Summary

#### Works completed in June 2020

- Procurement carried out for the Wave Pool D&C Contract
- D&C RFT for the Wave Pool is out to market and RFT closes the first week in July
- The Substation Tender has closed and a recommendation has been submitted to the June Council Meeting
- Amendments to the car park design is in progress to meet planning requirements
- NBRS are starting on the Detailed Design for the Wave Pool Precinct Contract

#### Works expected for July 2020

- The Detailed Design for the Wave Pool Precinct area
- The Tender Award for the Substation works
- The Detailed Design for the new Amenities Block is to be completed and RFT will commence
- The Tender Awarded for Wave Pool D&C package
- Finalise the Detailed Design package (Architectural and Engineering) for the Wave Pool surrounding areas, including landscaping and cabana

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### Funding/Cost Estimate

The current cost estimate is:

Planning & Project Management	\$460,000.00	
Wave Pool Precinct	\$9,000,000.00	Include landscape works
Awning & Cabanas	\$1,000,000.00	
Car Park	\$500,000.00	
Power Supply	\$500,000.00	Include substation relocation
Amenities	\$500,000.00	
<b>Project Total</b>	<b>\$11,960,000.00</b>	

### Budget vs Actual Expenditure

Budget (\$)		Actuals (\$)
As at June 2020 (note 20/21 Operational Plan Budget yet to be included)		As at June 2020
<b>Total:</b>	<b>\$6,348,708.00</b>	\$730,413.75
Concept Plan & Planning Studies (IN19558-1)	\$1,200,000.00	
Detail Design of Wave Pool (SP20558-1)	\$1,992,014.00	
Construction of Wave Pool (SP20558-1a)	\$3,156,694.00	

This project is tracking within expected timeframe and costs.

Cost impacts for the car park will require a review of the budget, including the resolution of a new design for the overflow parking in the adjacent basin.

### AQUATOPIA - STAGE 6 DRY RECREATION FACILITY

#### Project Status

Design											80%
Construction											0%

The Concept Plan for Stage 4 identified the potential location for a Dry Recreation Facility. The 2019-2020 Operational Plan includes a project for the inclusion of a Dry Recreation area at Aquatopia, to provide options for use during the off-season period (generally the colder months).

Due to the uniqueness of the proposed activity (possible rope course), further market research was conducted to obtain sufficient information to inform an effective capital delivery process, and meet operational requirements.

#### Procurement Activity

- Selective RFT released to market in June 2020



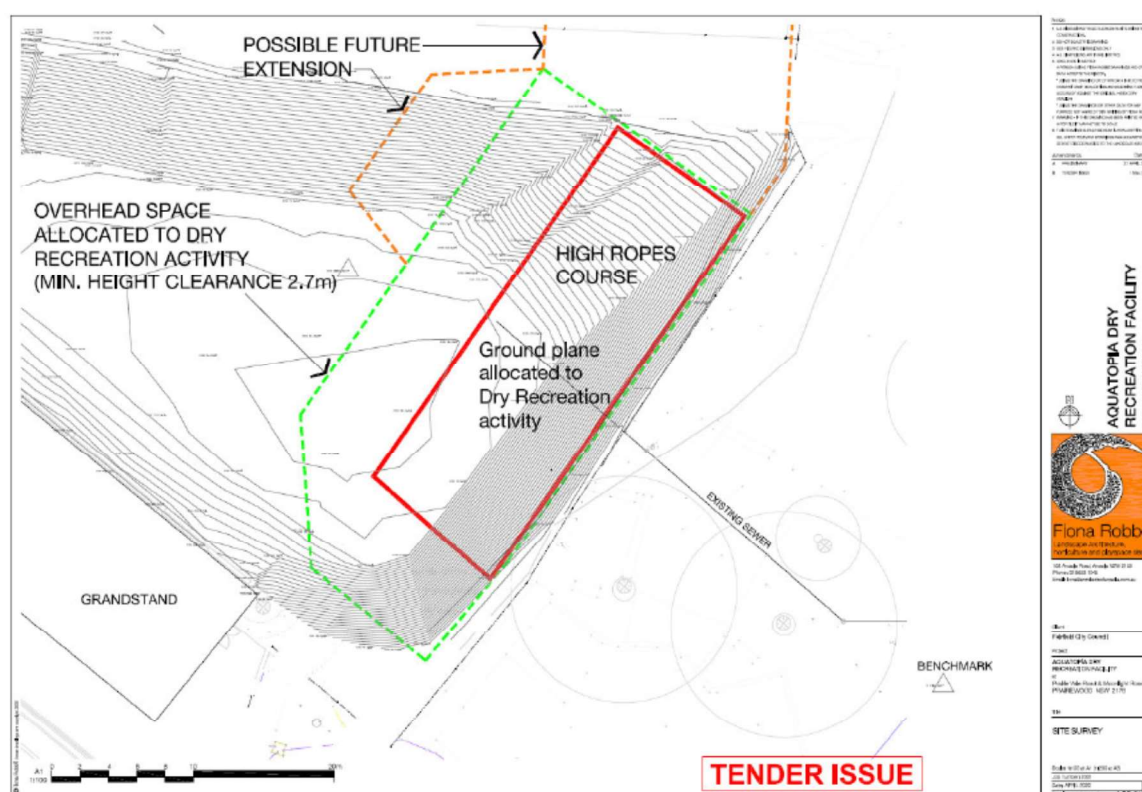
## OUTCOMES COMMITTEE

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### Tender Dates/Project Timeline

Key Milestone	Target Date	Status
Procurement/RFT	June 2020	On track
Tender Award	July/Aug 2020	On track
Project Design and Order of Structure	Aug/Sept 2020	On track
Construction Start	Mar 2021	On track
Project Completion	June 2021	On track



*Location of Dry Recreation Facility*

### Project Summary

#### Works completed in June 2020

- Fiona Robbe Architects (FRA) have completed the Concept Design
- NBR Architecture (NBR) have provided a footprint and retaining walls for Stage 4 Programmable Open Space to be integrated
- The access from the 50m Pool to the Rope Structure area has been designed
- Integration of design with Stage 4 Programmable Open Space
- The RFT was released in June 2020



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### Works expected for July 2020

- Review Environmental Factors (REF) approval for the Acoustic report
- Award RFT and start detail design August 2020

### Budget Summary

2019/2020 Budget (\$) As at October 2019	Actuals (\$) As at May 2020
\$1,600,000.00	\$ 23,697.73

### HUGHES STREET CAR PARK



Concept Design											100%
Detailed Design											90%
Construction											2%

Kane Construction Pty Ltd have been appointed as the D&C contractor to deliver the Hughes Street multi-deck car park. The project will provide 220 parking spaces, including features such as a new lift, pedestrian connection from the new car park to the existing Dutton Plaza Car Park, solar energy collection, bicycle & motorcycle parking and a contemporary facade. The project also includes re-routing of internal traffic flows and an office area in Dutton Lane Car Park.

Collins & Turner Pty Ltd who were the Architectural Consultants for the Concept Design for the car park have been retained to review the design, which is being prepared by Kane Constructions Pty Ltd.

## OUTCOMES COMMITTEE

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Activities completed in June 2020 include:

- 90% Detailed Design Development
- Early works to the existing Dutton Lane and Dutton Plaza Car Parks completed (removal of all redundant line marking and signage, installation of new line marking and regulatory signage)
- Internal re-routing of vehicles in Dutton Lane and Dutton Plaza Car Parks
- Relocation of exits within the existing Dutton Lane Carpark is now complete and functioning
- Level 3 Design to remove Endeavour Energy assets (light poles) within building footprint has been approved by Endeavour Energy and these assets removed
- Level 1 Electrician Tender awarded to New Era Group Pty Ltd. Work is progressing and expected to be completed in July 2020. Works include – excavation and trenching to lay LV (low voltage) conduits and install a LV pillar on Hughes Street. This will be the source of power for the new carpark.
- Construction commencement event with Mayor and Councillors on 25 May 2020
- Site establishment, which includes site sheds, Class A hording around site boundary are now complete
- Demolition works progressing
- Piling works progressing
- Luffing crane installation in progress

Activities for July/August 2020:

- Design Development nearing completion
- Piling works ongoing
- Demolition works will be completed by end of July
- In-ground construction works progressing
- Level 1 Electrical Works complete
- Monitoring of traffic performance of the existing car park during construction

Construction commenced and progressing well.

### **Budget Summary**

Capex Budget	Committed	Forecast	Forecast Project Value	Expenditure Position
\$16,200,000.00	\$13,997,367.00	\$1,295,056.00	\$15,292,424.00	Within Budget



## OUTCOMES COMMITTEE

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### **FAIRFIELD LIBRARY @ 1-3 HAMILTON ROAD**

#### **Project Status**

Design											100%
Construction											20%

The new library site for Fairfield Branch Library is at 1-3 Hamilton Road.

Internal fit out design has been resolved. Tender was released 16 June 2020. On completion of the Tender process, Council will proceed to award the internal fitout works and secure the Complying Development Certificate (CDC).

Demolition works commenced in January, under a CDC for Strip-Out Works. Significant investigation works (structural, electrical and hydraulic) have been undertaken by Council to support the structural engineer and design consultants.

During the Easter School holidays Council delivered the installation of supporting beams, sewer & stormwater connections, water and bathroom slab adjustments in preparation for the final fit-out design and installation.

The project schedule review to assess risk implication from the COVID-19 pandemic has resulted in a change to the completion date at the end of November 2020, allowing transfer of the old library to occur in early December 2020.

Library Tender has been submitted to the market in June and will be evaluated mid July 2020.

The landscape design changes to the front of 1-3 Hamilton Road have been issued and will be incorporated into works currently underway in Hamilton Road (footpath and kerb upgrades).

### **COMMUNITY BUSINESS HUB @ BARBARA STREET**

#### **Project Status**

Design											20%
Construction											0%

Design development of the concept for the layout and operations of the community business and technology hub at the site of the existing Fairfield Branch Library building has been completed late June and submitted to the Steering Committee for approval.

