

Planning Proposal

*42 Derby Street, Canley Heights
39 Ascot Street, Canley Heights
41 Ascot Street, Canley Heights
43 Ascot Street, Canley Heights
45 Ascot Street, Canley Heights
47 Ascot Street, Canley Heights
6 Barton Street, Smithfield
8 Barton Street, Smithfield
8a Barton Street, Smithfield
10 Barton Street, Smithfield
12 Barton Street, Smithfield*

*Fairfield Local Environmental Plan 1994 draft
Amendment No 135*

and

*Draft Fairfield Local Environmental Plan 2011 draft
Amendment*

INTRODUCTION

The Fairfield Open Space Strategy 2007 (Attachment A) identified that the provision of open space across the City was not meeting the needs of the community. Amongst the areas identified by the Strategy that are of relevance to this planning proposal are Fairfield Heights/Smithfield and Canley Heights.

In 2009 as part of the Section 94 Contributions Review, Council adopted an acquisition program that was designed to address the issues identified in the Fairfield Open Space Strategy 2007 (FOSS). One of the key objectives of the review was to provide for new open space areas in the Fairfield Heights and Canley Heights localities.

Council at its Outcomes Committee meeting held on 6 December 2011 considered a report that provided several options for the provision of open space within the areas highlighted above. During this meeting, Council resolved to commence negotiations with the owners of the properties identified below for acquisition.

- Lot 46 DP 7225 (39 Ascot Street, Canley Heights)
- Lot 47 DP 7225 (41 Ascot Street, Canley Heights)
- Lot 48 DP 7225 (43 Ascot Street, Canley Heights)
- Lot 49 DP 7225 (45 Ascot Street, Canley Heights)
- Lot 6 DP 25120 (47 Ascot Street, Canley Heights)
- Lot 152 DP 7638 (6 Barton Street, Smithfield)
- Lot 153 DP 7638 (8 Barton Street, Smithfield)
- Lot 154 DP 7638 (8a Barton Street, Smithfield)
- Lot 156 DP 7638 (12 Barton Street, Smithfield)

In addition to the above sites, the proposal will also include Lot 155 DP 7638 (10 Barton Street, Smithfield) and Lot 110 DP 7225 (42 Derby Street, Canley Heights) which are already under the ownership of Council.

Council at its meetings held on 24 April 2012 and 26 June 2012 resolved to prepare a planning proposal in order to amend the Fairfield Local Environmental Plan 1994 and the draft Fairfield Local Environmental Plan 2011 to rezone the above sites for open space purposes (refer to Attachment B and Attachment C for copies of the respective reports).

Refer to Figures 1 – 8 for location, aerial photos and current zoning of the subject sites.

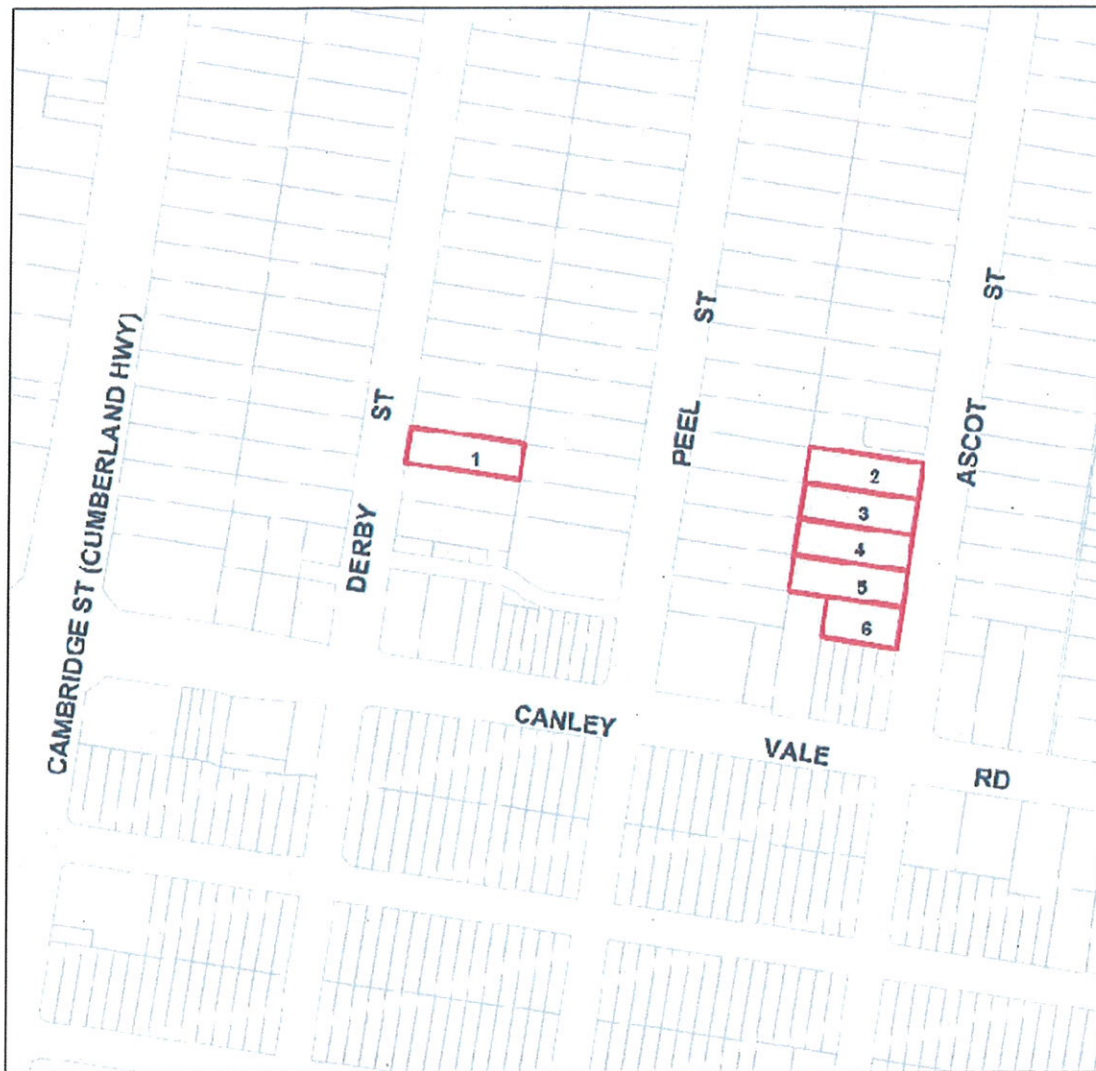
Figure 1 – Canley Heights Site Aerial Photo



AERIAL PHOTO

- 1 - Lot 110 DP 7225 (42 Derby Street, Canley Heights)
- 2 - Lot 46 DP 7225 (39 Ascot Street, Canley Heights)
- 3 - Lot 47 DP 7225 (41 Ascot Street, Canley Heights)
- 4 - Lot 48 DP 7225 (43 Ascot Street, Canley Heights)
- 5 - Lot 49 DP 7225 (45 Ascot Street, Canley Heights)
- 6 - Lot 6 DP 25120 (47 Ascot Street, Canley Heights)

Figure 2 – Canley Heights Site Location Map



Location Map

- 1 - Lot 110 DP 7225 (42 Derby Street, Canley Heights)
- 2 - Lot 46 DP 7225 (39 Ascot Street, Canley Heights)
- 3 - Lot 47 DP 7225 (41 Ascot Street, Canley Heights)
- 4 - Lot 48 DP 7225 (43 Ascot Street, Canley Heights)
- 5 - Lot 49 DP 7225 (45 Ascot Street, Canley Heights)
- 6 - Lot 6 DP 25120 (47 Ascot Street, Canley Heights)

Figure 3 - Extract Zoning Map for the Canley Heights sites

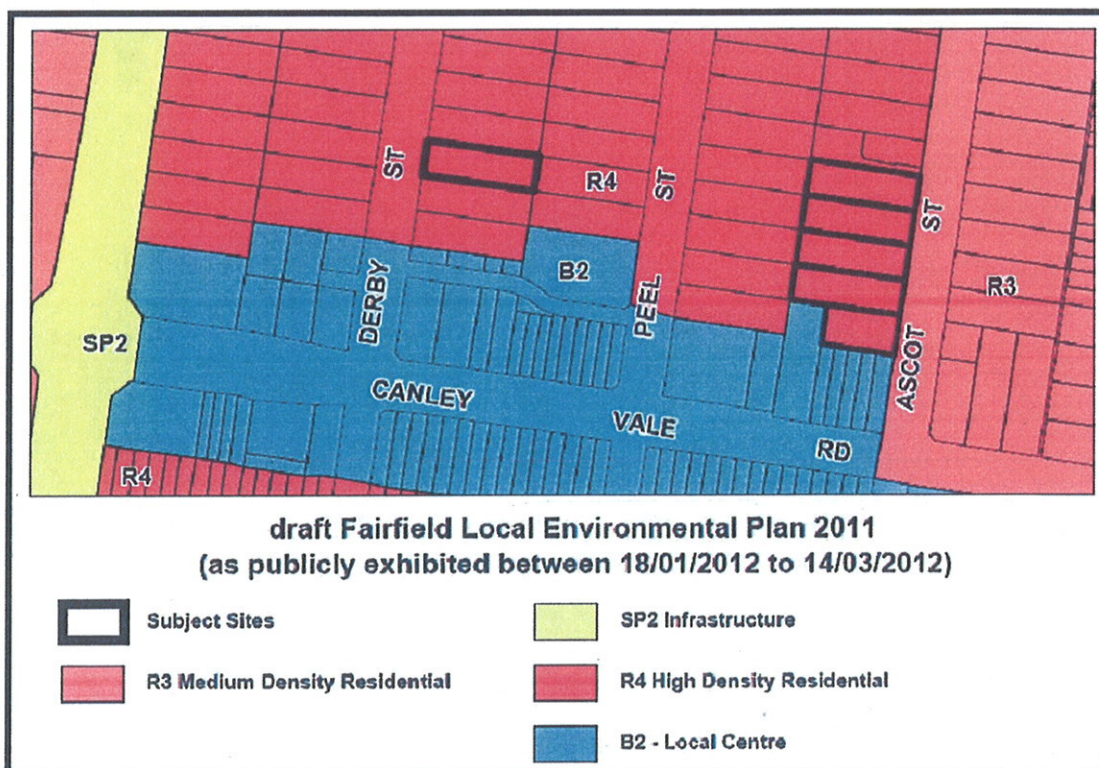
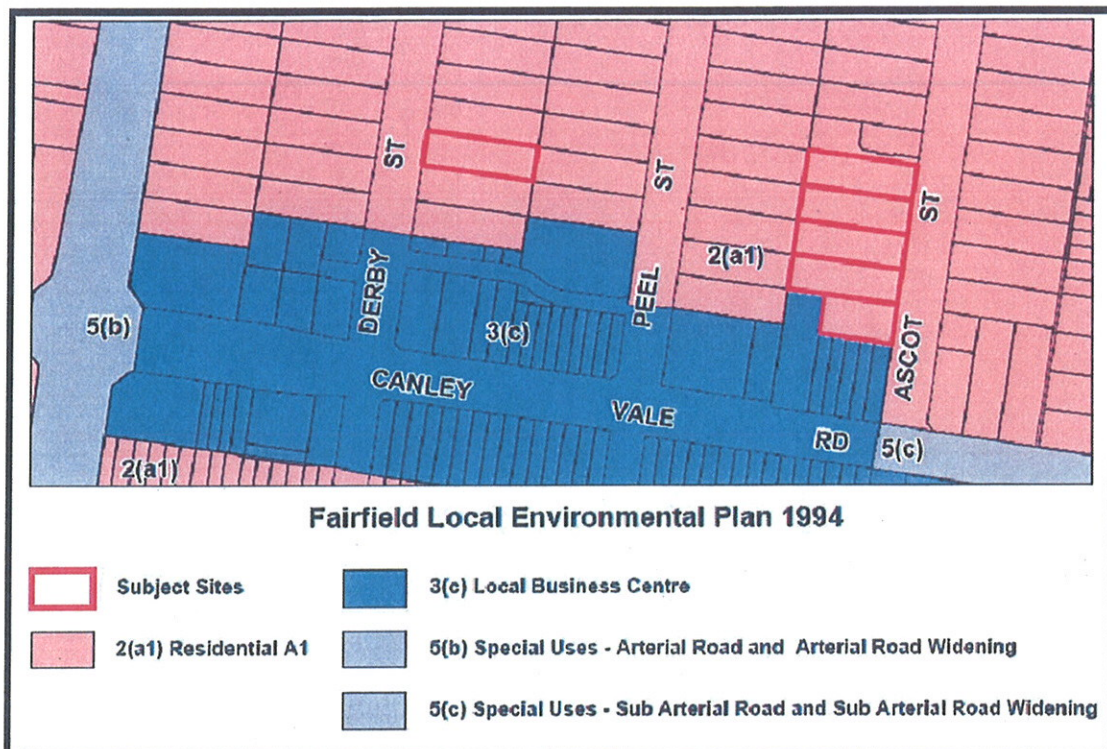


