

Outcomes Committee



SECTION A

'Matters referred to Council for its decision.'

OUTCOMES COMMITTEE

Meeting Date 11 June 2013

Item Number. 68

SUBJECT: Proposed rezoning of various sites in Canley Heights and Smithfield for open space purposes
Premises: 6, 8, 8A, 10 and 12 Barton Street, Smithfield and 42 Derby Street and 39, 41, 43, 45 and 47 Ascot Street, Canley Heights
Applicant: Fairfield City Council
Zoning: 2(A1) Residential A1 under the Fairfield Local Environmental Plan 1994
R3 Medium Density Housing and R4 High Density Housing under the Fairfield Local Environmental Plan 2013

FILE NUMBER: 12/03134

PREVIOUS ITEMS: 87 - Rezoning of sites in Canley Heights for open space purposes - Outcomes Committee - 12 June 2012
84 - Open Space Options for Canley Heights. - Outcomes Committee - 8 May 2012
44 - Issue - Rezoning of Various Sites within Fairfield Heights/Smithfield and Canley Heights for Open Space Purposes - Outcomes Committee - 10 April 2012
200 - Open Space Land Acquisition - Outcomes Committee - 6 December 2011

REPORT BY: Julio Assuncao, Land Use Planner

RECOMMENDATION:

That Council endorse the Planning Proposal to rezone various Council and privately owned sites for open space as follows:

- 1.1 Rezone the Council properties located at 42 Derby Street, Canley Heights from R4 High Density Residential and 10, 12 Barton Street from R3 Medium Density Residential to RE1 Public Recreation to allow the establishment of a pocket and neighbourhood park respectively.
- 1.2 Rezone the privately owned properties located at 39,41,43,45 and 47 Ascot Street, Canley Heights from R4 High Density Residential to RE1 Public Recreation to allow for the establishment of a future neighbourhood park.
- 1.3 Rezone the privately owned properties located at 6, 8, and 8a Barton, Smithfield from R4 High Density Residential to RE1 Public Recreation to allow for the establishment of a future neighbourhood park in conjunction with 10 and 12 Barton Street.

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- 1.4 Note the acquisition strategy outlined in the report, if it resolves to rezone the privately owned sites identified in the report, including the risk that sites may need to be acquired in the short to medium term from General Revenue that will be reimbursed from future Section 94 contributions.
- 1.5 Notify the affected owners of Council's decision as well as outlining the acquisition strategy outlined in the report.
- 1.6 Refer the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

Note: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Ownership Details of subject sites	1 Page
AT-B	Submissions	17 Pages
AT-C	Planning Proposal to rezone subject sites for open space purposes	46 Pages
AT-D	Gateway Determination issued by the Department of Planning and Infrastructure	2 Pages

CITY PLAN

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

SUMMARY

Council at its Meeting held on 26 June 2012 resolved to prepare a planning proposal to rezone the subject sites (Attachment A) for open space purposes (Public Park).

The proposed rezoning of these sites is seen as a key step in addressing the issues identified in the Fairfield Open Space Strategy 2007 (FOSS 2007) which identified areas in Canley Heights, Fairfield Heights and Smithfield as areas in most need of additional open space.

In accordance with the conditions of the Gateway Determination issued by the Department of Planning and Infrastructure (DP&I) and resolutions of Council, the proposal was placed on public exhibition for a minimum of 28 days between 13 February 2013 and 20 March 2013.

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During the public exhibition period, 3 submissions were received, 1 of which contained 23 signatures of residents near the Ascot Street, Canley Heights sites. All of the written submissions received by Council objected to the proposal to rezone the properties at 39, 41, 43, 45 and 47 Ascot Street for open space purposes.

This report deals with all the issues that were raised by the submissions received during public exhibition of the Planning Proposal.

Please refer to Attachment A for ownership details.

BACKGROUND

Council at its Outcomes Committee meeting held on December 2011 considered a report in respect to the possible acquisition/rezoning of various sites within Canley Heights, Fairfield Heights/Smithfield and Villawood for open space purposes in response to the recommendations of the FOSS 2007.

During this meeting Council resolved amongst other matters the following:

'Council prepare a Planning Proposal to rezone the land identified for acquisition and development as public open space 6(a) Recreation – Future and Existing Open Space and that a report be prepared and brought to Council as soon as practical'.

In accordance with the above resolution, Council considered reports on 10 April 2012 and 26 June 2012 to commence the rezoning process for sites identified in Attachment A for open space purposes.

Accordingly, a Planning Proposal was prepared and forwarded to the DP&I that sought to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013) to rezone the subject sites as follows:

Canley Heights Sites

Rezone the sites from R4 High Density Residential (apartment style developments) to RE1 Public Recreation (Public Park).

Smithfield Sites

Rezone the sites from R3 Medium Density Residential (townhouse and villa developments) to RE1 Public Recreation (Public Park).

The DP&I issued a Gateway Determination (Attachment D) that authorised the public exhibition of the Planning Proposal.

Please note that the rezoning of sites in Villawood, referred to earlier, are being dealt as a separate process.

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Locality, zoning and aerial photos are included on pages 3-6 (Canley Heights sites) and pages 7-10 (Smithfield sites) of Attachment C.

PUBLIC EXHIBITION

In accordance with Council's consultation strategy adopted for this proposal, in addition to those of the Gateway Determination issued by the DP&I, the proposal was placed on public exhibition for a minimum of 28 days between 13 February 2013 and 20 March 2013.

Council officers notified the affected owners with targeted letters, outlining the nature of the proposal and its implications to the future use of their properties, the letters urged the affected owners to make submissions/contact Council officers in respect to the proposal.

Reminder letters (attaching original correspondence) were also sent at the midpoint of the exhibition period.

During the public exhibition period, a total of 3 written submissions were received, 1 of which contained 23 signatures of residents near the Ascot Street sites. It is important to note that all of the written submissions received by Council objected to the proposal.

Council officers also telephoned the owners of those sites that did not make a submission to ensure that they were aware of the proposal and its implications on their properties.

It is acknowledged that the proposal has caused considerable concern for some owners of the affected properties as it proposes the future resumption of their properties.

A summary of the issues raised in the submissions are provided below.

Ascot Street, Canley Heights sites

The issues raised by the submissions can be categorised under the following headings. Specific issues relating to individual properties are addressed separately.

- Increased traffic congestion and associated safety concerns resulting from additional open space
- Increase in antisocial behaviour
- Financial implications associated with the valuation of land
- Ulterior motive for the rezoning/acquisition of land that may be later rezoned
- Impact of Council resources as the result to require mowing of additional open space
- The need for additional open space given the location of nearby parks
- Due to new technology there won't be as much need for open space by future generations
- Large parcels of land with large areas of private open space in the locality without the need for additional public open space
- Discussion in relation to alternative sites

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- Accessibility of amenities such as public toilets located on the southern side of Canley Vale Road
- Changes to the general locality over time both good and bad.

Planning Comments in response to Public Submissions:

Increased traffic congestion and associated safety concerns resulting from additional open space

The purpose of a neighbourhood park is to service the needs of residents that are within 400-500 metres walking distance as defined by the Fairfield Open Space Strategy 2007. Council officers consider that any persons utilising the park would be local residents and unlikely to generate additional traffic as they are likely to travel to the park on foot.

However it is acknowledged that persons travelling to the Canley Heights Town Centre may also utilise any future open space as the result of this proposal. Council officers consider that such persons would utilise the park as a secondary activity as their primary activity would be to frequent the services/attractions on offer at the town centre.

It is acknowledged that larger parks, especially those that are popular with residents, may increase traffic in the area. Fairfield Open Space Strategy 2007 classifies these parks as Level 3 parks, as they provide for the recreational needs of a Place Management Area which attract residents from a larger catchment than a neighbourhood park or pocket park.

Level 3 parks characteristically attract persons from a wider catchment as they provide specialty facilities such as soccer fields, tennis courts etc which are outside the scope of the facilities provided by a neighbourhood park.

It should be noted that if Council resolves not to proceed with the rezoning of the subject sites, they would retain their R4 High Density Residential Zone, which would allow for apartment buildings development, which are likely to generate more traffic than a neighbourhood park.

Increase in antisocial behaviour

The submissions raised concerns about the potential for increases in antisocial behaviour, such as vandalism, drug use and dumping of rubbish (including shopping trolleys) resulting from the proposal. The submissions also make reference to similar issues affecting other Council parks.

It is important to note that anti social behaviour is not limited to open space/parkland. Graffiti vandalism, illegal drug use and dumping of rubbish are complex problems that cannot be solely attributable to the planning framework. Indeed, the activation of precincts through the provision of open space also provides opportunities for greater public surveillance and a detriment to anti social behaviour.

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Vandalism and rubbish dumping can occur across the entire public domain including Council assets, assets of other agencies and private property.

Council has policies in place, namely the *Graffiti Vandalism Prevention and Management* policy which seek to address and manage the issue of vandalism.

Some of the key objectives of the policy are as follows:

- To reduce the social, environmental and economic impact of graffiti vandalism throughout the City of Fairfield;
- To ensure graffiti vandalism is removed from council owned assets in a rapid, effective and targeted manner;
- To develop partnerships with community stakeholders to assist in the prevention and removal of graffiti vandalism;
- To discourage graffiti vandalism through education in schools on the social, health and legal impacts of graffiti on individuals and the wider community;
- To remove graffiti using safe and environmentally friendly methods;
- To proactively monitor and detect graffiti vandalism in the public domain.

Council also has a Waste Enforcement Group that actively investigates and prosecutes persons found to be liable for the illegal dumping of rubbish.

It is important to note that it is Council's intention to provide facilities, such as open space, for the benefit of the wider community, whilst acknowledging the impacts on affected owners, and not as a venue to encourage antisocial behaviour.

Financial implications associated with the valuation of land

The issue of valuation of land can be addressed by referring to the *Land Acquisition (Just Terms Compensation) Act 1991*. The objective of this Act is reproduced below:

1. *The objects of this Act are:*
 - a) *to guarantee that, when land affected by a proposal for acquisition by an authority of the State is eventually acquired, the amount of compensation will be not less than the market value of the land (unaffected by the proposal) at the date of acquisition, and*
 - b) *to ensure compensation on just terms for the owners of land that is acquired by an authority of the State when the land is not available for public sale, and*
 - c) *to establish new procedures for the compulsory acquisition of land by authorities of the State to simplify and expedite the acquisition process, and*
 - d) *to require an authority of the State to acquire land designated for acquisition for a public purpose where hardship is demonstrated, and*
 - e) *to encourage the acquisition of land by agreement instead of compulsory process.*

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2. *Nothing in this section gives rise to, or can be taken into account in, any civil cause of action.*

If Council resolves to proceed with the proposal, whilst acknowledging the objection of the owners, it is important to note that the owners of the subject sites are able to seek their own independent valuations, which may take into account the potential/intended future uses, when determining the value of land. It is important to note that Council is not required to cover these costs; however as a gesture of good will and cooperation, Council generally offers to pay reasonable costs associated with obtaining an independent valuation.

Ulterior motive for the rezoning/acquisition of land that may be later rezoned

The proposal to rezone the subject sites is in direct response to the finding of the Fairfield Open Space Strategy 2007.

The funding mechanism (Section 94) for the future acquisition of these sites requires that they are spent for the purposes for which they were collected. This legal requirement does not allow for Council to rezone the subject sites for other purposes without addressing the legal issues associated with the funding mechanism.

Impact of Council resources resulting from mowing of additional open space

It is acknowledged that mowing of Council assets if not conducted in a timely manner and the effect detracts from the attractiveness of a locality. In this respect, Council seeks to align its service delivery levels against the expectations of the community.

Given the popularity of the Canley Heights Town Centre, the service levels for the maintenance of Council assets in the locality such as public parks will be set accordingly.

The need for additional open space given the location of nearby parks

One of the recommendations of the Fairfield Open Space Strategy 2007 is to provide neighbourhood parks within 400-500 metres walking distance of residents.

Council officers consider that Arbutus Street reserve (corner of Gladstone Street and Arbutus Street and located approximately 400 metres south of the subject sites) is well placed to serve the needs of residents south of the Canley Heights Town Centre whilst the proposal seeks to provide open space facilities for residents that are located north of the Canley Heights Town Centre.

As mentioned earlier in the report, the Fairfield Open Space Strategy 2007 classifies parks into different categories depending on the facilities that they offer. Level 3 Parks, such as Adams Street Reserve (Canley Vale) that is mentioned in the submissions, form part of a series of parks that provide for the recreational needs of the Cabramatta Place Management Area (which encompasses the suburbs of Cabramatta, Cabramatta West, Canley Vale, Canley Heights and Lansvale).

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It is also important to note that there are areas around the Canley Heights Town Centre, including the subject sites, which have been zoned to R4 High Density Development and R3 Medium Density Residential under the FLEP 2013, which permit the development of apartment buildings and townhouse and villas respectively. At this stage, these areas are largely occupied by single dwellings and as a result there is capacity for increased housing opportunities.

