

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

Land Release Data

| | | | |
|------------------------------------|-------------------------------------|------------------------------------------------------|------------|
| Growth Centre : | N/A | Release Area Name : | N/A |
| Regional / Sub Regional Strategy : | Metro West Central subregion | Consistent with Strategy : | Yes |
| MDP Number : | | Date of Release : | |
| Area of Release (Ha) : | | Type of Release (eg Residential / Employment land) : | N/A |
| No. of Lots : | 0 | No. of Dwellings (where relevant) : | 0 |
| Gross Floor Area : | 0 | No of Jobs Created : | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

LOBBYIST STATEMENT

At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this Planning Proposal.

Supporting notes

Internal Supporting Notes :

BACKGROUND

The Draft Fairfield Residential Strategy 2009 (dRDS) was prepared to guide the location and type of future residential development within the Fairfield LGA, and assist Council in accommodating the additional dwelling growth (24,000 additional residential dwellings) identified in the draft West Central Subregional Strategy for the Fairfield LGA.

The dRDS is one of the supporting studies/strategies which informed the development of the Draft Fairfield LEP 2011.

The subject land was identified in Stage 1 of the dRDS as an area suitable for high density residential development due to its proximate location to the Fairfield Heights local business centre; the presence of established infrastructure and services in the area and access to public transport. The subject land was subsequently exhibited as a proposed R4 High Density Residential zone under the Draft Fairfield LEP 2011 (between 18 January, 2012 and 14 March, 2012).

At its Comprehensive LEP Committee Meeting on 17 April 2012, Council resolved to defer this area of land from the Draft Fairfield LEP 2011 and forward a planning proposal to the Department to seek to rezone this land to R3 Medium Density Residential, following its receipt of numerous submissions in response to the exhibition of the draft Fairfield LEP 2011 (including a survey containing 100 signatures), objecting to the proposed R4 zoning of this land under the draft Fairfield LEP 2011.

The primary concerns raised in the submissions related to the potential traffic; amenity and privacy impacts of high density residential development within the subject land (Refer to page 3 of the attached proposal).

The subject land was listed as a deferred matter under the draft Fairfield LEP 2011, which was submitted to the Department in May, 2012 for finalisation. Whilst this has the effect of

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

maintaining the existing zoning controls for the land under the Fairfield LEP 1994, it was resolved by Council to implement a planning proposal to allow further consultation in relation to the proposed zoning of this land under the Draft Fairfield LEP 2011.

The planning proposal was received by the Department on 12 June, 2012 for Gateway Determination (a copy of Council's covering letter; planning proposal; supporting maps and reports are attached).

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October, 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The application clearly identifies the objectives of the planning proposal (refer to page 7 of the attached planning proposal).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The application contains an adequate explanation of provisions (refer to page 7 of the attached planning proposal).

This planning proposal seeks to amend the Draft Fairfield LEP 2011 as follows:

- Amend the zoning map to rezone the subject land from a 'deferred matter' to an R3 Medium Density Residential zone;
- Amend the height of building map; to apply a maximum building height control of 9 metres to the subject land;
- Amend the floor space ratio (FSR) map to apply a FSR control of 0.45:1 to the subject land;
- Amend the heritage map to include heritage item No.72, being Lots 4, 5, 12 and 13 in DP 24918 (161 Polding Street, Fairfield Heights);
- Amend the land application map to remove the deferred matter precinct of Fairfield Heights and Smithfield; and
- Amend Schedule 5 (Environmental Heritage), Part 1 Heritage Items, to include the locally significant heritage item at 161 Polding Street, Fairfield Heights (Lots 4, 5, 12 and 13 in DP 24918).

An indicative map of the proposed land use rezoning, and associated changes to the

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

height of buildings; floor space ratio; heritage and land application maps under the Draft Fairfield LEP 2011, is included on pages 9 to 12 of the attached planning proposal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 60—Exempt and Complying Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Temporary Structures and Places of Public Entertainment) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

2.3 HERITAGE CONSERVATION

This direction requires that a planning proposal include provisions that facilitate the conservation of any items; places; buildings; works; relics; moveable objects or precincts of environmental or indigenous heritage significance.

