



New South Wales

Fairfield Local Environmental Plan 1994 (Amendment No 128)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

Fairfield Local Environmental Plan 1994 (Amendment No 128)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Fairfield Local Environmental Plan 1994 (Amendment No 128)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

- (1) To the extent that this Plan rezones land from Zone 6 (a) Existing and Proposed Recreation to Zone 2 (a) Residential A under *Fairfield Local Environmental Plan 1994*, it applies to the following land:
 - (a) Lot 15, DP 27962, 117A Wetherill Street, Smithfield,
 - (b) part of Lot 1540, DP 260225, being part of 52 Richards Road, Wakeley,as shown distinctively coloured, edged heavy black and identified as "2 (a)" on Sheets 1 and 3, respectively, of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" (*the amending map*) deposited in the office of Fairfield City Council.
- (2) To the extent that this Plan reclassifies public land from community land to operational land, it applies to the following land:
 - (a) Lot 15, DP 27962, 117A Wetherill Street, Smithfield,
 - (b) part of Lot 1540, DP 260225, being part of 52 Richards Road, Wakeley,
 - (c) Lot 16, DP 849870, 45–59 Diamond Crescent, Bonnyrigg,
 - (d) Lot 17, DP 216871 and Lot 2, DP 559297, 38 Arthur Street, Cabramatta,
 - (e) part of Lot 2, DP 568025, being part of 165 Railway Parade, Cabramatta,
 - (f) Lot 99, DP 7225, 41 Peel Street, Canley Heights,

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- (g) Lot 1, DP 1043238 and Lot 2, DP 506737, 45–57 Cardwell Street, Canley Vale,
 - (h) Lots 1–3, DP 205119, 239 Sackville Street, Canley Vale,
 - (i) Lot 1, DP 811357, 65 The Avenue, Canley Vale,
 - (j) Lot 1, DP 720797, 23–25 Barbara Street, Fairfield,
 - (k) Lot 5, DP 1015540, 18 Railway Parade, Fairfield,
 - (l) Lot 1, DP 519170, 53 Stanbrook Street, Fairfield Heights,
 - (m) Lot 12, DP 8171, 476 Cabramatta Road West, Mt Pritchard,
 - (n) Lot 155, DP 7638, 10 Barton Street, Smithfield,
 - (o) Lot 51, DP 1390, Lot 50, DP 649176, Lot 2, DP 1090647 and Lot 2, DP 861489, 86 Avoca Road, Wakeley,
 - (p) Lot 1, DP 1126356, 171 Cowpasture Road, Wetherill Park,
as shown edged heavy black on Sheets 2 and 4–18, respectively, of the
amending map.

Schedule 1 Amendment of Fairfield Local Environmental Plan 1994

[1] Schedule 3 Classification or reclassification of public land

Insert at the end of Part 2:

Lot 15, DP 27962, 117A Wetherill Street, Smithfield, as shown edged heavy black on Sheet 2 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land.

Part of Lot 1540, DP 260225, being part of 52 Richards Road, Wakeley, as shown edged heavy black on Sheet 4 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land.

Lot 16, DP 849870, 45–59 Diamond Crescent, Bonnyrigg, as shown edged heavy black on Sheet 5 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land—Covenant (H943475) and easement to drain water 3 metre(s) wide (DP 732193) as noted on Certificate of Title Folio Identifier 16/849870.

Lot 17, DP 216871 and Lot 2, DP 559297, 38 Arthur Street, Cabramatta, as shown edged heavy black on Sheet 6 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" are classified as operational land.

Part of Lot 2, DP 568025, being part of 165 Railway Parade, Cabramatta, as shown edged heavy black on Sheet 7 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land—Easement for underground mains (DP 568025), right of carriageway (DP 568025) and restriction(s) on the use of land (DP 265703) as noted on Certificate of Title Folio Identifier 2/568025.

Lot 99, DP 7225, 41 Peel Street, Canley Heights, as shown edged heavy black on Sheet 8 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land—Covenant (B186037) as noted on Certificate of Title Folio Identifier 99/7225.

Lot 1, DP 1043238 and Lot 2, DP 506737, 45–57 Cardwell Street, Canley Vale, as shown edged heavy black on Sheet 9 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" are classified as operational land—Leases (8047113, 8047114 and 8047115) as noted on Certificate of Title Folio Identifier 1/1043238; Leases (7100847 and

AA7045) as noted on Certificate of Title Folio Identifier 2/506737.

Lots 1–3, DP 205119, 239 Sackville Street, Canley Vale, as shown edged heavy black on Sheet 10 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” are classified as operational land—Lease (AC196582) as noted on Certificates of Title Folio Identifiers 1/205119, 2/205119 and 3/205119.

Lot 1, DP 811357, 65 The Avenue, Canley Vale, as shown edged heavy black on Sheet 11 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land—Lease (U360597) as noted on Certificate of Title Folio Identifier 1/811357.