The preferred concept has been developed to inform the cost estimate and timeframe. At this stage, construction is expected to commence in early 2021 after the opening of the new library in Hamilton Road.



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An RFQ has been processed for the preparation of tender documentation for the Business Hub. This RFQ has been evaluated and award is anticipated in July subject to review and approval.

The Detailed Design phase will take place through August to October, with a construction RFT to be released in late 2020. The Construction RFT and award is planned to be concluded in readiness for the vacating of the building in early 2021.

### Tender Dates/Project Timeline

Key Milestone	Target Date	Status
a) Concept design sign-off	June 2020	On track
b) Detail Design sign-off	August 2020	Not yet commenced
c) Tender Documentation Completion	September 2020	Not yet commenced
d) Tender Release	End September 2020	Not yet commenced
e) Tender Close	October 2020	Not yet commenced

The project is looking to seek grant funding to assist in develop

### Current Risks & Issues

- Budget and program implications of COVID-19 ie. current construction costs may change and/or delivery timeframes may be impacted by supply chain issues.
- DA for External Works may be required. Need to work closely with consultants and stakeholders to limit the changes to external façade within the threshold of CDC.
- Management of the Public artwork located on the external walls of the Library Ownership of the artwork needs to be established to facilitate either removal (and rehousing of the artwork through proper procedure) or it's repair.

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Chantelle Thistleton  
**Project Manager**

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Craig Cavanagh  
**Major Projects Coordinator**

**OUTCOMES COMMITTEE**

**Meeting Date 14 July 2020**

**Item Number. 67**

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Stuart McDougall  
**Project Manager**

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Suhail Sayeed  
**Major Projects Engineer**

**Authorisation:**  
Acting Manager Major Projects & Planning  
Group Manager City Projects

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_2.DOCX**  
\*\*\*\*\* END OF ITEM 67 \*\*\*\*\*

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 68

**SUBJECT:** Smithfield Road Upgrade Update - June 2020

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**FILE NUMBER:** 16/20390

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**REPORT BY:** Doru Lungu, Design Services Co-ordinator

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### RECOMMENDATION:

That the report be received and noted.

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### SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

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### CITY PLAN

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

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### SUMMARY

The Smithfield Road Upgrade project is fully funded through the Western Sydney Infrastructure Plan (WSIP). This Plan involves improving major road and transport links to capitalise on the economic gains from the Western Sydney Airport, boosting the local economy and liveability of Western Sydney, and making it an even better place to live and do business.

Additional grant funding of \$1,889,958.00 for the completion of the works at Scotchey Street and both ends of Fitzgerald Avenue has been approved.

The additional works widening the road at 685 Smithfield Road required Sydney Water authorisation that has delayed these works beyond the expected June 2020 completion date.

The grant funding is to deliver 4 through lanes of traffic from Elizabeth Drive in the south to the Cumberland Highway in the north.

Project Status:



Completed:



95%



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### Project Status:

- Richards Road civil works is now fully completed. Landscaping works are completed.
- Dunstan Street to Berry Street civil works is now fully completed. Landscaping works are completed.
- Elizabeth Drive civil works are now completed. Modifications to the traffic control signals was completed on 17 June 2020.
- Construction works between Scotchey Street and Canley Vale Road are now completed and the new central median island painted.
- Construction works between Fitzgerald Avenue and Edensor Road are now completed except for the road shoulder at 685 Smithfield Road. This work was delayed due to Sydney Water out of scope approval. Sydney Water approval was issued on 25 June 2020 and this section of shoulder construction will now go to tender and is expected to be completed by mid-September 2020.

### BACKGROUND

Council obtained grant funding under the Australian Government's Local Roads Package Program associated with the WSIP for the upgrade of Smithfield Road, between Elizabeth Drive and Polding Street. Transport for NSW (formerly Roads and Maritime Services (RMS)) administer the grant.

The project budget was \$14,486,593.00 (P50 level). The funding was insufficient to achieve 4 lanes of traffic for the full length of Smithfield Road and Council resolved to seek additional funding to P90 level to carry out works at Scotchey Street and Fitzgerald Avenue North and Fitzgerald Avenue South to achieve 4 lanes of traffic. Council received notification from Transport for NSW that the Australian Government agreed to funding to \$16,376,551.00 (P90 level) on 4 March 2020. Council voted to receive the additional funding at its meeting on 28 April 2020.

The aim of the project is to achieve a continuous 4 lane wide carriageway (2 through lanes in each direction) on Smithfield Road from Elizabeth Drive to the Cumberland Highway to improve traffic flow.

The current scope of works has been tailored to the P90 budget, with road widening to occur at Elizabeth Drive and between Dunstan Street and King Road, and a new intersection to be provided at a realigned Richards Road. Pedestrian refuges have been removed at both ends of Fitzgerald Avenue and Scotchey Street for the provision of 4 traffic lanes.

Works have been completed between Edensor Road and Canley Vale Road, between Garment Street and Waverley Street and on Polding Street at the intersections of Isis Street and Waverley Street. Roadworks have been completed between King Road and Canley Vale Road. There are currently 4 lanes available for traffic from Polding Street to Edensor Road.

**PROPERTY ADJUSTMENTS**

Council's Property Branch is continuing negotiations with the Department of Planning to land swap portions of land located at Smithfield Road and Richards Road. The following items are currently being addressed:

- Closure of Old Richards Road
- Subdivision of Council land lot 1540 into 2 separate zonings
- Subdivision of Council land for the creation of New Richards Road and to create lots for retention/transfer

Survey deposited plans are progressing and the transfer process is expected to be completed by June 2021.

**PROJECT DELIVERY**

The scope of works under construction consists of work at Elizabeth Drive, Richards Road/Fairfield Showground entry, between Dunstan Street and Berry Street, between Scotchey Street and Canley Vale Road and between Fitzgerald Avenue and Edensor Road.

- 1) Elizabeth Drive and Smithfield Road intersection – Traffic signal works and road construction completed on 17 June 2020.
- 2) Smithfield Road and Richards Road realignment – road construction are completed. Landscaping works are completed.
- 3) Dunstan Street to Berry Street – roadworks are completed and landscaping works are completed.
- 4) Scotchey Street to Canley Vale Road – roadworks are completed.
- 5) Fitzgerald Avenue South to Edensor Road – road construction works completed at Fitzgerald Avenue South and Fitzgerald Avenue North and concrete median islands painted. Construction on the road shoulder at 685 Smithfield Road delayed due to Sydney Water's approval to construct over a 1200mm water main. Sydney Water issued approval on 25 June 2020. This section of road shoulder construction will now go to tender.

Peak period 'No Stopping' restrictions approved by the Traffic Committee will be installed in the near future as new road sections are completed.

## OUTCOMES COMMITTEE

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### Key Activities

*July 2020*

- Completing construction defects
- Close out of Practical Completion for the Ertech contract
- Tender road shoulder construction at 685 Smithfield Road
- Complete project debriefing and completion reports for the Ertech contract works

### Current Risks & Issues

*Current*

- Budget and program implications of COVID-19 ie. current construction costs may change and/or delivery timeframes may be impacted by supply chain issues

### Key Milestones Achieved

- Commencement of construction
- Slip lane at Fairfield Showground constructed
- Completion of new street lighting at Richards Road between Dunstan Street and Berry Street and at Elizabeth Drive intersection
- Completion of Richards Road realignment and construction of traffic control signals at Smithfield Road and Richards Road
- Council approval to negotiate with the Department of Planning to land swap at Smithfield Road and Richards Road
- Australian Government agreed to increase funding to P90 level
- Completion of roadworks between Dunstan Street and Berry Street
- Traffic signals switched on at Richards Road intersection
- Completion of Scotchey Street civil construction works
- Completion of Fitzgerald Avenue civil construction works
- Completion of Elizabeth Drive intersection civil and traffic control signal works
- Completion of landscaping works

### PROJECT COST CONTROL

2016-20 Budget (\$)	Actuals (\$) at 30 June 2020
\$16,376,551.00 (P90)	\$14,183,186.00

2020/2021 Forecast (\$)	2020/2021 Actuals (\$)
\$2,138,765.00	\$0.00



## OUTCOMES COMMITTEE

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### Estimate of Budget on Completion of Works

P90 Budget	\$16,376,551.00
Total Estimated Expenditure	\$16,321,951.00
Uncommitted Contingency	\$54,600.00

### Probity Issues

Probity Advisor, Monica Kelly of Prevention Partners NSW is invited to attend all internal Steering Committee meetings and is available to discuss any probity issues or concerns with the conduct of the project. To date, Ms Kelly has raised no probity concerns that have not been addressed through the Steering Committee.

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Doru Lungu  
**Design Services Co-ordinator**

**Authorisation:**  
Manager Built Systems  
Group Manager City Projects

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_10.DOCX**  
\*\*\*\*\* END OF ITEM 68 \*\*\*\*\*

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 69

**SUBJECT:** Place Management Divisional Report

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**FILE NUMBER:** 14/09936

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**REPORT BY:** Cheryl Bosler, Manager Cabramatta Place & Major Events; Jessica Healey, Manager Parks, Place & Economic Development; Tony Walker, Manager Fairfield Place & Public Domain Planning

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### RECOMMENDATION:

That:

1. The Bonnyrigg Town Centre Activation Program applications as proposed by the Bonnyrigg Town Centre Committee be endorsed, utilising funding allocated in Council's 2020-2021 Operational Plan.
  2. A second round of Bonnyrigg Town Centre Activation Program grants be provided for events to be held from January to June 2021, utilising existing funding allocated in Council's 2020-2021 Operational Plan.
  3. Council's hallmark event Cabramatta Moon Festival be held on Sunday 19 September 2021 from 11.00am to 8.00pm.
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### SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

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### CITY PLAN

This report is linked to *Theme 4 Local Economy and Employment* in the Fairfield City Plan.

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### SUMMARY

Place Management services are provided across 3 Place Areas within the Fairfield City Local Government Area. This report provides a quarterly update and focuses on significant milestones achieved for place-based services.

