

Planning Services

Gateway Determination Report

LGA	Fairfield
RPA	Fairfield City Council
NAME	Housekeeping Amendment No 2 (0 homes, 0 jobs)
NUMBER	PP_2017_FAIRF_004_00
LEP TO BE AMENDED	Fairfield Local Environmental Plan 2013
ADDRESS	Various sites in the Fairfield LGA
DESCRIPTION	Various sites in the Fairfield LGA
RECEIVED	24 August 2017, as amended following the receipt of additional information.
FILE NO.	17/09612
QA NUMBER	qA416266
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to undertake housekeeping amendments to the Fairfield Local Environmental Plan (LEP) 2013 to address issues that have arisen because of drafting errors or to respond to issues in the application of LEP provisions.

This planning proposal applies to various land across the Fairfield Local Government Area (LGA) and aims to improve consistency of the LEP provisions, reduce procedural complexity and facilitate the original intent of the LEP provisions. In addition, the planning proposal will not facilitate any additional dwellings.

Site Description

The planning proposal applies to land, or an issue, in the Fairfield LGA as identified in the table overleaf.

Site/Item	Address	Lot Description
1	302A The Boulevarde, Smithfield	Lot 1 DP 35591
2	13 to 21 Rossetti Street, Wetherill Park	Lot 5 DP 714281
3	117A Wetherill Street, Wetherill Park	Lot 15 DP 27962
4	84 Tasman Parade, Fairfield West	Lot 0 SP 87321
5	512-520 Smithfield Road and 2 Myrtle Road, Prairiewood	Lot 2 & 3 DP 310205, and Lot 105 & 106 DP 778580
6	4 Kellaway Place, Wetherill Park	Lot 11 DP847242
7	Bonnyrigg Town Centre Precinct, 37 and 51 Bonnyrigg Avenue, Bonnyrigg	Lot 438 DP 701592, and Lot 0 SP 92595
8	Fairfield Showground, Prairiewood	Lot 11 DP 1101430, Lot 11 DP 620965, and Lot 25 & 26 DP 262525
9	Fairfield LGA – B1 Neighbourhood Centre Zoned Land	Refer to Attachment I
10	Fairfield LGA – Minimum subdivision lot size for community title schemes	Various across Fairfield LGA

Refer to **Attachment J** for the site identification map.

Summary of Recommendation

Subject to the removal of item 7 from the planning proposal, it is recommended that the proposal proceeds with conditions given that it seeks to make various housekeeping amendments to the Fairfield LEP 2013 to rectify errors and respond to application issues of the LEP.

PROPOSAL

Objectives or Intended Outcomes

The objectives of this planning proposal are to:

- rezone various sites to make them consistent with the current use of the land;
- formalise existing land uses through the provision of additional permitted uses including sex services and business/commercial uses;
- correct map anomalies, created at the time of adoption of previous planning proposals;
- apply standard land use controls to sites that have been subject of previous rezoning planning proposals; and
- apply a minimum lot size for subdivision for community title scheme areas to ensure certainty for community title lots.

The objectives of this planning proposal are clear and adequate.

Explanation of Provisions

The planning proposal seeks to amend the Fairfield Local Environmental Plan (LEP) 2013 as detailed below.

Site 1 – 302A The Boulevard, Smithfield

This site was rezoned from 6(a) Recreation under the Fairfield LEP 1994 to R3 Medium Density Residential under the Fairfield LEP 2013. The site is owned by Council and was rezoned for residential purposes as it was not used as a public park.

However, when the site was rezoned, the building height and FSR provisions for the site were not transferred to the Fairfield LEP 2013.

Therefore, to ensure consistent R3 zone controls are applied to the site, Council proposes to amend the Fairfield LEP 2013 by:

- applying a maximum building height of 9 metres to the site; and,
- applying a maximum FSR of 0.45:1 to the site.

Department comment

This proposed amendment is supported as it will ensure the provisions on the site are consistent with the relevant provisions of the Fairfield LEP 2013.

Site 2 – 13 to 21 Rossetti Street, Wetherill Park

Amendment No 15 of the Fairfield LEP 2013 facilitated the inclusion of multi dwelling housing and residential flat building as additional permitted uses on the site under Schedule 1. However, the Key Sites Map was not amended to show the site which is inconsistent with the provisions of the Fairfield LEP 2013.