Figure 4 - Extract Floor Space Ratio and Height of Building Map for the Canley Heights sites

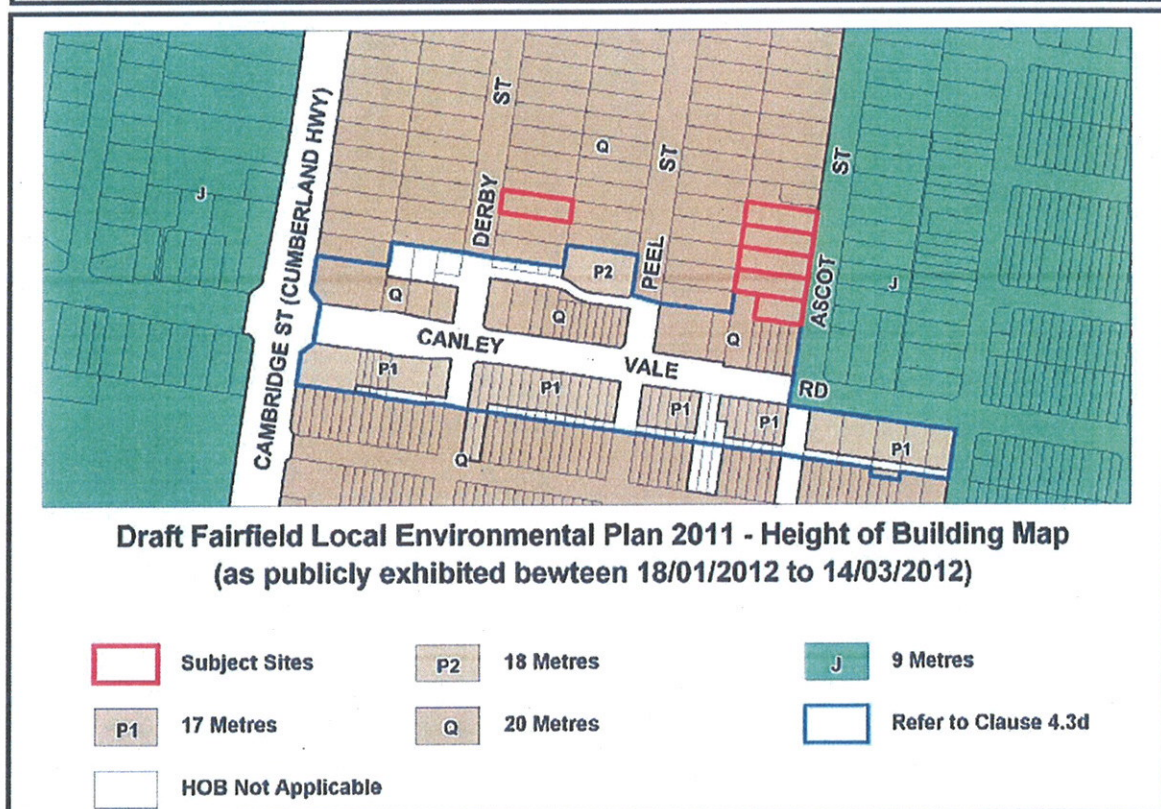
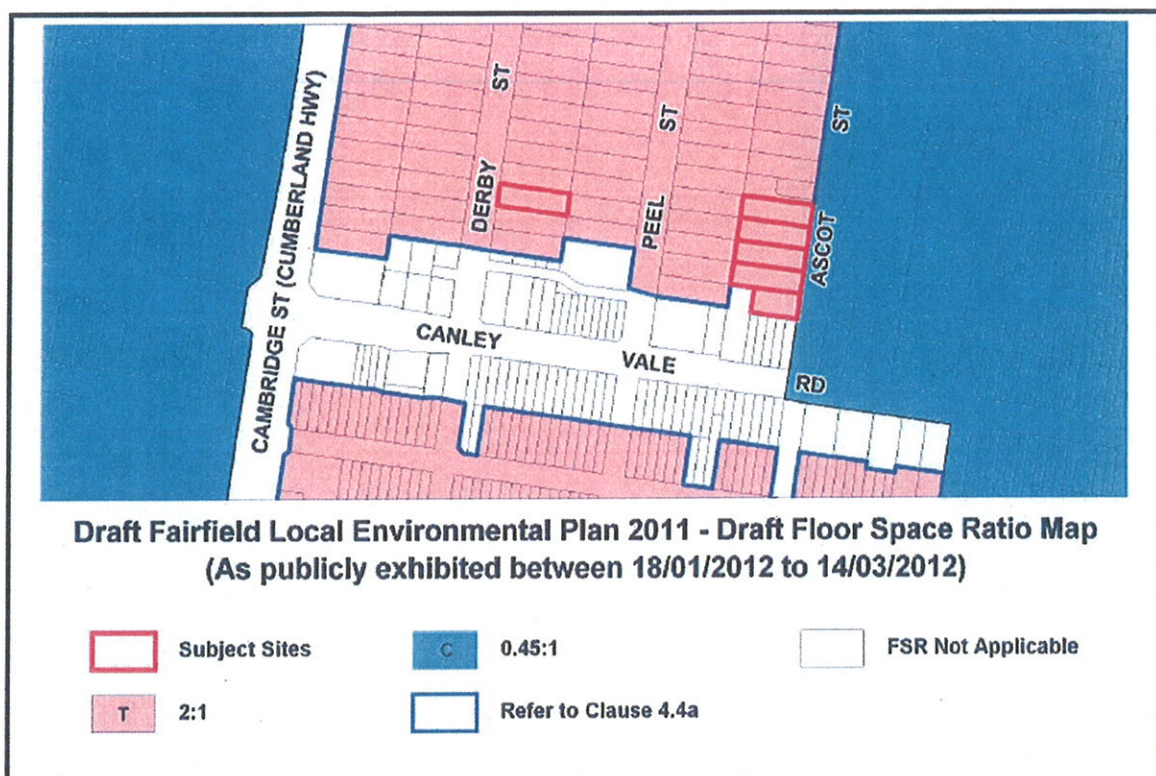


Figure 5 – Smithfield Sites - Aerial Photo



AERIAL PHOTO

- Lot 152 DP 7638 (6 Barton Street, Smithfield)
- Lot 153 DP 7638 (8 Barton Street, Smithfield)
- Lot 154 DP 7638 (8a Barton Street, Smithfield)
- Lot 155 DP 7638 (10 Barton Street, Smithfield)
- Lot 156 DP 7638 (12 Barton Street, Smithfield)

Figure 6 – Smithfield Sites - Location Map



Location Map

- Lot 152 DP 7638 (6 Barton Street, Smithfield)
- Lot 153 DP 7638 (8 Barton Street, Smithfield)
- Lot 154 DP 7638 (8a Barton Street, Smithfield)
- Lot 155 DP 7638 (10 Barton Street, Smithfield)
- Lot 156 DP 7638 (12 Barton Street, Smithfield)

Figure 7 – Extract Zoning Map for the Smithfield Sites

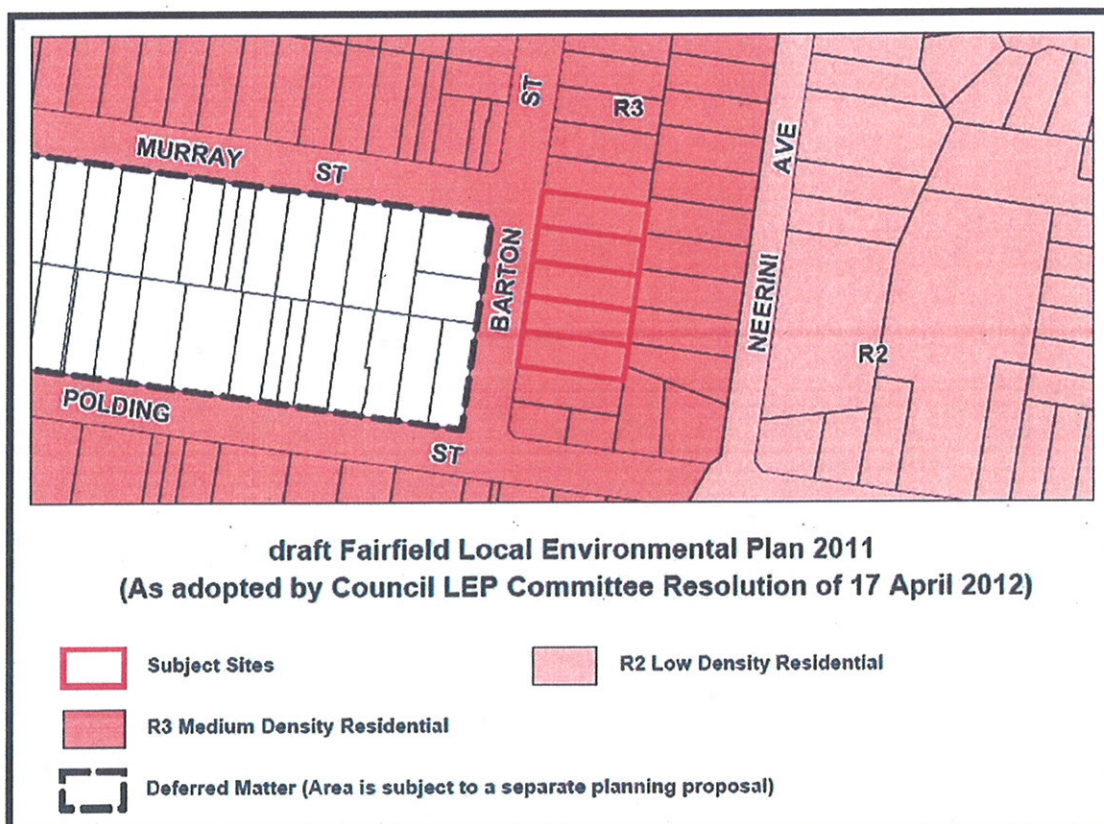
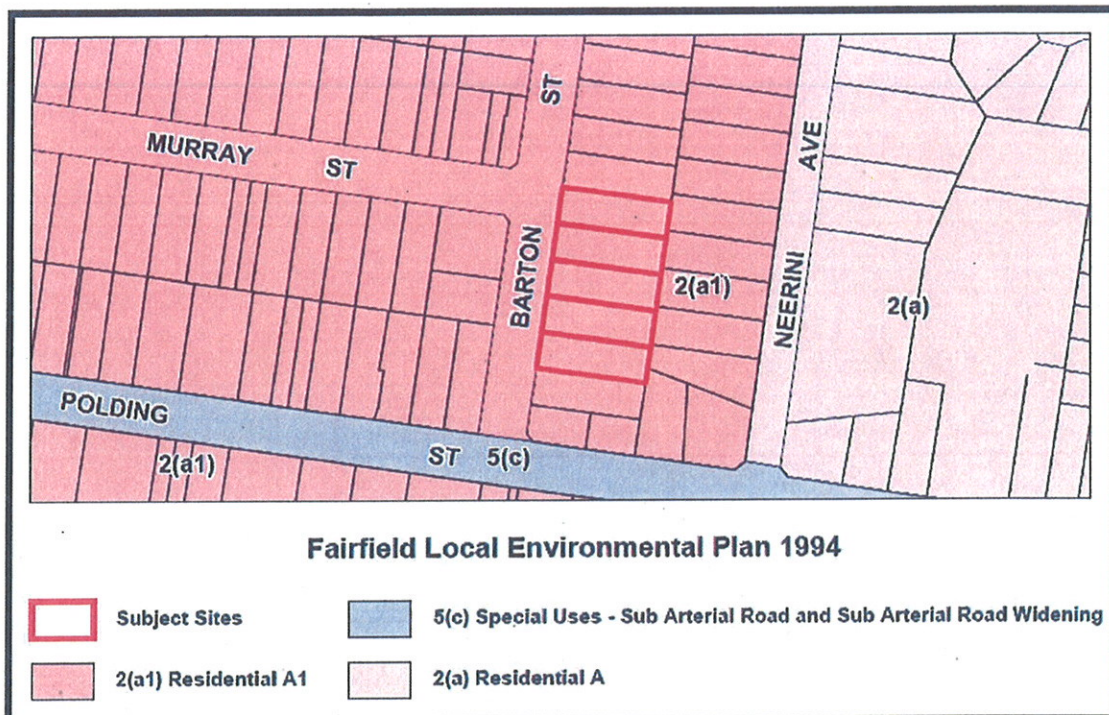
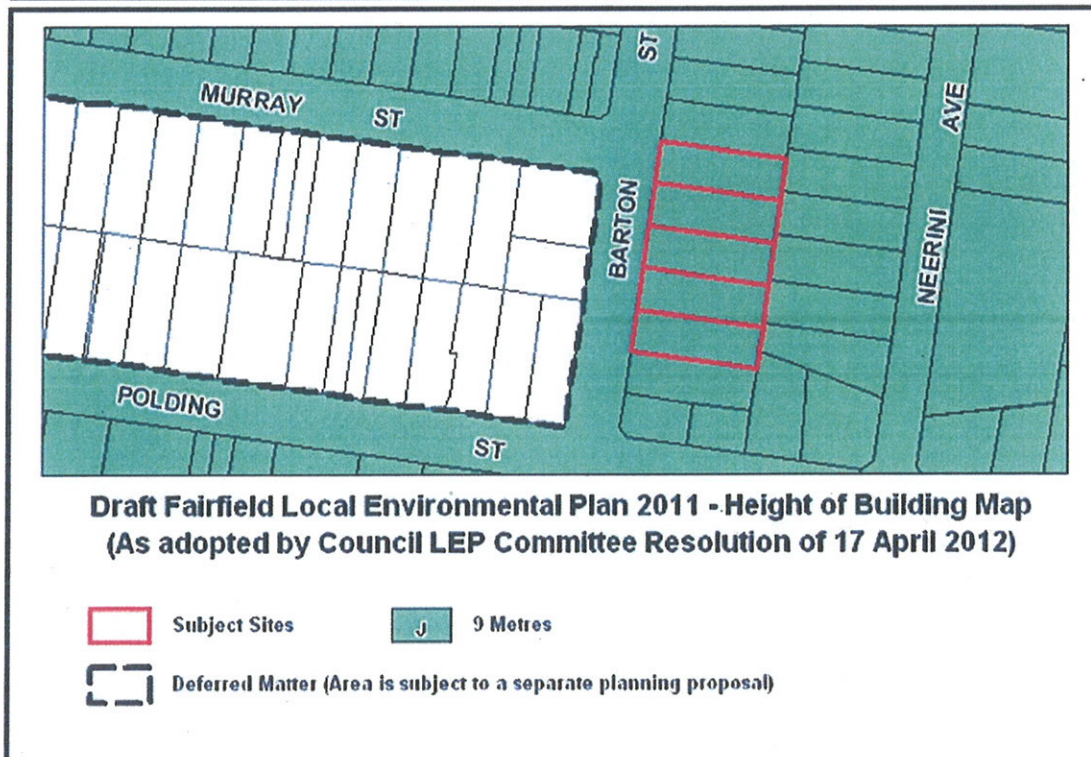
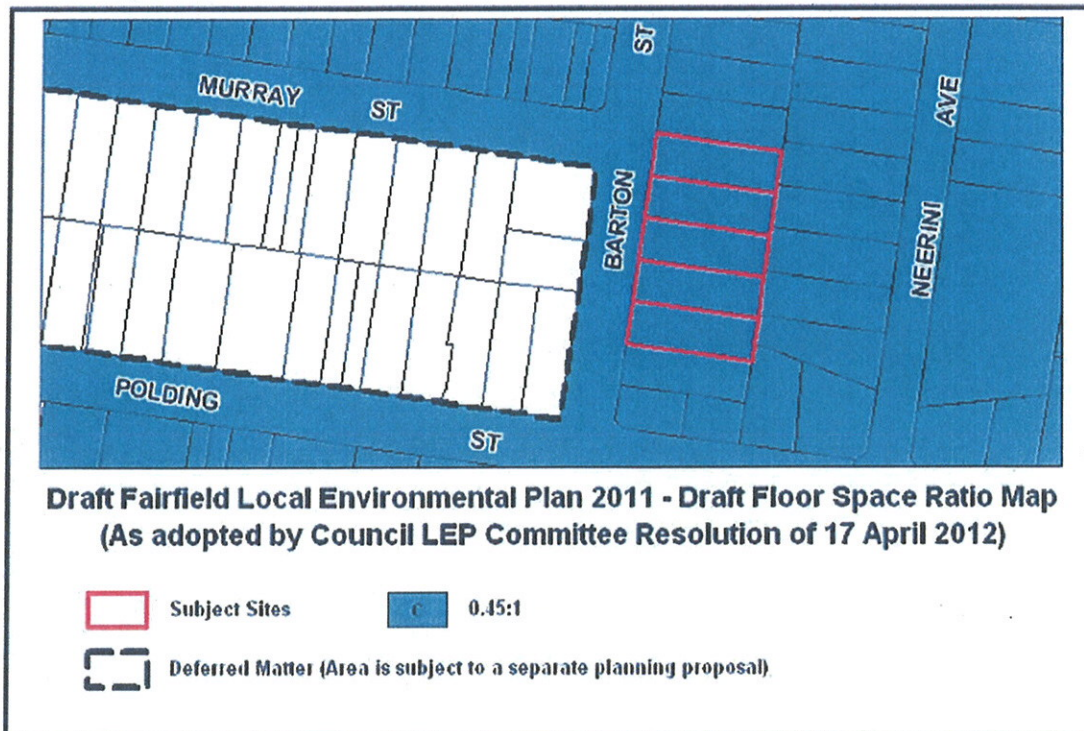