Whilst these types of developments are required to provide for their own private and communal open space, they will also place a greater demand on public open space.

Due to new technology there won't be as much need for open space by future generations

The issue of use of open space by future generations, as a result technological advances, is considered a lifestyle choice that cannot be dealt with under the planning framework. Although it can be argued that by providing additional open space facilities it will promote more active, healthier lifestyles.

Large parcels of land with large areas of private open space in the locality without the need for additional public open space

It is acknowledged that the established homes in the Canley Heights locality are located on larger parcels of land which are significantly larger than the minimum standards of more recent subdivisions.

As mentioned earlier, the areas around the Canley Heights Town Centre, including the subject sites, have been rezoned for R4 High Density Residential and R3 Medium Density Residential, which permit the development of apartment buildings and townhouse and villa development respectively. As discussed previously there is a need to identify areas for open space in the locality based on the findings of the FOSS 2007.

Discussion in relation to alternative sites

One of the issues raised in the submissions was the potential for a park to be provided adjacent to 42 Derby Street, Canley Heights (which is Council owned property that is proposed to be rezoned for open space as part of this process).

It is acknowledged that the issue raised in the submission has merit but needs to be addressed in the context of the purpose of 42 Derby Street, Canley Heights.

The establishment of 42 Derby Street as a pocket park, likewise the proposed car park on 44 Derby Street are regarded as ancillary uses and support the establishment of the community facilities that Council is proposing on 41 & 43 Peel Street, Canley Heights.

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The issue of identifying alternate sites is outside the scope of this report as Council has previously considered alternative sites and has resolved to proceed with the proposal to rezone the sites being the subject of this report for open space purposes.

Accessibility of amenities such as public toilets located on the southern side of Canley Vale Road

The issue raised by the submission is noted. This is an issue that is outside the scope of this planning proposal.

Although it is likely that children would be utilising a park at the proposed location and that they may need to utilise the toilet facilities on Canley Vale Road. It is arguable that this scenario could be applied to any persons on the northern side of the Canley Heights Town Centre that require the use of these facilities.

Changes to the general locality over time both good and bad

One of the issues raised in the submissions is the changes that have occurred in the area as experienced by long term residents. The points raised in the submission are inherent to changes to localities over time.

The NSW Metropolitan Plan for Sydney 2036 (MPS 2036) provides the strategic framework for the development of the Sydney metropolitan area to the year 2036.

One of the key changes that Council has implemented, in response to the MPS 2036, is to provide for more housing opportunities in and around town centres such the Canley Heights Town Centre.

The flow on effect of these changes, place additional demands for facilities such as open space and community centres.

The proposal to rezone the subject sites for future open space seeks to manage the future demands of the Canley Heights locality.

Specific Issues owner of No 47 Ascot Street, Canley Heights

Issue

The proposed Medical centre at 47 Ascot Street will benefit the local community specifically the Khmer speaking community in the locality.

Planning Comments

It is acknowledged that the owner of the subject site purchased the property with the intention to establish a medical centre to serve the local Khmer speaking community in the locality.

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The subject site does not have a current valid consent to operate as a medical centre. However, the subject site was issued with consent to operate as a '*Home Business*', as defined in the Fairfield Local Environmental Plan 1994, for the use of part of the existing dwelling as a doctor's surgery (General Practitioner) for a trial period of 12 months. This consent was issued in early 2007 and has since lapsed.

The subject site is zoned for R4 High Density Residential under the FLEP 2013 which permits a '*medical centre*' to be developed on the site. Council officers acknowledge that the subject site has the potential to be developed as a medical centre subject to meeting the relevant Council requirements. However, details of such a proposal have not been submitted to Council since the lapsing of the 2007 consent.

The subject site is seen as an integral part of Council's proposal for providing additional open space in the Canley Heights locality. The issue of excluding the site is further discussed below.

Issue

Exclude the subject site from the proposal as it only contributes a small component of land (approximately 556sqm) to the overall proposal.

Planning Comments

The Fairfield Open Space Strategy 2007 identifies that neighbourhood parks should approximately 4000-5000sqm in size. The combined total of the Ascot Street sites equate to approximately 3514 sqm which is below the target amount.

Whilst acknowledging the intent of the owner to establish a medical centre on the site, excluding the site from the proposal would further reduce the area available for a future park from that of the required nominal amount.

Issue

Incorporation of 47 Ascot Street with other sites identified by the proposal will create an irregular shaped lot and the proposal will impede future amalgamation of 47 Ascot Street with the adjoining commercially zoned properties.

Planning Comments

Whilst acknowledging that rezoning the subject site would impede any possible amalgamation of the site with the adjoining commercially zoned land, excluding the site from future open space would reduce the amount of land that would be available for future open space.

Council officers consider that the irregular shape that may be created by the inclusion of the subject site is not significant to not warrant proceeding with the proposal given its intended use as open space.

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Any redevelopment of the adjoining lots to the south of the subject sites would need to have consideration of the intent of the subject sites to be developed as a future public park. Future redevelopment of the adjoining commercially zoned lots would also provide opportunities for the establishment of pedestrian links between Ascot Street, through future open space, and Peel Street parallel to Canley Vale Road.

Issue

The submission states that Council officers had previously advised that the subject site was proposed to be zoned for commercial purposes in early 2012.

Planning Comments

There is no record of such advice that was provided by Council in respect to the potential for the site to be rezoned for commercial purposes. However the advice that may have been provided was in relation to the preparation of the FLEP 2013 and the changes required under the Standard Instrument Local Environmental Plan to all land in the Fairfield Local Government Area. The advice that may have been provided may have referred to the rezoning of the site from 2(a1) Residential A1 under the FLEP 1994 to R4 High Density Residential under the FLEP 2013.

It is important to note that use of the site as a 'medical centre' is permissible under the current R4 High Density Residential of the subject site without a need for a rezoning.

The State Environmental Planning Policy (Infrastructure) 2007 also permits for 'health services facility' which includes 'medical centre' under the R4 High Density Residential zone.

Issue

The Canley Corridor DCP recognises that 217 Canley Vale Road (Lot C Deposited Plan 415800) is currently used for commercial purposes (car parking associated with the Canley Heights IGA) but not zoned for R4 High Density Development under the FLEP 2013. This site should be zoned for B2 Local Centre in conjunction with 47 Ascot Street to provide a uniformed zoning pattern.

Planning Comments

The points raised in the submission are noted, Council officers position is that the use of Lot C Deposited Plan 415800 as a car park is ancillary to the Canley Heights IGA supermarket.

The amalgamation plan depicted in the Canley Corridor reflects the ownership pattern of the subject lots that comprise of the Canley Heights IGA supermarket and not necessarily reflect the zoning pattern.

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It is important to note that a planning proposal would be required to rezone Lot C Deposited Plan 415800 for commercial purposes, likewise 47 Ascot Street.

Such a proposal will also need to be accompanied by a review of the economic conditions, at the time any application is lodged, which will need to demonstrate a demand for additional commercial floorspace as the result of increases of population in the surrounding catchment.

It is important to note that the approach described above is dependent on Council excluding the subject site from the proposal.

Specific Issues raised by owners of No 39 & 41 Ascot Street, Canley Heights

- Has lived at the subject sites for over 58 years and the Council proposal has introduced a level of stress that has affected their health.
- Had visions that the properties would be passed down to their children/grandchildren.
- Does not agree that Council should be the only purchaser.
- Council's position on elderly residents of Fairfield City.

Planning Comments

To address the above concerns, Council officers have endeavoured to communicate the nature/implications of the proposal to the affected owners/representatives when Council resolved to investigate these sites for possible rezoning/acquisition.

If Council resolves to proceed with the proposal, the properties would not be able to realise R4 High Density Development and Council would become the acquisition authority for any future acquisition of the site.

Council officers are of the opinion that the technical aspects of the submission have been adequately addressed.

43 Ascot Street, Canley Heights

Council officers did not receive any correspondence from the owner of this site, Council officers telephoned the property manager of the site, who confirmed receipt of the correspondence and advised the owner to contact Council directly. It is important to note that the above step was in addition to the 2 previous letters Council had sent to the owner advising of the proposal. No submission was received from the owner.

It is important to note that the owner of the subject site, as previously reported to Council, has indicated that they were willing to sell their property to Council subject to price.

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45 Ascot Street, Canley Heights

A representative for the owner of this site has indicated that they are willing to sell their property to Council in the short term and will approach Council when they are in a position to sell. The representative advised Council officers by telephone that they agreed with the proposal subject to the above and as such have not provided a written submission.

Barton Street, Smithfield Sites

No submissions were received from the owners of the Smithfield sites. Council officers telephoned the owners of these sites in order to obtain their views on the proposal and its implications on the future use of their land.

In general the owners/representatives of 6 & 8 Barton Street indicated that they did not wish to sell their properties to Council in the short to medium term as they wished to remain at their properties long term. As a result, any acquisition strategy, which is discussed later in the report, will need to correspond with the owner's position in respect to the matter.

The owners of 8A Barton Street, being the Girl Guides Association of NSW, have not advised the organisation's position on the matter after numerous requests by Council officers. However, they had previously indicated that they may be open to the possible sharing to sharing of open space with Council. This approach, whilst zoning the site for open space, will allow retention of the existing building on the Girl Guides property which would be incorporated with Council's open space.

STATE AGENCY SUBMISSIONS

The Gateway Determination issued by the DP&I required the consultation with Telstra, Sydney Water and Endeavour Energy.

The above state agencies were notified and no submissions were received in relation to the proposal.

GATEWAY DETERMINATION PROCESS

The Gateway Determination (Attachment D) permitted the draft amendment to the FLEP 2013 to proceed to public exhibition subject to a number of conditions.

Council in its notification of the proposal provided the owners of the subject sites with clear correspondence in respect to the nature of the proposal and urged affected owners to make a submission/contact Council in respect to the matter. Reminder letters were also sent to the affected owners at the midpoint of the exhibition period.

Council officers also telephoned the owners, of the properties affected by the proposal, which did not make a submission, to ensure that they had received/understood the correspondence and were aware of the implications to the future of their properties.

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Given the above, Council officers consider that sufficient efforts have been undertaken to ensure that the affected owners have been made aware of the proposal.

The gateway determination has provided Council until August 2013 to finalise this proposal and is therefore still on target to progress the proposal within the required timeframe should Council resolve to adopt the proposal following on from public exhibition.

AMENDMENTS TO THE PLANNING PROPOSAL

The Planning Proposal (Attachment C) included references to the FLEP 1994 and the FLEP 2013 as it was not clear at the time which plan would be in force when the plan was finalised.

The FLEP 2013 came into force on 31 May 2013 and as a result the Planning Proposal has been amended to remove all references to the FLEP 1994. In addition a minor amendment was also made to the Planning Proposal to reflect Council's acquisition of 12 Barton Street, Smithfield.

FINANCIAL IMPLICATIONS

Section 94 Plan(1999) Expenditure Plan

At the time of writing this report Council has approximately **\$7.9 million** in its Open Space Acquisition Account.

The Expenditure Plan currently includes approximately \$8-10 million worth of acquisitions, if Council resolved to proceed with the proposal, including the cost of acquiring the subject sites.

These costs include land identified for open space purposes as well as land identified for drainage purposes (i.e creeks).

Section 94 Plan (2011)

The following provides a brief summary of the balances of the various funds that have been collected since the commencement of the Section 94 Plan 2011.

- Fairfield Catchment - Open Space Acquisition: **\$150,584.71**
- Villawood Catchment - Open Space Acquisition: **\$0.00**
- Cabramatta Catchment - Open Space Acquisition: **\$17,709.00**
- Western part of the LGA Catchment - Open Space Acquisition: **\$278,165.42**

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The previous reports to Council in respect to this matter advised Council of the acquisition strategy associated with this proposal. Council at its meeting of 26 June 2012 resolved the following:

'That Council note the strategy for acquisition of Open Space sites identified in the report including the risk that sites may need to be acquired in the short to medium term from General Revenue that will be reimbursed from future Section 94 contributions.'

In summary, if Council resolved to proceed with the proposal there would be insufficient funds to acquire all the land that has been identified for open space and drainage purposes (even if pooling of contributions was applied).

ACQUISITION STRATEGY

As referred to earlier in the report, Council should note that there are insufficient Section 94 funds available to acquire all the subject sites, if Council resolved to proceed with the proposal, if it was required to do in the short term.

Council's strategy would be to rezone all the subject sites for open space purposes to ensure they were reserved for future open space. Of these sites, Council would acquire 1 or 2 sites in the short term (depending on the location) to establish a pocket park which would be expanded in the future when the other open space zoned properties were available for purchase.

This approach would also ensure that Council would have sufficient funds, expected to be collected under the Section 94 Plan (2011), to acquire all the properties zoned for open space.

It is important to note that Council officers communicated this strategy to those affected owners that did not wish to sell their properties in the short to medium term.

Ascot Street, Canley Heights Sites

39 & 41 Ascot Street, Canley Heights

The owners of these sites have objected to the Council proposal to rezone the respective properties.