Lot 1, DP 720797, 23–25 Barbara Street, Fairfield, as shown edged heavy black on Sheet 12 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land.

Lot 5, DP 1015540, 18 Railway Parade, Fairfield, as shown edged heavy black on Sheet 13 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land—Covenant (G804923), easement for underground main 1 metre wide (V250700), covenant (A247812) and easement for services 3.1 metre(s) wide (DP 1015540) as noted on Certificate of Title Folio Identifier 5/1015540.

Lot 1, DP 519170, 53 Stanbrook Street, Fairfield Heights, as shown edged heavy black on Sheet 14 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land.

Lot 12, DP 8171, 476 Cabramatta Road West, Mt Pritchard, as shown edged heavy black on Sheet 15 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land.

Lot 155, DP 7638, 10 Barton Street, Smithfield, as shown edged heavy black on Sheet 16 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” is classified as operational land.

Lot 51, DP 1390, Lot 50, DP 649176, Lot 2, DP 1090647 and Lot 2, DP 861489, 86 Avoca Road, Wakeley, as shown edged heavy black on Sheet 17 of the map marked “Fairfield Local Environmental Plan 1994 (Amendment No 128)” are classified as operational land—Leases (AC520948, AC520949, AC520950

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Schedule 1 Amendment of Fairfield Local Environmental Plan 1994

and AC520951) as noted on Certificate of Title Folio Identifier 51/1390; Restriction(s) on the use of land (DP 649176), positive covenant (DP 649176) and leases (AC520948, AC520949, AC520950 and AC520951) as noted on Certificate of Title Folio Identifier 50/649176; Easement to drain water 1.83 metre(s) wide and variable appurtenant to the land (DP 1090647) as noted on Certificate of Title Folio Identifier 2/1090647.

Lot 1, DP 1126356, 171 Cowpasture Road, Wetherill Park, as shown edged heavy black on Sheet 18 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 128)" is classified as operational land.

[2] Dictionary

Insert in appropriate order in the definition of *Map*:

Fairfield Local Environmental Plan 1994 (Amendment No 128)—Sheets 1 and 3

Planning Proposal

***Reclassification and Rezoning of Council Owned
Land***

***Draft Fairfield Local Environmental Plan 1994
Amendment No 128***

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Part 1 – Objectives

The purpose of the planning proposal is to reclassify and rezone Council owned land to:

- Provide certainty with regards to the classification of a number of Council owned properties
- Enable Council to enter into longer term lease agreements on a number of Council owned properties
- Enable Council to develop or dispose of a number parcels of land that have been identified as surplus

In summary, the objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 1994 to:

1. reclassify sixteen (16) parcels of Council owned land from Community to Operational; and
2. rezone two (2) parcels of Council owned land from 6(a) Existing and Proposed Recreation to 2(a) Residential A.

The planning proposal applies to the following parcels:

#	Street Address	Suburb	Lot	DP	Amendment Type
1	45 – 59 Diamond Crescent	Bonnyrigg	Lot 16	DP 849870	Reclassification
2	38 Arthur Street	Cabramatta	Lot 17 Lot 2	DP 216871 DP 559297	Reclassification
3	Part of 165 Railway Parade	Cabramatta	Part of Lot 2	DP 568025	Reclassification
4	41 Peel Street	Canley Heights	Lot 99	DP 7225	Reclassification
5	45 – 57 Cardwell Street	Canley Vale	Lot 1 Lot 2	DP 1043238 DP 506737	Reclassification
6	239 Sackville Street	Canley Vale	Lot 1 Lot 2 Lot 3	DP 205119 DP 205119 DP 205119	Reclassification
7	65 The Avenue	Canley Vale	Lot 1	DP 811357	Reclassification
8	23 – 25 Barbara Street	Fairfield	Lot 1	DP 720797	Reclassification
9	18 Railway Parade	Fairfield	Lot 5	DP 1015540	Reclassification
10	53 Stanbrook Street	Fairfield Heights	Lot 1	DP 519170	Reclassification
11	476 Cabramatta Road West	Mt Pritchard	Lot 12	DP 8171	Reclassification
12	10 Barton Street	Smithfield	Lot 155	DP 7638	Reclassification
13	117A Wetherill Street	Smithfield	Lot 15	DP 27962	Reclassification and Rezone
14	86 Avoca Road	Wakeley	Lot 51 Lot 50 Lot 2 Lot 2	DP 1390 DP 649176 DP 1090647 DP 861489	Reclassification
15	Part of 52 Richards Road	Wakeley	Part of Lot 1540	DP 260225	Reclassification and Rezone
16	171 Cowpasture Road	Wetherill Park	Lot 5	DP 747992	Reclassification

The planning proposal is in accordance with Council's decision at its meeting on 14 December 2010; see **Attachment A** for Council report.