Figure 8 - Extract Floor Space Ratio and Height of Building Map for the Smithfield sites.



Part 1 – Objectives

The objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 1994 and the draft Fairfield Local Environmental Plan 2011 to rezone the subject sites for open space purposes.

The rezoning of the sites for open space purposes will provide a clear indication to the community in regards to Council's intention to provide open space in those areas. The rezoning of these sites will restrict them from further development and ensure that they become open space over time.

Part 2 – Explanation of Provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 1994 (FLEP 1994) and the Draft Fairfield Local Environmental Plan 2011 (DFLEP2011).

The amendment of both plans is being exhibited because Council has recently resolved to adopt the draft DFLEP2011. The new DFLEP2011 may or may not be in force when the LEP Amendment process proposed in this Planning Proposal is finalised and therefore amendments to both plans are being proposed to ensure that the amendment can proceed regardless of which plan is in force at the time.

The proposed amendments to the respective Fairfield Local Environmental Plans are outlined below:

Fairfield Local Environmental Plan 1994

Amend the Fairfield Local Environmental Plan 1994 to rezone the following sites from 2(a1) Residential A1 to 6(a) Public Recreation – Existing & Proposed:

- Lot 110 DP 7225 (42 Derby Street, Canley Heights)
- Lot 46 DP 7225 (39 Ascot Street, Canley Heights)
- Lot 47 DP 7225 (41 Ascot Street, Canley Heights)
- Lot 48 DP 7225 (43 Ascot Street, Canley Heights)
- Lot 49 DP 7225 (45 Ascot Street, Canley Heights)
- Lot 6 DP 25120 (47 Ascot Street, Canley Heights)
- Lot 152 DP 7638 (6 Barton Street, Smithfield)
- Lot 153 DP 7638 (8 Barton Street, Smithfield)
- Lot 154 DP 7638 (8a Barton Street, Smithfield)
- Lot 155 DP 7638 (10 Barton Street, Smithfield)
- Lot 156 DP 7638 (12 Barton Street, Smithfield)

Refer to figures 9 -10 for proposed zone amendment maps.

Draft Fairfield Local Environmental Plan 2011

Amend the draft Fairfield Local Environmental Plan 2011 as follows:

Canley Heights Site

- Rezone the following lots from R4 High Density Residential to RE1 Public Recreation.
 - Lot 110 DP 7225 (42 Derby Street, Canley Heights)
 - Lot 46 DP 7225 (39 Ascot Street, Canley Heights)
 - Lot 47 DP 7225 (41 Ascot Street, Canley Heights)
 - Lot 48 DP 7225 (43 Ascot Street, Canley Heights)

- Lot 49 DP 7225 (45 Ascot Street, Canley Heights)
- Lot 6 DP 25120 (47 Ascot Street, Canley Heights)
- Amend the Height of Building Map to remove the 20 metre maximum height limit from the above site (the draft FLEP 2011 does not specify a height limit within the RE1 – Public Recreation Zone)
- Amend the Floor Space Ratio Map to remove the 2:1 maximum FSR limit from the above site (the draft FLEP 2011 does not specify an FSR limit within the RE1 – Public Recreation Zone)
- Amend the Land Reservation Acquisition Map to include the above sites as “Local Open Space” (with the exception of 42 Derby Street which Council currently owns)

Refer to figures 11 –14 for proposed Zone, FSR and HOB amendment maps.

Smithfield Sites

- Rezone the following lots from R3 Medium Density Residential to RE1 Public Recreation.
 - Lot 152 DP 7638 (6 Barton Street, Smithfield)
 - Lot 153 DP 7638 (8 Barton Street, Smithfield)
 - Lot 154 DP 7638 (8a Barton Street, Smithfield)
 - Lot 155 DP 7638 (10 Barton Street, Smithfield)
 - Lot 156 DP 7638 (12 Barton Street, Smithfield)
- Amend the Height of Building Map to remove the 9 metre maximum height limit from the above sites (the draft FLEP 2011 does not specify a height limit within the RE1 – Public Recreation Zone)
- Amend the Floor Space Ratio Map to remove the 0.45:1 maximum FSR limit from the above sites (the draft FLEP 2011 does not specify an FSR limit within the RE1 – Public Recreation Zone)
- Amend the Land Reservation Acquisition Map to include the above sites as “Local Open Space” (with the exception of 10 Barton Street which Council currently owns)

Refer to figures 15 –18 for proposed Zone, FSR and HOB amendment maps.