If Council resolves to rezone these properties for open space, Council officers consider that these properties should not be acquired in the short to medium term, as the owners have indicated that they did not wish to sell their properties to Council and wished to remain long term at their properties.

In this respect the acquisition of these properties should be a long term proposition.

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43 Ascot Street, Canley Heights

The owner of this site had previously indicated to Council officers that they are willing to sell to Council subject to price. If Council was to resolve to proceed with the proposal, Council officers recommend that negotiations should commence with the owner for the potential purchase of the site in the short to medium term.

45 Ascot Street, Canley Heights

A representative from the owner of the site indicated that they are willing to sell the property in the short term (within 5 years) and will approach Council once they are in a position to sell, as a result Council should delay acquisition of this site until the property comes onto the market.

47 Ascot Street, Canley Heights

The owner of this site has objected to the proposal and has advised Council that they do not wish to sell the property. If Council resolves to proceed with the proposal, Council officers recommend that negotiations should commence with the owner to purchase the property in the short term as once the property has been rezoned for open space, it will not permit the establishment of a 'medical centre' on the site as proposed by the owner.

Smithfield Sites

6 Barton Street, Smithfield

The owner of this site has advised Council officers that they wish to remain in the property for the long term and did not wish to sell the property to Council in the short to medium term. The owner has provided verbal advice they have no issues given the long term nature of the proposal. If Council resolves to proceed with the proposal, Council officers consider that the acquisition of this property should be a long term proposition in accordance with the wishes of the owner.

8 Barton Street, Smithfield

A representative for the owners of this site also indicated that they wished to remain in the property for the next 20-30 years and did not wish to sell the property to Council in the short to medium term. If Council resolves to proceed with the proposal, Council officers consider that the acquisition of this property should be a long term proposition in accordance with the wishes of the owner.

8a Barton Street, Smithfield

The subject site is owned by the Girl Guides Association of NSW who have not provided Council with a formal position on the proposal.

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As discussed earlier, Council can proceed with the rezoning whilst allowing the retention of the existing Girl Guides building.

This approach allows for a pocket park to be established on the Council owned properties located on 10 and 12 Barton Street in the short term. The pocket park could incorporate the existing building located on the adjoining Girl Guides property which would allow them to utilise the pocket park.

Acquisition strategy conclusion

It is important to note that Council should acknowledge the individual circumstances of the affected owners if it resolves to proceed with the proposal to rezone the subject sites for open space purposes.

As mentioned earlier in the report, Council has insufficient Section 94 funds to acquire all the properties that are proposed to be zoned for open space purposes. If the proposal was to proceed, Council should note that the owners can at any time request Council to purchase the sites in the short to medium term at which point Council would need to obtain alternative sources of funding, which would be reimbursed with future Section 94 funds.

CONCLUSION

Council officers acknowledge that the proposal has attracted objections from some owners of the affected properties.

The proposal was initiated as a direct response to the recommendations of the FOSS 2007 that identified the localities of Canley Heights and Smithfield as areas in need of additional open space. The proposal is seen as a key step to address these issues.

Whilst Council officers consider that the technical aspects of the proposal have been adequately addressed that do not warrant not proceeding with the proposal. Where relevant this report recommends direct negotiations commence with a number of landowners to address their concerns to promote greater certainty regarding the future use of the subject sites for open space purposes.

OUTCOMES COMMITTEE

Meeting Date 11 June 2013

Item Number. 68

Julio Assuncao
Land Use Planner

Authorisation:
Acting Manager Strategic Planning
Group Manager City Development

Outcomes Committee - 11 June 2013

File Name: **OUT110613_4.DOC**

***** END OF ITEM 68 *****

ATTACHMENT A

OWNERSHIP DETAILS		
Canley Heights Sites	Address	Legal Description
[REDACTED]	39 Ascot Street, Canley Heights	Lot: 46 DP: 7225
[REDACTED]	41 Ascot Street, Canley Heights	Lot: 47 DP: 7225
[REDACTED]	43 Ascot Street, Canley Heights	Lot: 48 DP: 7225
[REDACTED]	45 Ascot Street, Canley Heights	Lot: 49 DP: 7225
[REDACTED]	47 Ascot Street, Canley Heights	Lot: 6 DP: 25120
[REDACTED]	42 Derby Street, Canley Heights	Lot: 110 DP: 7225
Smithfield Sites		
[REDACTED]	6 Barton Street, Smithfield	Lot: 152 DP: 7638
[REDACTED]	8a Barton Street, Smithfield	Lot: 154 DP: 7638
[REDACTED]	8 Barton Street, Smithfield	Lot: 153 DP: 7638
[REDACTED]	10 Barton Street, Smithfield	Lot: 155 DP: 7638
[REDACTED]	12 Barton Street, Smithfield	Lot: 156 DP: 7638

Attachment B

Dr. Vary Nou and Family
Rycha Pty Ltd
18 Bridge Street
Cabramatta NSW 2166
9726 9093

Tuesday 5th March 2013
To Whom It May Concern
Attention: Julio Assuncao
RE: 12/02603 - Rezoning of Various Sites within Fairfield Heights/Smithfield and Canley Heights for Open Space Purposes

We reiterate our objection to the rezoning of 39-47 Ascot Street Canley Heights for the following reasons:

*** Additional Traffic Congestion Causing Higher Risk of Motor Vehicle Accidents**

- **The proposed open space/parkland area in Ascot Street is directly adjacent to Canley Heights CBD and is already an area of severe traffic congestion and very limited parking.**

- Considering the attraction of families, children and youths to open space/parkland area the risk of child/youth **fatalities** in these traffic and parking conditions will be significantly higher.

- Whilst it has been observed that there are public toilet facilities to the southern end of Canley Heights CBD it would **force pedestrians from Ascot Street across the very busy Canley Vale Road**. It is an unnecessary risk to ask families with young children, perhaps in a state of urgency that are therefore less careful to do this.

- There is little or no public transport in the area that would enable people to get to this park.

*** Unnecessary Division of Parkland Area**

- Negotiations with the owner of 42 Derby Street were positive whilst **negotiations with all residents of the affected properties on Ascot Street were negative** and that Council would be prepared to amend the planning proposal to include only Derby Street.

- We note also Council's intention to create a "pocket park" in the Derby Street space.

- Council's long-term intention is to create neighborhood parks between 1000-4000 square metres in size. It is therefore contradictory to have a "pocket park" in one site and then a larger park **only a street or two away**, and the **cost of maintaining**

Attachment B

two separate sets of facilities (public restrooms, lighting, parking, pedestrian access, traffic control, grass and weed control and so on) unnecessary.

- Rezoning for more parkland/open space adjacent to 42 Derby Street will in the long term allow for larger open space, dramatically beautifying the local area whilst lowering Council's overall cost of maintenance.

- Parkland along Derby Street will **reduce the level of noise and pollution coming from the busy Cumberland Highway** that runs parallel, creating an immediate and visually obvious benefit for Canley Heights residents.

- 42 Derby Street is located further down from the Canley Heights CBD, **meaning parking and traffic congestion issues will not be as problematic.**

- We observe also that there is in fact open space at the intersection of Canley Vale Road and Gladstone Street already, a mere **500m** from the Derby Street site. A mere **1100m** from Derby Street is the very large Adams Park (at the corner of Canley Vale Road and Sackville Street).

- It is therefore **unnecessary to insert yet another parkland** in this area in Ascot Street in addition to the large number of parks already in existence throughout the area, such as Peterlee Road Park, Arbutus Street Park, Green Valley Creek Reserve and Orphan School Creek Reserve, by no means an exhaustive list. (appendix 2.)

- It is also an unnecessary expense at a time when parkland maintenance leaves much to be desired. On Sunday 3rd March photos were taken from three parks randomly chosen in the general area (appendix 3.) In evidence was grass in dire need of mowing, abandoned shopping trolleys, scattered debris and large amounts of graffiti, some distasteful in the extreme.

* Essential Healthcare for Multicultural Residents

- It is currently intended to be developed as a **Medical Centre particularly catering to the multicultural heritage of the area.**

- As per the Section 94 Analysis, Cabramatta Catchment (including Canley Heights) is expected to grow to a population of 5284 persons in the next 20 years; Canley Heights itself under attention from Council for rezoning as **high density residential.**

- However **Canley Heights currently only has three doctors** in the area, none of whom speak Cambodian in spite of the high number of Khmer local residents. A Multilingual Medical Centre will provide essential healthcare services to this growing population.

- Previous consultations with Fairfield City Council town planners have been positive and previous advice given by Council Town Planners was to await **rezoning of 47 Ascot St in early 2012 for commercial purposes, in line with two out of**

Attachment B

three adjacent properties. (appendix 1) It is currently planned to have access from the Canley Vale Road CBD frontage.

- Rezoning as open space/parkland will result in **financially crippling the Medical Centre development** whilst contributing little to the open space, especially taking into account **the odd shape and relatively small size of the lot.**

- While the Council assures local residents fair prices will be paid, rezoning will certainly ensure homes will be valued disfavouredly by banks, severely disadvantaging residents wishing to draw against equity, to start a business, buy a car, or requiring personal loans.

At the very least we submit that should the Council choose Ascot Street as their preferred site that number 47 Ascot Street be excluded from this.

- The size of the five blocks along Ascot Street make up to around 3700m squared. However Council's previous business plans stated they wanted to create neighbourhood parks in-between 1000-4000 square. It seems therefore that excluding 47 Ascot St, an oddly shaped block of only 570m square would not be detrimental.

- In the business paper published by Fairfield City Council Outcomes Committee here:
<http://www.fairfieldcity.nsw.gov.au/default.asp?iSubCatID=2275&rsQuickLinks=1> it seems Council have considered an alternative site on Canley Vale Road and Ascot Street. It is stated that this alternative site has both better exposure and would be cheaper for the Council to acquire, however it is approximately 200m square smaller. How can 200m square of grass is considered to be of greater benefit to the community than a multilingual medical centre in a high density residential area with a low socio-economic demographic of refugees and disadvantaged immigrants?

Appendix 1



Attachment B

Appendix 2

Note the location of the stars indicating pre-existing parkland.



Attachment B

Appendix 3 – photographs taken Sunday 3rd March at parkland throughout Fairfield City



Attachment B

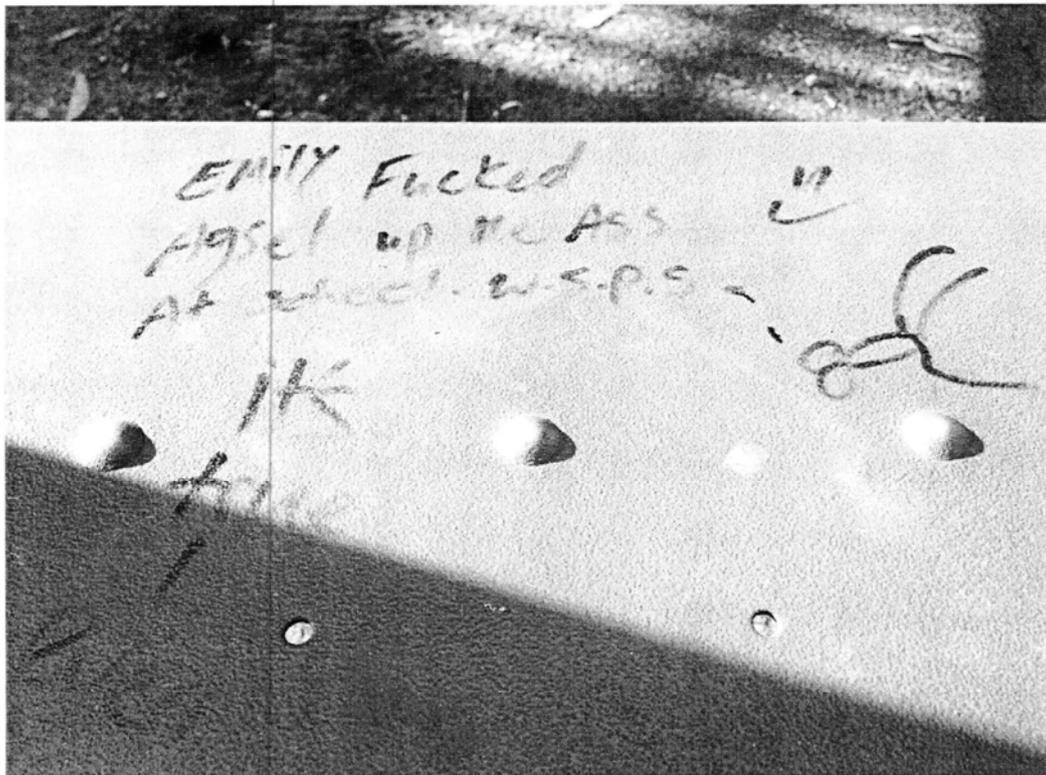


Attachment B



WARNING – THE FOLLOWING IMAGES ARE DISTASTEFUL.

Attachment B



Attachment B



Attachment B



Attachment B

OUTCOMES COMMITTEE MEETING – 12 JUNE 2012

Item 87

Thank you Councillors.