Part 2 – Explanation of provisions

To achieve the objectives mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 1994 (FLEP 1994).

Sixteen (16) amendments must be made to the FLEP 1994 Schedule 3 Part 2 – Classification or Reclassification of Public Land. The amendments are outlined below:

- a) Reclassify Lot 16 DP 849870 Diamond Crescent, Bonnyrigg from Community to Operational.

The above parcel remains affected by the interests identified below:

- a. H943475 Covenant affecting the part shown so burdened in the title diagram.
- b. DP732193 Easement to drain water 3 metre(s) wide affecting the part shown so burdened in the title diagram.

- b) Reclassify Lot 17 DP 216871 and Lot 2 DP 559297 Arthur Street, Cabramatta from Community to Operational.

- c) Reclassify Part of Lot 2 DP 568025 Railway Parade, Cabramatta from Community to Operational.

The above parcel remains affected by the interests identified below:

- a. DP568025 Easement for underground mains affecting the part(s) shown so burdened in the title diagram.
- b. DP 568025 Right of carriageway affecting the part(s) shown so burdened in the title diagram.
- c. DP265703 Restrictions(s) on the use of land.

- d) Reclassify Lot 99 DP 7225 Peel Street, Canley Heights from Community to Operational.

The above parcel remains affected by the interests identified below:

- a. B186037 Covenant.

- e) Reclassify Lot 1 DP 1043238 & Lot 2 DP 506737 Cardwell Street, Canley Vale from Community to Operational.

- f) Reclassify Lots 1, 2 and 3 DP 205119 Sackville Street, Canley Vale from Community to Operational.

- g) Reclassify Lot 1 DP 811357 The Avenue, Canley Vale from Community to Operational.

- h) Reclassify Lot 1 DP 720797 Barbara Street, Fairfield from Community to Operational.

- i) Reclassify Lot 5 DP 1015540 Railway Parade, Fairfield from Community to Operational.

The above parcel remains affected by the interests identified below:

- a. G804923 Covenant affecting the part shown so burdened in the title diagram.

- b. V250700 Easement for underground main 1 metre wide affecting the part(s) shown so burdened in the title diagram.
 - c. A247812 Covenant affecting the part shown so burdened in the title diagram.
 - d. DP1015540 Easement for services 3.1 metre(s) wide affecting the part(s) shown so burdened in the title diagram.
- j) Reclassify Lot 1 DP 519170 Stanbrook Street, Fairfield Heights from Community to Operational.
- k) Reclassify Lot 12 DP 8171 Cabramatta Road West, Mt Pritchard from Community to Operational.
- l) Reclassify Lot 155 DP 7638 Barton Street, Smithfield from Community to Operational.
- m) Reclassify Lot 15 DP 27962 Wetherill Street, Smithfield from Community to Operational.
- n) Reclassify Lot 51 DP 1390, Lot 50 DP 649176, Lot 2 DP 1090647 and Lot 2 DP 861489 Avoca Road, Wakeley from Community to Operational.

The above parcel remains affected by the interests identified below:

- a. DP649176 Restriction(s) on the use of land.
 - b. DP649176 Positive Covenant.
 - c. DP1090647 Easement to drain water 1.83 metre(s) wide and variable appurtenant to the land above described.
- o) Reclassify Part of Lot 1540 DP 260225 Richards Road, Wakeley from Community to Operational.
- p) Reclassify Lot 5 DP 747992 Cowpasture Road, Wetherill Park from Community to Operational.

Two (2) amendments must be made to the FLEP 1994 zoning map. The amendments are outlined below:

1. Rezone Lot 15 DP 27962 Wetherill Street, Smithfield from 6(a) Existing and Proposed Recreation to 2(a) Residential A.
2. Rezone Part of Lot 1540 DP 260225 Richards Road, Wakeley from 6(a) Existing and Proposed Recreation to 2(a) Residential A.

Refer to Attachment B for context map and Attachment C for location maps depicting the above mentioned sixteen (16) sites for reclassification and the two (2) sites for rezoning.

The sixteen (16) sites have been grouped into seven (7) categories to distinguish between the purpose of reclassification / rezoning, to separate sites that have different constraints and for ease of assessment.

Group 1 – Property Development Fund (PDF): A large residential zoned site identified within Council's PDF for future redevelopment and / or sale.

Group 2 – Long Term Lease Agreement (Baby Health Care Centres): A number of sites operating as Baby Health Care Centres. The reclassification will allow Council to enter into longer term lease agreements.

Group 3 – Council Operated Sites: These sites contain Council operated buildings / works depot which are proposed to be reclassified to the appropriate classification for Council operated sites not open to the public, sites with potential for future lease agreements or currently have long term telecommunication leases over the sites.

Group 4 – Long Term Lease Agreement and Potential Future Redevelopment: These sites are currently under lease agreement and / or have future potential to be redeveloped.