**DISCUSSION****1. COVID-19 IMPACT**

The last quarter has been an unusual time with the COVID-19 pandemic having an unprecedented impact on our community, businesses and Council as a whole. As a result, Place Management has needed to adjust services to focus on initiatives to support businesses during this difficult time, in addition to some business-as-usual work. Service areas that have been impacted include:

- Minor events and Town Centre activations
- Business forums and events

Below is a highlight of COVID-19 response initiatives and programs for the last quarter.

**Marketing Campaign #SUPPORTLOCAL**

During the shutdown of retail, food industry and other businesses, Council's Communications and Marketing Division and Place Management Division worked on a marketing campaign to assist businesses.

The program involved promoting businesses who were open for takeaway through Council's website and Social Media to encourage residents to support local businesses by shopping local. The program proved a success and was extended to other businesses that were providing a service during the shutdown. Currently 594 businesses have registered with this promotion.



*Marketing Collateral for #SUPPORTLOCAL*

**Temporary Outdoor Dining Program**

On 26 May 2020, Council endorsed a Mayoral Minute to allow restaurants and cafes to temporarily use the unused footpath adjacent to their business when neighbouring shops are closed, from 6.00pm until 10.00pm. This program allows businesses to make the best use of space whilst adhering to the requirements for social distancing and total number of customers at any one time.



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The Place Management Division have worked to streamline the process of approval with an online application and quick turnaround time. Place Managers and Coordinators assess applications and proposed sites to ensure sites are suitable, safe and meet the requirements as set out in the Temporary Outdoor Dining Program.

### COVID-19 Business Impact Survey

The Economic Development Team reached out to more than 180 local businesses to gain insights into the impact our businesses have experienced due to COVID-19 and what this means for the future of our economy. Key insights into the challenges the local businesses are facing will be gathered and shared across the 3 tiers of Government and will assist in the continuing development of regional COVID-19 economic recovery initiatives.

### E-Newsletter

The rapid change in the business environment including the ongoing changes to Public Health Orders and business restrictions has meant that communication with our business community has needed to be frequent and targeted. Communication via Electronic Newsletter has proven to be critical in keeping our businesses informed.

E-newsletter content has included insights into available Government funding opportunities, business advice and support programs, updates on business restrictions and Public Health Orders, resources and webinars available.

In addition, a webpage dedicated to COVID-19 business support was established to assist local businesses to navigate information at Local, State and Federal Government levels. Resources are available on the website including a suite of posters and stickers to assist with social distancing, as well as links to resources from the Department of Health.



*Suite of posters and stickers to assist local businesses with social distancing*

### Footpath Decal Stickers – Social Distancing

Following consultation with the Local Emergency Management Committee, coloured footpath stickers have been installed at key locations across our Major Business and Employment Centres to reinforce the need to maintain social distancing to combat the COVID-19 pandemic. The concept is to sustain the community effort in maintaining social distancing requirements as they move through these Centres.



*Footpath Decal Stickers – Keep Social Distancing*

## **2. COORDINATION OF PROJECTS AND ACTIVITIES**

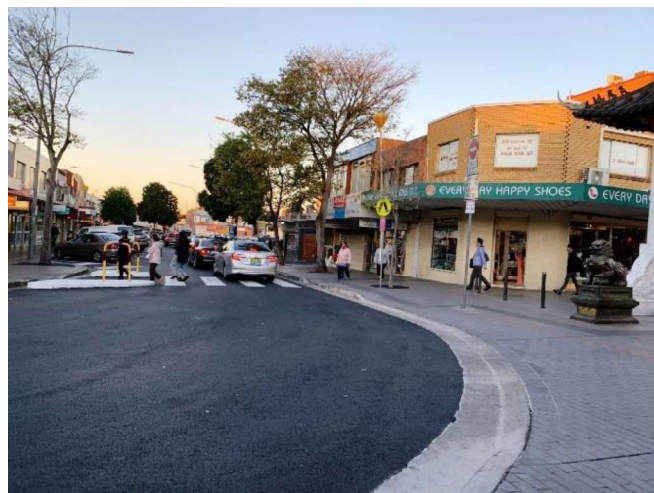
### Streets as Shared Spaces Fund Application

The NSW Government announced one off funding valued at up to \$100,000.00 per project to support innovative ideas for streets as safe and shared spaces. Fairfield City Council has submitted an application to the fully funded program titled 'Healthy, Active Fairfield'. If funded, it is proposed to deliver one pop up "parklet" in each Place area that will include temporary seating, greenery and potted trees, providing additional shade and places to socialise, eat and relax. The program will showcase the Public Domain Planning process and plans once completed. A further report will be provided on the outcome of the grant application if successful.

### **Cabramatta Place**

#### Arthur Street Resurfacing (MPRR2072)

Resurfacing of Arthur Street from Park Road to Denton Lane has been completed. The project included removal of pavement failures and resurfacing with hot mix asphalt. The pedestrian crossing was also renewed.



*Arthur Street Resurfacing*

## OUTCOMES COMMITTEE

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### Torrens Street Car Park Upgrade (MPCPR 2002)

Work on the upgrading and resurfacing of the Torrens St Car Park in Canley Heights has been completed. Works included improved levels, new asphalt and line marking for 24 car spaces in addition to a new power pole and outlet.



*Torrens Street Car Park Upgrade*

### Tree Surface Surround Replacement (CR706)

Work on the replacement of 8 tree surfaces in Park Road, John Street, Arthur Street and Railway Parade has been completed to ensure pedestrian safety and tree amenity.



*Street Tree Surface Replacement*

## **Fairfield Place**

### Spencer Street Lighting Upgrade (IN18487)

The design for the new lighting upgrade of Spencer Street (ie. Smart Street to Ware Street) has been completed and is now out to tender for installation by end of Quarter 1 2020/21.



## OUTCOMES COMMITTEE

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### Hamilton Road Streetscape Upgrade (IN170222)

The upgrade to the Hamilton Road Streetscape is underway and completion is expected early July 2020.



*Hamilton Road Streetscape Upgrade, works nearing completion*

### 2019/2020 Community and Infrastructure Priorities Program

Design of the planting upgrade for the small park adjacent to the Fairfield West Shops at The Boulevard and Hamilton Road intersection was completed during Quarter 4 with installation expected by end of July 2020.

#### **Parks Place**

##### The Kugel Project

The project continues to progress with the Kugel being delivered to site in early June. A 120 tonne crane was required to position the 16 tonne Kugel and the base in place. The directional blades have been manufactured and the paving work is currently underway. The Emblem Wall installation is expected in late July with the proposed completion date of the project in mid-August.



*Kugel Installation*



### **3. EVENTS AND ACTIVATIONS**

#### Great Southern Nights Concert Initiative

The NSW Government has partnered with the Australian Recording Industry Association (ARIA) to announce Great Southern Nights, an initiative to bring 1,000 COVID-Safe gigs to venues across Sydney and regional NSW by November.

Fairfield City Council has expressed an interest to be considered as one of the Great Southern Nights venues to host Australia's premier and emerging artists. ARIA has acknowledged Council's Expression of Interest and the Major Events Team will work towards securing this opportunity for the redeveloped Fairfield Showground to again host live entertainment in South West Sydney.

#### **Cabramatta Place**

##### Cabramatta Moon Festival 2021

Following Council's decision in June 2020 to follow NSW Health COVID-Safe advice and not hold the 2020 Cabramatta Moon Festival, event stakeholders and sponsors have been supportive of the decision. To allow the community to prepare for an even brighter festival in the following year, it is proposed to determine the event date for 2021.

Moon Festival dates change with the phases of the moon each year. In 2021, the celebration of Moon Festival falls on Tuesday 21 September. It is recommended that the Cabramatta Moon Festival be held on Sunday 19 September 2021 from 11.00am to 8.00pm.

##### Town Centre Activations

Town Centre activations and charitable local approvals will recommence when NSW Health guidelines are considered appropriate for public engagement.

#### **Fairfield Place**

##### Fairfield City Centre Activation Program 2020/21

The Fairfield Place Team is currently in the planning phase of an Activation and Promotion Program for the Fairfield City Centre in the 2020-2021 Operational Plan. The scope and progressive delivery of the final plan will be influenced by future COVID-19 restrictions as set by Federal and State Governments.

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 69

### Parks Place

#### Bonnyrigg Town Centre Activation Program – Expressions of Interest 2020/2021

The Bonnyrigg Town Centre Activation Program provides grants of up to \$3,500.00 for not-for-profit organisations to run events and activations within Bonnyrigg Town Centre. This year has seen fewer applications received due to the uncertainty around holding public events at this time. It is therefore proposed that a second round of grants be provided for events to be held from January to June 2021. The following Expressions of Interest were received for the 2020/2021 financial year.

Event / Activity Name	Organisation Name	Value
<b>The Night of Divine Revelation</b>	Bonnyrigg Turkish Islamic Cultural Association	\$3,500
<b>Bodhi Tree Celebration</b>	Lao Buddhist Society	\$3,500
<b>Lao New Year</b>	Lao Buddhist Society	\$3,500
<b>BYC – Self Care Fair</b>	St George Community Housing – Bonnyrigg Youth Committee	\$3,500
<b>Rigg Xmas Fair</b>	St George Community Housing	\$3,500

The Bonnyrigg Town Centre Committee has reviewed the list and support the proposed activations, as well as offering the second round of grants in the New Year.

## 4. PROMOTION OF BUSINESS AND EMPLOYMENT CENTRES

### Fairfield Place

During Quarter 3, 2 Fairfield City Centre businesses were awarded with Lifetime Business Awards. These awards recognise and celebrate businesses who have sustained a business within Fairfield City for 25 years or more.

The 2 award winners were Noel Brown from Noel Brown and Associates who has provided Legal Services for a total of 53 years and Mario Fedeles from Fedeles Design who has provided Architecture and Building Design Services for 28 years.

## 5. DEVELOP AND SUSTAIN PLACE KNOWLEDGE

#### Development of 9 Public Domain Plans

The development of Public Domain Plans for 9 of Fairfield City's business centres are in progress. Place Managers are applying their place knowledge to collaborate with a variety of other Council branches to ensure that each Centres unique story and character is reflected in each of the place based Public Domain Plans.