I speak on behalf of Dr Nou & Mrs Nou, the owners of 47 Ascot Street, Canley Heights who object to the proposed rezoning of their property to Open Space.

The owners purchased the property for a Medical Centre DA28/2007 issued by Council. This DA has since lapsed. Dr Nou intends to establish a medical practice in Canley Heights, the subject site provides a direct link with the commercial area and the local community. The medical practice would provide a much needed service to the community.

Draft Fairfield LEP 2011

- Draft FLEP 2011 identifies subject property as R4 High Density Residential.
- The property has been identified within 'Site 11' as a preferred option for Open Space.
- Site 11 has a total area of 3, 513m² including No. 47 Ascot Street with an area of 556m².
- From Draft FLEP 2011 - No 47 Ascot Street has its southern and western boundaries abutting the B2 Local Centre zone. (Refer extract of Draft FLEP 2011)
- No. 47 Ascot Street is shorter in length than the adjoining lot to the north (No. 45 Ascot Street) and if consolidated for Open Space with Nos. 39-45 Ascot Street will create an irregular shaped allotment.
- With reference to the Draft FLEP 2011 Map the property fronting Peel Street to the rear of No. 47 Ascot Street is also zoned R4 High Density Residential. This property currently supports off street car parking for the IGA Supermarket. (See extract of Draft FLEP 2011).
- No. 47 Ascot Street and the property in Peel Street (known as 217 Canley Vale Road) will provide for a future expansion of the B2 Local Centre. To include No. 47 Ascot Street in the Open Space zone will impede any future expansion and consolidation of the B2 Local Centre.

Canley Heights Town Centre DCP No. 37

- DCP 37 identifies the Peel Street property (217 Canley Vale Road) as Development Site No. 7.

Attachment B

- The FLEP 1994 identifies the Peel Street property as 2(a1) Residential. DCP 37 identifies both the Peel Street property and the Canley Vale Road properties (same ownership - IGA Supermarket) in Development Site Plan No. 7 as potential commercial development site. The Draft FLEP 2011 fails to recognise the land use and planning controls for Canley Heights DCP 37.
(See extract DCP 37)
- Having regard to DCP37 recognising the Peel Street as potential Development Site No. 7 it follows that No. 47 Ascot Street should be included in Development Site No.8 as shown in DCP 37. The Peel Street property has consent for car parking in association with the approved IGA Supermarket in Canley Vale Road. The Peel Street property is zoned 2(a1) in the current LEP and is zoned R4 High Density in the Draft LEP 2011. Commercial land use prohibited in Draft FLEP 2011. Council has accepted the Peel Street property as a commercial site in DCP 37 but failed to reflect this in the Draft Fairfield LEP 2011.
- As Council has accepted the Peel Street property for a commercial use Council should be accepting of No. 47 Ascot Street for B2 Local Centre zone which would create a uniform zoning boundary for the B2 Local Centre in Canley Vale Road.

Neighbourhood Parks

- In reference to the Planners Report for Item 87 Outcome Committee Agenda page 12 refers to Residential Development Strategy which states that the Aspirational Target for neighbourhood parks is 0.25ha – 2ha.
- If No. 47 Ascot Street is excluded from Site 11 the area will still satisfy the numerical standard for a Neighbourhood Park with a total area of 0.29ha. If Council requires a larger Neighbourhood Park then property to the north (No. 37 Ascot Street) should be considered.
- Site 10 on the corner of Canley Vale Road and Ascot Street (zoned R3 Medium Density Residential Draft FLEP) would present an accessible and visible open space area that would complement the Canley Vale Commercial Area. The acquisition of land in the R3 zone would be at a cost to Council substantially less than in the R4 zone.

The owners strongly oppose the inclusion of No. 47 Ascot Street in the proposed Open Space acquisition. Council is requested to reconsider the inclusion of No. 47 Ascot Street in the Open Space zone in consideration of the information provided.

Attachment B

RE: 12/02603

18 March 2013

Julio Assuncao

Fairfield City Council

PO Box 21

Fairfield NSW 1860

Mr Julio Assuncao,

**RE : PUBLIC EXHIBITION OF DARFT PLANNING PROPOASL TO REZONE
PROPERTIES LOCATED AT 39,41,43,45,47 ASCOT STREET AND 42 DERBY STREET,
CANLEY HEIGHTS FOR OPEN SPACE PURPOSES.**

With reference to your letter dated 13 February 2013, we strongly oppose the proposed re zoning of the above mentioned properties to open space located in Ascot Street, Canley Heights , the reasons listed below:

- My wife and I have lived at 41 Ascot Street, for over 58 years, we have been a rate payer for the entire period, we have not taken this issue of rezoning lightly and the stress has affected our health,
- We had visions of having the property going to our children/grandchildren for knock down rebuild or redevelopment as my wife is also part owner of 39 Ascot Street, our wish has been taken away from us as the properties will only be able to be sold to council,
- Given Council's understanding of the impacted residents and their needs, we question whether your proposal of rezoning and acquisition of the properties at 39 & 41 Ascot Street, follows your vision for the elderly in our community,
- The proposed open space/park is within close proximity of the Canley Heights shopping centre, this is already an area of severe traffic congestion and with the attraction to children of open space/park there is significant risk to injury or fatality from motor vehicles. Being adjacent to the shopping centre it will also encourage litter and vandalism,
- All of the properties in the Canley Heights area are large compared to new sub divisions and exceed the requirements by the NSW Housing code for the minimum private space; the area does not need any more open space / parks,
- With the advances in technology, our present and future generation of children / youth are less inclined to use open space, and

Attachment B

- The existing open spaces/parks in the area are not mowed in a timely manner, adding additional open space / park will only place further pressure on resources and costs for maintenance for what may be of little use to our the future generation of local residents.

We strongly object to the proposal.

Yours faithfully,



Attachment B

Lands Use Planner
Julio Assuncao.
Reference N^o 12/02306

J M & M E Tekely
34 Ascot Street
Canley Heights
N.S.W. 2166
12-3-2013

Julio, thank-you for your explanation regarding the proposal of Councils long-term strategy rezone plan for Ascot Street Canley Heights, the northern side of Canley Vale Road from medium density residential to Public Open Space (Recreation Park) directly joining the commercial area of Canley Heights. Ascot Street is a very sort after residential street in the area, and in our opinion not a desirable area for a public park, the signatures of this letter have all lived in our homes in Ascot street for 30,50,and 60+ years and have seen a lot of changes, some good and some not so good, as when we bought our land we had to clear the trees off it before we could submit our home plans to get approval to commence our building. Dirt roads no curb and guttering and no footpaths and it was a long time before we had sealed roads to the curb and then curb and guttering and some footpaths. They were good things.

On the adverse side there are still drugs being sold and bought in the area, which brings it to an undesirable area for a recreation public park, in no time there would be needles and so-on for drug use found there, making it unsafe for children and rendering it useless. It would become a white elephant just like Arbutus Park it soon lost its popularity because of needles that had been used for drugs found there & We have been past there several hundreds of times and there is never any children playing in that Park.

The area in question has five ¼ acre blocks with five family homes, which makes it much safer for children to play in the back yard than a park. We have all seen many changes in the area that come and go, from a young area to older area, and as older residents, we would like to have the personal comfort knowing that our family or grandchildren can have the comfort & conveniences we have all strived to get which has made it enjoyable living here.

We resent very much being told by council of their Rezone Plan for the area of 5 x ¼ acre blocks directly joining the commercial area, of Canley Vale Road & the western side of Ascot Street for open public space (Public Park) We are sure there are many more suitable areas for a public park. Or is there an ulterior motif, to resume the land & later rezone it.

FAIRFIELD CITY COUNCIL

18 MAR 2013

Signatures: Residents of Ascot Street, Canley Heights.

Jim Tekely
W. Tekely, 34 Ascot St., Canley Hts.
E.D. Stahl - 37 ASCOT ST, CANLEY HGTS
B.J. Archer - 37 Ascot St, Canley Heights.
K. Bryszko 41 Ascot St, Canley Heights *C. Szyrsko 41 Ascot St, C. H.*
J Durnett 37A Ascot St Canley Heights. NSW 2166

H E A N G S I M U N G
42 Ascot St. Canley Heights

TO:	
FILE:	
DOC ID:	
CRM:	
SCAN DATE:	

Attachment B

Anh Tuan Tram
40 Ascot St
Canley Heights Jue

leen tran
33 Ascot St Canley Heights Leen

THANH DOKAN
33 Ascot St Canley Heights TH

LANG TAINH
28 Ascot LT

20 Tynae Ama Sava Ascotst Canley Heights

18 Ascot St I. Bukarica J. Marica
V. Bukarica Bukarica

16 Ascot St MY CHU TO Chu

AR KUMON 1 Paul Cray Canley Heights
MILAN VIDOVIC
46 PEEL ST CANLEY HEIGHTS Milan

Attachment B

Chandra Nou 47 Ascot street
Canley Heights *Chandra*
K. Szyzako 39 Ascot Street Canley Heights

Khang Ngo 46 Ascot St, Canley Heights *Khang*

Patrick Lee En Lek
12 Ascot St Canley Height *Patrick*

Senadu Mrgan
4. ASCOT ST. CANLEY HEIGHTS *SM.*

Jess Larkham 3 Ascot St.

T.N. TRAM PHAM - 42 PEEL STREET CANLEY HEIGHTS.
T.N. Tram Pham
NSW 2166.

Tuan Minh PHAM (Ken) - 36 Ascot St,
Canley Heights, 2168 *Tuan Minh*

Phuong N Tran - 38 Ascot St
Canley Heights 2166 *Phuong*

Tony Huang - 30 ASCOT Street
Canley Heights 2166 *tonyhuang*

Attachment C



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 2013 draft
Amendment*

Attachment C

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 to rezone the above sites for open space purposes (refer to **Attachment B** and **Attachment C** for copies of the respective reports).

Note: The Fairfield Local Environmental Plan 2013 came into force on 31 May 2013 and as a result the Planning Proposal has been amended accordingly to remove references to the Fairfield Local Environmental Plan 1994.

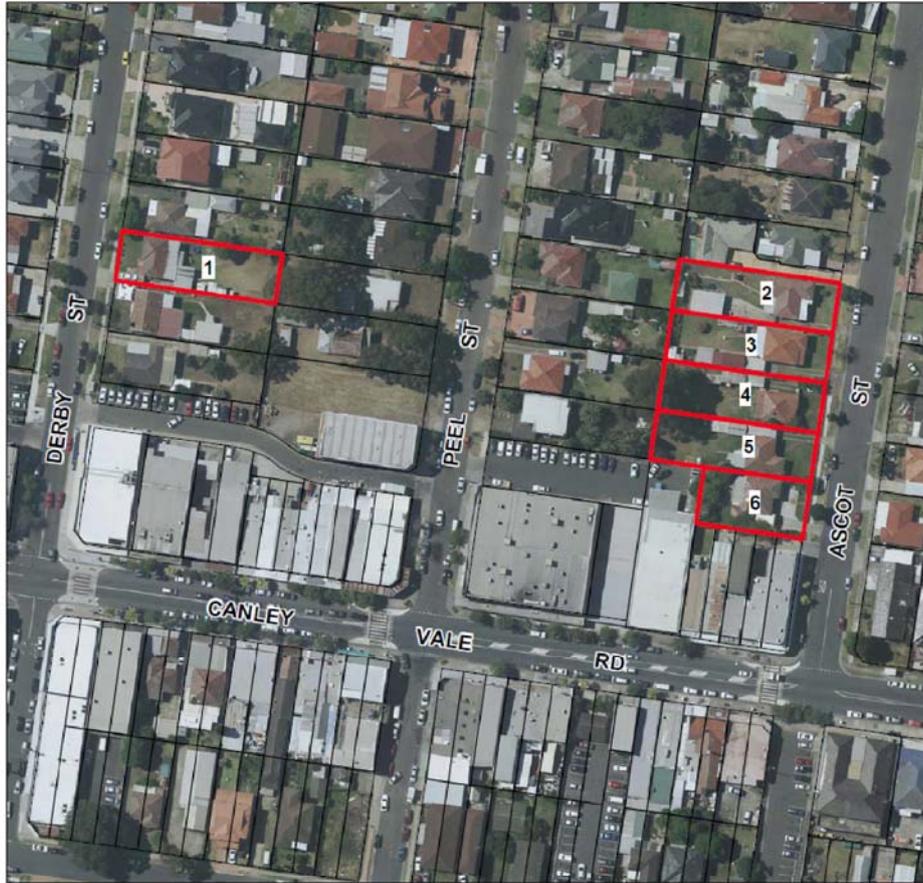
The following text will only be required if Council resolves to adopt the Planning Proposal post public exhibition.

Refer to **Attachment D** for the 11 June Council report that considered the matter post public exhibition.