Group 5 – Dedication of Land: This site currently contains part of Barbara Street, Fairfield, which is proposed to be dedicated as road.

Group 6 – Disposal: These sites are currently identified as surplus and are proposed to be developed and / or sold.

Group 7 – Disposal (Surplus Open Space): These sites are currently identified as surplus open space to be reclassified and rezoned, and are proposed to be developed and / or sold.

Group 1 – Property Development Fund (PDF)

45-59 Diamond Crescent BONNYRIGG

Objective

To reclassify 45-59 Diamond Crescent, Bonnyrigg from Community to Operational land to enable future redevelopment of the site.

Justification

The zoning of the above mentioned site is 2(a) Residential A, with the area of the site being approximately 53,577sq.m. The site is part of Councils Property Development Fund, which identifies the site for redevelopment. The site is directly adjacent to the Liverpool-Parramatta Bus Transit Way, which provides direct access to Parramatta and Liverpool via a dedicated strategic bus corridor.

Prior to redevelopment and / or sale, the site is required to be reclassified to Operational.

Statement of Council's Interest

Council acquired the above mentioned parcel in two stages. This was due to the historical subdivision and ownership pattern. Historical lots 31 – 34 DP 1419 were acquired in December 1987, while historical lot 1 DP 732193 and Lot 35 DP 1419 were acquired in May 1987. The six above mentioned lots were then amalgamated into the current lot configuration of Lot 16 DP 849870.

Council acquired the land through Open Space Acquisition Fund (by way of Section 94 Contributions), Drainage reserve Fund and the Property Development Fund (PDF).

It is noted that the above parcel remains affected by the interests identified below:

- a. H943475 Covenant affecting the part shown so burdened in the title diagram.
- b. DP732193 Easement to drain water 3 metre(s) wide affecting the part shown so burdened in the title diagram.

Standard Instrument LEP Zoning

The site is proposed to be zoned part R2 Low Density Residential and part E2 Environmental Conservation under the draft Fairfield LEP 2010. The R2 Low Density Residential section of the site is a straight transfer from the current zone. The E2 Environmental Conservation section of the site is a new proposed zoning due to the site containing significant vegetation and part of a small creek.

Group 2 – Long Term Lease Agreement (Baby Health Care Centres)

Part 165 Railway Parade CABRAMATTA

Objective

To reclassify part of 165 Railway Parade, Cabramatta from Community to Operational land to enable longer term lease agreements over that part of the land.

Justification

The zoning of the above mentioned site is 3(b) District Business Centre, with the area of the site being approximately 861sq.m. The site is currently under lease agreement and used as a Baby Health Care Centre. Accordingly, to enable Council to enter into longer term lease agreements on the property for the purpose of continuing the current uses of the site, the site is required to be reclassified to Operational.

Statement of Council's Interest

The property ownership can be identified back to 27 October 1939 when the land was resumed by way of Notice of Resumption, in which it is clear Council became the proprietor of the subject land. Council originally acquired the property for the purposes of providing a Town Hall, offices and ancillary buildings for the transaction of Council business.

It is unknown from what funds Council acquired the property.

It is noted that the above parcel remains affected by the interests identified below:

- a. DP568025 Easement for underground mains affecting the part(s) shown so burdened in the title diagram.
- b. DP 568025 Right of carriageway affecting the part(s) shown so burdened in the title diagram.
- c. DP265703 Restrictions(s) on the use of land.

Standard Instrument LEP Zoning

The site is proposed to be zoned B4 Mixed Use under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

41 Peel Street CANLEY HEIGHTS

Objective

To reclassify 41 Peel Street, Canley Heights from Community to Operational land to enable longer term lease agreements over the land.

Justification

The zoning of the above mentioned site is 2(a1) Residential A1, with the area of the site being approximately 741sq.m. The site is currently under lease agreement and used as a Baby Health Care Centre. Accordingly, to enable Council to enter into longer term lease agreements on the property for the purpose of continuing the current uses of the site, the site is required to be reclassified to Operational.

Statement of Council's Interest

The precise details regarding the acquisition of this property are unclear. However ownership of the land can be dated back to at least 1958. The property has since been used as a Baby Health Care Centre.

It is unclear as to what funds were used for the acquisition.

It is noted that the above parcel remains affected by the interests identified below:

- a. B186037 Covenant.

Standard Instrument LEP Zoning

The site is proposed to be zoned R4 High Density Residential under the draft Fairfield LEP 2010. This increase in residential density has been identified by the draft Fairfield Residential Development Strategy (2009) as it is within close proximity to Canley Heights Town Centre and public transport.

23-25 Barbara Street FAIRFIELD

Objective

To reclassify 23-25 Barbara Street Fairfield from Community to Operational land to enable longer term lease agreements over the land.

Justification

The zoning of the above mentioned site is 3(a) Sub-Regional Business Centre, with the area of the site being approximately 813sq.m. The site is currently under lease agreement and used as a Baby Health Care Centre and community centre. Accordingly, to enable Council to enter into longer term lease agreements on the property for the purpose of continuing the current uses of the site, the site is required to be reclassified to Operational.