**PROPOSED MAP
AMENDMENTS TO THE
FAIRFIELD LOCAL
ENVIRONMENTAL PLAN
1994**

Figure 9 – Proposed Zoning Canley Heights Sites

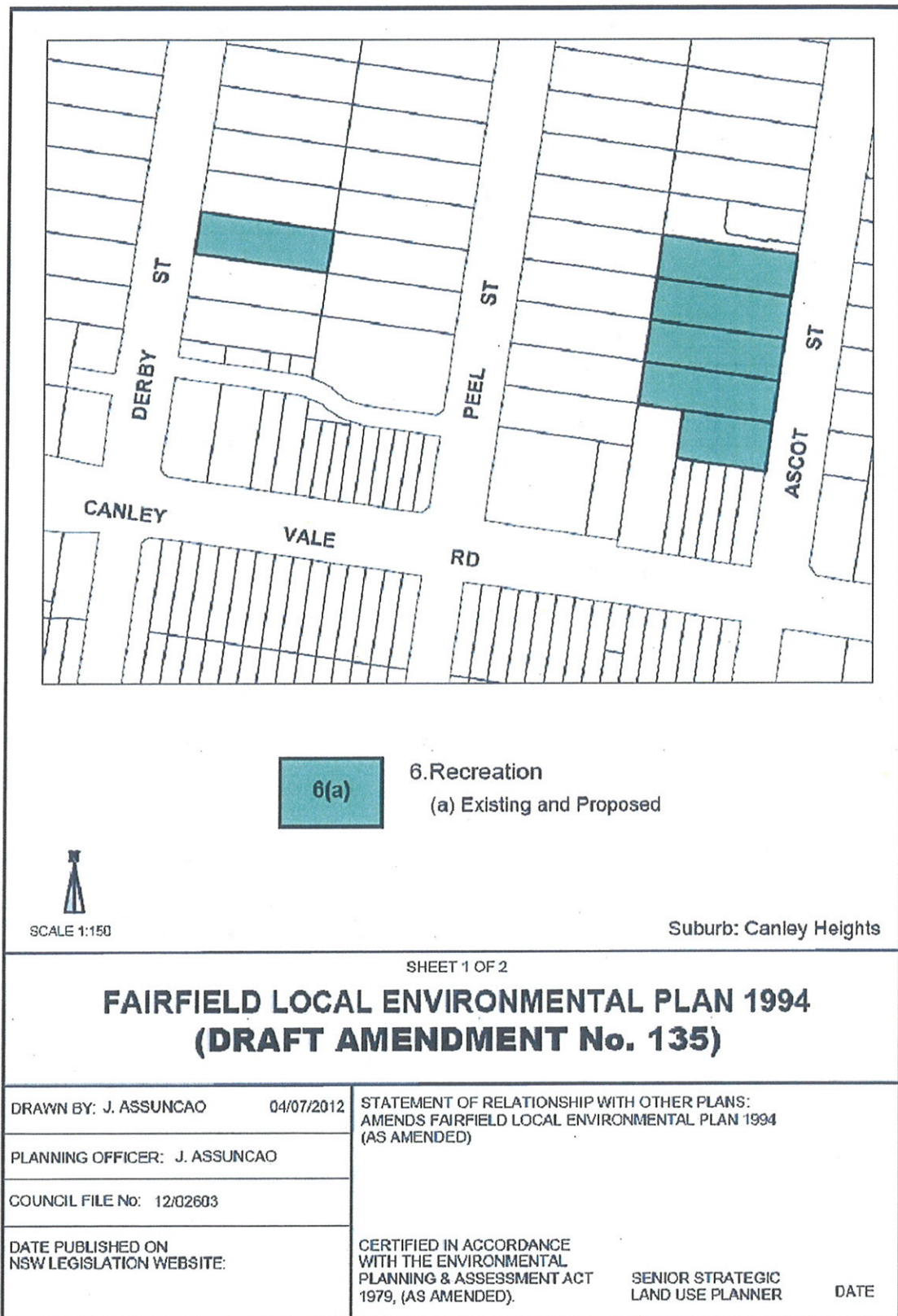
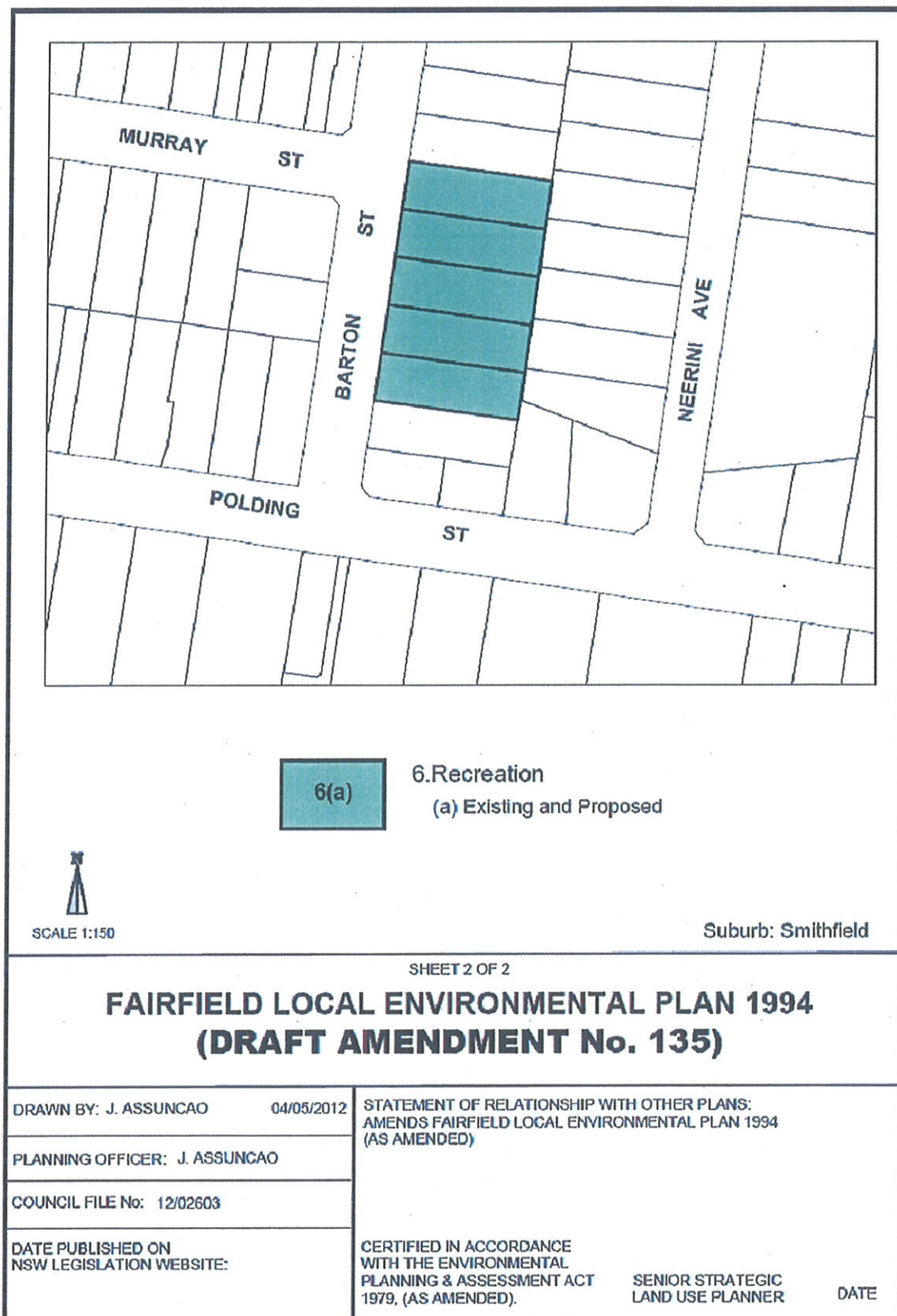