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

Attachment C

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)

Attachment C

Figure 2 – Canley Heights Site Location Map

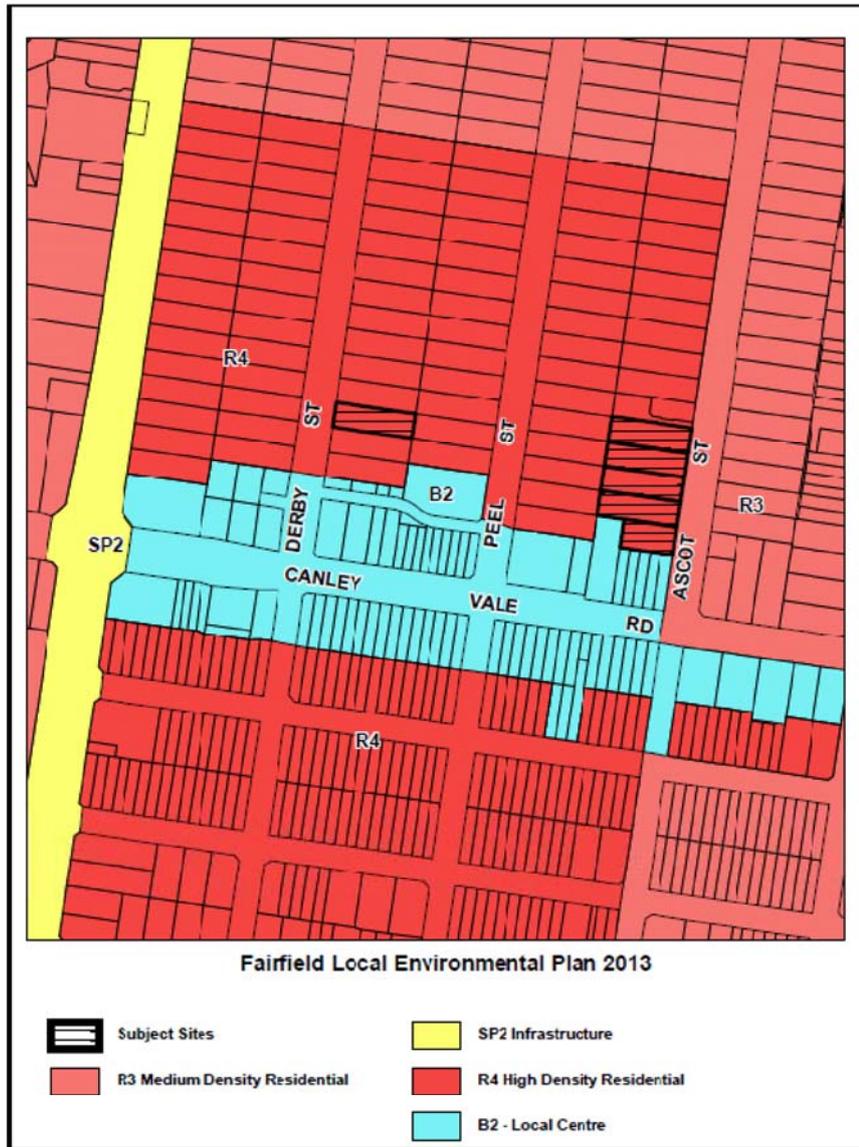


Location Map

- 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)

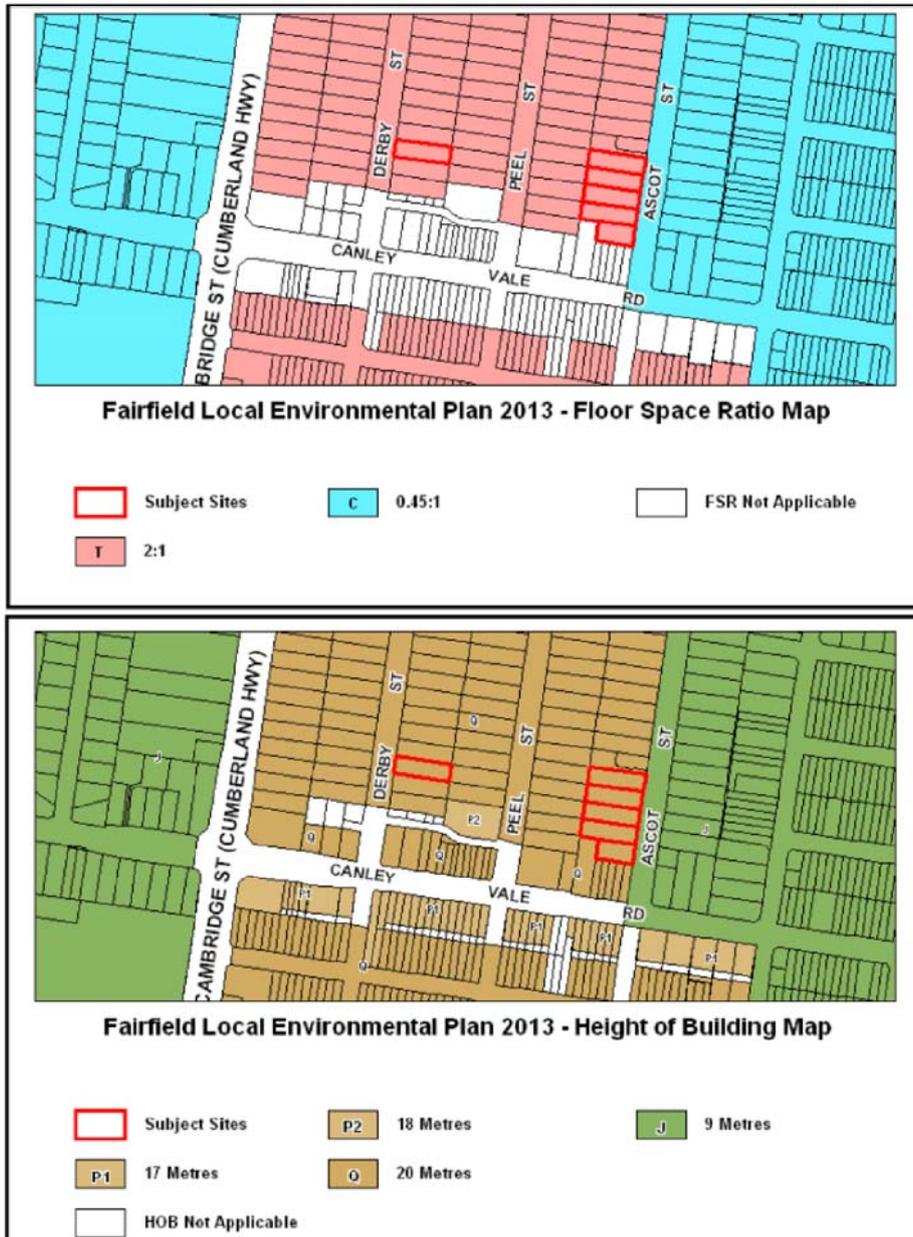
Attachment C

Figure 3 - Extract - Zoning Map Canley Heights sites



Attachment C

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



Attachment C

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)

Attachment C

Figure 6 – Smithfield Sites - Location Map

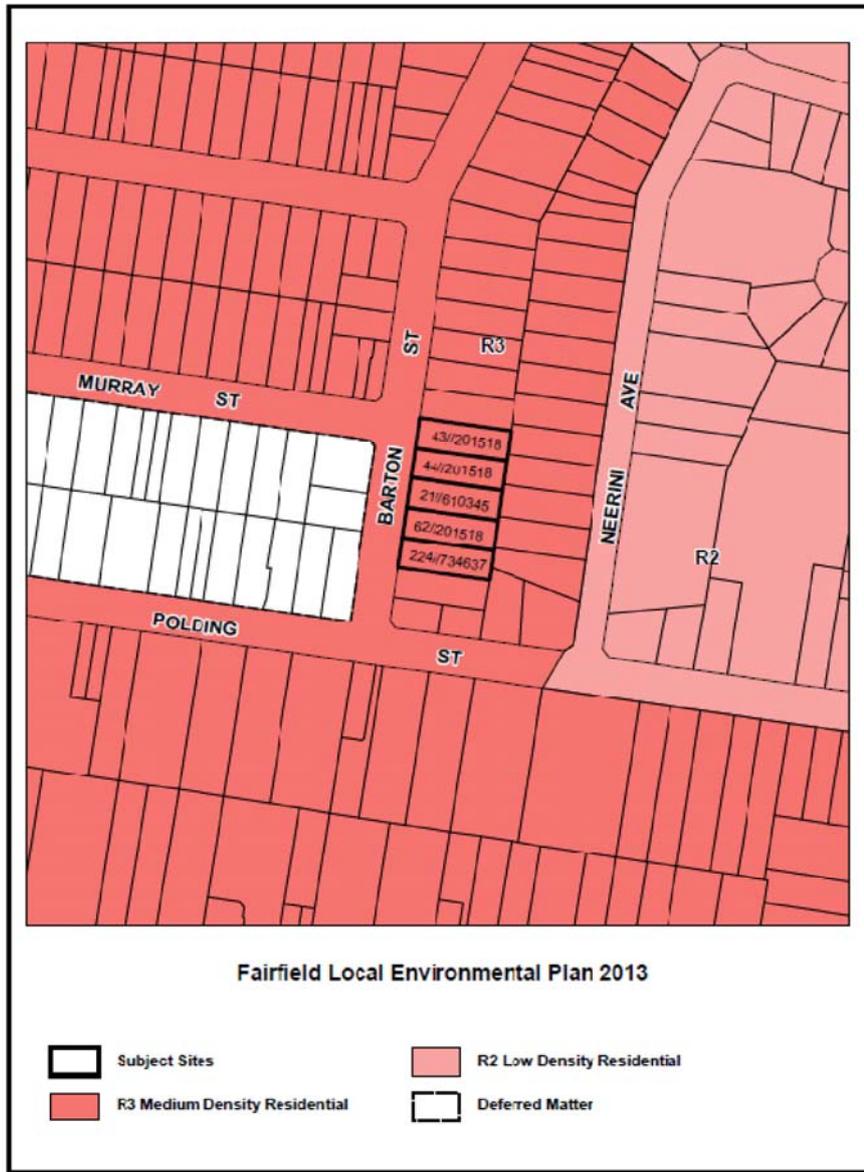


Location Map

- 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)

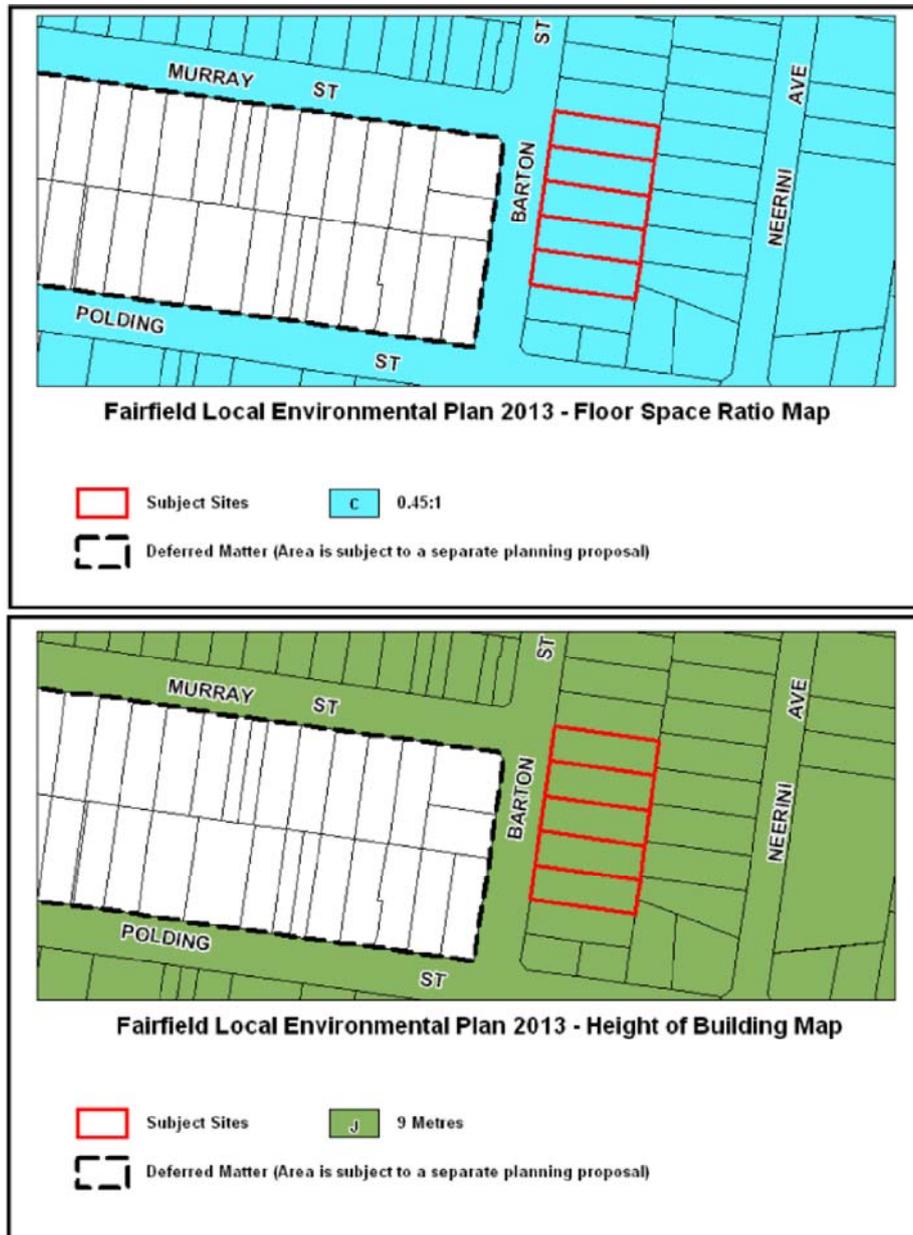
Attachment C

Figure 7 - Extract Floor Space Ratio and Height of Building Map for the Smithfield sites



Attachment C

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



Attachment C

Part 1 – Objectives

The objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 2013 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.