Further Councillors Briefings will be undertaken prior to public exhibition.

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 69

### 6. FABULOUS FAIRFIELD

Council's Fabulous Fairfield Program continues to acknowledge residents' hard work in growing and maintaining their gardens that contribute to the environmental quality and beauty of the City's neighbourhoods.

A total of 20 residents have been recognised since the 2020 Program commenced in February. Due to the COVID-19 restrictions, winning residents have been unable to attend Council meetings to accept their awards. The residents are looking forward to receiving their awards once the restrictions are lifted.

### CONCLUSION

The unprecedented impact from the COVID-19 pandemic has resulted in the Place Management Division adjusting services to provide support initiatives for our local business community. The Division has also delivered a number of regular projects and activities across Quarter 3 and 4 as part of Council's 2019-2020 Operational Plan and the Place Management Service Statement.

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Cheryl Bosler  
**Manager Cabramatta Place &  
Major Events**

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Jessica Healey  
**Manager Parks, Place & Economic  
Development**

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Tony Walker  
**Manager Fairfield Place & Public  
Domain Planning**

**Authorisation:**  
Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_3.DOCX**

\*\*\*\*\* END OF ITEM 69 \*\*\*\*\*



## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 70

**SUBJECT:** Monthly Investment Report - June 2020

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**FILE NUMBER:** 17/17769

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**REPORT BY:** Lachlan Gunn, Group Manager City Resources and Chief Financial Officer

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**RECOMMENDATION:**

That the report be received and noted.

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**SUPPORTING DOCUMENTS:**

**AT-A** [↓](#) Fairfield Council Investment Report June 2020

17 Pages

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**CITY PLAN**

This report is linked to *Theme 5 Good Governance and Leadership* in the Fairfield City Plan.

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**SUMMARY**

Council's portfolio returned 1.77% p.a. against the bank bill benchmark of 0.09% p.a. for the month of June 2020.

The portfolio accrued \$143,728.00 in interest during the month. Please refer to Attachment A for details.

For the financial year ended 30 June 2020 the portfolio returned 1.71% against the bank bill benchmark of 0.85%.

The bank bill benchmark of 0.09% p.a. for the month is relatively low because the market is still pricing in the possibility of another rate cut to 0%, despite the Reserve Bank of Australia's insistence that it has no appetite to cut the cash rate further.

**Purpose**

The purpose of this report is to provide a monthly update of the details of Council's current investments and to certify that those investments are in accordance with the Local Government Act, Regulations and Council's Investment Policy.

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## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 70

### Background

Council's Investment Policy allows Council to maintain a risk management framework to prudently manage its investment portfolio, credit quality and maturity profile while aiming to achieve the best available investment return for ratepayers' money.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

In addition, Clause 212 of the Local Government (General) Regulation 2005 requires the Responsible Accounting Officer of a council to provide a written report setting out details of all money that Council has invested under Section 625 of the Act and for the report to include a certification as to whether or not the investment has been made in accordance with the Act. The report is to be presented to Council each month.

In accordance with Clause 212 of the Local Government (General) Regulation 2005, the following report sets out details of all money that Council had invested under Section 625 of the Act as at 30 June 2020.

### Investment Update

During the month of June, Council's overall cash and investment portfolio of \$140,634,014.05 (carrying value as at 30 June 2020) returned 1.77% p.a. against the bank bill benchmark of 0.09% p.a.

### Account Certification – Responsible Accounting Officer

I hereby certify that the investments summarised in the above report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

Lachlan Gunn

**Responsible Accounting Officer**

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 70

### Legal

The Local Government (General) Regulation 2005 (Clause 212 – Reports of council investments) requires the following:

- (1) *The responsible accounting officer of a council:*
  - (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
    - i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
    - ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
  - (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

### Policy

076 Investment Policy adopted November 2017.

### CONCLUSION

Council's portfolio returned 1.77% p.a. against the bank bill benchmark of 0.09% p.a. for the month of June 2020. Council's investments comply with the Local Government Act, Regulation and Council's Investment Policy.

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Lachlan Gunn  
**Group Manager City Resources  
and Chief Financial Officer**

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_12.DOCX**

\*\*\*\*\* END OF ITEM 70 \*\*\*\*\*

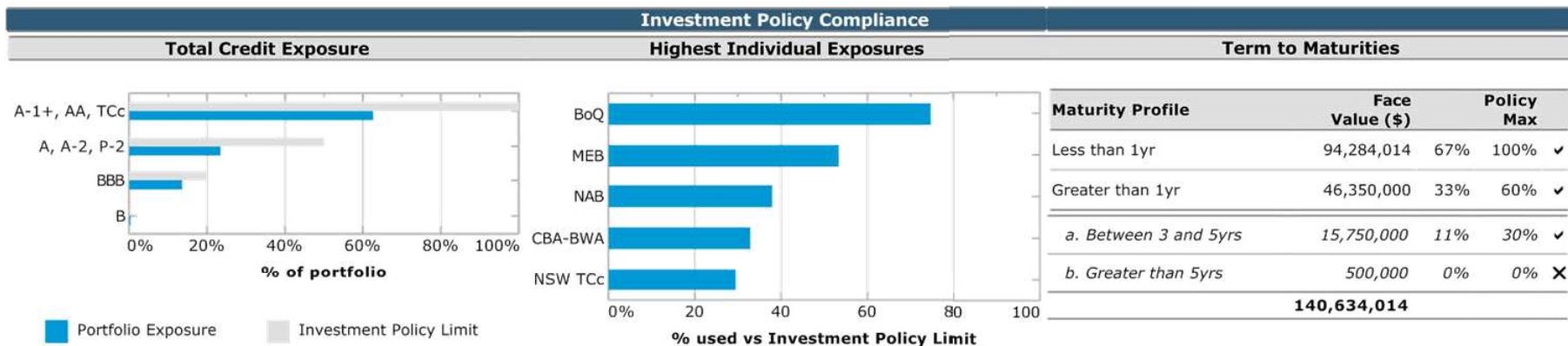


**Investment Summary Report  
June 2020**





**Fairfield City Council**  
Executive Summary - June 2020



**Fairfield City Council**  
Investment Holdings Report



**Cash Accounts**

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
14,786,584.08	0.3500%	Commonwealth Bank of Australia	A-1+	14,786,584.08	538855	BOS
105.76	0.2500%	Commonwealth Bank of Australia	A-1+	105.76	95750	
<b>14,786,689.84</b>	<b>0.3500%</b>			<b>14,786,689.84</b>		

**Managed Funds**

Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
4,476,709.83	0.8162%	NSW T-Corp (Cash)	TCc	Cash Fund	4,476,709.83	537996	
10,020,614.38	2.8142%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	10,020,614.38	537997	
<b>14,497,324.21</b>	<b>2.1972%</b>				<b>14,497,324.21</b>		

**Term Deposits**

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
22-Jul-20	5,000,000.00	0.4500%	National Australia Bank	A-1+	5,000,000.00	25-Jun-20	5,000,369.86	539955	369.86	At Maturity	
29-Jul-20	5,000,000.00	2.0500%	AMP Bank	A-2	5,000,000.00	30-Jul-19	5,094,636.99	538356	94,636.99	At Maturity	
12-Aug-20	2,000,000.00	1.4000%	Bank of Queensland	A-2	2,000,000.00	11-Mar-20	2,008,591.78	539563	8,591.78	At Maturity	
12-Aug-20	2,000,000.00	0.9000%	ME Bank	A-2	2,000,000.00	10-Jun-20	2,001,035.62	539908	1,035.62	At Maturity	
2-Sep-20	4,000,000.00	1.0500%	ME Bank	A-2	4,000,000.00	3-Jun-20	4,003,221.92	539876	3,221.92	At Maturity	
9-Sep-20	4,000,000.00	0.9500%	ME Bank	A-2	4,000,000.00	10-Jun-20	4,002,186.30	539909	2,186.30	At Maturity	
9-Sep-20	3,000,000.00	0.9000%	National Australia Bank	A-1+	3,000,000.00	10-Jun-20	3,001,553.42	539910	1,553.42	At Maturity	
16-Sep-20	2,500,000.00	0.9000%	ME Bank	A-2	2,500,000.00	17-Jun-20	2,500,863.01	539935	863.01	At Maturity	
23-Sep-20	3,000,000.00	0.9000%	National Australia Bank	A-1+	3,000,000.00	24-Jun-20	3,000,517.81	539950	517.81	At Maturity	
23-Sep-20	10,000,000.00	0.8800%	National Australia Bank	A-1+	10,000,000.00	25-Jun-20	10,001,446.58	539954	1,446.58	At Maturity	
26-May-21	3,000,000.00	2.3000%	Bank of Queensland	A-2	3,000,000.00	29-May-19	3,006,238.36	537987	6,238.36	Annually	
9-Jun-21	2,500,000.00	2.2000%	Bank of Queensland	A-2	2,500,000.00	11-Jun-19	2,503,013.70	538026	3,013.70	Annually	
26-Jul-21	2,000,000.00	1.9000%	Bank of Queensland	BBB+	2,000,000.00	25-Jul-19	2,035,605.48	538336	35,605.48	Annually	



**Fairfield City Council**  
Investment Holdings Report



**Term Deposits**

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
6-Oct-21	4,000,000.00	1.6000%	Bank of Queensland	BBB+	4,000,000.00	9-Oct-19	4,046,641.10	538599	46,641.10	Annually	
<b>52,000,000.00</b>		<b>1.2337%</b>			<b>52,000,000.00</b>		<b>52,205,921.93</b>		<b>205,921.93</b>		

**Floating Rate Term Deposits**

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
9-Feb-22	5,000,000.00	1.2962%	Westpac Group 3moBBSW+1.20%	AA-	5,000,000.00	9-Feb-17	5,009,055.64	534865	9,055.64	10-Aug-20	
2-Mar-22	3,000,000.00	1.2472%	Westpac Group 3moBBSW+1.15%	AA-	3,000,000.00	2-Mar-17	3,002,972.78	534934	2,972.78	2-Sep-20	
<b>8,000,000.00</b>		<b>1.2778%</b>			<b>8,000,000.00</b>		<b>8,012,028.42</b>		<b>12,028.42</b>		

