



qA284423

14/03587

Department Generated Correspondence (Y)

PLANNING AND INFRASTRUCTURE*Growth Planning & Delivery*

Subject	Fairfield Local Environmental Plan 2013 (Amendment No.4) – Rezoning of various sites in Canley Heights and Fairfield for open space purposes		
Action	☐ For Information	☒ For Decision	☒ Letter for signature
Priority	☐ Urgent ☒ Routine		
Minister Office Generated:		Agency Generated ☒	
Minister ☐	Chief of Staff ☐	Parliament Generated ☐	
Media ☐	Policy Advisor ☐		
Deputy CoS ☐			
Local Government Area(s) affected: Fairfield Local Government Area			
State Member:		Known Views:	
<i>Mr (Guy) Gaetano Zangari MP</i> <i>Member for Fairfield</i> <i>Shadow Minister for Citizenship and Communities</i> <i>Mr Andrew Baijan Rohan MP</i> <i>Member for Smithfield</i> <i>Mr (Nick) Nickola Lalich MP</i> <i>Member for Cabramatta</i>		The views of the State Members are unknown. No communication has been received from the State Members on this issue.	
Federal Member:		Known Views:	
<i>The Hon Chris Bowen MP</i> <i>Member for McMahon</i> <i>Mr Jason Clare MP</i> <i>Member for Blaxland</i> <i>Shadow Minister for Communications</i> <i>Mr Chris Hayes MP</i> <i>Member for Fowler</i>		The views of the Federal Members are unknown. No communication has been received from the Federal Members on this issue.	
Federal Government committees/taskforces (and the like) related to this issue: N/A			

PURPOSE

- To request that the General Manager, as the Minister's delegate, **make** the Fairfield Local Environmental Plan 2013 (Amendment No.4) ('draft LEP') under section 59(2)(a) of the *Environmental Planning and Assessment Act 1979* (the 'EP&A Act 1979') for land at:
 - 39, 41, 43, 45 and 47 Ascot St, Canley Heights
 - 42 Derby St, Canley Heights
 - 6, 8, 8a, 10, 12 Barton St, Smithfield

RECOMMENDATION

- (1) It is RECOMMENDED that the General Manager:
 - (a) **note** the Section 59 Report (**Tag A**) and attachments to this briefing note;
 - (b) **note** Parliamentary Counsel's Opinion that the draft LEP can be legally made (**Tag PC**); and
 - (c) **make** the draft LEP under section 59(2)(a) of the *Environmental Planning and Assessment Act 1979*, as publicly exhibited by **signing** the draft instrument, supporting Maps and Map Cover Sheet (respectively at **Tag LEP** and **Tag Maps**); and
 - (d) **sign** the letter to Fairfield City Council advising of this decision.

CURRENT POSITION

The purpose of the draft LEP is to amend the *Fairfield Local Environmental Plan 2013* for the sites in Canley Heights to:

- rezone the above mentioned sites from R4 High Density Residential to RE1 Public Recreation;
- amend the Floor Space Ratio Map to remove the 2:1 maximum FSR limit
- amend the Height of Building Map to remove the 20 metre maximum limit
- amend the Land Reservation Acquisition Map to include the above sites as "Local Open Space" (with the exception of 42 Derby St which Council owns).

And for the sites in Smithfield to:

- Rezone the above mentioned sites from R3 Medium Density Residential to RE1 Public Recreation.
- Amend the Floor Space Ratio Map to remove the 0:45:1 maximum FSR limit
- Amend the Height of Building Map to remove the 9 metre maximum limit
- Amend the Land Reservation Acquisition map to include the above sites as "Local Open Space" (with the exception of 10 and 12 Barton St which Council owns)

The intent of this proposal is to increase the provision of open space for the local community to meet current and future demand, as identified by the Fairfield Open Space Strategy 2007.

BACKGROUND

- A Gateway Determination was issued on 16 August 2012, which allowed the proposal to proceed with conditions (**Tag E**). Council has satisfactorily addressed the requirements of the Gateway Determination.
- There are no outstanding objections from the relevant public authorities, or unresolved s.117 Directions regarding this proposal.
- There is no evidence of any meeting(s) with registered lobbyists in relation to this matter.
- The proposal and maps were received by the agency on 21 August 2013.
- The final PC Opinion was issued on 18 February 2014 (**Tag PC**).

- Under s.59(2) of the *EP&A Act 1979*, Council has been consulted on the terms of the instrument during the drafting of this plan (see **Tag H**).

Contact Officer: Georgina Ballantine
Director, Metropolitan Planning (Parramatta)
Phone: (02) 9860 1568

RJCumming
25/2/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)


Neil McGaffin
General Manager
Metropolitan Delivery
28.2.14.

(Noted and actioned Legal Services Branch)

Enclosed Attachments

Tag LEP

Tag MAPS

Tag PC

Tag A: Section 59 Report

Tag B: Council Cover Letter and Planning Proposal

Tag C: Original Planning Proposal Nov 2011

Tag D: Letter from proponent/BN authorising proposal to proceed as exhibited

Tag E: Gateway Determination 22 December 2011 and Timeframe Extensions



Planning & Infrastructure

Mr Alan Young
City Manager
Fairfield City Council
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Your ref: 12/03134
Contact: Rachel Cumming
Phone: (02) 9860 1174
Email: rachel.cumming@planning.nsw.gov.au

Attn: Julio Assuncao

Dear Mr Young

Fairfield Local Environmental Plan 2013 (Amendment No.4)

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, requesting that the Minister make Fairfield Local Environmental Plan 2013 (Amendment No.4) ('the LEP'), relating to land at:

- 39, 41, 43, 45 and 47 Ascot St, Canley Heights
- 42 Derby St, Canley Heights
- 6, 8, 8a, 10, 12 Barton St, Smithfield

I am pleased to advise that as the Minister's delegate, I have made the LEP under section 59(2)(a) of the EP&A Act, and under section 34(5), this LEP will take effect when published on the NSW legislation website.

I commend Council for the work undertaken to prepare the LEP and appreciate Council's co-operation in delivering this Plan.

Should you have any questions regarding this matter, I have arranged for Ms Rachel Cumming, Director, Metropolitan Delivery (Parramatta) to assist you. Ms Cumming may be contacted by telephone on (02) 9860 1174.

Yours sincerely

Neil McGaffin
General Manager
Metropolitan Delivery
Growth Planning & Delivery

28.2.14.