Therefore, to ensure the clause is consistent with the other clauses of Schedule 1, Council proposes to amend the Fairfield LEP 2013 by:

- identifying the site as '17A' on the Key Sites Map; and
- replacing clause 17A under Schedule 1 with the following:
(1) This clause applies to land identified as "17A" on the Key Sites Map.

Department comment

This proposed amendment is supported as it will ensure the current approved uses on the site are consistent with the provisions of the Fairfield LEP 2013.

Site 3 – 117A Wetherill Street, Wetherill Park

Amendment No 7 of the Fairfield LEP 2013 rezoned the site from RE1 Public Recreation to R2 Low Density Residential. The site is also owned by Council. Owing to a drafting error, the provision for a minimum lot size for dual occupancy development was not applied to the site.

The existing provisions of the Fairfield LEP 2013 identify a minimum lot size of 900sqm for dual occupancy development on land zoned R2 Low Density Residential, that is west of the Cumberland Highway.

Therefore, Council proposes to amend the Fairfield LEP 2013 by:

- applying a minimum lot size of 900sqm for dual occupancy development at the site; and
- applying a minimum lot size of 450sqm to the site.

Department comment

This proposed amendment is supported as it will ensure the provisions on the site are consistent with the provisions of the Fairfield LEP 2013.

Site 4 – 84 Tasman Parade, Fairfield West

The site currently contains a residential flat building (RFB) and a medical centre, approved under the Fairfield LEP 1994. Under the Fairfield LEP 1994, the site was zoned 2(a) Residential which enabled the development of the RFB.

However, the medical centre was approved under Clause 20C Development near zone boundaries of the Fairfield LEP 1994. This clause permitted adjoining zones to extend no more than 20 metres into an adjacent site to enable a prohibited development to be constructed. In the case, the adjoining zone was 3(c) Local Business Centre and resulted in the development of the medical centre on the site.

The site was rezoned to R2 Low Density Residential when the Fairfield LEP 2013 was implemented. This was considered to be the equivalent zone to the previous 2(a) Residential Zone under the Fairfield LEP 1994. Under the Fairfield LEP 2013, the development of business premises is not permitted in the R2 zone and there is no equivalent provision to enable development near zone boundaries.

Council proposes to rezone the site to ensure the zone reflects the existing approved uses on the site by amending Fairfield LEP 2013, as follows:

- rezoning the site from R2 Low Density Residential to R4 High Density Residential;
- amending Schedule 1 and the Key Sites Map to include office premises as an additional permitted use at the site;
- applying a maximum FSR of 2:1 to the site;
- applying a maximum building height of 18 metres to the site;
- applying no minimum lot size to the site; and
- applying no minimum lot size for dual occupancy development at the site.

The proposed amendments will not facilitate any further intensification of the site as its development potential has been reached.

Department comment

This proposed amendment is supported as it will ensure the current approved uses on the site are consistent with the provisions of Fairfield LEP 2013.

Site 5 – 512-520 Smithfield Road and 2 Myrtle Road, Prairiewood

Amendment No. 20 of the Fairfield LEP 2013 rezoned the site from R2 Low Density Residential to R3 Medium Density Residential, however, the minimum lot size that was applied to the site under the previous R2 zone was not removed.

The Fairfield LEP 2013 does not apply a minimum lot size to land zoned R3 Medium Density Residential. Therefore, to ensure consistency with the application of the R3 zone within the Fairfield LGA, Council proposes to amend the Fairfield LEP 2013 by not applying a minimum lot size to the site.

Department comment

This proposed amendment is supported as it will ensure the provisions on the site are consistent with the provisions of Fairfield LEP 2013.

Site 6 – 4 Kellaway Place, Wetherill Park

Schedule 1 of Fairfield LEP 2013 permits sex service facilities on certain IN1 General Industrial zoned land within the Wetherill Park Industrial Estate. However, because of a mapping error, the site was excluded from the additional permitted use provision when Fairfield LEP 2013 was implemented.

It is noted that the Fairfield City Wide Development Control Plan currently identifies sex services as a permissible land use at the site therefore, the LEP provisions are inconsistent with the DCP provisions.

Council proposes to amend the Fairfield LEP 2013 by identifying the site as part of the Key Site 17 in the Key Sites Map to include sex services as an additional permitted use at the site.

Department comment

This proposed amendment is supported as it will meet Council's intentions.