Attachment C

Part 2 – Explanation of Provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013).

The proposed amendments to the FLEP 2013 are outlined below:

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 FLEP 2013 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 FLEP 2013 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 9 -12 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 FLEP 2013 does not specify a height

Attachment C

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 FLEP 2013 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 & 12 Barton Street which Council currently owns)

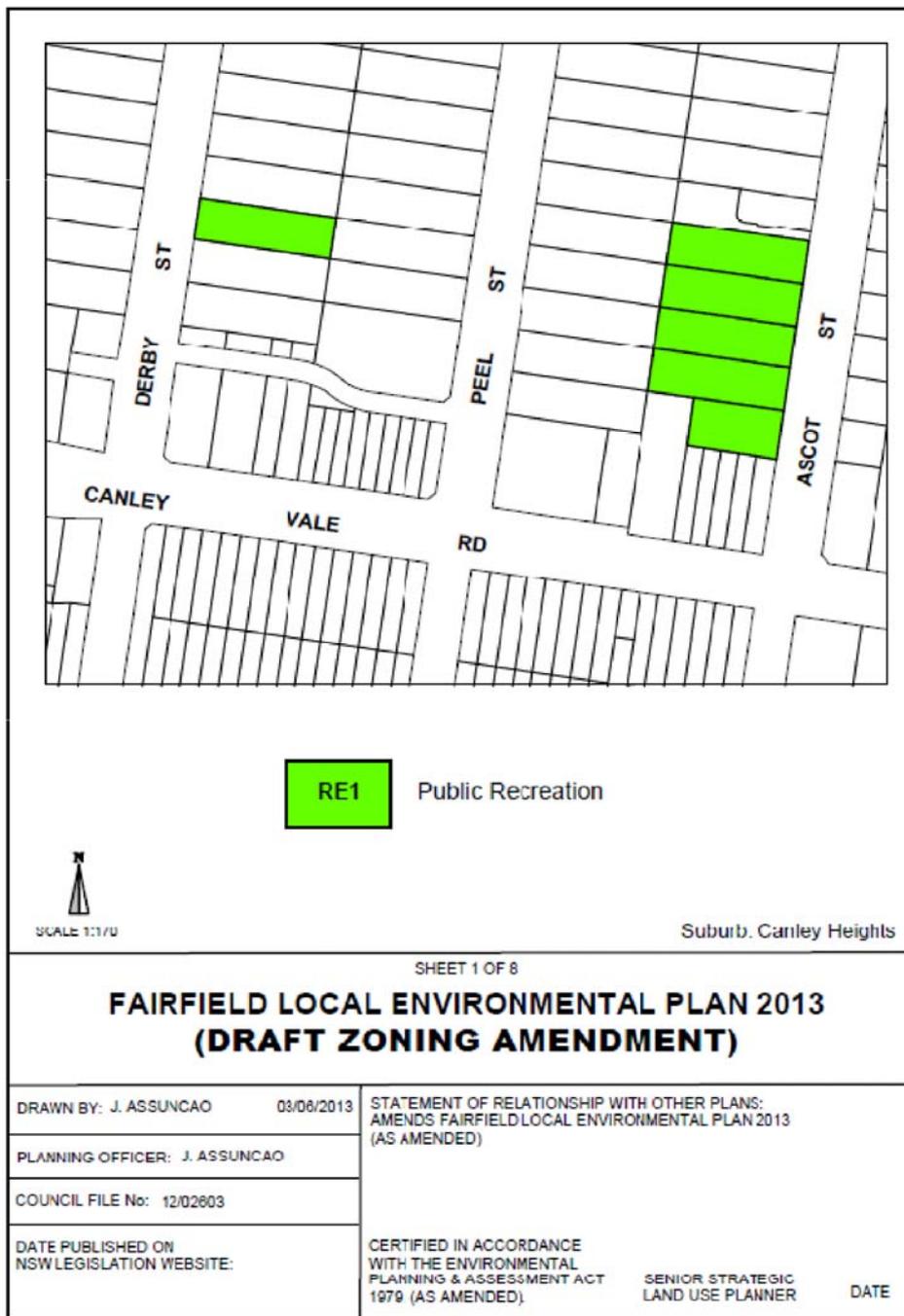
Refer to figures 13 -16 for proposed Zone, FSR and HOB amendment maps.

Attachment C

PROPOSED MAP AMENDMENTS TO THE FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013