Figure 10 – Proposed Zoning Smithfield Sites



**PROPOSED MAP
AMENDMENTS TO THE
DRAFT FAIRFIELD LOCAL
ENVIRONMENTAL PLAN 2011**

Figure 11 – Proposed Zone Amendment - Canley Heights Sites

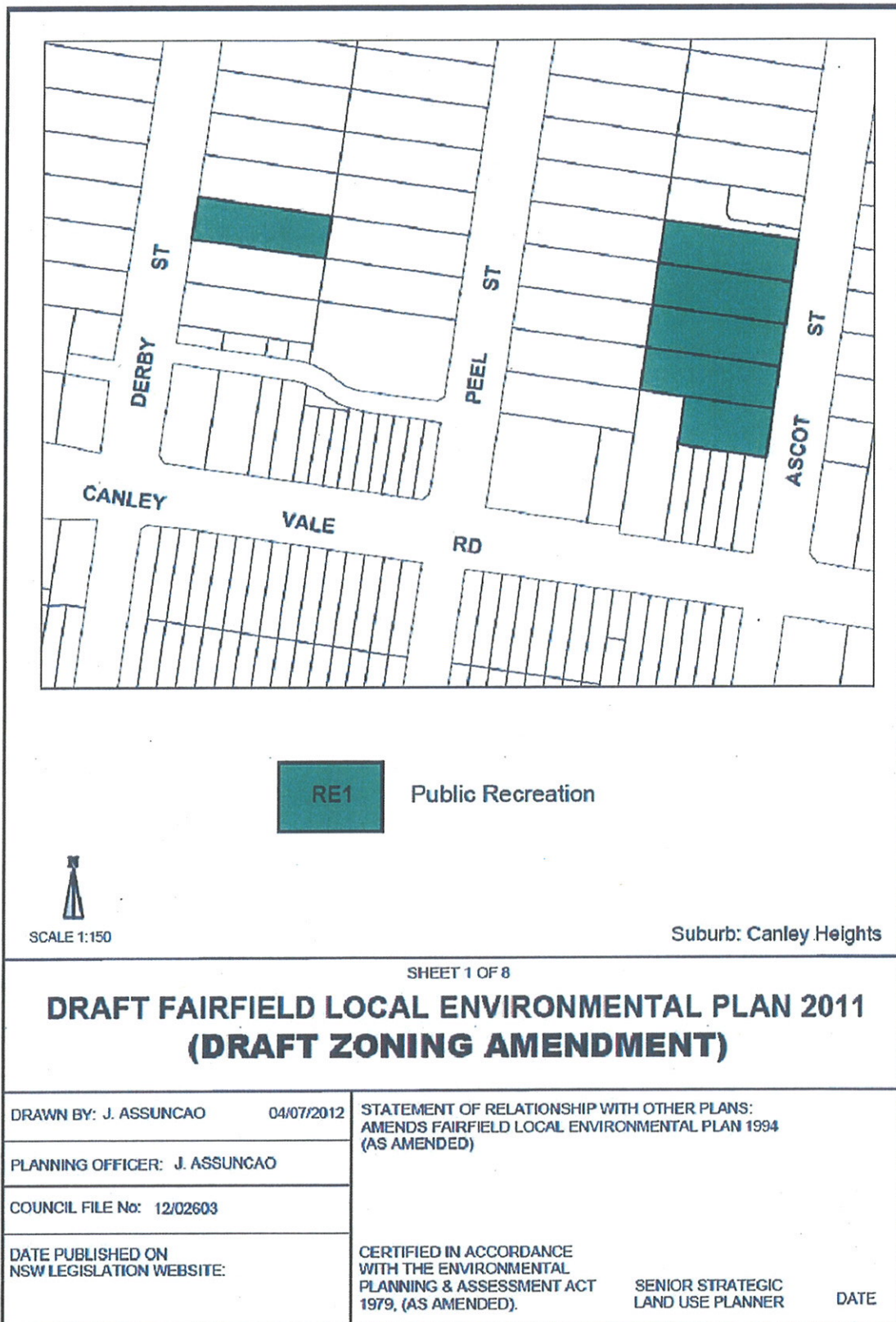


Figure 12 –Proposed Floor Spate Ratio Amendment - Canley Heights Sites

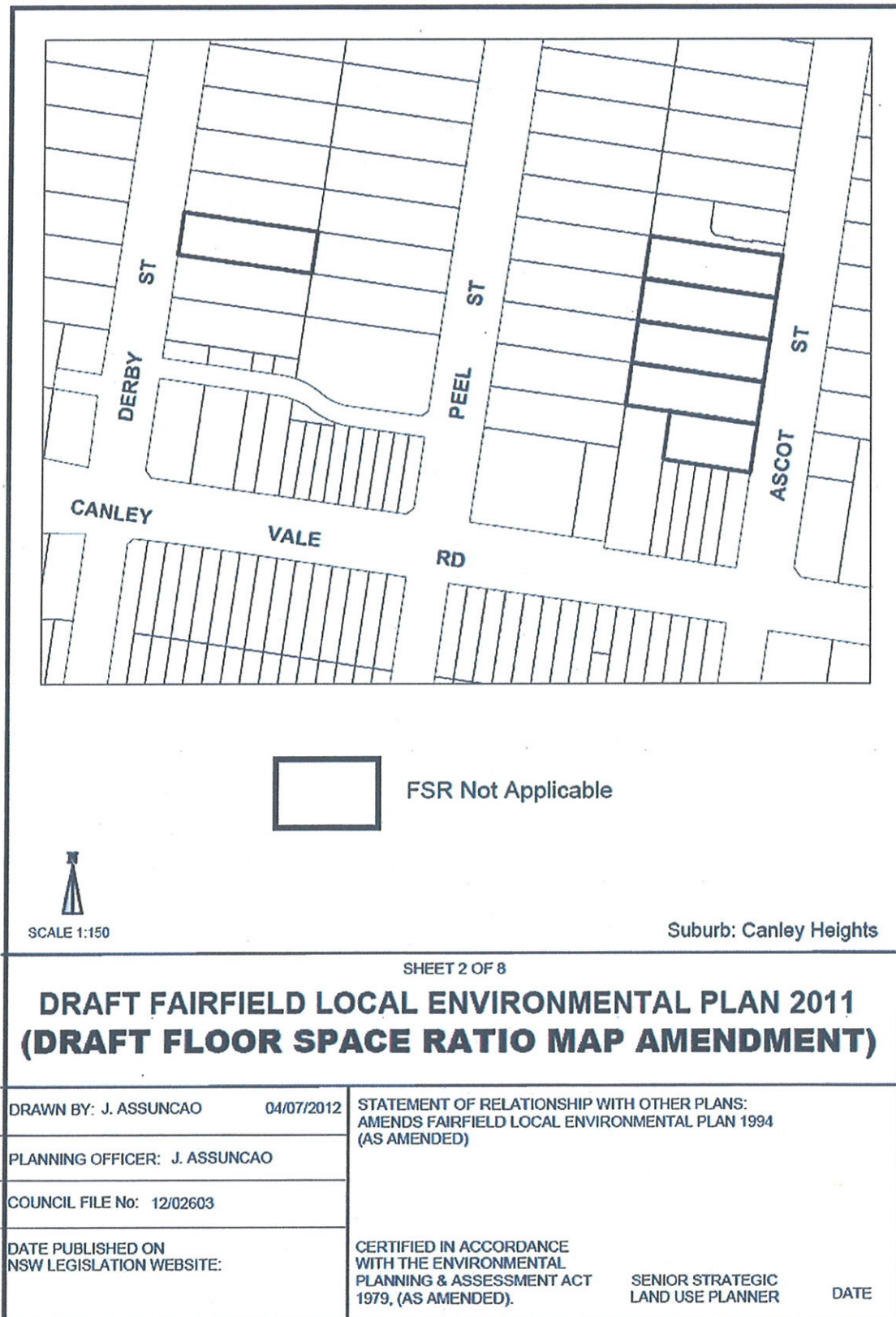


Figure 13 –Proposed Building Height Amendment - Canley Heights Sites

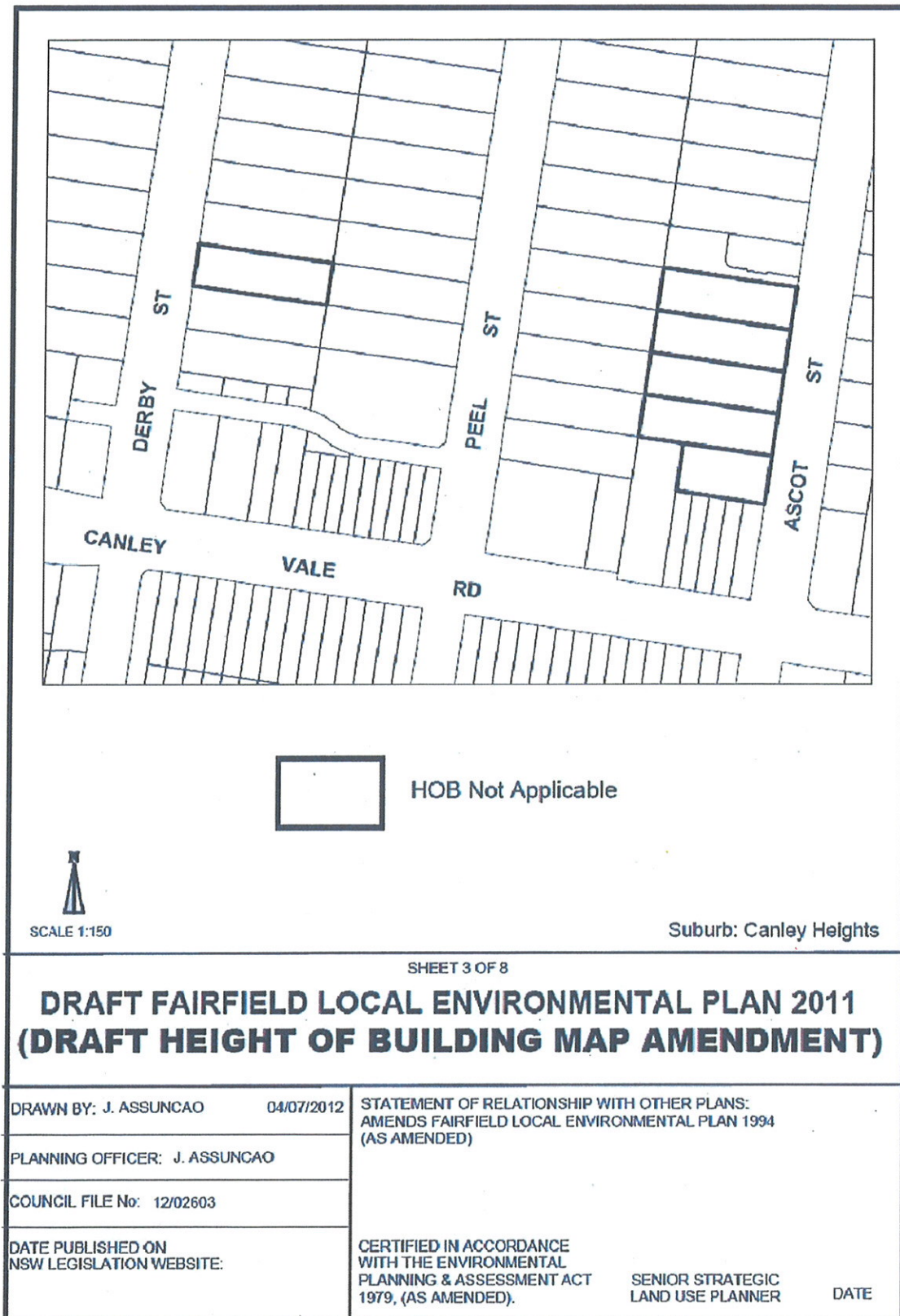


Figure 14 – Proposed Amendment – Land Reservation Acquisition Map

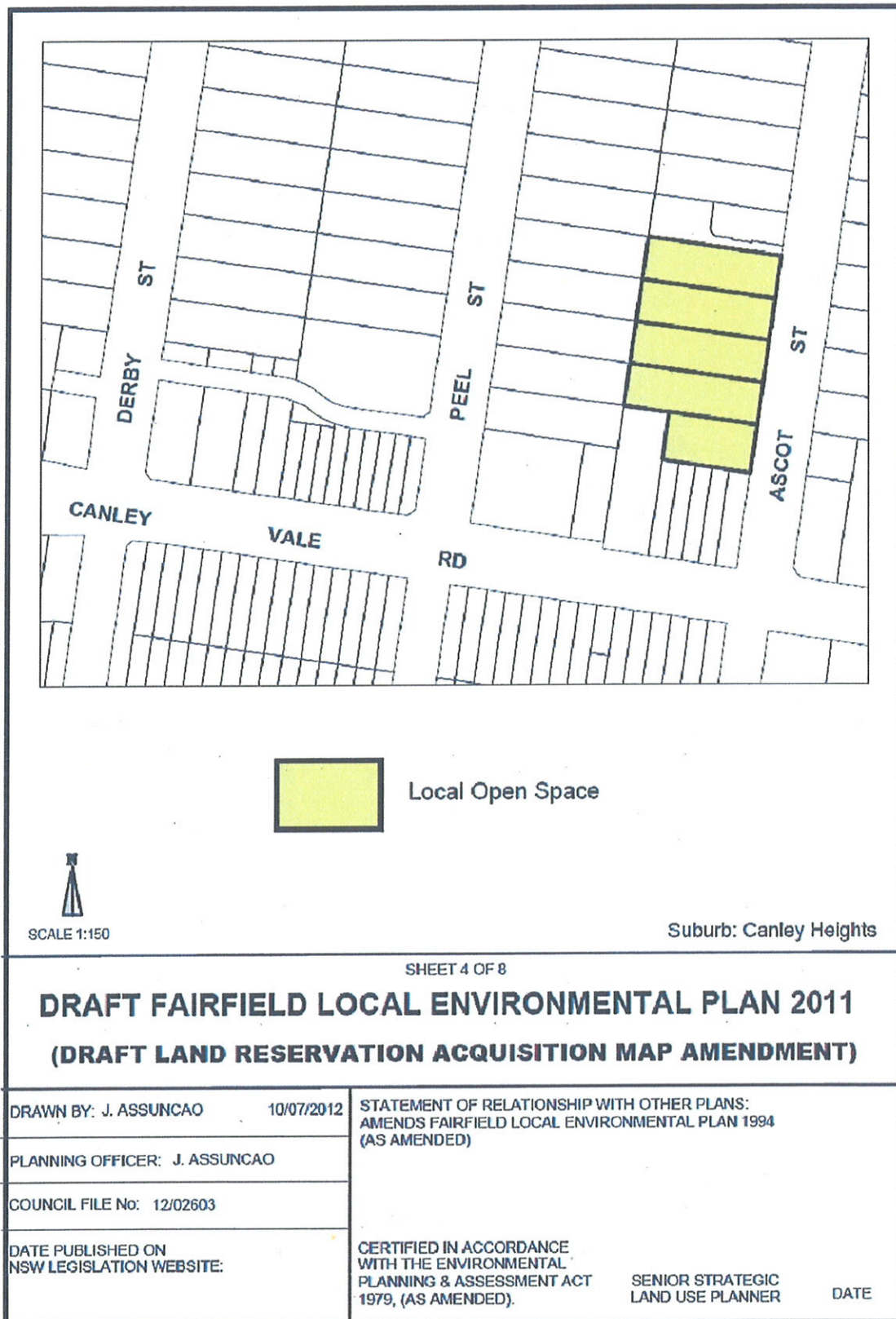


Figure 15 – Proposed Zone Amendment Smithfield Sites

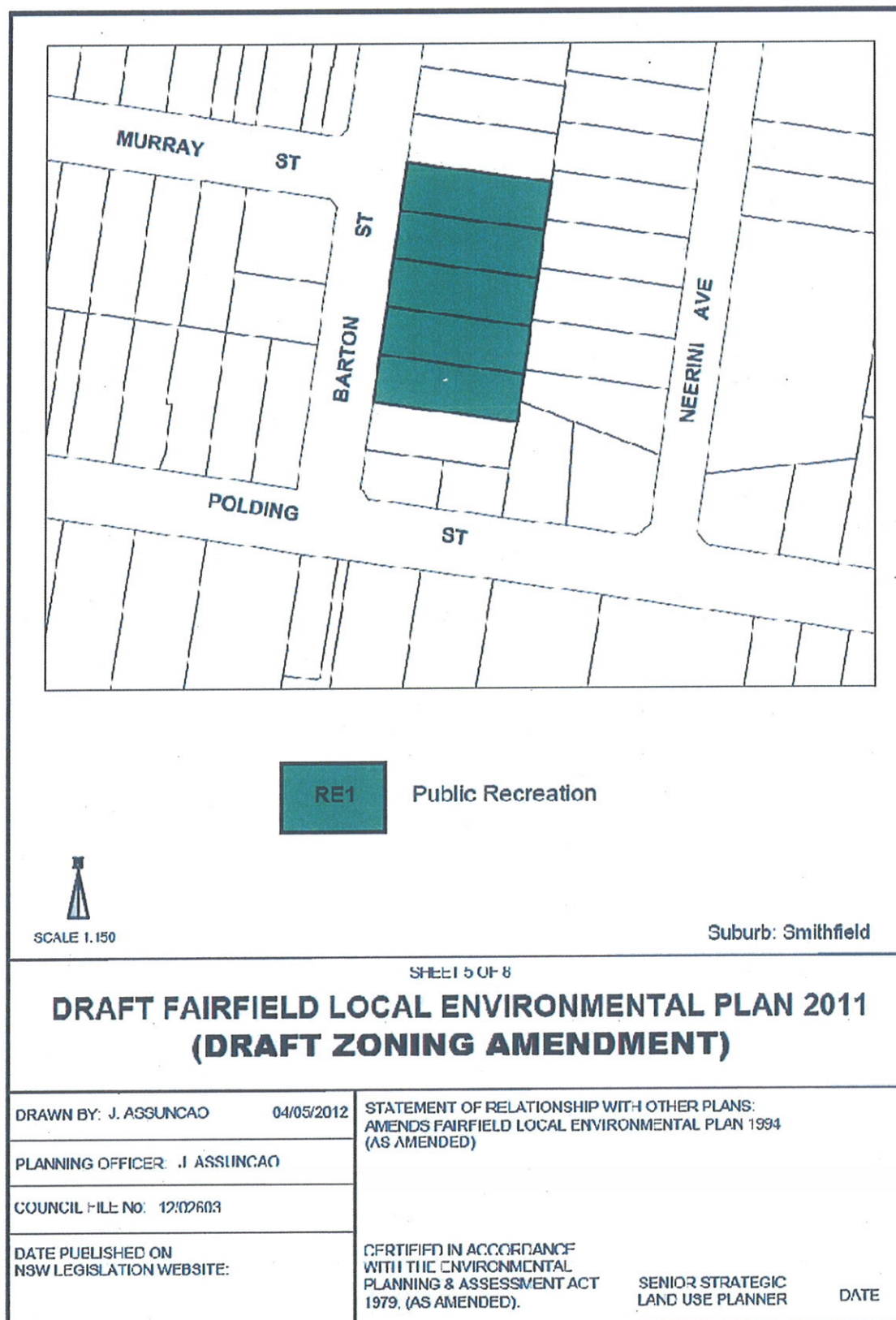


Figure 16 – Proposed Floor Space Ratio Amendment Smithfield Sites

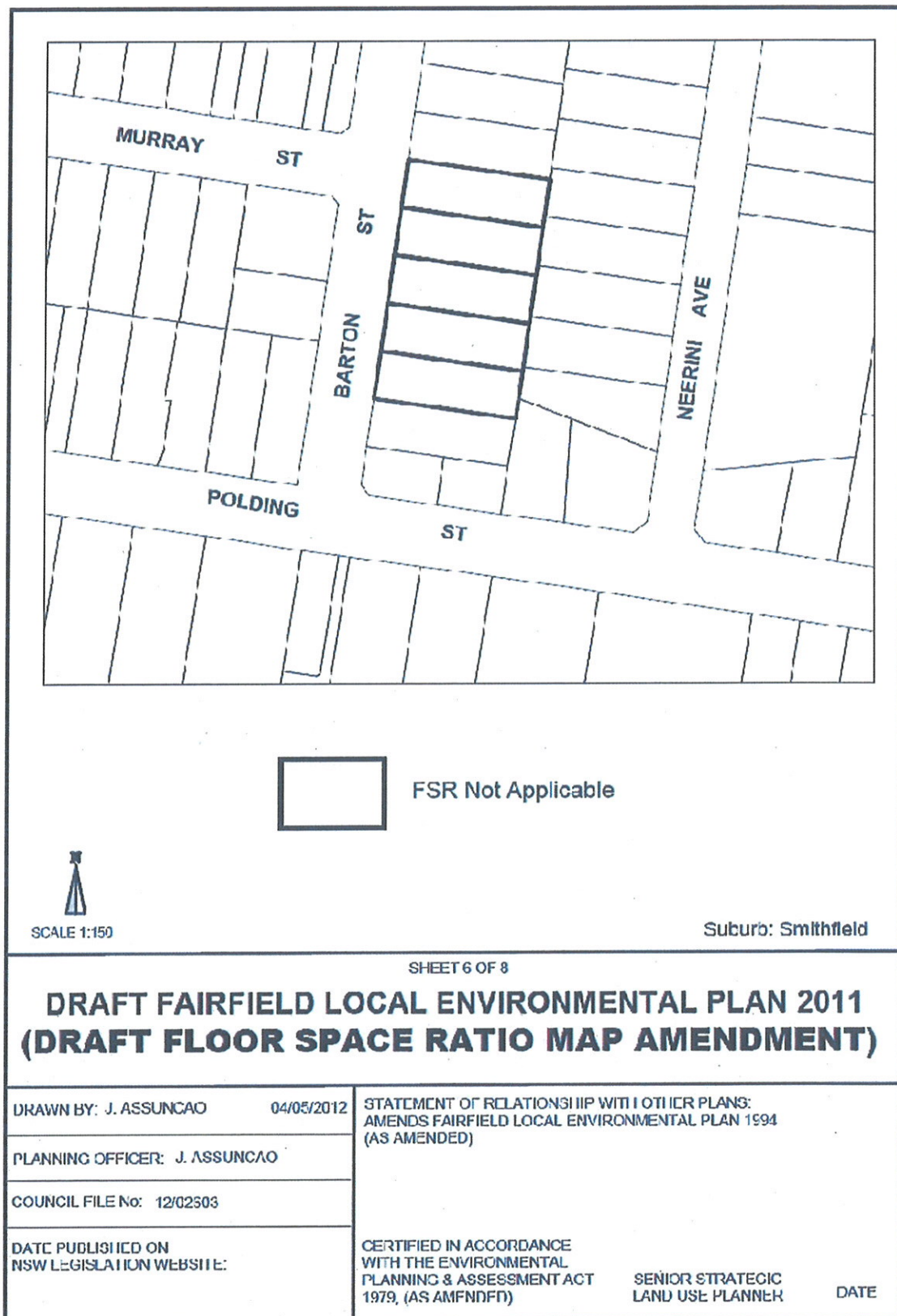


Figure 17 – Proposed Building Height Amendment Smithfield Sites

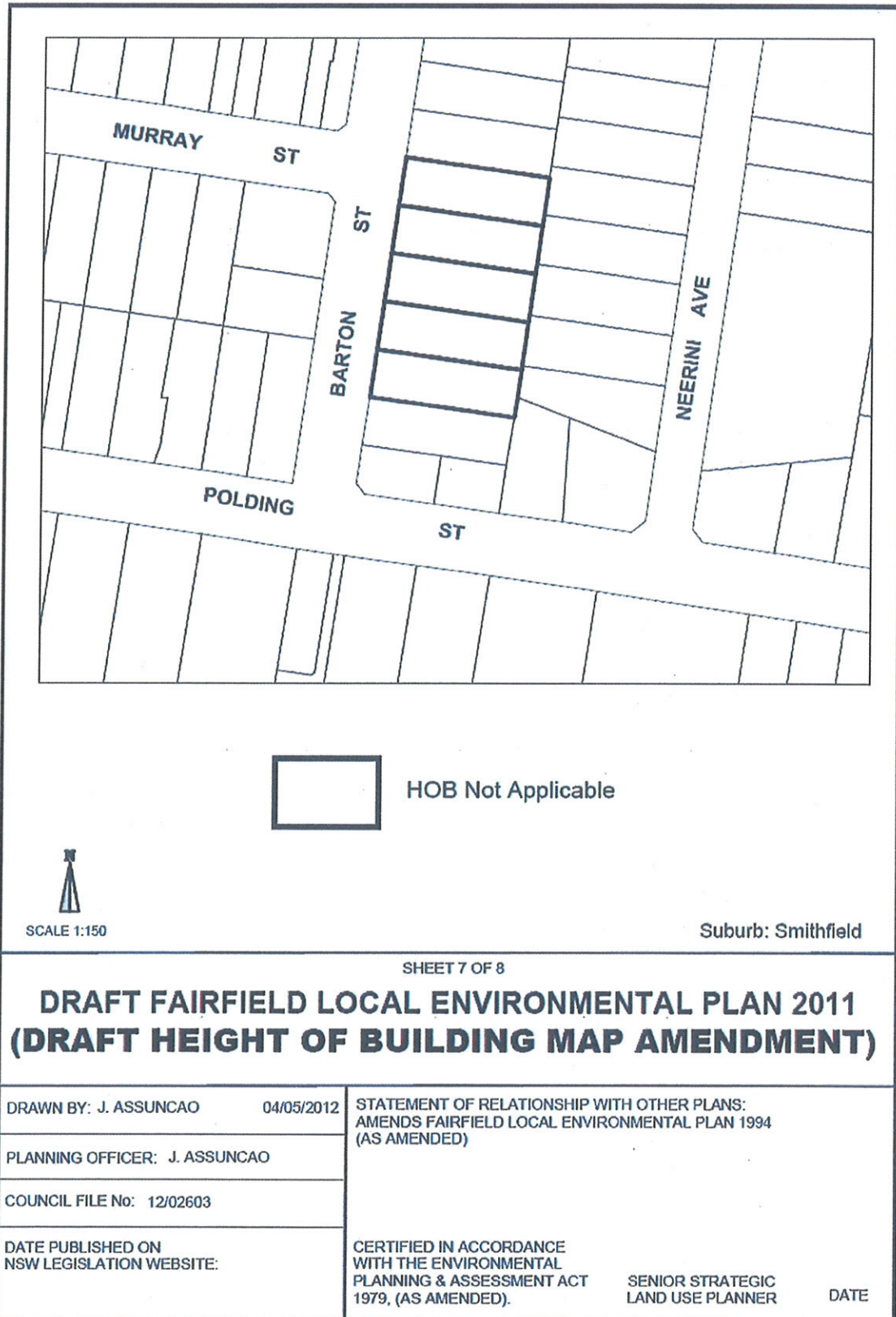
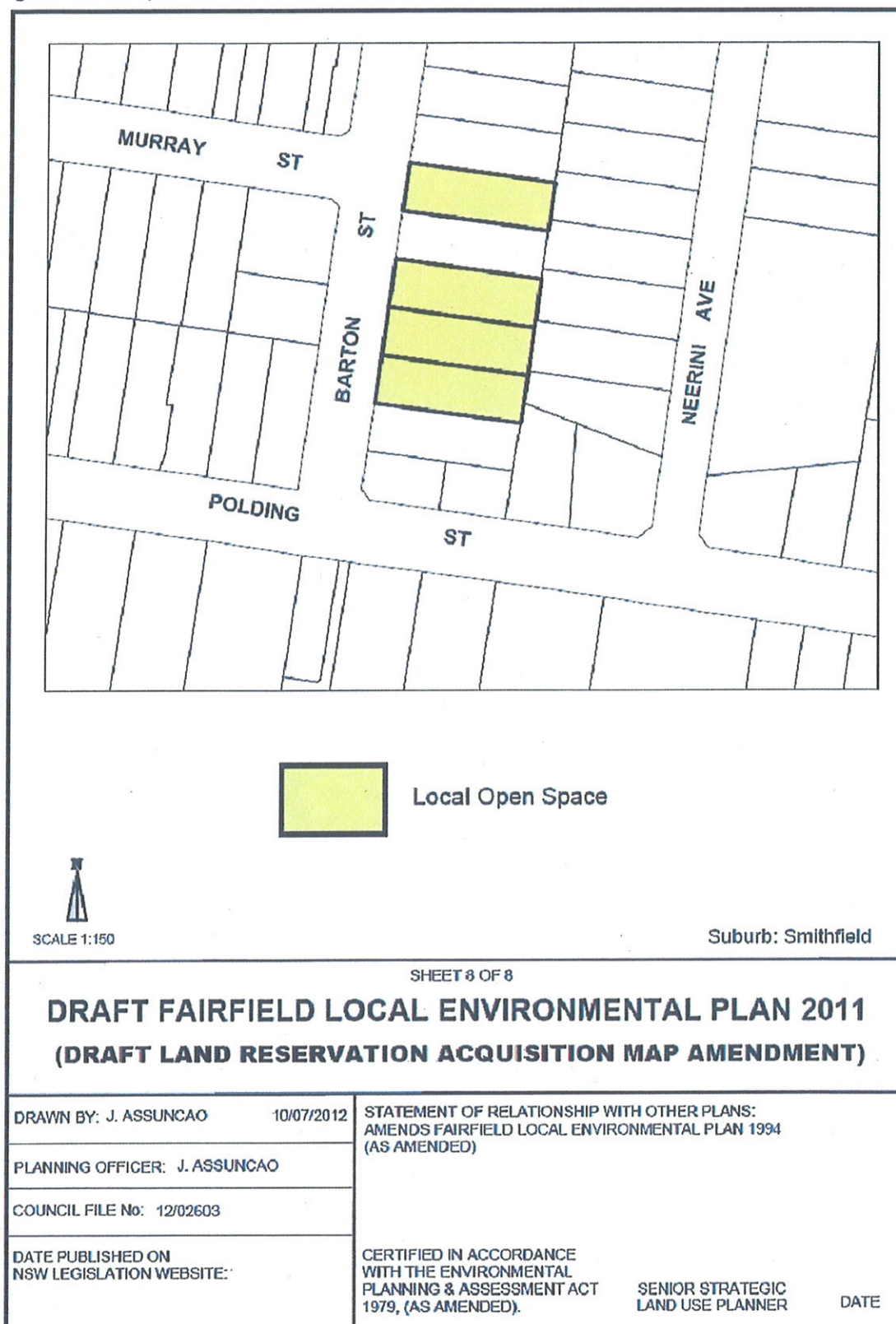


Figure 18 – Proposed Amendment – Land Reservation Acquisition Map



Part 3 – Justification

Section A – Need for a planning proposal.

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

The planning proposal to rezone these sites for open space purposes is the result of the Fairfield Section 94 Review, the Fairfield Open Space Strategy 2007, and the draft Fairfield Residential Development Strategy. A brief outline of the above strategies is provided below:

Fairfield Open Space Strategy 2007 (FOSS)

The aims of the strategy are as follows:

- To provide a commentary on the progress of implementation of the 1999 Strategy.
- To identify critical strategies from the 1999 Fairfield Open Space Strategy yet to be implemented.
- To develop new strategies for the ongoing planning, design and management of open space.
- To identify new priorities for open space management. To inform the review of Council's Section 94 Contributions Plan.
- Provide an acquisition and disposal rationale for land parcels for open space.

Fairfield Open Space Strategy 2007— Relationship to Regional Strategies