This site is also identified within the Barbara Street Master Plan Precinct, in which the large majority of land is owned by Council. Any future redevelopment in accordance with the Master Plan would also require this site to be reclassified to Operational.

Statement of Council's Interest

The precise details regarding the acquisition of this property are unclear. However it is known to have been under Council ownership since at least December 1979, when it was the Fairfield Nursery School.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned B4 Mixed Use under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

476 Cabramatta Road West MT PRITCHARD

Objective

To reclassify 476 Cabramatta Road West, Mt Pritchard from Community to Operational land to enable longer term lease agreements over the land.

Justification

The zoning of the above mentioned site is 5(a) Special Uses, with the area of the site being approximately 1,012sq.m. The site is currently under lease agreement and used as a Baby Health Care Centre. Accordingly, to enable Council to enter into longer term lease agreements on the property for the purpose of continuing the current uses of the site, the site is required to be reclassified to Operational.

Statement of Council's Interest

The above mentioned land was purchased from Mobil Oil in May 1962; however the title of the land was never transferred to Council at the time of purchase. The matter was further investigated in August 1988, with Mobil Oil subsequently reluctant to transfer the title of the land to Council. This led to Council to obtain a Possessory Title from the Land Titles Office. The matter was resolved in January 1993 following the issuing and registering of the Possessory Title.

The property was purchased for the construction and operation of a Baby Health Care Centre.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned R2 Low Density Residential under the draft Fairfield LEP 2010. This change in zone is in accordance with Department of Planning Practice Notes which identify that smaller Special Use sites of lower significance should be rezoned to the adjoining zone.

Group 3 – Council Operated Sites

38 Arthur Street CABRAMATTA

Objective

To reclassify 38 Arthur Street, Cabramatta from Community to Operational land to enable longer term lease agreements in the future.

Justification

The zoning of the above mentioned site is 3(b) District Business Centre, with the area of the site being approximately 175sq.m. The site currently contains the Cabramatta Place Management Office. The reclassification of the site will allow greater flexibility in any potential future lease agreements of that building.

Statement of Council's Interest

Council acquired the land for community facility purposes. It is unclear exactly when Council acquired the land, however correspondence on Council files identify that the land has been held by Council since at least 1982 when it was in use as a Women's Rest Centre.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned B4 Mixed Use under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

45-57 Cardwell Street CANLEY VALE

Objective

To reclassify 45-57 Cardwell Street, Canley Vale from Community to Operational land to allow for longer term telecommunication lease agreements as well as classifying the site to the appropriate classification for a Council Works Depot.

Justification

The zoning of the above mentioned sites are 4(b) Light Industrial and 2(a) Residential A, with the overall area of the site being approximately 25,270sq.m. This site currently contains the Council Works Depot and a Council owned heritage item which is currently under a lease agreement.

The purpose for the reclassification is to change the Council Depot classification to the appropriate classification for Council land which may not be open to the general public (i.e. Council Depot).

In addition, the depot has a number of telecommunication leases on it which are currently restricted due to the sites classification. The heritage item also has a lease agreement and future lease options would be made more efficient by reclassification to Operational.

Statement of Council's Interest

Lot 2 DP 506737 was purchased in a private treaty in December 1989 for the purpose of restoring the Heritage item. The property has since been identified as Ettinger House and is used as a community facility leased out to social service organisations such as the Salvation Army.

It is unclear exactly when Council acquired Lot 1 DP 1043238, however correspondence on file identifies that the site was owned by Council since at least September 1987, and used as part of Council's transport/works depot.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

Lot 2 DP 506737 is proposed to be zoned R2 Low Density Residential under the draft Fairfield LEP 2010. This is a straight transfer from the current zone. Lot 1 DP 1043238 is proposed to be mostly zoned IN2 Light Industrial which is a straight transfer from the current zone, with small sections to be zoned E2 Environmental Conservation as these parts of the site fall within the riparian corridor of Orphan School Creek.

86 Avoca Road WAKELEY

Objective

To reclassify 86 Avoca Road, Wakeley from Community to Operational land to enable longer term lease agreements in the future.

Justification

The zoning of the above mentioned site is 2(a) Residential A, with the overall area of the site being approximately 59,440sq.m. The site currently contains the Council administration offices and a Council owned and operated child care centre. The parcels have a number of telecommunication leases over them, with the reclassification allowing greater flexibility over the lease agreements.

Statement of Council's Interest

It is unclear as to exactly when Council acquired the above mentioned parcel. However, Council records indicated that the site has been under Council ownership since at least 1960, when records indicated that the Council operated Cabramatta Sanitary Depot on the site was required to close. It can be assumed that the Cabramatta Sanitary Depot was in use well before the year it was identified for closure. In 1980 a development application was approved for the construction of Council's administration building.