**Floating Rate Notes**

Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
28-Jul-20	2,500,000.00	1.0094%	WBC Snr FRN (Jul20) BBSW+0.90%	A-1+	2,500,000.00	28-Jul-15	2,505,731.75	507262	4,424.77	28-Jul-20	
28-Oct-20	2,000,000.00	1.1894%	WBC Snr FRN (Oct20) BBSW+1.08%	A-1+	2,000,000.00	28-Oct-15	2,009,991.05	510279	4,171.05	28-Jul-20	
28-Oct-20	3,000,000.00	1.1894%	WBC Snr FRN (Oct20) BBSW+1.08%	A-1+	2,991,390.00	12-Feb-16	3,014,986.57	533167	6,256.57	28-Jul-20	
18-Jan-21	2,000,000.00	1.2751%	CBA Snr FRN (Jan21) BBSW+1.15%	A-1+	1,996,800.00	12-Feb-16	2,015,450.51	533166	5,030.51	20-Jul-20	
29-Mar-21	700,000.00	1.3300%	HBS Snr FRN (Mar21) BBSW+1.23%	P-2	700,000.00	29-Mar-18	702,676.01	536456	51.01	29-Sep-20	
7-Apr-21	4,300,000.00	1.4085%	ANZ Snr FRN (Apr21) BBSW+1.18%	A-1+	4,300,000.00	7-Apr-16	4,346,010.29	533378	14,104.29	7-Jul-20	
16-Apr-21	2,500,000.00	1.4100%	ME Bank Snr FRN (Apr21) BBSW+1.27%	A-2	2,500,000.00	17-Apr-18	2,516,614.73	536510	7,339.73	16-Jul-20	
3-Jun-21	2,000,000.00	1.2700%	WBC Snr FRN (Jun21) BBSW+1.17%	A-1+	2,000,000.00	3-Jun-16	2,019,208.49	533708	1,948.49	3-Sep-20	
2-Jul-21	2,100,000.00	1.6672%	TMB Snr FRN (Jul21) BBSW+1.37%	BBB	2,100,000.00	2-Jul-18	2,121,148.90	536786	8,632.90	2-Jul-20	



**Fairfield City Council**  
Investment Holdings Report



Floating Rate Notes											
Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
12-Jul-21	4,000,000.00	1.3854%	CBA Snr FRN (Jul21) BBSW+1.21%	AA-	4,000,000.00	12-Jul-16	4,052,122.13	534013	11,842.13	13-Jul-20	
16-Aug-21	4,000,000.00	1.2278%	ANZ Snr FRN (Aug21) BBSW+1.13%	AA-	4,000,000.00	16-Aug-16	4,045,810.83	534118	5,920.35	17-Aug-20	
10-Sep-21	2,000,000.00	1.1800%	AMP Snr FRN (Sep21) BBSW+1.08%	BBB+	2,000,000.00	10-Sep-18	2,001,597.81	537066	1,357.81	10-Sep-20	
25-Jan-23	1,500,000.00	1.1631%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,500,000.00	25-Jan-18	1,509,571.91	536144	3,106.91	27-Jul-20	
3-Feb-23	2,500,000.00	1.1453%	BoQ Snr FRN (Feb23) BBSW+1.05%	BBB+	2,500,000.00	5-Feb-18	2,513,474.82	536155	4,549.82	3-Aug-20	
26-Sep-23	3,000,000.00	1.0300%	NAB Snr FRN (Sep23) BBSW+0.93%	AA-	3,000,000.00	26-Sep-18	3,040,743.29	537154	423.29	28-Sep-20	
6-Dec-23	3,000,000.00	1.1306%	ANZ Snr FRN (Dec23) BBSW+1.03%	AA-	3,000,000.00	6-Dec-18	3,052,904.72	537353	2,044.37	7-Sep-20	
11-Jul-24	5,000,000.00	1.1550%	BoQ Snr FRN (Jul24) BBSW+1.03%	BBB+	5,026,150.00	26-Aug-19	5,011,441.78	538410	11,391.78	20-Jul-20	
30-Jul-24	1,750,000.00	0.8783%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	1,750,000.00	30-Jul-19	1,749,793.34	538332	2,610.84	30-Jul-20	
7-Aug-24	3,000,000.00	0.8950%	MAC Snr FRN (Aug24) BBSW+0.80%	A+	3,000,000.00	7-Aug-19	3,007,656.42	538350	4,045.89	7-Aug-20	
<b>50,850,000.00</b>		<b>1.2089%</b>			<b>50,864,340.00</b>		<b>51,236,935.35</b>		<b>99,252.51</b>		

Mortgage Backed Securities											
Weighted Avg Life	Face Value (\$)	Current Coupon	Security Name	Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Reference	
21-Jul-27	500,000.00	1.0766%	Emerald Reverse Mortgage (2007C)	B	500,000.00	6-Jul-07	226,047.10	310293	1,047.10		
<b>500,000.00</b>		<b>1.0766%</b>			<b>500,000.00</b>		<b>226,047.10</b>		<b>1,047.10</b>		





**Fairfield City Council**

## Accrued Interest Report - June 2020



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
<b>Cash</b>									
Commonwealth Bank of Australia	95750		105.76			0.02	30	0.02	.25%
Commonwealth Bank of Australia	538855		14,786,584.08			7,797.46	30	7,797.46	.35%
<b>Cash Total</b>						<b>7,797.48</b>		<b>7,797.48</b>	<b>.35%</b>
<b>Floating Rate Note</b>									
WBC Snr FRN (Jul20) BBSW+0.90%	507262		2,500,000.00	28-Jul-15	28-Jul-20		30	2,074.11	1.01%
WBC Snr FRN (Oct20) BBSW+1.08%	510279		2,000,000.00	28-Oct-15	28-Oct-20		30	1,955.18	1.19%
WBC Snr FRN (Oct20) BBSW+1.08%	533167		3,000,000.00	17-Feb-16	28-Oct-20		30	2,932.77	1.19%
CBA Snr FRN (Jan21) BBSW+1.15%	533166		2,000,000.00	17-Feb-16	18-Jan-21		30	2,096.05	1.28%
HBS Snr FRN (Mar21) BBSW+1.23%	536456		700,000.00	29-Mar-18	29-Mar-21	2,830.20	30	921.84	1.60%
ANZ Snr FRN (Apr21) BBSW+1.18%	533378		4,300,000.00	07-Apr-16	07-Apr-21		30	4,977.98	1.41%
ME Bank Snr FRN (Apr21) BBSW+1.27%	536510		2,500,000.00	17-Apr-18	16-Apr-21		30	2,897.26	1.41%
WBC Snr FRN (Jun21) BBSW+1.17%	533708		2,000,000.00	03-Jun-16	03-Jun-21	8,889.97	30	2,141.75	1.30%
TMB Snr FRN (Jul21) BBSW+1.37%	536786		2,100,000.00	02-Jul-18	02-Jul-21		30	2,877.63	1.67%
CBA Snr FRN (Jul21) BBSW+1.21%	534013		4,000,000.00	12-Jul-16	12-Jul-21		30	4,554.66	1.39%
ANZ Snr FRN (Aug21) BBSW+1.13%	534118		4,000,000.00	16-Aug-16	16-Aug-21		30	4,036.60	1.23%
AMP Snr FRN (Sep21) BBSW+1.08%	537066		2,000,000.00	10-Sep-18	10-Sep-21	8,300.16	30	2,169.78	1.32%
BEN Snr FRN (Jan23) BBSW+1.05%	536144		1,500,000.00	25-Jan-18	25-Jan-23		30	1,433.96	1.16%
BoQ Snr FRN (Feb23) BBSW+1.05%	536155		2,500,000.00	05-Feb-18	03-Feb-23		30	2,353.35	1.15%
NAB Snr FRN (Sep23) BBSW+0.93%	537154		3,000,000.00	26-Sep-18	26-Sep-23	10,410.87	30	3,252.33	1.32%
ANZ Snr FRN (Dec23) BBSW+1.03%	537353		3,000,000.00	06-Dec-18	06-Dec-23	12,361.97	30	3,085.38	1.25%
BoQ Snr FRN (Jul24) BBSW+1.03%	538410		5,000,000.00	26-Aug-19	11-Jul-24		30	4,746.57	1.15%
SUN Snr FRN (Jul24) BBSW+0.78%	538332		1,750,000.00	30-Jul-19	30-Jul-24		30	1,263.31	.88%



**Fairfield City Council**

## Accrued Interest Report - June 2020



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
MAC Snr FRN (Aug24) BBSW+0.80%	538350		3,000,000.00	07-Aug-19	07-Aug-24		30	2,206.85	.90%
<b>Floating Rate Note Total</b>						<b>42,793.17</b>		<b>51,977.36</b>	<b>1.24%</b>
<b><u>Floating Rate Term Deposits</u></b>									
Westpac Group	534865		5,000,000.00	09-Feb-17	09-Feb-22		30	5,326.85	1.30%
Westpac Group	534934		3,000,000.00	02-Mar-17	02-Mar-22	12,999.98	30	3,114.09	1.26%
<b>Floating Rate Term Deposits Total</b>						<b>12,999.98</b>		<b>8,440.94</b>	<b>1.28%</b>
<b><u>Managed Funds</u></b>									
Cash Fund	537996		4,476,709.83	29-May-19			30	2,990.11	.82%
Short Term Income Fund	537997		10,020,614.38	29-May-19			30	22,832.02	2.81%
<b>Managed Funds Total</b>								<b>25,822.13</b>	<b>2.19%</b>
<b><u>Mortgage Backed Securities</u></b>									
Emerald Reverse Mortgage Series 2007-1 Class C	310293		500,000.00	06-Jul-07	21-Jul-27		30	442.43	1.08%
<b>Mortgage Backed Securities Total</b>								<b>442.43</b>	<b>1.08%</b>
<b><u>Term Deposits</u></b>									
ME Bank	538874		2,000,000.00	04-Dec-19	03-Jun-20	15,956.16	2	175.34	1.60%
National Australia Bank	539524		2,000,000.00	04-Mar-20	03-Jun-20	6,980.82	2	153.42	1.40%
ME Bank	538654		4,000,000.00	06-Nov-19	10-Jun-20	38,049.32	9	1,578.09	1.60%
National Australia Bank	539013		3,000,000.00	08-Jan-20	10-Jun-20	20,252.05	9	1,183.56	1.60%
ME Bank	539430		2,000,000.00	05-Feb-20	10-Jun-20	11,046.58	9	789.05	1.60%
ME Bank	538746		2,500,000.00	21-Nov-19	17-Jun-20	22,904.11	16	1,753.43	1.60%
Bank of Queensland	538557		3,000,000.00	25-Sep-19	24-Jun-20	37,023.29	23	3,119.18	1.65%
National Australia Bank	539955		5,000,000.00	25-Jun-20	22-Jul-20		6	369.86	.45%
AMP Bank	538356		5,000,000.00	30-Jul-19	29-Jul-20		30	8,424.66	2.05%