The FOSS provided the following commentary in regards to its relationship to Regional Strategies:

"THE METROPOLITAN STRATEGY

Developed by the New South Wales Government, the Metropolitan Planning Strategy is a framework that provides a vision for Sydney and its sustainable growth and development over the next 25 years.

The two components for specific discussion are the strategies for:

- *Centres and Corridors*
- *Parks and Public Places"*

Of relevance to this proposal is the FOSS's reference to Parks and Public Places which the following is provided:

"Parks and Public Places

The vision for open spaces within the Sydney Metropolitan area is to promote fair access, diversity and quality within an open space network of parks, reserves, cycleways and walking trails. The Strategy highlights the provision and access to open space in western Sydney is a priority."

It should be noted that since the release of the FOSS, the Metropolitan Strategy has been superseded by the release of the Metropolitan Plan for Sydney 2036 (MPS 2036).

In terms of open space the MPS 2036 provides the following direction:

Strategic Direction H – Achieving Equity Liveability and Social Inclusion
objective H.2.3 which is reproduced below:

"Local government to undertake open space planning procedures in accordance with updated Recreation and Open Space Planning Guidelines for Local Government, to deliver parks, playing fields and public open spaces that suit new multiple uses."

The relevance of the FOSS is supported by *Section 1.3 of the Recreation and Open Space Planning Guidelines for Local Government* which states the following:

"1.3 Local level policies

At a local level, the council policies and strategic planning framework will help guide consistency. Community Strategic Plans, which include planning for social and environmental issues, may identify community goals and aspirations which can be supported by open space and recreation planning.