Site 7 – Bonnyrigg Town Centre Precinct

The Bonnyrigg Town Centre Precinct is currently identified as a deferred matter under the Fairfield LEP 2013, and Fairfield LEP 1994 applies to this precinct. Council submitted a planning proposal to rezone the precinct under the Fairfield LEP 2013 and a Gateway determination was issued on 7 June 2016. Council has exhibited the planning proposal for the Bonnyrigg Town Centre Precinct and is currently preparing a post-exhibition report.

Council previously issued development consent for the construction of two mixed use buildings with business premises along the ground floor, at 37 and 51 Bonnyrigg Avenue, Bonnyrigg under the Fairfield LEP 1994.

These two sites are proposed to be rezoned R4 High Density Residential as part of the planning proposal to rezone the precinct. However, the R4 zone prohibits the development of business premises therefore the two approved mixed use buildings are inconsistent with the proposed R4 zone.

Once the Bonnyrigg Town Centre is rezoned under the Fairfield LEP 2013, there will be a conflict between the approved and permissible land uses on the two sites. Therefore, Council proposes to resolve this issue by introducing business premises as an additional permitted use at both sites by including the sites in Schedule 1 of Fairfield LEP 2013 and amending the Key Sites Map.

Department comment

As the two sites are deferred matters under the Fairfield LEP 2013, the proposed amendment to Schedule 1 and the Key Sites Map is not achievable.

The Department recommends that Council removes this proposed amendment from the planning proposal and includes it in the planning proposal for the Bonnyrigg Town Centre Precinct. This will ensure that the proposed additional permitted use will be effective when the sites are rezoned.

On 8 September 2017, Council agreed to remove this proposed amendment and address it in the planning proposal for the Bonnyrigg Town Centre Precinct (**Attachment G**).

Prior to community consultation, Council is to amend the planning proposal to remove all references to the 37 and 51 Bonnyrigg Avenue, Bonnyrigg sites from the planning proposal.

Site 8 - Fairfield Showground

The site contains two local heritage items under the Fairfield LEP 2013 consisting of the Fairfield Showground, original grand stand and trees (item I86) and the Indigenous Flora Park (item I85). The site is owned by Council and is illustrated Figure 1 and 2 (following).



Figure 1 – Existing area of heritage significance (# 85 and # 86)