**Fairfield City Council**

## Accrued Interest Report - June 2020



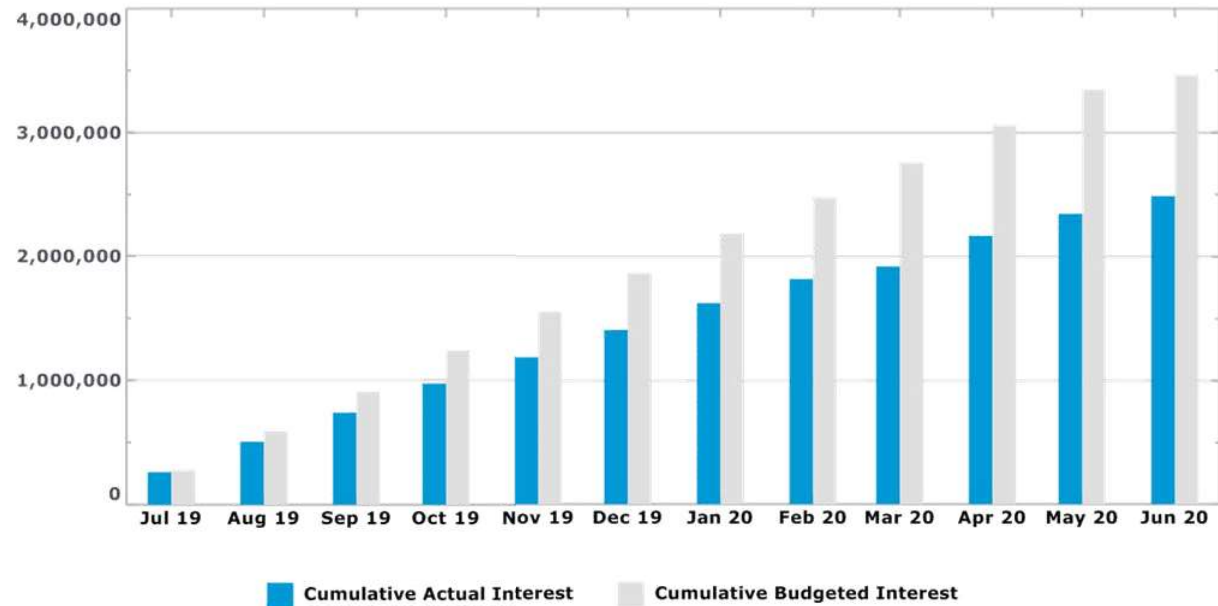
Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Bank of Queensland	539563		2,000,000.00	11-Mar-20	12-Aug-20		30	2,301.37	1.40%
ME Bank	539908		2,000,000.00	10-Jun-20	12-Aug-20		21	1,035.62	.90%
ME Bank	539876		4,000,000.00	03-Jun-20	02-Sep-20		28	3,221.92	1.05%
ME Bank	539909		4,000,000.00	10-Jun-20	09-Sep-20		21	2,186.30	.95%
National Australia Bank	539910		3,000,000.00	10-Jun-20	09-Sep-20		21	1,553.42	.90%
ME Bank	539935		2,500,000.00	17-Jun-20	16-Sep-20		14	863.01	.90%
National Australia Bank	539950		3,000,000.00	24-Jun-20	23-Sep-20		7	517.81	.90%
National Australia Bank	539954		10,000,000.00	25-Jun-20	23-Sep-20		6	1,446.58	.88%
Bank of Queensland	537987		3,000,000.00	29-May-19	26-May-21		30	5,671.24	2.30%
Bank of Queensland	538026		2,500,000.00	11-Jun-19	09-Jun-21	55,150.68	30	4,520.54	2.20%
Bank of Queensland	538336		2,000,000.00	25-Jul-19	26-Jul-21		30	3,123.29	1.90%
Bank of Queensland	538599		4,000,000.00	09-Oct-19	06-Oct-21		30	5,260.28	1.60%
<b>Term Deposits Total</b>						<b>207,363.01</b>		<b>49,247.97</b>	<b>1.50%</b>
						<b>270,953.64</b>		<b>143,728.31</b>	<b>1.24%</b>

**Fairfield City Council**  
Budget vs Actual Income Report



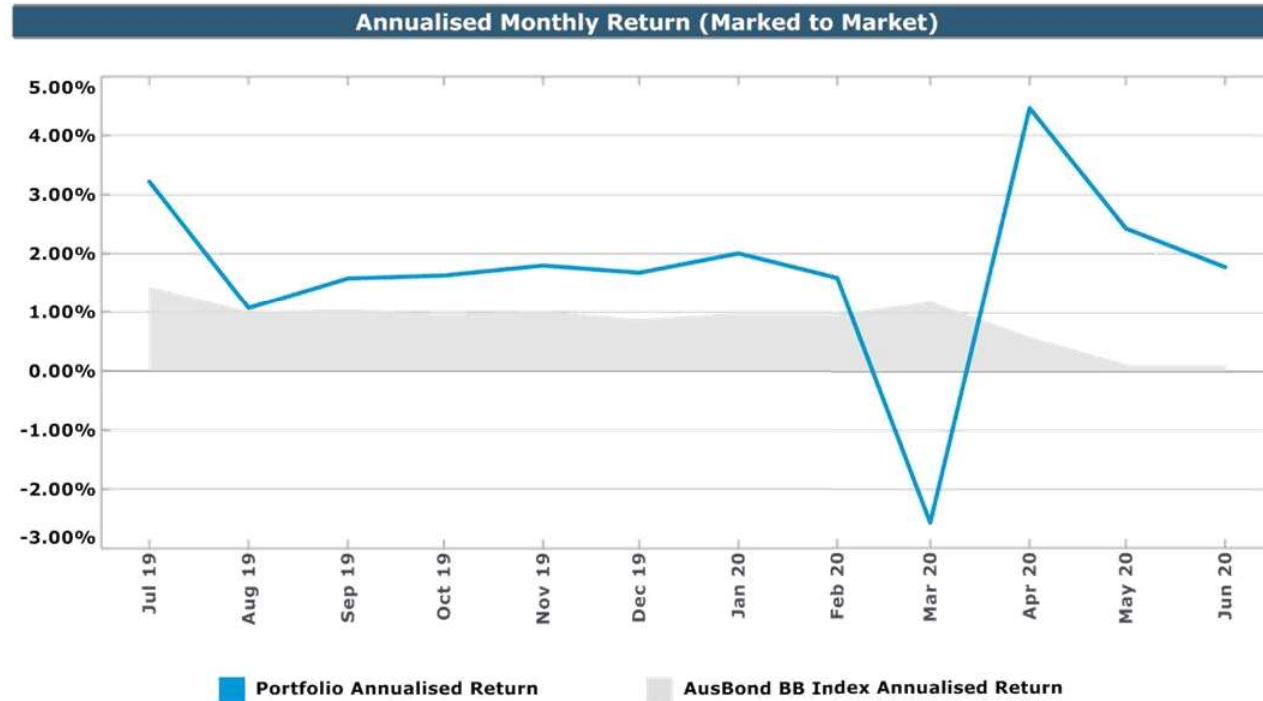
**Budgeted vs Actual Returns**

	YTD Income from Investments	Budgeted Income from Investments
July 2019	260,109	279,712
August 2019	505,298	588,833
September 2019	740,299	907,469
October 2019	973,260	1,239,194
November 2019	1,188,374	1,553,873
December 2019	1,409,461	1,868,540
January 2020	1,625,159	2,188,277
February 2020	1,820,198	2,478,049
March 2020	1,922,103	2,759,415
April 2020	2,168,371	3,062,582
May 2020	2,344,777	3,343,886
June 2020	2,488,505	3,464,284