Open space strategies should be tied to council capital works programs as part of resourcing strategies and asset management plans."

The FOSS identified that the provision of open space across the city was not meeting the needs of the community. Figure 17 is an extract from the FOSS which highlights the areas of Fairfield Heights/Smithfield and Canley Heights as "areas of highest open space need", the subject sites are located in these localities.

The FOSS also provides the following commentary on the 1999 Fairfield Open Space Strategy (1999 FOSS):

SHORTFALLS IN OPEN SPACE PROVISION PRINCIPLES	
Develop strategies and programs to make good the existing shortfalls in open space provision in Fairfield LGA to fully provide for the community's diverse recreation needs	
1999 STRATEGIES	ACHIEVEMENTS / COMMENTARY
Implement a program to make good the shortfall in passive open space provision in the Middle Distance Areas (including the suburbs of Cabramatta, Cabramatta West, Canley Vale, Fairfield Heights) in the short term by improvement of existing facilities and links including: • improved access (bus stops, safe pedestrian access, cycleways) • improved basic facilities (refer to Upgrading of Passive Recreation Facilities)	Strategy partially implemented Park Improvement Program, where possible provides links to facilities and retail areas however there is an ongoing need for more open space in middle distance areas.
Explore the opportunities to make good the shortfall in passive open space provision in the Middle Distance Areas by a long term program of land acquisition and redevelopment including: • identifying optimum/preferred locations • approaching landowners for long-term purchase/lease back until total area acquired • rezoning after completed acquisition • rationalising non-functional open space (e.g. too small, poorly located, over-provision) and redirection of funds to optimum/preferred locations (Refer to section 10.4 Rationalisation)	Strategy partially implemented Some land acquisition has occurred, allowing for the development of training soccer field at Bonnyrigg White Eagles, Bonnyrigg Town Centre and Togil Street for cycleway construction. Other sites are currently in negotiation. Ongoing exploration of new areas of open space is required to continue.
MANAGEMENT PRINCIPLES	
Develop structures and planning to improve the management of open space in the long term and increase the quality of the existing resource	
1999 STRATEGIES	ACHIEVEMENTS / COMMENTARY
Use the Open Space Strategy to inform the preparation of the new Section 94 Plan for open space.	Strategy implemented.

Draft Fairfield Residential Strategy 2009

The following commentary provides further justification on the proposals consistency with the above draft strategy.

CANLEY HEIGHTS

Draft Fairfield Residential Strategy 2009

The need for open space is likely to be increased given that the locality has been identified as being suitable for higher density residential by the draft Residential Development Strategy 2009 (RDS) (with its recommendations guiding the residential zoning for the locality under the draft LEP). The findings of the draft RDS are further discussed below.

The Metropolitan Strategy has identified Canley Heights as a small village however; Council is seeking reclassification of Canley Heights as a village.

The draft RDS, which was exhibited with Council's draft Fairfield Local Environmental Plan 2011, acknowledges Canley Heights Town Centre as a Village and it's on this basis that an overall strategy for the development of the locality has been developed.

In regards to Open Space in the Canley Heights locality, the draft RDS provides the following assessment:

Village	Aspirational Target	Current Status	Recommendations
Open Space and Recreation	1 local park (1-4ha) 3 neighbourhood parks (0.25- 2ha) Cycle links to other centres and key destinations Universally accessible pedestrian facilities throughout centre	Contains one local park, which is not near centre and limited neighbourhood parks.	Improve the provision of open space, particularly around the commercial core. Need to enhance quality of existing open space.

The draft RDS lists the provision of additional open space in the short term to medium term as one of the key Structure Plan Principles for the Canley Heights locality. An extract of the relevant section of the draft RDS for Canley Heights is included as at the end of Attachment B.

FAIRFIELD HEIGHTS

Draft Fairfield Residential Strategy 2009

The area north of the Fairfield Heights Town Centre was identified as being suitable for higher density residential by the draft RDS (with its recommendations guiding the residential zoning for the locality under the draft LEP). As the result of submissions objecting to the proposed high density zone, Council at its LEP Committee held on 17 April 2012 (which adopted the draft LEP post exhibition) resolved the following:

“Council request that the R4 High Density Residential Zone from Fairfield Heights (as identified on page 15 of the report) be designated as a deferred matter in the Comprehensive LEP forwarded to the Department of Planning and Infrastructure (DPI) to retain the existing Residential 2(a1) Zone in this area and that a Planning Proposal be forwarded to the DPI immediately, proposing to zone the identified area to R3 Medium Density Residential requesting that Council be permitted to exhibit that planning Proposal to zone this area Residential R3.”

The effect of the above resolution will result in the Fairfield Heights having no High Density Residential zoning outside of the Fairfield Heights Town Centre. However it is considered that the findings of the draft RDS in terms of population increases within the locality are still relevant as highlighted by the following points:

- Any proposed development within the Fairfield Heights Town Centre is currently limited to a maximum height of 9 metres. This height limitation would equate to approximately 1 level of commercial and potentially 2 levels of shop top housing.

At this stage, the Fairfield Heights Town Centre still has capacity for higher density residential within the above mentioned framework. Future reviews of the Fairfield Heights Town Centre Development Control Plan may identify additional heights, but at this stage a timetable for such a review has not been established.

- The area surrounding the Fairfield Heights Town Centre is predominantly zoned medium density residential. At this stage a large proportion of medium density zoned land remains undeveloped (for such a use)

Taking into account the above points, the requirement for additional open space within the Fairfield Heights locality remains a priority, due to the historical shortfall and the growth expected under the commercial and medium density zones, irrespective of Council's decision to not to proceed with the High Density Residential zoning for the locality.

Having regard to the preceding commentary, the findings of the draft RDS are further discussed below.

The Metropolitan Strategy has identified Fairfield Heights as a small village; however Council is seeking reclassification of Fairfield Heights as a village.

The draft RDS, which was exhibited with Council's draft Fairfield Local Environmental Plan 2011, acknowledges Fairfield Heights Town Centre as a Village and it's on this basis that an overall strategy for the development of the locality has been developed.

In regards to Open Space in the Fairfield Heights locality, the draft RDS provides the following assessment:

Village	Aspirational Target	Current Status	Recommendations
Open Space and Recreation	1 local park (1-4ha) 3 neighbourhood parks (0.25-2ha) Cycle links to other centres and key destinations Universally accessible pedestrian facilities throughout centre	Contains two local parks but no neighbourhood parks.	Increase amount and distribution of open space across catchment, particularly in south-east (sic) of catchment.

An extract of the relevant section of the draft RDS for Fairfield Heights is included at the end of Attachment B. The draft RDS identifies an area north east and south west of the Fairfield Heights town centre as a possible location for open space. The sites being the subject of this proposal are located just north east of the in Fairfield Heights Town Centre which is consistent with one of these criteria.

CONCLUSION

Council has recently adopted an Expenditure Plan for monies collected under the now superseded *Fairfield Developer Contributions Section 94 Plan 1999*. The Expenditure Plan is a policy which has been publicly exhibited which details how funds collected but not yet spent under the Section 94 Contribution Plan 1999 will be spent.

The Expenditure Plan has taken into account the findings and recommendations of the FOSS and will provide part of the funding required to facilitate the purchase of properties in the middle distance areas such as Fairfield Heights and Canley Heights which are of relevance to this proposal.

This Planning Proposal is part of Council's strategy to rezone land for open space to meet the current and future demands. The future demand is based on the expected increases in population in the localities of Fairfield Heights/Smithfield and Canley Heights.

In the short term, Council will utilise the funds from the above mentioned Expenditure Plan to acquire some properties outlined in this proposal to establish anchor parks. The establishment of these parks will provide an immediate benefit for the community of Fairfield Heights/Smithfield and Canley Heights as these areas were identified by the FOSS as *“areas of highest open space need”*.

In the long term, Council has made provisions in its Section 94 Developer Contributions Plan 2011 (Section 94 2011) to provide additional funding for future open space.

As part of the preparation of the Section 94 Plan 2011, an analysis was conducted in regards to the quantum of open space that would be required as the result of the expected increases in population in the Fairfield Catchment (which includes Fairfield Heights) and Cabramatta Catchment (which includes Canley Heights). Further details are provided in Attachment B.

It is anticipated that monies expected to be collected during the life of the Section 94 2011 plan will fund the acquisition of the sites identified in this proposal and acquired via funding from the Expenditure Plan.

The proposal to rezone the subject sites in Fairfield Heights/Smithfield and Canley Heights is consistent with the findings of the Open Space Strategy 2007 and draft RDS. Council has now aligned its Section 94 Expenditure Plan to fund the acquisition of open space with Council's Section 94 2011 Plan providing the funding mechanism for the acquisition of future open space. The proposal to rezone these sites is another part of Council's overall strategy.

Part 3 – Justification - continued

2. *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. The reasons are:

- a) The proposal seeks to provide additional open space in the Fairfield Heights/Smithfield and Canley Heights locality. The proposal seeks to address the shortfall of open space to meet the current and future demand for open space facilities in the above localities.
- b) Rezoning of the sites for open space purposes will provide a clear indication to the community in regards to Council's open space strategy and restrict the sites from further development and ensure that they become open space over time.

3. *Is there a net community benefit?*

Yes, the proposal is the result of the strategies discussed earlier in this proposal that identify that there is a deficiency in the provision of open space available to the community of the localities of Fairfield Heights/Smithfield and Canley Heights to meet the current demand.

The subject sites are located in existing Medium Density Housing Zones, are near Town Centres (which permit shop top housing) and are either near or within areas where medium to high density housing is proposed by Council's draft Standard Instrument Local Environmental Plan 2011.

This proposal seeks to provide additional open space in the above localities to meet the current need as well as any future need as a result of expected increase of development in the above localities.

Part 3 – Justification – continued

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Metropolitan Plan for Sydney 2036 and exhibited draft strategies)?

The subject sites are located near existing Village centres of Fairfield Heights and Canley Heights. The proposal seeks to provide additional open space in the above localities to address a shortfall in current demand as well as a proactive response to expected demand of open space as a result of increased residential densities in the above localities. It is therefore considered appropriate to give effect to the objectives and directions of MSP 2036 dealing with open space as well as those objectives and directions that deal with increased densities as the two are interrelated.

Table A details how the planning proposal is consistent with the objectives and actions contained within both the *Metropolitan Plan for Sydney 2036* and *Draft West Central Subregion Strategy*.

Table A – Relationship to Strategic Planning Framework

METROPOLITAN PLAN FOR SYDNEY 2036			
STRATEGY	OBJECTIVE/ACTIONS	COMMENTS	✓/ X
STRENGTHENING THE 'CITY OF CITIES'	OBJECTIVE A3 To contain the urban footprint and achieve a balance between greenfield growth and renewal in existing areas	The Proposal will provide additional open space in areas that have been identified for additional housing. The proposed/capacity for increased densities in Fairfield Heights and Canley Heights are in established areas and will not contribute to the growth of the urban footprint.	✓
GROWING AND RENEWING CENTRES	OBJECTIVE B1 To focus activity in accessible centres Action B1.1 Plan for centres to grow and change over time.	The MPS 2036 states the following which is consistent with this proposal: "Focusing new housing in and around centres helps to make efficient use of existing infrastructure, increases the diversity of housing supply, allows more trips to be made by public transport and helps strengthen the customer base for local businesses. Combined with other factors such as high quality civic spaces, a diverse range of retail premises and businesses will help to make centres attractive places to live. Locating a greater proportion of dwellings closer to employment and services can also help make the city more liveable and socially inclusive." The proposal seeks to provide additional open space in close proximity to the Village Centres of Fairfield Heights and Canley Heights. This complements the MPS 2036 which aims to accommodate 80% of Sydney's new housing in existing and proposed centres.	✓