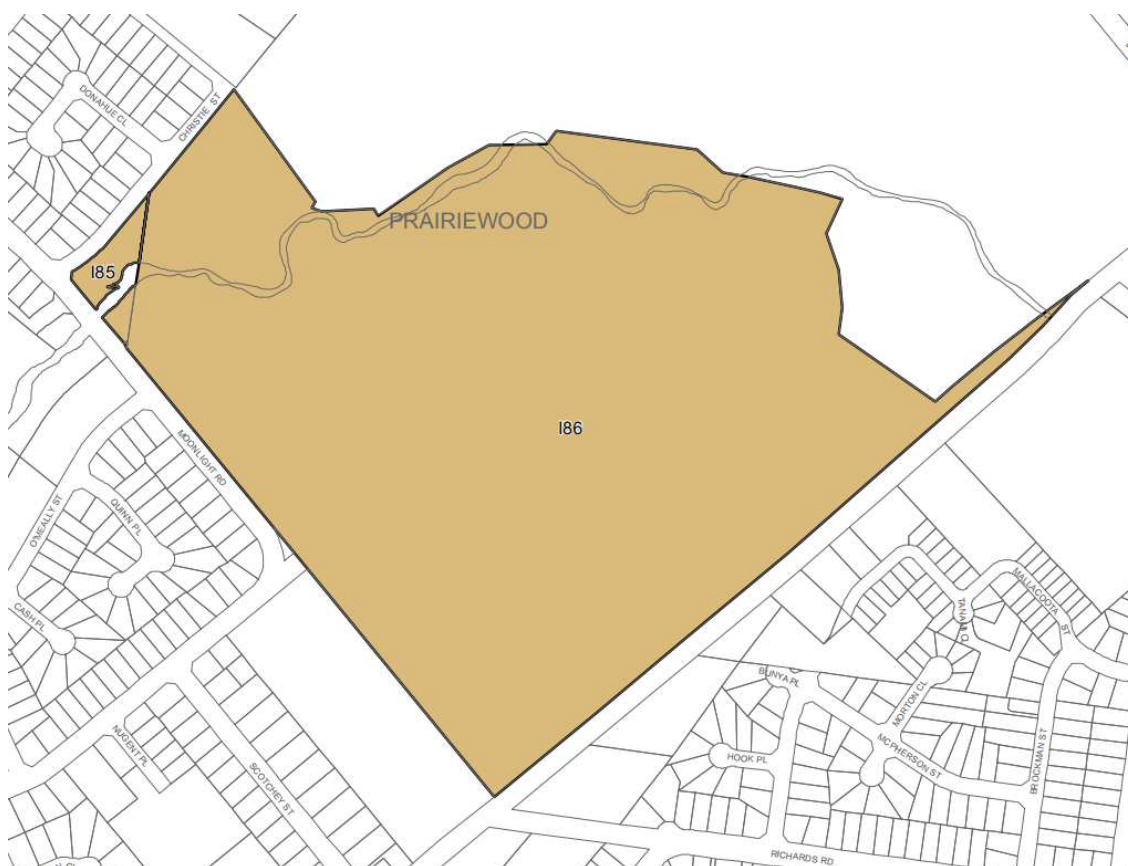


Figure 2 – Heritage Map (# 85 and # 86)

As part of the preparation of the Fairfield Showground Masterplan for the site, Council commissioned a review of the heritage considerations of the site (**Attachment H**). The Heritage Assessment report concluded that the Fairfield Showground is not considered to be a significant heritage item but does have some social value.

In addition, the grandstand was constructed at Moorefield in the 1920s; has been relocated and reconstructed, and so altered that it has little historical, associative, social or aesthetic significance. The report notes that the grandstand is not considered to hold heritage significance in its own right as it does not fulfil the necessary criteria to be listed. Therefore, the grandstand could be demolished, moved to another part of the showground or repaired.

Furthermore, the cultural and social values of the Showground are clearly acknowledged and safeguarded in the current Fairfield Showground Plan of Management 2012.

Based on the conclusions of the Heritage Assessment report, Council has resolved to delist the Fairfield Showground, original grand stand and trees (# 186) as a local heritage item under Schedule 5 Heritage Conservation of the Fairfield LEP 2013. Council also noted that this amendment to the local heritage listing will require an endorsement from the Office of Heritage and Environment.

In addition, Council will increase the boundaries of the Indigenous Flora Park local heritage item (# 185) to include some of the remanent vegetation in the northern portion of the Fairfield Showground site - to identify the correct extent of the parks boundaries (see Figure 3 following).