It is also unclear as to what funds were used for the acquisition of the property.

It is noted that the above parcel remains affected by the interests identified below:

- a. DP649176 Restriction(s) on the use of land.
- b. DP649176 Positive Covenant.
- c. DP1090647 Easement to drain water 1.83 metre(s) wide and variable appurtenant to the land above described.

Standard Instrument LEP Zoning

The site is proposed to be zoned R2 Low Density Residential under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

Group 4 – Long Term Lease Agreement and Potential Future Redevelopment

239 Sackville Street CANLEY VALE

Objective

To reclassify 239 Sackville Street, Canley Vale from Community to Operational land to enable longer term lease agreements and / or potential future redevelopment.

Justification

The zoning of the above mentioned site is 2(a) Residential A, with the area of the site being approximately 2,494sq.m. The site is currently leased out for a commercial use. The reclassification of the site to Operational will allow greater flexibility in lease agreements. In addition, the site has been identified as a site for investigation for

potential future redevelopment. Accordingly, to enter into longer term lease agreements and for any potential future redevelopment, the site is required to be reclassified to Operational.

Statement of Council's Interest

The property was purchased in April 1954 from the Bank of Adelaide. It is unclear as to why the property was purchased, however the property was first leased to the AFFORD (Australian Foundation for Disability) group in 1968.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned R2 Low Density Residential under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

65 The Avenue CANLEY VALE

Objective

To reclassify 65 The Avenue, Canley Vale from Community to Operational land to enable longer term lease agreements or potential redevelopment in the future.

Justification

The zoning of the above mentioned site is 5(a) Special Uses, with the area of the site being approximately 3,663sq.m. This site is currently leased out for a commercial use. The reclassification of the site to Operational will allow greater flexibility in lease agreements. In addition, the site has been identified as a site for investigation into potential future redevelopment. Accordingly, to enter into longer term lease agreements and for any potential future redevelopment, the site is required to be reclassified to Operational.

Statement of Council's Interest

The above mentioned property was originally acquired in three stages. This was due to the historical subdivision pattern and ownership of the historical Lots 31-39 Section 10 DP 1059.

Lot 31 was acquired in May 1959; Lots 32-39 were resumed by Council in October 1969, due to the estate and owner being untraceable. The Title to lots 32-39 were later obtained in February 1970.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned R2 Low Density Residential under the draft Fairfield LEP 2010. This change in zone is in accordance with Department of Planning Practice Notes which identify that smaller Special Use sites of lower significance should be zoned to the adjoining zone.

53 Stanbrook Street FAIRFIELD HEIGHTS

Objective

To reclassify 53 Stanbrook Street, Fairfield Heights from Community to Operational land to enable the site to be included in any future redevelopment of the surrounding sites.

Justification

The zoning of the above mentioned site is 3(c) Local Business Centre, with the area of the site being approximately 88sq.m. The site is currently used as a public toilet. The site and facilities have potential to be incorporated into any future redevelopment of surrounding larger sites. For the site to be incorporated into a wider redevelopment in the future, it is required to be classified as Operational.

Statement of Council's Interest

It is unclear as to exactly when the above mentioned parcel was acquired; however, Council records show that the property has been under Council ownership since at least October 1987 when it was used as a toilet block.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned B2 Local Centre under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

Group 5 – Dedication of Land

18 Railway Parade FAIRFIELD

Objective

To reclassify 18 Railway Parade, Fairfield from Community to Operational land to enable part of the site to be dedicated as road.

Justification

The zoning of the above mentioned site is 3(a) Sub-Regional Business Centre, with the area of the site being approximately 2,733sq.m. This site is currently part Council owned car park and part of Barbara Street. The reclassification will allow for dedication of part of the site as road. It is intended to continue to use the remainder of the site as a car park.

Statement of Council's Interest

Lot 5 DP 1015540 was formally known as Lot 15 DP 546486, Lot B DP 362404, and Lot 2 DP 212556.

Lot 15 DP 546486 was acquired by the Council of the Municipality of Smithfield and Fairfield in 1916 and was then transferred to the Municipality of Fairfield in 1971. Lot 2 DP 212556 was transferred to Fairfield Council in 1962 when it was resumed for car parking.

It is unclear as to the precise date Council acquired Lot B DP 362404, although it can be determined that Council acquired the lot sometime between 1949 and 1960.

It is also unclear as to what funds were used for the acquisition of the property.

The above parcel remains affected by the interests identified below:

- a. G804923 Covenant affecting the part shown so burdened in the title diagram.
- b. V250700 Easement for underground main 1 metre wide affecting the part(s) shown so burdened in the title diagram.
- c. A247812 Covenant affecting the part shown so burdened in the title diagram.
- d. DP1015540 Easement for services 3.1 metre(s) wide affecting the part(s) shown so burdened in the title diagram.