HOUSING SYDNEY'S POPULATION	OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development Action D1.1 Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent of new housing in new release areas	The proposal seeks to provide additional open space in close proximity to the Village Centres of Fairfield Heights and Canley Heights. The additional open space proposed for these areas are as the result of current as well as expected future demand. Higher density development has been proposed for the areas surrounding the centres of Fairfield Heights and Canley Heights which is consistent with this direction which aims to locate approximately 70% of new dwellings in existing urban areas. Proposed higher density housing in these areas will contribute to dwelling targets identified in the relevant Metropolitan and sub regional strategies.	✓
ACHIEVING EQUITY, LIVEABILITY AND SOCIAL INCLUSION	OBJECTIVE H1 To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making. Action H1.1 incorporate equity, liveability and social inclusion as a strategic direction in Subregional Strategies to ensure they can be implemented at the local level and in council LEPs Action H2.3 local government to undertake open space planning processes in accordance with updated Recreation and Open Space Planning Guidelines for Local Government, to deliver parks, playing fields and public spaces that suit new multiple uses	The proposal is consistent with the actions contained in this direction. This is summarised below: Liveability - the MPS 2036 states the following: <i>"A socially inclusive Sydney equates to a more liveable city"; and</i> <i>"A socially inclusive Sydney equates to a more liveable city, one that will continue to enjoy social stability and—by providing equal and fair access—generate a diverse range of social, cultural and economic opportunities that make it a more interesting and enjoyable place for all its people. These issues are addressed throughout the Metropolitan Plan as well as being specifically addressed in this strategic direction by:</i> • <i>planning for built environments that contribute to health and wellbeing</i> • <i>planning for well-located, quality parks, playing fields, open and public space</i> • <i>identifying and protecting places of special cultural, social and community value such as places of Aboriginal heritage, and</i> • <i>identifying, encouraging and strengthening cultural and artistic life"</i> The following is a commentary on how the proposal specifically addresses key actions of the MPS 2036. With the relevant sections to this proposal reproduced below: Action H1.1 <i>The Subregional Strategies will translate the objectives of the Metropolitan Plan into local actions, including LEP preparation. Equity, liveability and social inclusion will be integrated into subregional planning to ensure:</i> - <i>local open space provision is adequate, accessible and appropriate,</i>	✓

		<i>with good access to regional open space</i> Action H2.3 The proposal is a direct result of the directions and recommendations of the Fairfield Open Space Strategy 2007 (FOSS) and Council's Section 94 review. The FOSS is consistent with Section 1.3 of the <i>Recreation and Open Space Planning Guidelines for Local Government</i> which states the following: "1.3 Local level policies <i>At a local level, the council policies and strategic planning framework will help guide consistency. Community Strategic Plans, which include planning for social and environmental issues, may identify community goals and aspirations which can be supported by open space and recreation planning.</i> <i>Open space strategies should be tied to council capital works programs as part of resourcing strategies and asset management plans."</i>	
DRAFT WEST CENTRAL SUBREGION STRATEGY			
STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
CENTRES & CORRIDORS	B2 INCREASE DENSITIES IN CENTRES WHILST IMPROVING LIVEABILITY B2.1 Plan for housing in centres consistent with their employment role. B2.1.2 West Central Councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided.	The proposal seeks to provide additional open space in close proximity to the Village Centres of Fairfield Heights and Canley Heights to cope with existing and expected demand. This complements Draft West Central Subregion Strategy in regards to direction B2.1.2. Increased densities have been identified for areas in and around the centres of Fairfield Heights and Canley Heights by the draft Fairfield Residential Development Strategy (RDS) and zoned accordingly in the Standard Instrument draft Fairfield LEP 2011 (DFLEP).	✓

STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
HOUSING	C1 ENSURE ADEQUATE SUPPLY OF LAND AND SITES FOR RESIDENTIAL DEVELOPMENT C1.3 Plan for increased housing capacity targets in existing areas.	The proposal seeks to provide additional open space in close proximity to the Village Centres of Fairfield Heights and Canley Heights to cope with existing and expected demand as increased densities have been identified for the areas in and around these centres by Council's draft RDS and DFLEP.	✓
	C2 PLAN FOR A HOUSING MIX NEAR JOBS, TRANSPORT AND SERVICES C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres. C2.1.1 West Central councils to ensure the location of new dwellings maintain the sub region's performance against the target for the State Plan Priority E5. C2.1.2 Local councils to provide in their LEPs, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.	Council's draft RDS and DFLEP have identified the areas near and around the centres of Fairfield Heights and Canley Heights for additional residential densities which is consistent with the actions of the draft Sub Regional Strategy. The proposal to provide additional open space in close proximity to these centres will ensure that the current demand for open space is met as well as demand expected as the result of increased residential densities.	✓
PARKS, PUBLIC PLACES AND CULTURE	F2 PROVIDE A DIVERSE MIX OF PARKS AND PUBLIC PLACES F2.1 Improve the quality of local open space	The Fairfield Open Space Strategy 2007 (FOSS) is consistent with the key aspects of this strategy a brief commentary is provided below: The FOSS has recommended that Council develop an inventory of its open space assets this is consistent with the DP&I work on creating a open space inventory for all local and regional open space in Sydney. The Parks Improvement Program has been implemented within Council to upgrade and embellish existing open space facilities. This is consistent with the strategy as it improves the quality of existing open space. The FOSS has identified areas that lack access to open space. This proposal seeks to provide additional open space in the identified areas of Fairfield Heights and Canley Heights. (Refer to Figure 16 of this proposal). This is consistent with this strategy. The relevant section is reproduced below: <i>"..while developing their principal leys councils should consider open space strategies to assess the amount, type, accessibility and distribution of local open space."</i> It is argued that although this proposal is outside of Council's principle LEP it is consistent with the above principle.	✓

STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
PARKS, PUBLIC PLACES AND CULTURE (continued)	F2.2 Investigate future options for open space provision and management	The strategy states the following: <i>"The west central subregion is almost completely urbanised which means that there is limited opportunity for new open space provision. For this reason, new open space provision will need to be considered as part of large scale infill developments and local councils should plan for the acquisition of lands for local open space as part of developer contributions and in some cases offer bonus provisions for dedication of lands in strategically significant areas such as open space corridors."</i> This proposal is consistent with this strategy as it seeks to provide additional open space in existing urban areas. The provision of additional open space in the areas of Fairfield Heights and Canley Heights will address the deficiencies in the current provision of open space as well as to meet the expected demand from expected increases in population in these localities. Funding for the acquisition of these open space sites are provided by Council's superseded Section 94 Plan 1999 and from monies expected to be collected from the current Fairfield Developer Contributions Plan 2011.	✓

5. *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. Of relevance to this proposal are those goals that deal specifically with open space.

Table B details how the planning proposal is consistent with the relevant goals contained within Fairfield City Plan 2010-2020.

Table B – Relationship to the Fairfield City Plan 2010-2020

Themes	Goals	Planning Proposal	Consistency
COMMUNITY WELLBEING	GOAL 2: Being Healthy and Active "we enjoy good health (physical, psychological, social and environmental), have access to high quality facilities and services and contribute to our own wellbeing through a healthy lifestyle." Strategies – What we will do to achieve the goal Providing a range of open space, sporting fields and recreation facilities and programs	The proposal will seek to provide additional open space in Fairfield Heights and Canley Heights to deal with the current demand as well as increased demand as the result of expected population increases.	YES
PLACES & INFRASTRUCTURE	GOAL 4: Our City has quality public spaces as well as entertainment, leisure and recreation opportunities. "Our City has high quality destinations, well used open space, town and neighbourhood centres that provide for a variety of active and passive activities as well as a range of leisure and recreation opportunities." Strategies – What we will do to achieve the goal Providing well developed open and public space and connections that meet the needs of the community in its location, size and type of facilities		

Based on the above assessment it is considered that the planning proposal is consistent with the Fairfield City Plan 2010-2020. The proposal will aid in the achieving the relevant goals as set out in the Plan.

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

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	N/A	-
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	N/A	-
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	Yes	The sites do not contain significant vegetation. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 21 – Caravan Parks	N/A	-
SEPP 22 – Shops and Commercial Premises	N/A	-
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)	N/A	-
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 55 – Remediation of Land	N/A	-
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	N/A	-
SEPP 65 – Design Quality of Residential Flat Development	N/A	-
SEPP 70 – Affordable Housing (Revised Schemes)	N/A	-
SEPP 71 – Coastal Protection	N/A	-

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	N/A	-
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	-
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	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-
SEPP (Affordable Rental Housing) 2009	N/A	-
SEPP (Urban Renewal) 2010	N/A	-
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SREP No. 9 (Extractive Industry) (No 2 – 1995)	N/A	-
SREP No. 18 (Public Transport Corridors)	N/A	-
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	N/A	-

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- Encourage employment growth in suitable locations - Protect employment land in business and industrial zones - Support the viability of identified strategic centres.	N/A	N/A
1.2 Rural Zones	Protect agricultural production value of rural land.	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	N/A
1.4 Oyster Aquaculture	Protect oyster aquaculture areas.	N/A	N/A
1.5 Rural Lands	Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes.	N/A	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	N/A	N/A
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	N/A	N/A
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	- Encourage a variety and choice of housing types to provide for existing and future housing needs - Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services - Minimise the impact of residential development on the environment and resource lands.	The planning proposal seeks to rezone land that is currently zoned for residential purposes for open space purposes. The loss of residential land is seen as negligible as the provision of open space will complement the proposed higher density residential development proposed for the localities. The increased residential densities will offset the loss of any residential zoned land.	YES
3.2 Caravan Parks and Manufactured Home Estates	- Provide for a variety of housing types - Provide opportunities for caravan parks and manufactured home	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	estates.		
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	N/A
3.4 Integrating Land Use and Transport	- Improve access to housing, jobs and services by walking, cycling and public transport. - Increase choice of available transport and reducing car dependency. - Reduce travel demand and distance (especially by car) - Support the efficient and viable operation of public transport services - Provide for the efficient movement of freight	N/A	N/A
3.5 Development Near Licensed Aerodromes	- Ensure effective and safe operation of aerodromes - Ensure aerodrome operation is not compromised by development - Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.	N/A	N/A
3.6 Shooting Ranges	- Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, - Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land - Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	N/A
4.3 Flood Prone Land	- 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>. - 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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	and off the subject land.		
4.4 Planning for Bushfire Protection	▪ Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. ▪ Encourage sound management of bush fire prone areas.	N/A	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	▪ To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	N/A	N/A
5.2 Sydney Drinking Water Catchments	▪ To protect water quality in the hydrological catchment.	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	▪ Ensure that the best agricultural land will be available for current and future generations to grow food and fibre ▪ Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning ▪ Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into Ofarming areas	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	▪ Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route ▪ Prevent inappropriate development fronting the highway ▪ Protect public expenditure invested in the Pacific Highway ▪ Protect and improve highway safety and efficiency ▪ Provide for the food, vehicle service and rest needs of travellers on the highway ▪ Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns.	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	N/A	N/A
5.6 Sydney to Canberra Corridor	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.7 Central Coast	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	▪ Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1 Approval and	▪ Ensure LEP provisions encourage	The planning proposal is	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
Referral Requirements	the efficient and appropriate assessment of development	consistent with this direction. The proposal will rezone the site for its intended use as open space which will ensure efficient and appropriate assessment of development on the site [Direction 6.1 (f)].	
6.2 Reserving Land for Public Purposes	▪ Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes ▪ Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The proposal is consistent with this direction as it seeks to reserve land for open space purposes. The rezoning of the subject sites will provide the community with Council's intention to provide for additional open space in the localities of Fairfield Heights/Smithfield and Canley Heights. The rezoning will ensure that subject sites are restricted from further development and become open space over time.	YES
6.3 Site Specific Provisions	▪ Discourage unnecessarily restrictive site specific planning controls	N/A	N/A
7. Metropolitan Planning			
7.1 Implementation of the metropolitan Plan for Sydney 2036	▪ Planning proposal shall give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy.	The planning proposal is consistent with the direction. Further details are provided earlier on in this proposal under Part B – Justification (Section B)	YES

8. 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 subject sites do not contain any critical habitat or threatened species, communities etc.

The subject sites are currently occupied by low density residential dwellings with one site containing a community group facility and another site being vacant.

9. 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. Of those effects that are present, such as stormwater quality, waste generation, soil and sediment control that may result when the subject sites are being converted to open space will be resolved through the relevant approval processes.

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

The planning proposal will have social benefits for the local community who will benefit from access to more open space facilities. The proposal seeks to provide additional areas of open space to meet the current demand as well as expected demand as the result of increases in population.

Section D – State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

The proposal seeks to provide public infrastructure in the form of additional land for open space. The subject sites have been identified as the result of the findings and recommendations of Fairfield Section 94 Review, the Fairfield Open Space Strategy 2007, and the draft Fairfield Residential Development Strategy.

The subject sites are in close proximity to the centres of Fairfield Heights and Canley Heights. The provision of additional open space near these centres complements the higher density residential proposed in around these centres.

12. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Consultations with public authorities have not commenced. These will be subject to the conditions of any Gateway Determination that may be issued.

It is anticipated that the nature of the proposal will not require consultation with any State and Commonwealth public authorities.

Part 4 – Community Consultation

In the event that a gateway determination is issued by the Department of Planning and Infrastructure to proceed with the rezoning of the subject site, Council has resolved to adopt the following consultation strategy:

1. Notice in the local newspaper as per legislative requirements
2. Letter to owners of properties being rezoned
3. Letters to owners and or occupiers of properties within an approximate 50 metre radius of the subject sites

Note: The above will be in addition to the requirements of any Gateway Determination that may be issued.

ATTACHMENT A

Fairfield Open Space Strategy 2007

ATTACHMENT B & C

Council Report April 2012
Council Report June 2012