The planning proposal has identified the presence of a heritage item of local significance (a Victorian House) within the south western portion of this precinct, at No.161 Polding Street, Fairfield Heights (refer to pages 7 and 12 of the attached planning proposal for details).

It is considered that this planning proposal will not have an adverse impact upon this heritage item, as the proposal will essentially facilitate the transfer of the existing medium density zoning controls for the subject land under the Fairfield LEP, into the equivalent Standard Instrument zone in the Draft Fairfield LEP 2011.

The planning proposal seeks to facilitate the conservation of this local heritage item through the inclusion of this item in Schedule 5 of the Draft Fairfield LEP 2011, and on the supporting heritage maps.

Additionally, it is noted that Chapter 3 of the Fairfield City Wide Development Control Plan contains provisions which seek to ensure the conservation of the heritage significance of Fairfield's natural and built environment, and mitigate any impacts of new development on the significance of heritage items. Any future development application for the subject land will be required to have regard to the heritage provisions contained in the Fairfield City Wide DCP.

In light of the above, it is considered that this planning proposal is not inconsistent with this direction.

3.1 RESIDENTIAL ZONES

The planning proposal is generally consistent with this direction as the proposed rezoning will facilitate a variety and choice of housing types, adjacent to the Fairfield Heights local business centre and make efficient use of existing infrastructure and services.

While it is noted that the exhibited draft Fairfield LEP 2011 identified the subject land as a proposed R4 High Density Residential zone, the proposed land use rezoning is consistent with the nature of the existing development within the subject land. This proposal will not reduce the permissible residential density of this land, as it seeks to translate the existing zoning controls for the land (2a1 Residential A1 zone) under the Fairfield LEP 1994, into the equivalent Standard Instrument zone (R3 Medium Density Residential zone) in the draft Fairfield LEP 2011.

3.4 INTEGRATING LAND USE AND TRANSPORT

The planning proposal is considered consistent with this direction as the proposed land use rezoning seeks to improve access to housing, jobs and services and maintain the permissible medium residential density on the land. This will assist in supporting of the viable operation of existing infrastructure and services as the site is located in close proximity to existing Fairfield Height local business centre, as well as road and public transport infrastructure.

4.3 FLOOD PRONE LAND

As outlined in the planning proposal, the subject precinct is not affected by mainstream flooding issues, however contains a number of lots (on the corner of Slender Ave and The Boulevarde) which are subject to low risk overland flooding (See page 23 of the attached proposal).

It is considered that the proposal will not generate any additional flooding issues as the proposal essentially involves the translation of the existing zoning controls for the site under the Fairfield LEP 1994, into the equivalent Standard Instrument zone in the Draft Fairfield LEP 2011.

Notwithstanding this, Chapter 11 'Flood risk management' of the Fairfield City Wide Development Control Plan (DCP) contains specific provisions which seek to guide the use and development of land subject to potential flooding, and mitigate the potential flood risk to development within the Fairfield LGA.

As noted in the proposal, any future development application for the subject land will be required to have regard to the flood risk management controls contained in the Fairfield DCP and provisions in the NSW Government's Flood Planning Development Manual (2005).

In light of the above, it is considered that that the proposal is not inconsistent with this direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

Part 3 of the planning proposal indicates that this proposal is consistent with this direction, as it will not discourage the efficient and appropriate assessment of development, as the proposal does not include additional provisions which require concurrence, consultation or referral of development applications for the subject lands, to a Minister or public authority.

6.3 SITE SPECIFIC PROVISIONS

It is considered that this planning proposal is justifiably inconsistent with Direction 6.3, which discourages the use of unnecessarily restrictive site specific planning controls.