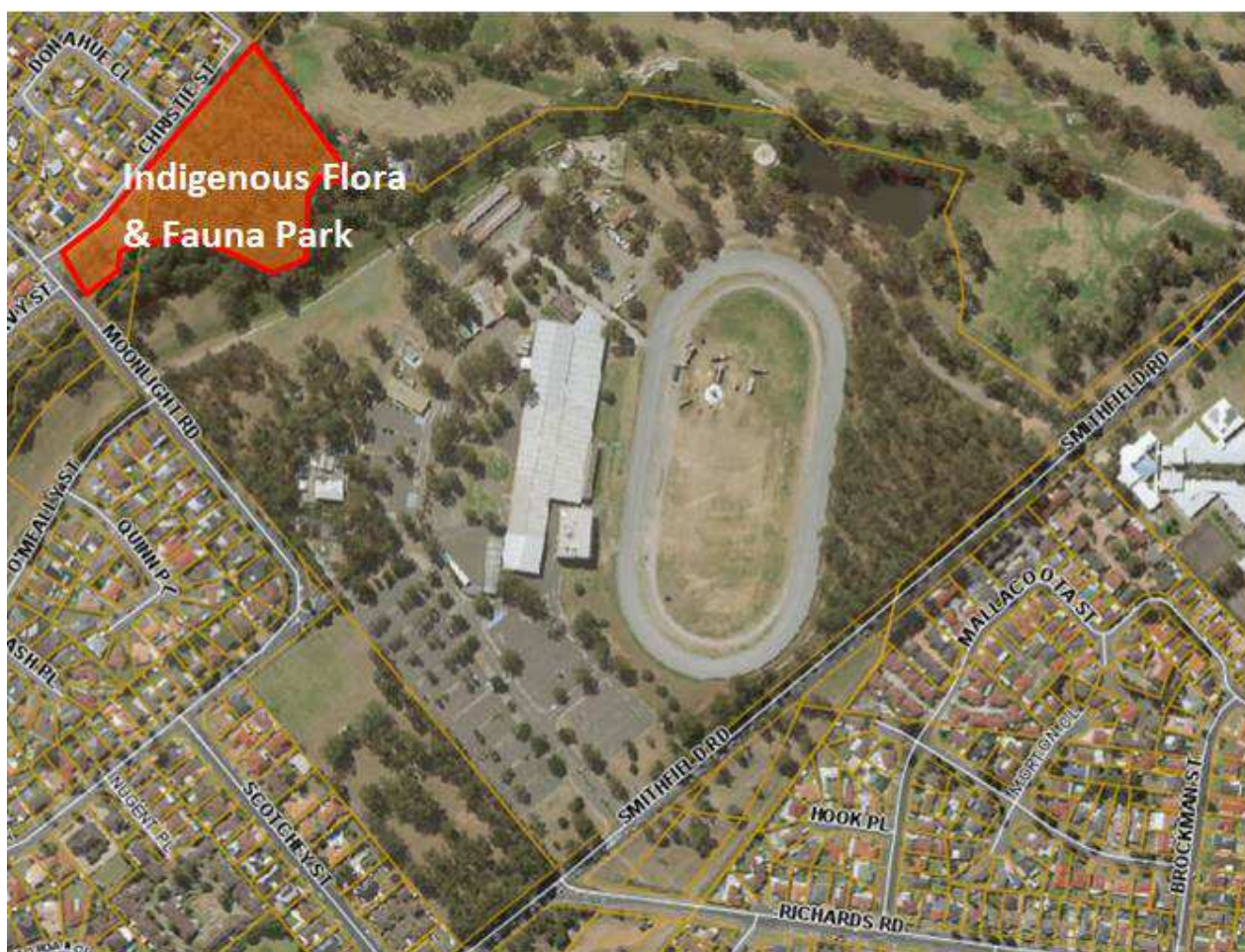


Figure 3 – Proposed area of heritage listing (#85)

Therefore, Council proposes to amend the Fairfield LEP 2013 by:

- removing the local heritage item # 86, i.e. Fairfield Showground, original grand stand and trees, from the LEP's Schedule 5 and the LEP Heritage Map; and
- expanding the area of the local heritage item # 85, i.e. Indigenous Flora Park on the Heritage Map and amending the listing.

Department comment

The Department notes that the proposed amendment is supported by a heritage study and further consultation with the Office of Environment and Heritage will be undertaken.

Site 9 – B1 Neighbourhood Centre Zoned Land

Under the Fairfield LEP 2013, neighbourhood centres within Fairfield LGA are zoned B1 Neighbourhood Centre. These neighbourhood centres are generally surrounded by low density residential areas that are zoned R2 Low Density Residential, and in some instances R3 Medium Density Residential. These residential zones generally have a building height of 9 metres.

In some instances, the building height of some B1 Neighbourhood Centre zoned land is lower than the 9-metre building height of adjoining residential areas.

Council notes that development applications within these neighbourhood centres must demonstrate that a building height of 9 metres will not have detrimental effect on the surrounding residential area by addressing clause 4.6 Variation of Development Standards of Fairfield LEP 2013, resulting in assessment delays.

Therefore, Council proposes to amend Fairfield LEP 2013 by increasing the maximum building height of certain land zoned B1 Neighbourhood Centre zoned to 9 metres.

Council has identified twenty-eight (28) B1 zoned sites that will be subject to this amendment. Refer to **Attachment I** for a list of the B1 zoned land. This amendment will ensure that all B1 zoned land will at least have an equivalent building height to the surrounding residential area. Council notes that any impacts associated with this amendment are of a minor nature.

Department comment

This proposed amendment is supported as it will provide development consistency for B1 zoned land within the Fairfield LGA and reduce assessment delays.

Issue 10 –Minimum subdivision lot size for community title schemes

Clause 4.1AA of the Fairfield LEP 2013, was not adopted by Fairfield LEP 2013 and the LEP does not provide any provisions for the minimum lot size for community title schemes in the Fairfield LGA.

Council notes that the lack of such a provision creates uncertainty for the community and the redevelopment potential of existing community title sites is also unclear.