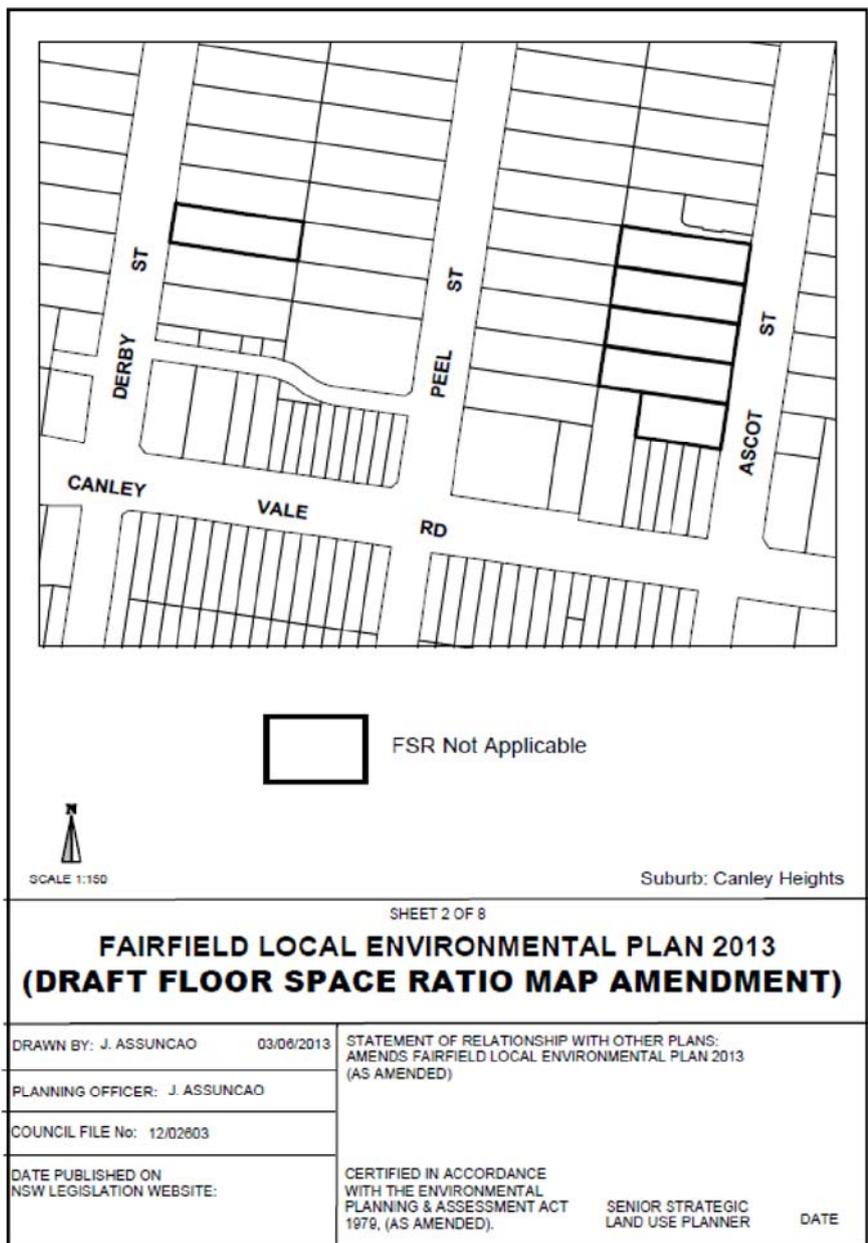
Attachment C

Figure 9 – Proposed Zone Amendment - Canley Heights Sites



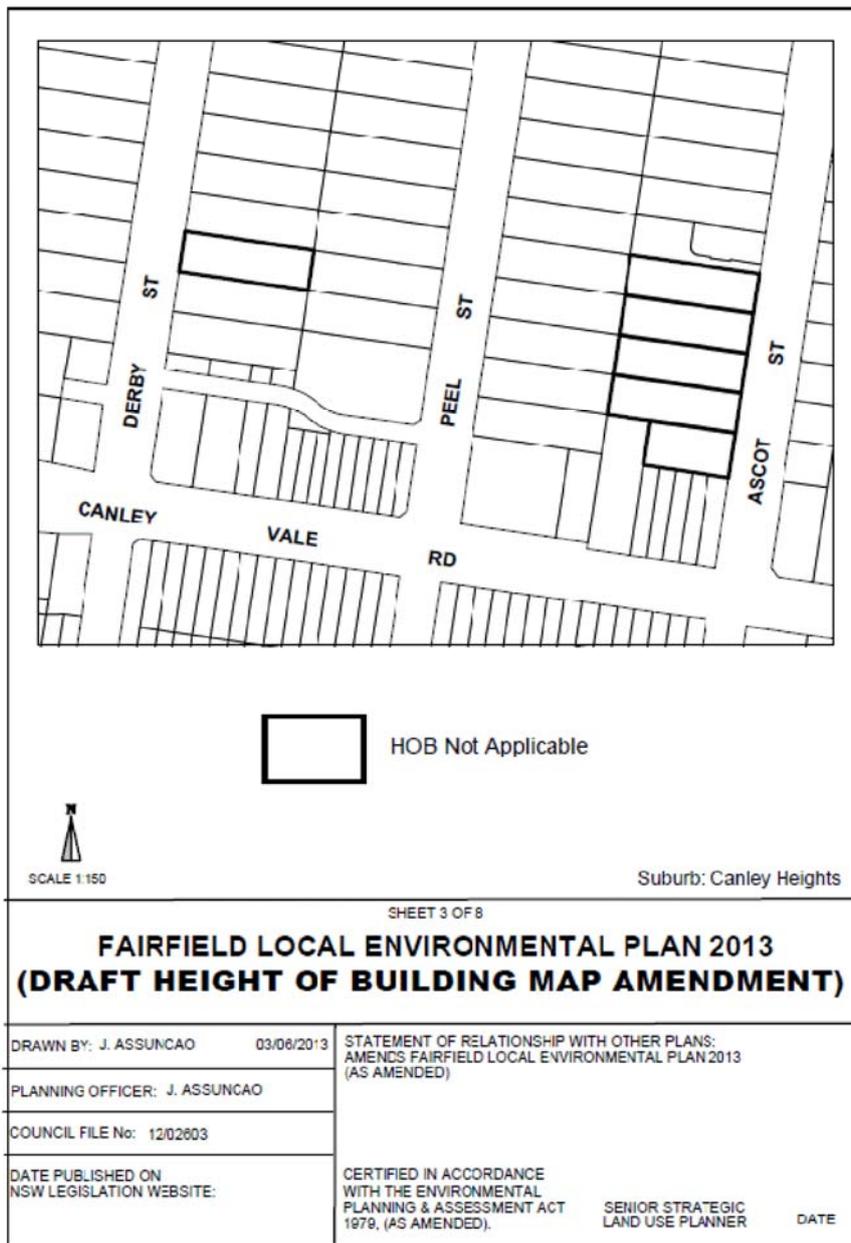
Attachment C

Figure 10 –Proposed Floor Spate Ratio Amendment - Canley Heights Sites



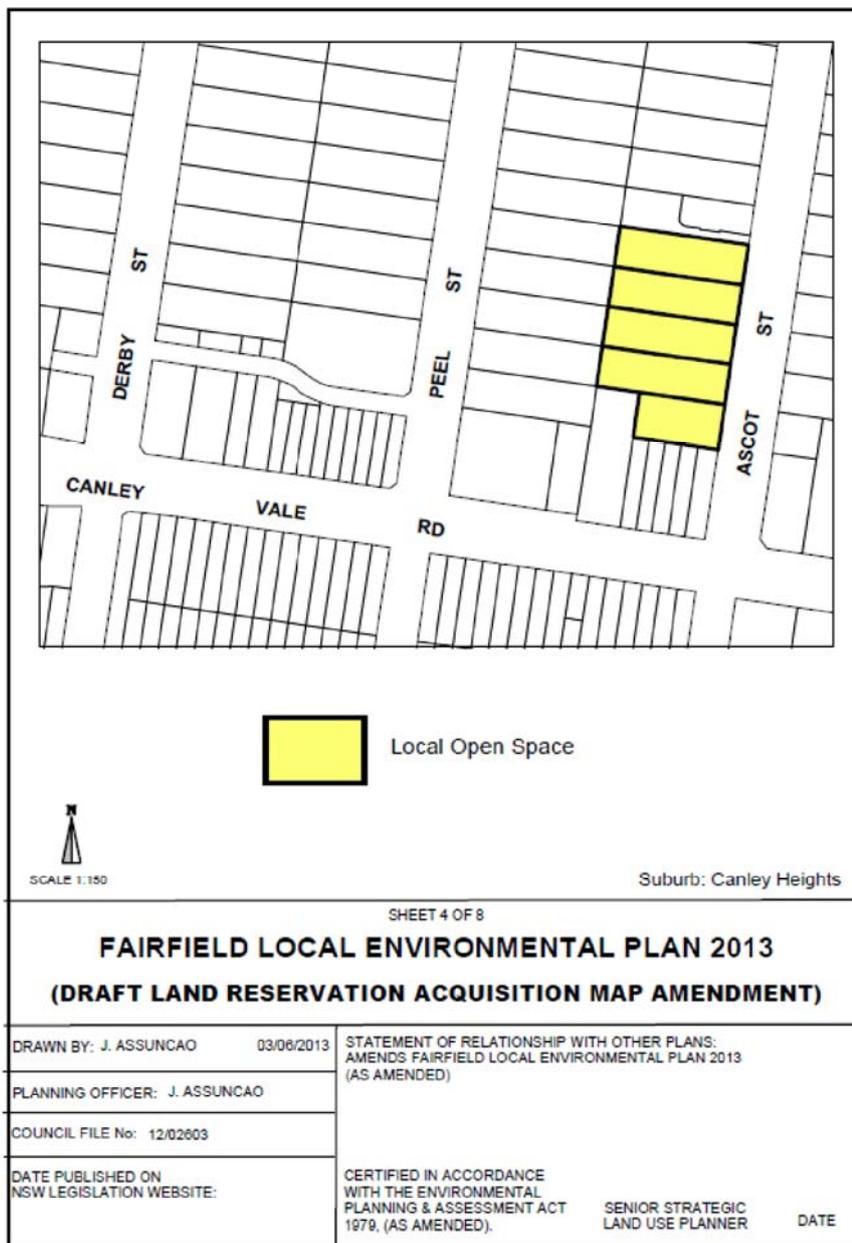
Attachment C

Figure 11 –Proposed Building Height Amendment - Canley Heights Sites



Attachment C

Figure 12 – Proposed Amendment – Land Reservation Acquisition Map



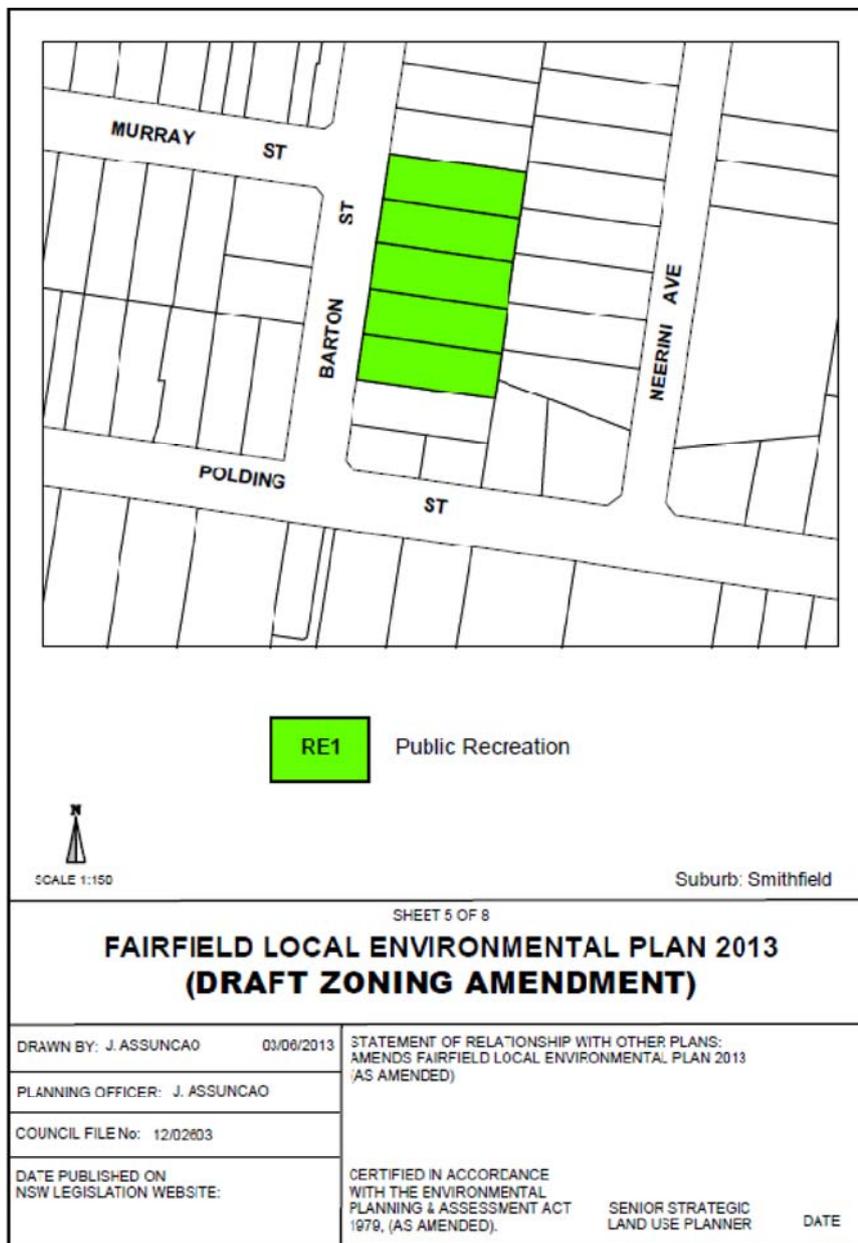
SHEET 4 OF 8

**FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013
(DRAFT LAND RESERVATION ACQUISITION MAP AMENDMENT)**

DRAWN BY: J. ASSUNCAO	03/06/2013	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013 (AS AMENDED)		
PLANNING OFFICER: J. ASSUNCAO				
COUNCIL FILE No: 12/02603				
DATE PUBLISHED ON NSW LEGISLATION WEBSITE:		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, (AS AMENDED).	SENIOR STRATEGIC LAND USE PLANNER	DATE

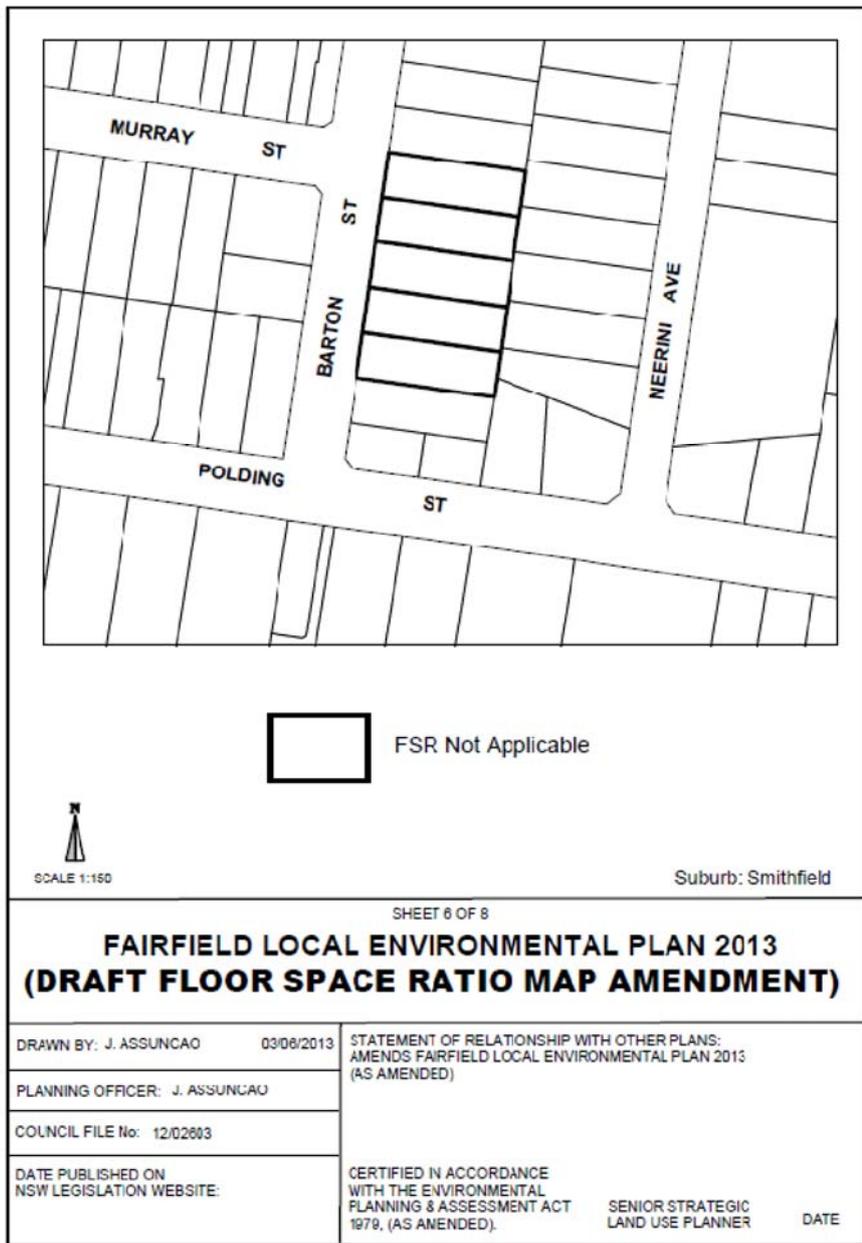
Attachment C

Figure 13 – Proposed Zone Amendment Smithfield Sites



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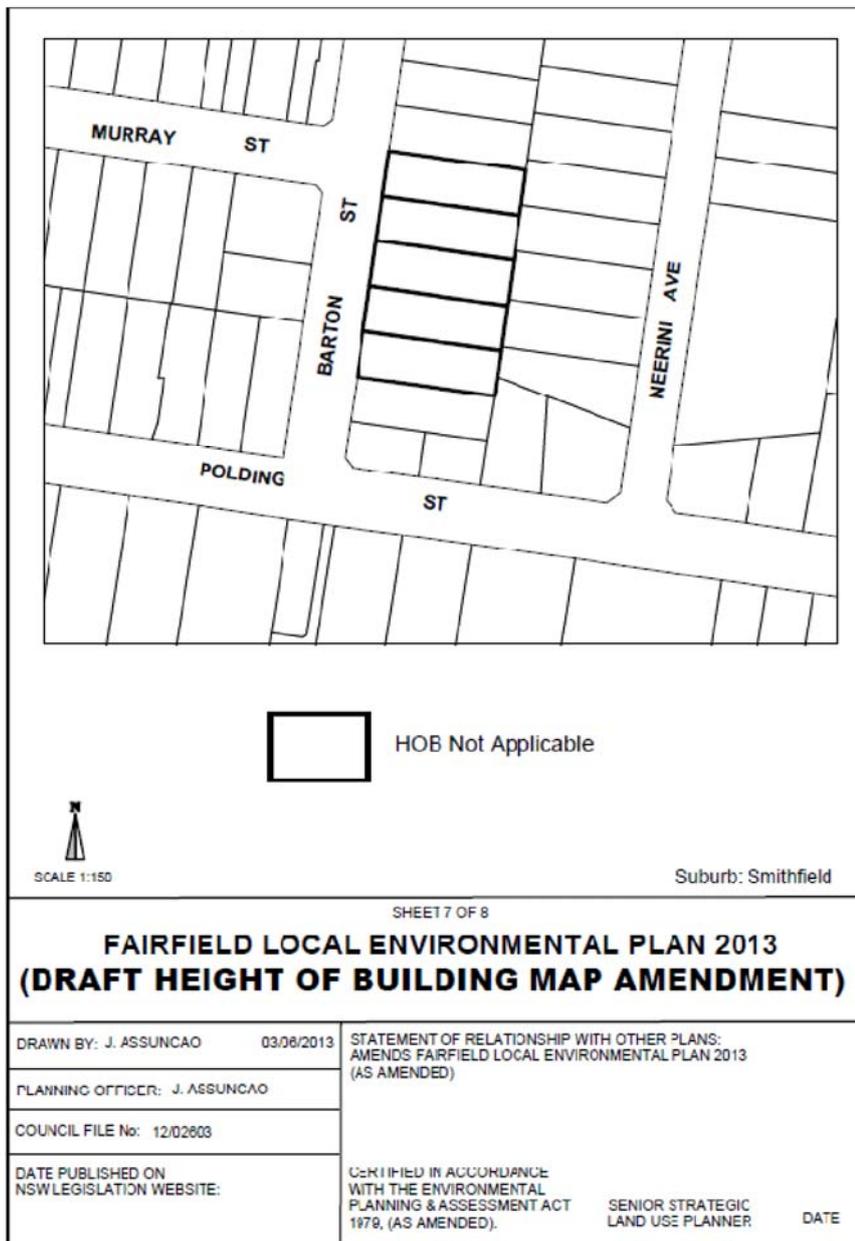
Figure 14 – Proposed Floor Space Ratio Amendment Smithfield Sites