As outlined in Part 2 of the attached proposal, this proposal also seeks to amend the

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

Draft Fairfield LEP 2011 to apply a maximum building height control of 9 metres, and maximum floor space ratio of 0.45:1 to the subject land. The proposed height and FSR provisions are considered appropriate for the type of residential uses that are permitted within the proposed R3 Medium Density Residential Zone (i.e attached dwellings, dwelling houses and multi-dwelling housing) and will ensure consistency with the height and FSR provisions proposed for the surrounding R3 zoned land under the Draft Fairfield LEP 2011.

The Departments LEP Practice Note PN08-001 'Height and floor space ratio', issued in January 2008, encourages Council to include height controls in areas where urban growth is planned, such as R3 Medium Density Residential and R4 High Density Residential zones, and the practice note recommends that these controls be set out within Local Environmental Plans, rather than Development Control Plans.

In light of the above, it is recommended that the DG's delegate agree to the inconsistency with this direction on the grounds that it is considered of minor significance.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

Part 3, Table E of the planning proposal identifies compliance of this proposal with '7.1 Implementation of the Metro Strategy'. However, Direction 7.1 requires that the Relevant Planning Authority demonstrate consistency with the NSW Government's Metropolitan Plan for Sydney 2036 (2010) when preparing a planning proposal.

In this light, it is recommended that the planning proposal be revised to include an accurate reference to this direction.

Notwithstanding the above, it is considered that this planning proposal is generally consistent with the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036, as the proposed medium density residential rezoning of this land will continue to provide housing opportunities within close proximity to the Fairfield Heights Town Centre; and make more efficient use of existing public transport infrastructure (including the bus services which operate along Polding Street).

RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) AND REGIONAL ENVIRONMENTAL PLANS (DEEMED SEPPs)

Part 3, Table D adequately identifies that this planning proposal is not inconsistent with the relevant SEPPs and Deemed SEPPs.

STANDARD INSTRUMENT (LEPs) ORDER 2006

It is considered that the planning proposal is consistent with the Standard Instrument (LEPs) Order 2006.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

As previously discussed, this planning proposal is considered inconsistent with s.117 direction 6.3 'Site Specific Provisions'.

It is recommended that the Director-General's delegate agree to the inconsistency of the proposal with s.117 direction 6.3, on the grounds that it is considered of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has submitted a number of maps in support of this planning proposal, which are included on pages pages 4-6 and 9-12 of the attached planning proposal.

The maps provided identify the location of the subject land; the existing zoning of this land under the Fairfield LEP 1994; and the proposed amendments to the zoning, floor

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

space ratio, height of building and heritage maps in the Draft Fairfield LEP 2011.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to advertise the public exhibition of this planning proposal in the local newspaper, and through the distribution of letters to owners of properties being rezoned, including land owners owners/occupiers located within a 50 metre radius of the subject land (Refer to pages 26 and 27 of the attached planning proposal).**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is considered to have merit for progression. The Sydney West Regional Team recommends that this planning proposal proceed, subject to the conditions listed in the 'Recommendations' section of this report.**

Proposal Assessment

Principal LEP:

Due Date : **September 2012**

Comments in relation to Principal LEP : **The Draft Fairfield Local Environmental Plan 2011 was publicly exhibited from 18 January, 2012 to 14 March, 2012.**

The subject land was exhibited in the Draft Fairfield LEP 2011 as a proposed R4 High Density Residential zone (Refer to pages 3 and 14 of the attached planning proposal).

Following Council's consideration of the numerous submissions of objection received in relation to the proposed R4 zoning of this land, the subject land was designated as a deferred matter in the Draft Fairfield LEP 2011, which was submitted to the Department by Council in May, 2012 for finalisation and gazettal (A copy of the Draft Minutes of the Comprehensive LEP Committee Meeting dated 17 April, 2012 are attached).

This planning proposal is seeking to amend the Draft Fairfield LEP 2011.

Subject to the timing of completion of the Draft Fairfield LEP 2011, the proposed amendment will either be incorporated into the Draft Fairfield LEP 2011, or proceed as Amendment No.1 to the Draft Fairfield LEP 2011 upon completion.