Standard Instrument LEP Zoning

The site is proposed to be zoned B4 Mixed Use under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

Group 6 – Disposal

10 Barton Street SMITHFIELD

Objective

To reclassify 10 Barton Street, Smithfield from Community to Operational land to enable the site to be developed and / or disposed of in the future.

Justification

The zoning of the above mentioned site is 2(a1) Residential A1, with the area of the site being approximately 699sq.m. This site is a vacant site and has been identified for potential future disposal.

Council's Catchment Branch has identified that the site has potential overland flow issues; however, this does not restrict the site from being developed. The site would be required to comply with certain performance criteria as identified within Chapter 11 – Flood Risk Management of the Fairfield City Wide DCP 2006.

For the site to be redeveloped or sold in the future, the site is required to be reclassified to Operational.

Statement of Council's Interest

Council acquired the above mentioned parcel of land in December 1973. Council originally purchased the property for drainage purposes.

It is unknown from what funds Council acquired the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned R3 Medium Density Residential under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

171 Cowpasture Road WETHERILL PARK

Objective

To reclassify 171 Cowpasture Road, Wetherill Park from Community to Operational land to enable the site to be developed and / or disposed of in the future.

Justification

The zoning of the above mentioned site is 4(a) General Industrial, with the area of the site being approximately 2,453sq.m. This site has been identified as a surplus site after a road realignment of Victoria Road and Cowpasture Road. The site has been identified for disposal. For the site to be redeveloped or sold in the future, the site is required to be classified as Operational.

Statement of Council's Interest

Council acquired the property in a private treaty in October 1987. Council acquired the parcel of land as part of an overall plan to extend and widen Victoria Road to Cowpasture Road, Wetherill Park.

Council acquired the parcel from the Road Acquisition Budget 1987 which was a general fund.

Standard Instrument LEP Zoning

The site is proposed to be zoned IN1 General Industrial under the draft Fairfield LEP 2010. This is a straight transfer from the current zone.

Group 7 – Disposal (Surplus Open Space)

117A Wetherill Street SMITHFIELD

Objective

To reclassify 117A Wetherill Street, Smithfield from Community to Operational land and to rezone the site from 6(a) Existing and Proposed Recreation to 2(a) Residential A, to enable the site to be developed and / or disposed of in the future.

Justification

The zoning of the above mentioned site is 6(a) Existing and Proposed Recreation, with the area of the site being approximately 5,435sq.m. This site has been identified as an undesirable parcel of open space due to its location, limited access (via three narrow access lanes) and poor passive surveillance. The site has been identified for future disposal. For the site to be redeveloped or sold in the future the site is required to be classified as Operational and to be rezoned to the adjoining zone which is 2(a) Residential A (Low Density Residential).

Statement of Council's Interest

It is unclear as to exactly when Council acquired the above mentioned property. It is known to have been in Council's ownership since at least October 1978. It appears that the property was acquired for a public garden and recreation space prior to 1978; however, the property has since been identified as an undesirable open space parcel.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned RE1 under the draft Fairfield LEP 2010. However, at the time of the draft Fairfield LEP being prepared, the site was not confirmed as being included within a Planning Proposal. Accordingly this was a straight transfer from the current zone. This issue will be resolved at the public exhibition stage of the draft Fairfield LEP 2010.

52 Richards Road WAKELEY

Objective

To reclassify part 52 Richards Road, Wakeley from Community to Operational land and to rezone part of the site from 6(a) Existing and Proposed Recreation to 2(a) Residential A, to enable the site to be developed and / or disposed of in the future.

Justification

The zoning of the above mentioned site is 6(a) Existing and Proposed Recreation, with the area of the site being approximately 3,941sq.m. This is a vacant site and has been identified for potential future disposal. The site is not used as open space, nor is it identified for embellishment under any plan of management. For the site to be redeveloped or sold in the future the site is required to be classified as Operational and to be rezoned to the adjoining zone which is 2(a) Residential A (Low Density Residential).

Statement of Council's Interest

It is unclear the exact date of when Council acquired the land, however, Council records indicate that it has been held by Council since at least June 1980.

It is also unclear as to what funds were used for the acquisition of the property.

Standard Instrument LEP Zoning

The site is proposed to be zoned E2 Environmental Conservation under the draft Fairfield LEP 2010. However, the Planning Proposal identifies the site to be partially zoned E2 Environmental Conservation and partially zoned R2 Low Density Residential. The majority of the site is vacant without significant vegetation. However, a small section of the lot (corner Smithfield Road and Richards Road) contains a small number of significant trees which act as part of a vegetation corridor between the site and Fairfield Showground. This issue will be resolved at the public exhibition stage of the draft Fairfield LEP 2010.

Part 3 – Justification

Section A – Need for a planning proposal

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

No. The main purpose of the Planning Proposal is as a result of 276 Council owned properties that Council currently considers “Uncertain Operational” (See **Attachment D** for Initial Correspondence with Department of Planning).