Therefore, Council proposes to amend Clause 4.1AA of the Fairfield LEP 2013 to:

- provide for the subdivision of land under a community title scheme at a density that is appropriate for the site constraints, development potential and infrastructure capacity of the land; and
- ensure that community title lots are of a sufficient size to accommodate development.

The proposed wording for Clause 4.1AA is detailed below:

1) The objectives of this clause are as follows:

- a) To ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,
- b) To ensure that lot sizes in community title schemes are consistent with the desired residential density for different locations,
- c) To ensure that lot sizes in community title schemes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,
- d) To prevent fragmentation of land that would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,
- e) To prevent an increased traffic and safety impact as a result of increased lots on classified roads,
- f) To minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- g) To ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
- h) To ensure that lot sizes in community title schemes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.

2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

- a) Zone RU1 Primary Production,
- b) Zone RU2 Rural Landscape,
- c) Zone RU4 Primary Production Small Lots,
- d) Zone RU5 Village,
- e) Zone R1 General Residential,
- f) Zone R2 Low Density Residential,
- g) Zone R3 Medium Density Residential,
- h) Zone R4 High Density Residential,
- i) Zone B1 Neighbourhood Centre,
- j) Zone B2 Local Centre,
- k) Zone B3 Commercial Core,
- l) Zone B4 Mixed Use,
- m) Zone B5 Business Development,
- n) Zone B6 Enterprise Corridor,
- o) Zone IN1 General Industrial,
- p) Zone IN2 Light Industrial,
- q) Zone SP1 Special Activities,
- r) Zone SP2 Infrastructure,
- s) Zone SP3 Tourist,
- t) Zone RE1 Public Recreation,
- u) Zone RE2 Private Recreation,
- v) Zone E2 Environmental Conservation,
- w) Zone E3 Environmental Management,
- x) Zone W2 Recreational Waterways.

- 3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Department comment

The proposal is supported as it seeks to apply an optimal standard instrument clause and its application will provide clarity for proponents, land owners and the community.

It is recommended, however, that a note be appended to the planning proposal that the clause may be amended at legal drafting stage.

Mapping

The current and proposed maps are provided in Part 4 and Appendix C of the planning proposal. The planning proposal will amend the following maps:

- Land Zoning Map; Floor Space Ratio Map; Height of Building Map; Lot Size Map;
- Lot Size for Dual Occupancy Development Map; Heritage Map; and,
- the Key Sites Map.

A viewing map is provided to show the B1 zoned land subject to the proposed amendment (i.e. Item 10). Refer to **Attachment K** for the current and proposed maps, and the viewing map.

Department comment

The Department notes that the maps provided in the planning proposal are adequate for community consultation purposes. However, prior to community consultation, it is recommended that Council amend Part 4 of the planning proposal as follows:

- remove the reference to the Land Application Map (page 45), as no changes are proposed to this map;
- identify the Lot Size Map; Lot Size for Dual Occupancy Development Map; and Heritage Map in the list of affected maps (page 45); and,
- remove the current and proposed maps associated with 37 and 51 Bonnyrigg Avenue, Bonnyrigg sites.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, the proposed amendments aim to correct errors; respond to development provision issues; and, provide new clauses to improve the consistency of the Fairfield LEP 2013 provisions, as well as, reducing procedural complexity.

It is noted that the planning proposal is the best and most appropriate means of achieving the Council's intended outcome. A planning proposal is the only means available to achieve amendments to relevant provisions under Fairfield LEP 2013.

STRATEGIC ASSESSMENT

Regional/ District

A Plan for Growing Sydney (2014)

The planning proposal is inconsistent with Direction 3.4 of *A Plan for Growing Sydney* (the Plan) which aims to promote Sydney's heritage, arts and culture. The planning proposal will delist a local heritage item (i.e. Fairfield Showground, original grand stand and trees – item

no. I86). However, the Heritage Assessment (**Attachment H**) concludes that the grandstand is considered to have no heritage significance at the Fairfield Showground site.

Although, the planning proposal will remove a local heritage item, it will also expand the boundaries of the existing Indigenous Flora Park local heritage item (# I85) to identify the correct extent of the parks boundaries and include the trees associated with the delisted local heritage item (# I86). Therefore, will further protect the land associated with this heritage item.

Draft South West District Plan (2016)

The planning proposal is consistent with the objectives and actions of the Draft South West District Plan as it only proposes minor amendments to the Fairfield LEP 2013.