Assessment Criteria

Need for planning proposal : **The need for this planning proposal has been adequately addressed by Council (Refer to pages 14-15 of the attached planning proposal).**

This planning proposal is the outcome of Council's resolution at the Comprehensive LEP Committee Meeting on 17 April, 2012 to defer the subject land from the Draft Fairfield LEP 2011 and prepare a planning proposal for the rezoning of this land to R3 Medium Density Residential, in response to the many public objections received by Council following the exhibition of this land in the Draft Fairfield LEP 2011 as a proposed high density residential zone.

This planning proposal will provide the best means of achieving Council's objectives, and will essentially facilitate the transfer of the current zoning controls that apply to this land

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

under the Fairfield LEP 1994, into the Draft Fairfield LEP 2011.

This planning proposal is required in order to remove the reference to this precinct as a 'deferred matter' under the Draft Fairfield LEP 2011, and to facilitate the rezoning of this land to R3 Medium Density Residential.

This planning proposal will also allow for further consultation regarding the proposed zoning of this land under the Draft Fairfield LEP 2011.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and Draft West Central Subregional Strategy [2007] (Refer to pages 16 and 17 of the attached planning proposal).

The Metropolitan Plan for Sydney 2036 seeks to ensure the adequate supply of land and sites for residential development, and to produce housing that suits our expected future needs.

The key objectives of the Draft West Central Subregional Strategy include to focus residential development around centres, town centres, villages and neighbourhood centres; and to provide a mix of housing. The Draft West Central Subregional Strategy also establishes a target of 24,000 additional dwellings for the Fairfield LGA by 2031 (See page 18 of the attached proposal).

The outcomes of this planning proposal will assist Council to deliver the key directions of the Metropolitan Plan for Sydney 2036 and Draft West Central Subregional Strategy, as it seeks maintain the availability of land for residential uses in the Fairfield LGA and allow for a diversity of housing types (to cater for the changing household needs), within close proximity to the Fairfield Heights local business centre, existing services and transport infrastructure.

Part 3 of the planning proposal indicates that the proposed rezoning will have a minimal impact upon Council's achievement of the dwelling target prescribed for the Fairfield LGA in the Draft West Subregional Strategy (Refer to page 18 of the attached proposal). This is supported by the Regional Team.

Environmental social economic impacts :

The potential environmental, social and economic implications of the Planning Proposal have been adequately addressed by Council(refer to pages 25 and 26 of the attached proposal).

Part 3, Section C of the attached planning proposal indicates that there are no threatened species or critical habitats present within the subject lands. As the subject lands currently contains low to medium density residential uses, it is not not expected that this planning proposal will have any likely adverse environmental impacts (Refer to page 25 of the attached proposal).

It is unlikely the proposal will generate any significant adverse social or economic impacts, as the proposal will facilitate the translation of the current zoning controls for the land under the Fairfield LEP 1994, into the Draft Fairfield LEP 2011.

Assessment Process

| | | | |
|--------------------------------------------|-------------------------------------------------|---------------------------------|---------|
| Proposal type : | Routine | Community Consultation Period : | 28 Days |
| Timeframe to make LEP : | 12 Month | Delegation : | DDG |
| Public Authority Consultation - 56(2)(d) : | Transport for NSW - Roads and Maritime Services | | |

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

| Document File Name | DocumentType Name | Is Public |
|--------------------|-------------------|-----------|
|--------------------|-------------------|-----------|

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that this planning proposal proceeds, subject to the following conditions:**

- (1) The Director-General's delegate agrees that the inconsistency with section 117 direction 6.3 Site Specific Provisions is justified;**
- (2) Table E in planning proposal be revised to include an accurate reference to section 117 direction 7.1 (Implementation of the Metropolitan Plan for Sydney 2036);**
- (3) Community consultation is required for a period of 28 days; and**
- (4) The planning proposal is completed within 12 months.**

Supporting Reasons : **It is considered that this planning proposal is sufficient for progression.**

Proposed rezoning of the deferred matter precinct at Fairfield Heights and Smithfield

Signature: *RJ Cumming*

Printed Name: *Rachel Cumming* Date: *15 June 2012*

*Team Leader
Sydney West Region*