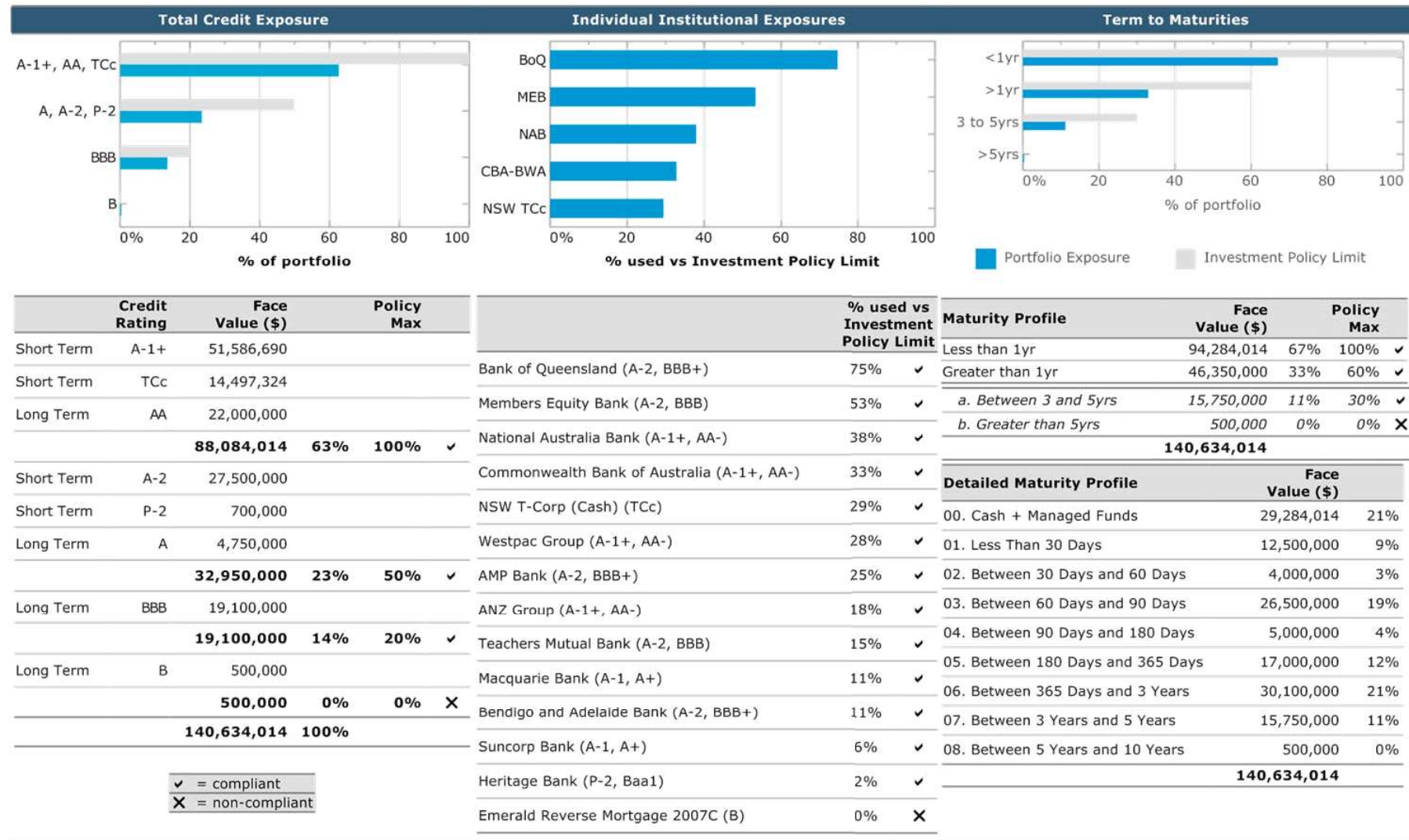
**Fairfield City Council**  
Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Jun 2020	1.77%	0.09%	1.68%
Last 3 Months	2.88%	0.26%	2.62%
Last 6 Months	1.58%	0.64%	0.94%
Financial Year to Date	1.71%	0.85%	0.86%
Last 12 months	1.71%	0.85%	0.86%

## Fairfield City Council

### Investment Policy Compliance Report



## Fairfield City Council

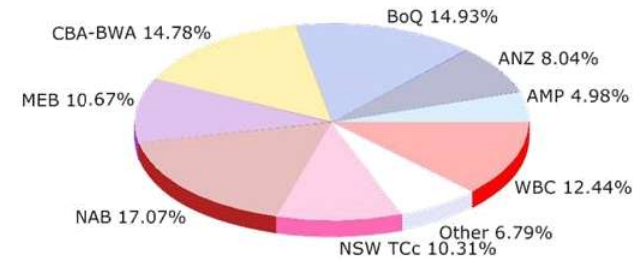
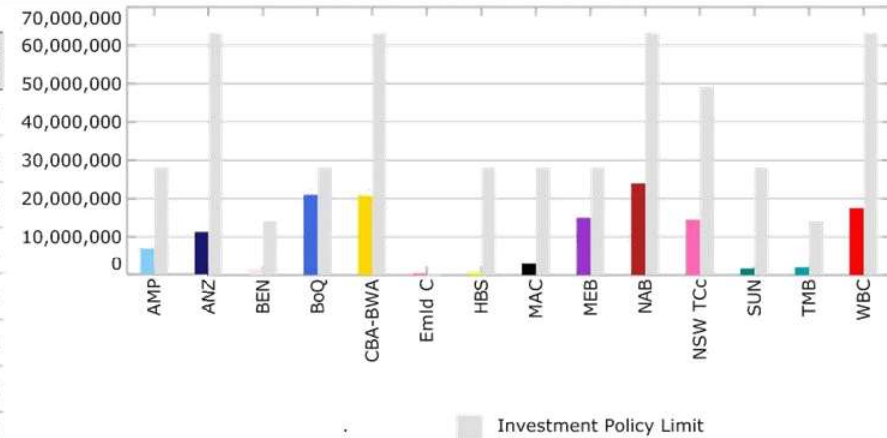
## Individual Institutional Exposures Report



## Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
AMP Bank	A-2, BBB+	7,000,000	28,126,803
ANZ Group	A-1+, AA-	11,300,000	63,285,306
Bank of Queensland	A-2, BBB+	21,000,000	28,126,803
Bendigo and Adelaide Bank	A-2, BBB+	1,500,000	14,063,401
Commonwealth Bank of Australia	A-1+, AA-	20,786,690	63,285,306
Emerald Reverse Mortgage 2007C	B	500,000	0
Heritage Bank	P-2, Baa1	700,000	28,126,803
Macquarie Bank	A-1, A+	3,000,000	28,126,803
Members Equity Bank	A-2, BBB	15,000,000	28,126,803
National Australia Bank	A-1+, AA-	24,000,000	63,285,306
NSW T-Corp (Cash)	TCc	14,497,324	49,221,905
Suncorp Bank	A-1, A+	1,750,000	28,126,803
Teachers Mutual Bank	A-2, BBB	2,100,000	14,063,401
Westpac Group	A-1+, AA-	17,500,000	63,285,306
		<b>140,634,014</b>	

## Individual Institutional Exposure Charts



**Fairfield City Council**  
Cash Flows Report



**Current Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
2-Jun-20	534934	Westpac Group	Floating Rate Term Deposits	Interest - Received	12,999.98
				<u>Deal Total</u>	<u>12,999.98</u>
<b>Day Total</b>					<b>12,999.98</b>
3-Jun-20	533708	Westpac Group	Floating Rate Note	Coupon - Received	8,889.97
				<u>Deal Total</u>	<u>8,889.97</u>
	538874	ME Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
		ME Bank	Term Deposits	Interest - Received	15,956.16
				<u>Deal Total</u>	<u>2,015,956.16</u>
	539524	National Australia Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
		National Australia Bank	Term Deposits	Interest - Received	6,980.82
				<u>Deal Total</u>	<u>2,006,980.82</u>
	539876	ME Bank	Term Deposits	Settlement Face Value - Paid	-4,000,000.00
				<u>Deal Total</u>	<u>-4,000,000.00</u>
<b>Day Total</b>					<b>31,826.96</b>
9-Jun-20	537353	ANZ Banking Group	Floating Rate Note	Coupon - Received	12,361.97
				<u>Deal Total</u>	<u>12,361.97</u>
<b>Day Total</b>					<b>12,361.97</b>
10-Jun-20	537066	AMP Bank	Floating Rate Note	Coupon - Received	8,300.16
				<u>Deal Total</u>	<u>8,300.16</u>
	538654	ME Bank	Term Deposits	Maturity Face Value - Received	4,000,000.00
		ME Bank	Term Deposits	Interest - Received	38,049.32
				<u>Deal Total</u>	<u>4,038,049.32</u>
	539013	National Australia Bank	Term Deposits	Maturity Face Value - Received	3,000,000.00
		National Australia Bank	Term Deposits	Interest - Received	20,252.05
				<u>Deal Total</u>	<u>3,020,252.05</u>
	539430	ME Bank	Term Deposits	Maturity Face Value - Received	2,000,000.00
		ME Bank	Term Deposits	Interest - Received	11,046.58
				<u>Deal Total</u>	<u>2,011,046.58</u>





**Fairfield City Council**  
Cash Flows Report



**Current Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
	539908	ME Bank	Term Deposits	Settlement Face Value - Paid	-2,000,000.00
				<u>Deal Total</u>	<u>-2,000,000.00</u>
	539909	ME Bank	Term Deposits	Settlement Face Value - Paid	-4,000,000.00
				<u>Deal Total</u>	<u>-4,000,000.00</u>
	539910	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
				<b>Day Total</b>	<b>77,648.11</b>
<b>11-Jun-20</b>	538026	Bank of Queensland	Term Deposits	Interest - Received	55,150.68
				<u>Deal Total</u>	<u>55,150.68</u>
				<b>Day Total</b>	<b>55,150.68</b>
<b>17-Jun-20</b>	538746	ME Bank	Term Deposits	Maturity Face Value - Received	2,500,000.00
		ME Bank	Term Deposits	Interest - Received	22,904.11
				<u>Deal Total</u>	<u>2,522,904.11</u>
	539935	ME Bank	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
				<b>Day Total</b>	<b>22,904.11</b>
<b>24-Jun-20</b>	538557	Bank of Queensland	Term Deposits	Maturity Face Value - Received	3,000,000.00
		Bank of Queensland	Term Deposits	Interest - Received	37,023.29
				<u>Deal Total</u>	<u>3,037,023.29</u>
	539950	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
				<b>Day Total</b>	<b>37,023.29</b>
<b>25-Jun-20</b>	539954	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-10,000,000.00
				<u>Deal Total</u>	<u>-10,000,000.00</u>
	539955	National Australia Bank	Term Deposits	Settlement Face Value - Paid	-5,000,000.00
				<u>Deal Total</u>	<u>-5,000,000.00</u>
				<b>Day Total</b>	<b>-15,000,000.00</b>
<b>26-Jun-20</b>	537154	National Australia Bank	Floating Rate Note	Coupon - Received	10,410.87