Local

Fairfield Residential Development Strategy (2009)

The Fairfield Residential Development Strategy (the Strategy) is a 20-year strategy that guides the location and type of future residential development within the eastern half of the LGA.

The planning proposal is consistent with the objectives of this Strategy as it includes four amendments to residential zoned land under Fairfield LEP 2013, which will provide greater density adjacent to centres and along public transport routes. Furthermore, it will resolve anomalies hindering the orderly development.

Fairfield City Centres Study (2015)

The Fairfield City Centres Study (the Study) was undertaken to review the current situation of the existing retail and commercial centres and examine the future demand for retailing and the implication for the centres network.

The planning proposal is consistent with this Study as it will align the building height of neighbourhood centres with the surrounding residential areas and improve the design of these centres.

Fairfield Employment Lands Study (2008)

The main objective of the Fairfield Employment Lands Study (the Study) is to provide a vision and the appropriate planning framework to attract employment generating uses into the LGA within the employment lands. The planning proposal affects one industrial zoned land which is 4 Kellaway Place (Site 6).

The planning proposal is consistent with this Study as it seeks to permit sex services as an additional permitted use at the site which was prohibited due to a mapping error. In addition, the planning proposal will not impact upon the existing industrial uses on the site.

Section 117(2) Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following Section 117 directions:

Direction 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This direction applies to the planning proposal as it affects sites (i.e. Site 9 B1 Neighbourhood Centre zoned land) that contain acid sulfate soil (**Attachment L**).

This direction requires the preparation of an acid sulfate study for a planning proposal that will intensify the land uses on that site. The planning proposal is inconsistent with this direction as Council has not considered an acid sulfate study for the proposed amendment to increase the building height for certain B1 zoned sites in the Fairfield LGA.

Department comment

It is noted that any inconsistency is of minor significance as the proposed building height will be increased by one metre (i.e. from 8 metres to 9 metres) and will not cause any adverse impacts.

Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 4.1 Acid Sulfate Soils is of minor significance.

Direction 7.1 Implementation of A Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The planning proposal is inconsistent with this direction as it is not consistent with Direction 3.4 of A Plan for Growing Sydney (the Plan) which aims to promote Sydney's heritage, arts and culture.

Department comment

Any inconsistency is of a minor nature as the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and, priorities for subregions, strategic centres and transport gateways.

Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 7.1 Implementation of A Plan for Growing Sydney is justified as it does not undermine the intent of the Plan.

Further, prior to community consultation, Council amends the planning proposal to advise of the inconsistency (page 38).

Consistency to be confirmed: Consistency with the following direction will be subject to Council's consultation with OEH.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance.

The planning proposal aims to remove a local heritage item (i.e. Fairfield Showground, original grand stand and trees, item I86) and alter another, i.e. Indigenous Flora Park, item I85, therefore this direction applies to the planning proposal.

The planning proposal is inconsistent with this direction as it will delist the local heritage item 86. This proposed amendment is supported by a Heritage Assessment (**Attachment H**) which states that the grandstand at the site does not have heritage significance in its own right as it does not fulfil the necessary criteria to be listed. The grandstand associated with the site was constructed offsite, relocated, reconstructed and so altered that it has little historical, associative, social or aesthetic significance. However, the cultural and social values of the Showground are clearly acknowledged and safeguarded in the current Fairfield Showground Plan of Management 2012.

In addition, the trees associated with the local heritage item no.86 will be captured in the local heritage no. item 85 as it will be included in the boundaries of the Indigenous Flora Park. Therefore, the heritage significance of the trees will be retained as part of another heritage item.

It is recommended that the delegate of the Secretary notes the inconsistency of the planning proposal with Direction 2.3 Heritage Conservation and requires consultation with the Office of Heritage and Environment to further justify any inconsistency with this direction.

Consistent: The planning proposal is consistent with the following, relevant Section 117 directions, as follows:

Direction 1.1 Business and Industrial Zones

This direction aims to encourage employment growth in suitable locations; protect existing employment land; and support the viability of identified strategic centres. This direction applies this planning proposal as it affects business and industrial zoned land.

Department comment

The planning proposal is consistent with this direction as it will retain the existing business and industrial zones applying to the identified sites and will not reduce the total floor space for employment uses.

Direction 3.1 Residential Zones

This direction aims to encourage a variety of housing types and choice, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands. This direction applies to the planning proposal as it affects five existing residential zoned sites.