When the Local Government Act commenced in 1993 to introduce the classification process of Council owned land, there was an “implementation period” where Council had a prescribed timeline to classify Council owned land to an appropriate classification by Council resolution.

During this period, Council did this and resolved that 276 properties would be classified as Operational Land. Now that the ‘implementation period’ has ended the only way to change the classification from Community Land to Operational Land is through an LEP amendment.

Since the Council resolution in 1994, there is some uncertainty surrounding whether the 276 properties are definitively classified as ‘Operational’. This is due to legal advice Council has received regarding previous court cases relating to classification of land within other NSW Councils. The court case suggests that there is significant doubt as to whether the sites that were subject of the Council resolution are legally classified operational. The only way to remove this uncertainty completely is to reclassify the sites through a draft LEP Amendment.

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

The only way to reclassify a parcel of land from Community to Operational is through a LEP amendment.

Is there a net community benefit?

The land parcels in this planning proposal are either considered surplus to Council’s requirements or are to be reclassified to allow Council to enter into longer term lease agreements or flagged for future redevelopment.

It is noted that the LEP proposes to reclassify and rezone two (2) parcels of public open space. However, the loss of open space is not considered significant (Refer to **Attachment A** December 2010 Council Report) and the community will benefit from the funds raised from selling this land as the funds will be moved to higher priority projects in the area.

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)?

It is noted that the Sydney Metropolitan Strategy: City of Cities 2005 is under going a review.

The planning proposal is consistent with the Sydney Metropolitan Strategy and will indirectly assist with its implantation. This is particularly the case for some sites which are proposed to be sold and / or redeveloped, assisting Council to achieve its residential dwelling target, through infill residential development. The planning proposal also maintains existing employment lands.

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

There will be limited impacts on relevant Council strategic studies as the majority of the sites identified for reclassification are being reclassified for the purposes of long term lease agreements, which mean no change in terms of Councils strategic studies.

However, the sites that are proposed to be rezoned from open space to surrounding residential are consistent with Councils key strategic studies such as Open Space Strategy 2007 (**Attachment E**) and the Draft Fairfield Residential Development (RDS) Strategy 2009 (**Attachment F**).

The Draft RDS looks at the residential development within the City, but also takes into consideration Open Space and Recreation requirements. The Draft RDS and Open Space Strategy identify that "there is an imbalance in the distribution of open space in Fairfield LGA, with a bias towards the newer residential areas (including Smithfield), which features 47.5% of total open space but only 37.2% of the population".

To ensure all residents have access to open space, the Fairfield Environmental Management Plan 2006-2016 has established two relevant targets, that 90% of all residents have a park within 400 metres of their homes and that there is a park in each suburb that achieves the standard detailed in the "Parks Improvement Program".

In addition an assessment of alternative open space options located around the open space to be sold reveals there are more appropriate alternate open space areas close to the subject site that will better serve the local residents.

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

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

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP. The site 45-59 Diamond Crescent, Bonnyrigg has some significant vegetation and a small creek which has been identified to be zoned as E2 Environmental Conservation under Council's draft Fairfield LEP 2010. Any potential future development of the site will need to take this SEPP into consideration. The site 52 Richards Road Wakeley has a small number of trees that have been identified significant as they act as part of the vegetation corridor to the show ground site to the north. Any potential future development of the site will need to take this SEPP into consideration. The site 45-57 Cardwell Street, Canley Vale has also been identified for part of the site to be zoned E2 Environmental Conservation under the draft Fairfield LEP 2010. This is due to part of the site containing a riparian corridor. In addition the majority of the site is not proposed for any change in use from the Council Depot, with the Planning Proposal for reclassification just allowing more flexible lease agreements.

SEPP 21 – Caravan Parks	N/A	-
SEPP 22 – Shops and Commercial Premises	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 26 – Littoral Rainforests	N/A	-
SEPP 29 – Western Sydney Recreation Area	N/A	-
SEPP 30 – Intensive Agriculture	N/A	-
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 33 – Hazardous and Offensive Development	N/A	-
SEPP 36 – Manufactured Home Estates	N/A	-
SEPP 39 – Spit Island Bird Habitat	N/A	-
SEPP 41 – Casino Entertainment Complex	N/A	-
SEPP 44 – Koala Habitat Protection	N/A	-
SEPP 47 – Moore Park Show Ground	N/A	-
SEPP 50 – Canal Estate Development	N/A	-
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	-
SEPP 53 – Metropolitan Residential Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 55 – Remediation of Land	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 60 – Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 62 – Sustainable Aquaculture	N/A	-
SEPP 64 – Advertising and Signage	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 65 – Design Quality of Residential Flat Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 71 – Coastal Protection	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Major Development) 2005	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Temporary Structures) 2007	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Rural Lands) 2008	N/A	-