**Fairfield City Council**  
Cash Flows Report



**Current Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
				<u>Deal Total</u>	<u>10,410.87</u>
				<b>Day Total</b>	<b>10,410.87</b>
29-Jun-20	536456	Heritage Bank	Floating Rate Note	Coupon - Received	2,830.20
				<u>Deal Total</u>	<u>2,830.20</u>
				<b>Day Total</b>	<b>2,830.20</b>
				<b>Net Cash Movement for Period</b>	<b>-14,736,843.83</b>

**Next Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
2-Jul-20	536786	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	8,728.82
				<u>Deal Total</u>	<u>8,728.82</u>
				<b>Day Total</b>	<b>8,728.82</b>
7-Jul-20	533378	ANZ Banking Group	Floating Rate Note	Coupon - Received	15,099.89
				<u>Deal Total</u>	<u>15,099.89</u>
				<b>Day Total</b>	<b>15,099.89</b>
13-Jul-20	534013	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	13,664.00
				<u>Deal Total</u>	<u>13,664.00</u>
				<b>Day Total</b>	<b>13,664.00</b>
16-Jul-20	536510	ME Bank	Floating Rate Note	Coupon - Received	8,788.36
				<u>Deal Total</u>	<u>8,788.36</u>
				<b>Day Total</b>	<b>8,788.36</b>
20-Jul-20	533166	Commonwealth Bank of Australia	Floating Rate Note	Coupon - Received	6,358.00
				<u>Deal Total</u>	<u>6,358.00</u>
	538410	Bank of Queensland	Floating Rate Note	Coupon - Received	14,397.95
				<u>Deal Total</u>	<u>14,397.95</u>
				<b>Day Total</b>	<b>20,755.95</b>
21-Jul-20	310293	Emerald Reverse Mortgage (2007C)	Mortgage Backed Securities	Coupon - Received	1,342.06
				<u>Deal Total</u>	<u>1,342.06</u>
				<b>Day Total</b>	<b>1,342.06</b>
22-Jul-20	539955	National Australia Bank	Term Deposit	Maturity Face Value - Received	5,000,000.00
				National Australia Bank	Term Deposit
				Interest - Received	1,664.38



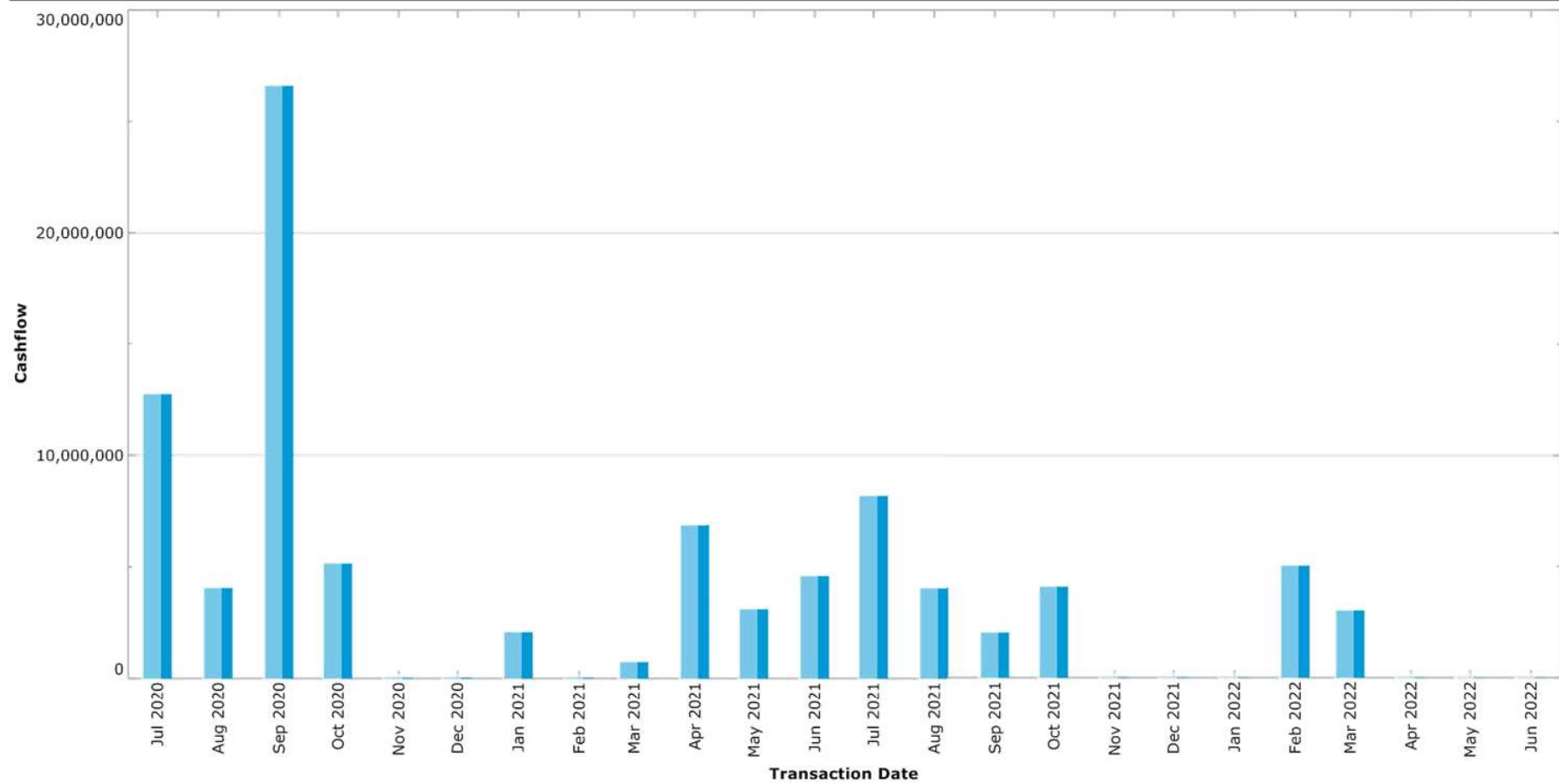
**Fairfield City Council**  
Cash Flows Report



**Next Month Cashflows**

<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<u>Deal Total</u>					<u>5,001,664.38</u>
<b>Day Total</b>					<b>5,001,664.38</b>
27-Jul-20	536144	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	4,349.68
<u>Deal Total</u>					<u>4,349.68</u>
	538336	Bank of Queensland	Term Deposit	Interest - Received	38,312.33
<u>Deal Total</u>					<u>38,312.33</u>
<b>Day Total</b>					<b>42,662.00</b>
28-Jul-20	507262	Westpac Group	Floating Rate Note	Coupon - Received	6,291.47
		Westpac Group	Floating Rate Note	Maturity Face Value - Received	2,500,000.00
<u>Deal Total</u>					<u>2,506,291.47</u>
	510279	Westpac Group	Floating Rate Note	Coupon - Received	5,930.71
<u>Deal Total</u>					<u>5,930.71</u>
	533167	Westpac Group	Floating Rate Note	Coupon - Received	8,896.06
<u>Deal Total</u>					<u>8,896.06</u>
<b>Day Total</b>					<b>2,521,118.23</b>
29-Jul-20	538356	AMP Bank	Term Deposit	Maturity Face Value - Received	5,000,000.00
		AMP Bank	Term Deposit	Interest - Received	102,500.00
<u>Deal Total</u>					<u>5,102,500.00</u>
<b>Day Total</b>					<b>5,102,500.00</b>
30-Jul-20	538332	Suncorp Bank	Floating Rate Note	Coupon - Received	3,832.03
<u>Deal Total</u>					<u>3,832.03</u>
<b>Day Total</b>					<b>3,832.03</b>
<b>Net Cash Movement for Period</b>					<b>12,740,155.73</b>



**Fairfield City Council**  
Cash Flows Report



## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 71

**SUBJECT:** Information Report - Accelerated LEP Review Program Extension

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**FILE NUMBER:** 18/12082

---

**REPORT BY:** Kerry Longford, Consultant Town Planner

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**RECOMMENDATION:**

That the report be received and noted.

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**SUPPORTING DOCUMENTS:**

There are no supporting documents for this report.

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**CITY PLAN**

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

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**SUMMARY**

Council has received correspondence from the NSW Department of Planning, Industry and Environment (DPIE) on 19 June 2020, confirming that the Minister for Planning and Public Spaces has agreed to Council utilising surplus funds under the Accelerated Local Environmental Plan (LEP) Review Program.

This will allow Council to continue funding important strategic planning work aligned to the Local Strategic Planning Statement for an additional 6 months, up until 31 December 2020. The 6 month extension of the Accelerated LEP Review Program is subject to conditions.

A Supplementary Outcomes Chairperson's Report will be submitted to the Ordinary Council Meeting scheduled for Tuesday 28 July 2020 for Council to consider the project extension.

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Kerry Longford  
**Consultant Town Planner**

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## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 71

### Authorisation:

Acting Manager Strategic Land Use Planning  
Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_11.DOCX**

\*\*\*\*\* END OF ITEM 71 \*\*\*\*\*

## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 72

**SUBJECT:** Information Report - Planning Proposal Delegations

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**FILE NUMBER:** 18/12082

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**REPORT BY:** Andrew Mooney, Acting Manager Strategic Land Use Planning

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**RECOMMENDATION:**

That the report be received and noted.

---

**SUPPORTING DOCUMENTS:**

There are no supporting documents for this report.

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**CITY PLAN**

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

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**SUMMARY**

In January 2020, Council received advice from the NSW Office of Local Government regarding decision making processes for the consideration of large planning proposals.

Advice has been sought from Council's solicitors on potential options under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 for dealing with such matters.

A Briefing will be provided to Councillors on 14 July 2020 and a Supplementary Outcomes Chairperson's Report will be submitted to the Ordinary Council Meeting scheduled for Tuesday 28 July 2020 regarding the above.

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Andrew Mooney  
**Acting Manager Strategic Land  
Use Planning**

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## OUTCOMES COMMITTEE

Meeting Date 14 July 2020

Item Number. 72

### Authorisation:

Group Manager City Strategic Planning

Outcomes Committee - 14 July 2020

File Name: **OUT14072020\_8.DOCX**

\*\*\*\*\* END OF ITEM 72 \*\*\*\*\*