Department comment

The planning proposal is consistent with this direction as it will facilitate residential development in appropriate locations and with access to existing infrastructure and services. The proposed amendments will ensure consistent provisions are applied to the existing residential zoned sites under Fairfield LEP 2013.

In addition, Council notes that the planning proposal will not reduce the permissible residential density of land.

Direction 4.3 Flood Prone Land

This direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and that potential flood impacts are considered. This direction applies as five sites, i.e. Site 1, 2, 3, 6 and 9, identified within the planning proposal as flood prone land (**Attachment L**).

Department comment

The planning proposal will not permit development in a floodway area or result in significant flood impacts to other properties. Furthermore, the proposed amendments will not significantly increase the development potential of flood prone land as it aims to align the development provisions under the Fairfield LEP 2013 with the existing approved developments.

Furthermore, a flood assessment will be required for all development applications on flood prone land.

State Environmental Planning Policies

The planning proposal is consistent with all State Policies given the nature of the proposal which seeks to implement minor housekeeping amendments to Fairfield LEP 2013.

SITE SPECIFIC ASSESSMENT

Social and Economic

The planning proposal will have minimal social and economic impacts as it proposes minor amendments that aim to correct errors or provide consistent provisions under the Fairfield LEP 2013.

Environmental

The proposal does not entail any significant changes to the environment. The proposed amendment for the Fairfield Showground site (site 8) adequately addresses vegetation issues.

Infrastructure

The sites are currently serviced by necessary infrastructure and utilities.

Heritage

As noted previously, the planning proposal concerns two local heritage items within the Fairfield LGA (i.e. delist item 86 and expand the boundaries of item 85). The proposed amendment is supported by a Heritage Assessment (**Attachment H**) and Council advises that the Office of Environment and Heritage will be consulted on the matter.

Department comment

It is recommended that Council consults with the Office of Environment and Heritage in relation to heritage impacts associated with the planning proposal.

CONSULTATION

Community

Council proposes to undertake a community consultation period of 28 days. A community consultation period of 28 days is considered an appropriate amount of time to engage the community.

Agencies

Council proposes to consult the Office of Environment and Heritage (OEH) in relation to the proposed amendments to the local heritage items at the Fairfield Showground.

TIMEFRAME

Council proposes a timeframe of 9 months to finalise this planning proposal. Given the nature of the planning proposal, a 9-month timeframe is considered appropriate.

DELEGATION

Council has requested to be issued with delegation of the plan making function in relation to this planning proposal. Given that the planning proposal contains Council owned land (being the Fairfield Showground), it is recommended that Council not be issued authorisation to exercise delegation.

CONCLUSION

Subject to the removal Site 7 – Bonnyrigg Town Centre Precinct from the planning proposal, it is recommended that the planning proposal proceeds with conditions, given that it will address drafting errors and respond to issues with the certain provisions of Fairfield LEP 2013.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree any inconsistencies with Section 117 Directions 4.1 Acid Sulfate Soils and 7.1 Implementation of A Plan for growing Sydney are minor and/or justified; and
2. note that the consistency with Section 117 Direction 2.3 Heritage Conservation is unresolved and will require justification.

Further, it is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
 - a) remove any reference to the proposed amendments to the Bonnyrigg Town Centre Precinct for 37 and 51 Bonnyrigg Avenue, Bonnyrigg, including the current and proposed mapping amendments;
 - b) include a note within the planning proposal indicating that proposed clause 4.1AA will be subject to legal drafting and may alter during that process;
 - c) remove the reference to amending the Land Application Map on page 45 of the planning proposal; and,
 - d) identify the Lot Size Map; Lot Size for Dual Occupancy Development Map; and Heritage Map, in the list of affected maps on page 45 of the planning proposal.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act 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 and Environment 2016).
3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment.

Following consultation with the Office of Environment and Heritage, Council is to consider section 117 Direction 2.3 Heritage Conservation. If necessary, approval of the Secretary is to be obtained to address any inconsistency with the direction, prior to finalisation of the plan.

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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.



17/10/17

Catherine Van Laeren
Director, Sydney Region West

Contact Officer: Chantelle Chow
Planning Officer
Sydney Region West
Phone: 9860 1548

Endorsed: Terry Doran
Team Leader
Sydney Region West
Phone: 9860 1579