SHEET 6 OF 8	
FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013 (DRAFT FLOOR SPACE RATIO MAP AMENDMENT)	
DRAWN BY: J. ASSUNCAO 03/08/2013	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013 (AS AMENDED)
PLANNING OFFICER: J. ASSUNCAO	
COUNCIL FILE No: 12/02803	
DATE PUBLISHED ON NSW LEGISLATION WEBSITE:	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, (AS AMENDED). SENIOR STRATEGIC LAND USE PLANNER DATE

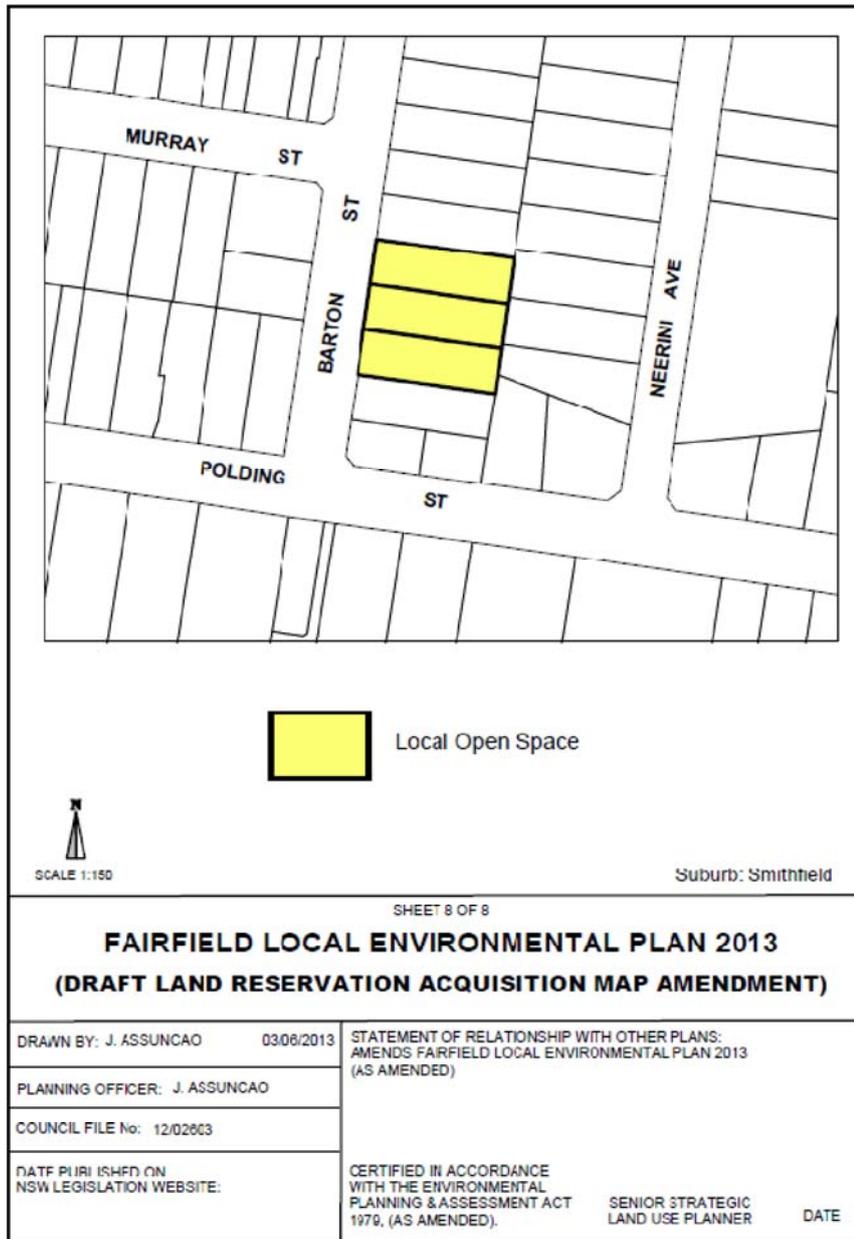
Attachment C

Figure 15 – Proposed Building Height Amendment Smithfield Sites



Attachment C

Figure 16 – Proposed Amendment – Land Reservation Acquisition Map



Attachment C

Part 3 – Justification

Section A – Need for a planning proposal.

V. ~~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”*

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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.

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Figure 17 – Extract from Fairfield Open Space Strategy 2007



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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
<p>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:</p> <ul style="list-style-type: none"> • improved access (bus stops, safe pedestrian access, cycleways) • improved basic facilities (refer to Upgrading of Passive Recreation Facilities) 	<p>Strategy partially implemented</p> <p>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.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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) 	<p>Strategy partially implemented</p> <p>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.</p> <p>Other sites are currently in negotiation. Ongoing exploration of new areas of open space is required to continue.</p>
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.

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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 FLEP 2013). 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 FLEP 2013, 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**.

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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 FLEP 2013). 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 FLEP 2013 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(a) 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.

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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 FLEP 2013, 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

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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.

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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 High and Medium Density Housing Zones, are near Town Centres (which permit shop top housing) .

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.

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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: <i>"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."</i> 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.	✓

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<p>HOUSING SYDNEY'S POPULATION</p>	<p>OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development</p> <p>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</p>	<p>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.</p> <p>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.</p>	<p>✓</p>
<p>ACHIEVING EQUITY, LIVEABILITY AND SOCIAL INCLUSION</p>	<p>OBJECTIVE H1 To ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making.</p> <p>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</p> <p>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</p>	<p>The proposal is consistent with the actions contained in this direction. This is summarised below:</p> <p>Liveability - the MPS 2036 states the following:</p> <p><i>"A socially inclusive Sydney equates to a more liveable city"; and</i></p> <p><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></p> <ul style="list-style-type: none"> • <i>planning for built environments that contribute to health and wellbeing</i> • planning for well-located, quality parks, playing fields, open and public space • <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> <p>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:</p> <p>Action WWV</p> <p><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></p> <ul style="list-style-type: none"> - <i>local open space provision is adequate, accessible and appropriate,</i> 	<p>✓</p>

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		<p><i>with good access to regional open space</i></p> <p>Action V2.3</p> <p>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:</p> <p>V.3 Local level policies</p> <p><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></p> <p><i>Open space strategies should be tied to council capital works programs as part of resourcing strategies and asset management plans."</i></p>	
DRAFT WEST CENTRAL SUBREGION STRATEGY			
STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
CENTRES & CORRIDORS	<p>B2 INCREASE DENSITIES IN CENTRES WHILST IMPROVING LIVEABILITY</p> <p>B2.1 Plan for housing in centres consistent with their employment role.</p> <p>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.</p>	<p>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.</p> <p>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 FLEP 2013.</p>	✓

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STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
HOUSING	<p>C1 ENSURE ADEQUATE SUPPLY OF LAND AND SITES FOR RESIDENTIAL DEVELOPMENT</p> <p>C1.3 Plan for increased housing capacity targets in existing areas.</p>	<p>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 FLEP 2013.</p>	✓
	<p>C2 PLAN FOR A HOUSING MIX NEAR JOBS, TRANSPORT AND SERVICES</p> <p>C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres.</p> <p>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.</p> <p>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.</p>	<p>Council's draft RDS and FLEP 2013 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.</p>	✓
PARKS, PUBLIC PLACES AND CULTURE	<p>F2 PROVIDE A DIVERSE MIX OF PARKS AND PUBLIC PLACES</p> <p>F2.1 Improve the quality of local open space</p>	<p>The Fairfield Open Space Strategy 2007 (FOSS) is consistent with the key aspects of this strategy a brief commentary is provided below:</p> <p>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.</p> <p>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.</p> <p>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:</p> <p><i>"..while developing their principal leps councils should consider open space strategies to assess the amount, type, accessibility and distribution of local open space."</i></p> <p>It is argued that although this proposal is outside of Council's principle LEP it is consistent with the above principle.</p>	✓

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STRATEGY	OBJECTIVE/ACTION	COMMENTS	✓/ X
<p>PARKS, PUBLIC PLACES AND CULTURE (continued)</p>	<p>F2.2 Investigate future options for open space provision and management</p>	<p>The strategy states the following:</p> <p><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></p> <p>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.</p>	<p>✓</p>

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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	<p>GOAL 2: Being Healthy and Active</p> <p>"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."</p> <p>Strategies – What we will do to achieve the goal</p> <ul style="list-style-type: none"> - Providing a range of open space, sporting fields and recreation facilities and programs 	<p>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.</p>	<p>YES</p>
PLACES & INFRASTRUCTURE	<p>GOAL 4: Our City has quality public spaces as well as entertainment, leisure and recreation opportunities.</p> <p>"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."</p> <p>Strategies – What we will do to achieve the goal</p> <ul style="list-style-type: none"> - 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.

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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	-

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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	-

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7. ~~Is the planning proposal consistent with applicable Ministerial Directions (s.77 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Protect agricultural production value of rural land. 	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Protect oyster aquaculture areas. 	N/A	N/A
1.5 Rural Lands	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Protect and conserve environmentally sensitive areas. 	N/A	N/A
2.2 Coastal Protection	<ul style="list-style-type: none"> Implement the principles in the NSW Coastal Policy. 	N/A	N/A
2.3 Heritage Conservation	<ul style="list-style-type: none"> Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	N/A	N/A
2.4 Recreation Vehicle Areas	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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. 	<p>The planning proposal seeks to rezone land that is currently zoned for residential purposes for open space purposes.</p> <p>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.</p>	YES
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> Provide for a variety of housing types Provide opportunities for caravan parks and manufactured home 	N/A	N/A

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Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	estates.		
3.3 Home Occupations	<ul style="list-style-type: none"> Encourage the carrying out of low-impact small businesses in dwelling houses. 	N/A	N/A
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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

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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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ Ensure LEP provisions encourage 	The planning proposal is	YES

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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	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ Discourage unnecessarily restrictive site specific planning controls 	N/A	N/A
7. Metropolitan Planning			
7.1 Implementation of the metropolitan Plan for Sydney 2036	<ul style="list-style-type: none"> ▪ 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.

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~~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?~~

The Gateway Determination issued by the Department of Planning and Infrastructure required consultation with Telstra, Sydney Water and Endeavour Energy as part of the exhibition process of the proposal.

These agencies were notified and no submission was received in respect to the matter.

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 C

The Gateway Determination required that the Planning Proposal be placed on exhibition for a minimum of 28 days. Accordingly the Planning Proposal was placed on public exhibition from 13 February 2013 to 20 March 2013.

Correspondence was forwarded to the owners of the affected properties outlining the nature of the proposal and the implications to their properties. Reminder letters were also sent at the midpoint of the public exhibition period urging the affected owners to contact Council in respect to the matter.

The owners of the sites that did not provide a submission were also contacted by telephone to ensure they understood the nature of the Planning Proposal on their properties.

Attachment C

PLEASE NOTE THESE ATTACHMENTS ARE DISTRIBUTED SEPARATELY

ATTACHMENT A

Fairfield Open Space Strategy 2007

ATTACHMENT B,C and D

Council Report April 2012

Council Report June 2012

Council Report June 2013



ATTACHMENT D

Gateway Determination

Planning proposal (Department Ref: PP_2012_FAIRF_002_00): to rezone land at Canley Heights and Smithfield under the Fairfield Local Environmental Plan (LEP) 1994 or draft Fairfield LEP 2011.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Fairfield Local Environmental Plan (LEP) 1994 or draft Fairfield LEP 2011 to rezone land in Canley Heights and Smithfield for open space purposes and amend the height of buildings, floor space ratio and land reservation acquisition maps for the subject land, under the draft LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend Figure 5 Smithfield Sites Aerial Photo to clearly identify the sites subject to this planning proposal (i.e. similar to the identification of sites in Figure 1 Canley Heights Site Aerial Photo).
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Endeavour Energy
 - Sydney Water
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

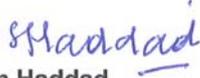
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Council is to directly consult with the owners of land whose properties are proposed to be zoned for open space purposes, as part of the public exhibition of this planning proposal.
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



Planning &
Infrastructure

ATTACHMENT D

Dated 16th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure