

Comprehensive LEP Committee



DRAFT MINUTES

DATE OF MEETING: 17 April 2012

LOCATION: Staff Lunchroom/Council Chamber

TIME: 6.42pm

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Comprehensive LEP Committee

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PRESENT: His Worship Mayor Carbone (Chairperson)

Councillors Huynh, Khoshaba, Mooshi, Oliveri, Rohan, Toma, Tran, Trapla, White and Yousif.

Also in attendance were Executive Manager City Outcomes, Executive Manager City Services, Executive Manager Environmental Standards, Executive Manager Corporate Support, Manager Strategic Land Use Planning, Senior Strategic Land Use Planner and Governance Co-ordinator.

The Mayor welcomed everyone to the meeting and explained the process for determining the LEP including that each speaker was granted 3 minutes to speak with an alert at 2 minutes.

APOLOGIES TENDERED AND LEAVE GRANTED:

An apology was tendered on behalf of Councillor Molluso.

MOTION: (White/Toma)

That the apology and reasons given for the absence tendered on behalf of Councillor Molluso be accepted.

CARRIED

DECLARATIONS OF INTEREST:

MOTION: (Huynh/Yousif)

That the declarations of interest be received and noted as follows:

Councillor Toma

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have no Instrument from the Minister for Local Government that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

I will therefore leave the meeting.

Councillor Toma left (6.45pm) the meeting.

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Councillor Oliveri

I have a pecuniary conflict of interest in relation to this matter. I have not sought an Instrument from the Minister for Local Government and I will not participate in discussion, debate and voting on matters pertaining to the making of the LEP.

I will therefore leave the meeting.

Councillor Oliveri left (6.45pm) the meeting.

Councillor Rohan

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have no Instrument from the Minister for Local Government that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

I will therefore leave the meeting.

Councillor Rohan left (6.46pm) the meeting.

Councillor Tran

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

Councillor Trapla

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

Councillor Huynh

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

Councillor Mooshi

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

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Councillor Yousif

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

Councillor White

I have sought clarification from Council staff regarding the status of my application to the Minister and received the following reply:

“Staff indicated they have searched all physical and electronic files and cannot locate a letter from the Department of Local Government (DLG) that specifically addresses the refusal of your application. The letters Council received from the DLG merely advise which Councillors received approval and the conditions underpinning those approvals. No written confirmation has been received, only verbal advice that your application has not been approved.”

As a result of the failure by the Minister to approve my pecuniary interest exemption application of 18 August 2010, I did not re-apply to the Minister for a further exemption as a result of my changed circumstances and have no current exemption to enable my involvement in this item before the Council LEP Committee.

I will therefore leave the Chambers and not participate in the item.

Councillor White left (6.50pm) the meeting.

Councillor Khoshaba

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

Mayor Carbone

I have a pecuniary conflict of interest in relation to some of the properties under consideration, however, I have an Instrument from the Minister for Local Government dated 27 March 2012 that allows me to participate in discussion, debate and to vote on matters pertaining to the making of the LEP.

CARRIED

SECTION A

‘Matters referred to Council for its decision.’

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- 1 Issue: Fairfield Draft Comprehensive LEP
: Premises: All land in Fairfield City Council.
Owners: Various private and public land owners.
Zoning: All existing zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEP
Submissions: Yes, Attachments A-H, K and Confidential Memo to Councillors
dated 13/04/2012.
File Number: qA141430

The following speakers addressed the Committee in relation to this Item:

Mark Stevens, Chris Iacono, Bernadette Sinclair, Guy Zangari MP, Alison Bonanno, Nelson Tran, Gary John Sullivan, Alex Farrugia, Christina Farrugia, Carlo Di Giulio, Shella Cowan, Robert Iacopetta, Michael Brown, Malcolm Chan, Joseph Panetta, Terence Smith, Vicki Galea, Mary-Anne Camilleri, Peter Digiandomenico, Michael O'Hara, Rohan Dickson, Angela Djukanovic, Gilbert De Chalain, Russell Hand, John Pavasovic, Wesley Komorowski, Nena Borak, Linda Black, Paul Osborne and Mark Bolduan.

RECOMMENDATION: (Huynh/Mooshi)

1. RESIDENTIAL ZONES

That:

- 1.1 Council request that the R4 High Density Residential Zone from Fairfield Heights (as identified on page 15 of the report) be designated as a deferred matter in the Comprehensive LEP forwarded to the Department of Planning and Infrastructure (DPI) to retain the existing Residential 2(a1) Zone in this area and that a Planning Proposal be forwarded to the DPI immediately, proposing to zone the identified area to R3 Medium Density Residential requesting that Council be permitted to exhibit that planning Proposal to zone this area Residential R3.
- 1.2 Reference to the minimum lot size restriction for subdivision of dual occupancy development in the R3 zone be deleted from Clause 4.1A(4).
- 1.3 The exhibited provisions for minimum lot size for dual occupancy in narrow lot areas be retained. A further report on whether minimum lot size for dual occupancy in narrow lot areas should be varied shall be prepared for Council's consideration.
- 1.4 An Issues Paper that looks at whether Council should adopt a policy for redevelopment of large lots away from existing Town Centres be prepared and reported to Council for its consideration and in the interim, none of the amendments proposed in Section A1.4 of **Attachment A** be supported at this time.

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- 1.5 A separate report be prepared updating Council on those areas which are identified in the Residential Strategy for higher density but which were deferred pending completion of further drainage studies. The report should identify which drainage studies are now complete to allow Council to determine whether it wishes to implement those Phases of the Residential Strategy via a new Planning Proposal.
- 1.6 A separate report be referred to Council on the Section 94 issues relating to potential redevelopment of privately owned properties located within the Bonnyrigg Living Communities Project and relationship on the provision of Open Space and community facilities in the area.
- 1.7 The land use 'neighbourhood shops' be made a prohibited use in the zoning table for the following zones:

R1 Residential
R3 Residential
R4 Residential
IN1 General Industrial
IN2 Light Industrial

as Council is concerned that the Neighbourhood Shops as a permissible use could allow the development of multiple neighbourhood shops on individual lots in any of these zones. In addition, there is great concern that if these shops are allowed they will adversely affect the ability for residential development to occur in the high and medium density areas as set out in Council's Residential Strategy, particularly in close proximity to Town Centres.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Total=(7)

Nay

Total=(0)

CARRIED UNANIMOUSLY

The Mayor ruled the meeting was adjourned (7.52pm) for 5 minutes.

The meeting reconvened at 8.02pm.

RECOMMENDATION: (Huynh/Yousif)

2. RURAL ZONES

That:

- 2.1 Council write to the Minister for Planning and request as a matter of urgency that the DPI expedite work associated with the structure plan for the Western Sydney Employment Area and Erskine Park (Southern) Link Road proposal to permit Council to resolve a timetable for recommencing the rural land study.
- 2.2 Crematoria be removed as a permitted use in the RU4 Zone.
- 2.3 The LEP provisions relating to the Biodiversity Map and Clauses as exhibited be adopted with Council officers to undertake a further review of the Biodiversity Map in relation to 34-38 and 39-43 Calmsley Place, Horsley Park with any variations to be included in a further Planning Proposal for the area to be undertaken by Council.
- 2.4 Council write to those making a submission on the RU2 Rural Landscape Zone (Keyhole Lands) advising them of the issues raised in the report and indicating that the landowners in the area would need to undertake a study providing strategic justification for any change in the zone or subdivision controls applying to the area could be considered.
- 2.5 Advise JBA Planning and CSR that a separate (detailed) planning proposal would need to be submitted for Council to be able to consider rezoning of the Cecil Park Brickwork site from RU1 to RU4 and would need to address the issues set out in Section A2.3 of the report.
- 2.6 A study (ahead of and independent from the Rural Land Study) be initiated to determine whether a Planning Proposal should be prepared to permit secondary dwellings (granny flats) in any of the rural zones other than RU1.

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A division was taken with the following results:

Aye

Nay

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

RECOMMENDATION: (Huynh/Trapla)

3. INDUSTRIAL ZONES

That Council advise the owners of 61-63 and 65-67 Mandarin Street, Fairfield East that a separate planning proposal needs to be submitted for any change in the IN1/IN2 Zone boundary on these sites and they must address the issues contained in Part A3 of the report.

A division was taken with the following results:

Aye

Nay

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

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RECOMMENDATION: (Mooshi/Trapla)

4. BUSINESS ZONES

That:

- 4.1 Area 5 in the LEP Town Centre Precinct Map be amended so the landscape controls do not apply to the privately owned property adjoining Council's car park so it is clear that landscape requirements in this precinct only apply to Council's at-grade car park between the multi deck car park and Dutton Lane.
- 4.2 The Draft LEP written instrument be amended so that the additional provisions identified in Section 4.1 of the report are included in Table 4.3B and the Building Heights Map be amended so that areas 8.1-8.5 (identified in the Precinct Map) show a maximum height of 10m.
- 4.3 The maximum FSR shown on the LEP maps for the Stocklands site be increased from 0.55:1 to 0:57:1 to reflect the recent approval for commercial expansion on the site.
- 4.4 Change the zoning of 246 Canley Vale Road, Canley Heights (comprising Lot 4 DP 589894 and whole of Lot 5 DP 1346) from R4 High Density Residential to B2 Local Business as shown in section A4.5 of the report. Maximum FSR and height maps also be amended for the site to be consistent with the remainder of the B2 zone in Canley Heights.
- 4.5 21 Phelps Street, Canley Vale be rezoned from Residential to B2 Local Business Centre in a separate planning proposal to be prepared by Council.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Nay

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

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RECOMMENDATION: (Khoshaba/Mooshi)

5. PRIVATE RECREATION ZONES

That:

- 5.1 Council further discuss with the Bonnyrigg Sports Club the option of zoning 620 Elizabeth Drive, Bonnyrigg Heights to R2 – Residential Low Density with any further rezoning of the land to be the subject of a planning proposal to be prepared by Council.
- 5.2 In relation to the Triglav Site (80-84 Brisbane Road, St Johns Park) Council amend the RE2 zone boundary by including this amendment in the housekeeping planning proposal to be prepared by Council so that the part of the site proposed to be subdivided for residential purposes is zoned R2.
- 5.3 115 Meadow Road and 8-10 Leo Road, Mount Pritchard be included in a separate planning proposal to be prepared by Council to rezone these parcels RE2 to be consistent with the zoning of the land containing the Mounties Club, Mount Pritchard.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Nay

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

RECOMMENDATION: (Huynh/Yousif)

6. SCHEDULE 1 – ADDITIONAL PERMITTED USES

That:

- 6.1 Council amend key sites map 1 to reflect the new boundaries of the Community Facility precinct associated with the Bonnyrigg Living Communities Project and to include plant nursery as an additional permitted use in Item 1 of Schedule 1.

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- 6.2 Council amend Schedule 1 Item 5 by removing the reference that restricts use of the site to a 'delicatessen' so that 'shops' (in general) are an additional permitted use at 563-567 Cabramatta Road West, Cabramatta West.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Nay

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

RECOMMENDATION: (Trapla/Huynh)

7. STATE GOVERNMENT AGENCIES

That:

- 7.1 Council amend the draft LEP by removing 'aquaculture' as being permissible without consent in the RU2, RU4, RU5 and E3 zones.
- 7.2 In light of comments from the Rural Fire Service under Section C.5 of the report, Home Based Child Care be listed as permitted with consent in the RU5, RU4 and RU2 zones.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Nay

Total=(7)

Total=(0)

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MOTION: (Huynh/Yousif)

That Recommendations 8 to 14 be dealt with together.

CARRIED

RECOMMENDATION: (Huynh/Yousif)

8. 45-49 Diamond Crescent, Bonnyrigg and Sustainable Resources Centre.

That:

8.1 In light of the recommendation from the independent consultant the zone boundary between the E2 and R2 zones for the 45-49 Diamond Crescent, Bonnyrigg (Lot 16 DP 849870) be amended as shown in the figure in Section D1 of the report.

8.2 In light of the recommendation from the independent consultant, the zone boundary between the E2 and IN1 zones for the Sustainable Resources Centre (Lot 1 DP 51555773, Lot 34 DP 657040 and Lot 35 DP 3082) be amended as shown in the figure in D2 of the report.

9. Council endorse the recommendations listed in the table under Section E1 of the report aimed at promoting clarity and certainty of local clauses and provisions of the draft LEP 2011.

10. The following properties on Council's adopted Section 94 Plan and proposed to be zoned E2 under the draft LEP be removed from the Land Reservation Acquisition Map:

- 19 Prince Street, Canley Heights
- 23 Prince Street, Canley Heights
- 27 Prince Street, Canley Heights
- 4a Prospect Crescent, Canley Vale
- 45 Chifley Street, Smithfield
- 19 Liverpool Street, Cabramatta
- 5 Liverpool Street, Cabramatta
- 7 Liverpool Street, Cabramatta
- 7 Prospect Crescent, Canley Vale.

11. The zone boundary between the E1 and RE2 zones be adjusted to reflect current and proposed recreation uses adjoining Floyd Bay as shown in the figure in Section E3 of the report.

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12. Pursuant to Section 68 of the Environmental Planning and Assessment Act 1979 (as amended) 1979, Council endorse the draft Fairfield LEP 2011 in **Attachment L** and accompanying maps in **Attachment J** subject to the amendments and recommendations listed above.
13. Subject to any amendments made by Council (above), that Council endorse the responses and recommendations included in the report and **Attachments A to H** and the recommendations contained in the Memo from the Manager Strategic Planning dated 16 April 2012 and the amended assessment for Submission 91 included with the Memo dated 17 April 2012 relating to various submissions, as follows:

Submission No. 170 – Sunnybrook Hotel – 355 Hume Highway, Cabramatta

Considering the previous LEP amendment was not supported by the DPI, the distance the site is located from the town centre and proximity to public transport services, that no amendments to the Draft Plan be made.

Submission No. 168 – 105-107 Station Street, Fairfield

The R2 Low Density Residential zone be maintained, however, as noted in the main residential submission table, if Council wishes to vary the draft RDS to consider larger lots located away from the town centres, Council officers could consider a policy to cover how this would be managed.

Submission No. 169 – 53 Wilga Street, Fairfield

The proposed R3 zoning for the subject site be maintained pending its review as part of a separate planning proposal to proceed with rezoning the subject sites.

LEP Submission No. 109

The LEP provisions relating to the Biodiversity Map and Clauses as exhibited be adopted with Council officers to undertake a further review of the Biodiversity Map in relation to 34-38 and 39-43 Calmsley Place, Horsley Park with any variations to be included in a further Planning Proposal for the area to be undertaken by Council.

LEP Submission No. 138

The submission be withdrawn as per the landowners request and Council await submission of the further report on the Draft Residential Strategy.

LEP Submission 78

The further advice from Council's Property Team, be received and noted.

and Council write to those who made a submission advising them of Council's decision.

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14. Pursuant to Section 68 of the Environmental Planning and Assessment Act 1979 (as amended) 1979 refer the draft Fairfield LEP 2011 and associated maps to the DPI requesting it be endorsed by the Minister for Planning.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Huynh
Councillor Khoshaba
Councillor Mooshi
Councillor Tran
Councillor Trapla
Councillor Yousif

Nay

Total=(7)

Total=(0)

CARRIED UNANIMOUSLY

CLOSURE

There being no further business, the meeting concluded at 9.36pm.

Chairman

CONFIRMATION

These minutes were confirmed as a correct record of the proceedings at a meeting held on 17 April 2012.

Chairman

Comprehensive LEP Committee



AGENDA

DATE OF MEETING: 17 April 2012
LOCATION: Council Chamber/Staff Lunchroom
TIME: 6.30pm

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AGENDA
Comprehensive LEP Committee
Meeting Date: 17 April 2012

ITEM	SUBJECT	PAGE
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- APOLOGIES.
- DECLARATION OF INTEREST.

SECTION A
'Matters referred to Council for its decision.'

- | | | |
|----|--|---|
| 1: | Issue: Fairfield Draft Comprehensive LEP | |
| | Premises: All land in Fairfield City Council. | |
| | Owners: Various private and public land owners. | |
| | Zoning: All existing zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEP | |
| | Submissions: Yes, Attachments A-H, K and Confidential Memo to Councillors
dated 13/04/2012. | |
| | File Number: qA141430 | 4 |

SECTION B

**'Matters that are submitted to the Committee for decision subject to the right of
referral'**

There are no reports submitted for this Section.

Comprehensive LEP Committee



SECTION A

'Matters referred to Council for its decision.'

COMPREHENSIVE LEP COMMITTEE

Meeting Date 17 April 2012

Item Number. 1

SUBJECT:

Issue: Fairfield Draft Comprehensive LEP
Premises: All land in Fairfield City Council.
Owners: Various private and public land owners.
Zoning: All existing zones under Fairfield LEP 1994 and new zones under Draft Comprehensive LEP
Submissions: Yes, Attachments A-H, K and Confidential Memo to Councillors dated 13/04/2012.

FILE NUMBER: qA141430

PREVIOUS ITEMS: Fairfield draft Comprehensive LEP - Comprehensive LEP Committee - 30 August 2011
Fairfield draft Comprehensive LEP - Comprehensive LEP Committee - 6 December 2011
Fairfield draft Comprehensive LEP - Comprehensive LEP Committee - 17 August 2010

REPORT BY: Andrew Mooney, Senior Strategic Planner

That in considering the draft Fairfield LEP 2011 for adoption Council consider the following recommendations:

RECOMMENDATION:

1. Submissions to **RESIDENTIAL ZONES**

That:

- 1.1 Council defer the R4 High Density Zone from Fairfield Heights (between Murray and Polding Street) and commence a planning proposal and Urban Renewal Masterplan which will include as part of the process further consultation with residents and determine the implications and any possible changes for the residential development strategy.
- 1.2 Reference to the minimum lot size restriction for subdivision of dual occupancy development in the R3 zone be deleted from Clause 4.1A(4).
- 1.3 The exhibited provisions for minimum lot size for dual occupancy in narrow lot areas be retained. A further report on whether minimum lot size for dual occupancy in narrow lot areas should be varied shall be prepared for Council's consideration.

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Item Number. 1

- 1.4 An Issues Paper that looks at whether Council should adopt a policy for redevelopment of large lots away from existing Town Centres be prepared and reported to Council for its consideration and in the interim, none of the amendments proposed in Section A1.4 of **Attachment A** be supported at this time.
- 1.5 A separate report be prepared updating Council on those areas which are identified in the Residential Strategy for higher density but which were deferred pending completion of further drainage studies. The report should identify which drainage studies are now complete to allow Council to determine whether it wishes to implement those Phases of the Residential Strategy via a new Planning Proposal.
- 1.6 A separate report be referred to Council on the Section 94 issues relating to potential redevelopment of privately owned properties located within the Bonnyrigg Living Communities Project and relationship on the provision of Open Space and community facilities in the area.

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.

RECOMMENDATION:

2. Submissions to RURAL ZONES

That:

- 2.1 Council write to the Minister for Planning and request as a matter of urgency that the Department of Planning and Infrastructure (DPI) expedite work associated with the structure plan for the Western Sydney Employment Area and Erskine Park (Southern) Link Road proposal to permit Council to resolve a timetable for recommencing the rural land study.
- 2.2 Crematoria be removed as a permitted use in the RU4 Zone.
- 2.3 The LEP provisions relating to the Biodiversity Map and Clauses as exhibited be adopted with Council officers to undertake a further review of the Biodiversity Map in relation to 34-39 Calmsley Place, Horsley Park with any variations to be included in a further Planning Proposal for the area to be undertaken by Council.
- 2.4 Council write to those making a submission on the RU2 Rural Landscape Zone (Keyhole Lands) advising them of the issues raised in the report and indicating that the landowners in the area would need to undertake a study providing strategic justification for any change in the zone or subdivision controls applying to the area could be considered.

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Item Number. 1

- 2.5 Advise JBA Planning and CSR that a separate (detailed) planning proposal would need to be submitted for Council to be able to consider rezoning of the Cecil Park Brickwork site from RU1 to RU4 and would need to address the issues set out in Section A2.3 of the report.

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.

RECOMMENDATION:

3. Submissions to **INDUSTRIAL ZONES**

That Council advise the owners of 61-63 and 65-67 Mandarin Street, Fairfield East that a separate planning proposal needs to be submitted for any change in the IN1/IN2 zone boundary on these sites and they must address the issues contained in Part A3 of the report.

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.

RECOMMENDATION:

4. Submissions to **BUSINESS ZONES**

That:

- 4.1 Area 5 in the LEP Town Centre Precinct Map be amended so the landscape controls do not apply to the privately owned property adjoining Council's car park so it is clear that landscape requirements in this precinct only apply to Council's at-grade car park between the multi deck car park and Dutton Lane.
- 4.2 The Draft LEP written instrument be amended so that the additional provisions identified in Section 4.1 of the report are included in Table 4.3B and the Building Heights Map be amended so that areas 8.1-8.5 (identified in the Precinct Map) show a maximum height of 10m.
- 4.3 The maximum FSR shown on the LEP maps for the Stocklands site be increased from 0.55:1 to 0:57:1 to reflect the recent approval for commercial expansion on the site.
- 4.4 Change the zoning of 246 Canley Vale Road, Canley Heights (comprising Lot 4 DP 589894 and whole of Lot 5 DP 1346) from R4 High Density Residential to B2 Local Business as shown in section A4.5 of the report. Maximum FSR and height maps also be amended for the site to be consistent with the remainder of the B2 zone in

COMPREHENSIVE LEP COMMITTEE

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Item Number. 1

Canley Heights.

- 4.5 21 Phelps Street, Canley Vale be rezoned from Residential to B2 Local Business Centre in a separate planning proposal to be prepared by Council.

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.

RECOMMENDATION:

5. Submissions to PRIVATE RECREATION ZONES

That:

- 5.1 Council further discuss with the Bonnyrigg Sports Club the option of zoning 620 Elizabeth Drive, Bonnyrigg Heights to R2 – Residential Low Density with any further rezoning of the land to be the subject of a planning proposal to be prepared by Council.
- 5.2 In relation to the Triglav Site (80-84 Brisbane Road, St Johns Park) Council amend the RE2 zone boundary by including this amendment in the housekeeping planning proposal to be prepared by Council so that the part of the site proposed to be subdivided for residential purposes is zoned R2.
- 5.3 115 Meadow Road and 8-10 Leo Road, Mount Pritchard be included in a separate planning proposal to be prepared by Council to rezone these parcels RE2 to be consistent with the zoning of the land containing the Mounties Club, Mount Pritchard.

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.

RECOMMENDATION:

6. Submissions to SCHEDULE 1 – ADDITIONAL PERMITTED USES

That:

- 6.1 Council amend key sites map 1 to reflect the new boundaries of the Community Facility precinct associated with the Bonnyrigg Living Communities Project and to include plant nursery as an additional permitted use in Item 1 of Schedule 1.
- 6.2 Council amend Schedule 1 Item 5 by removing the reference that restricts use of the site to a 'delicatessen' so that 'shops' (in general) are an additional permitted use at 563-567 Cabramatta Road West, Cabramatta West.

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Item Number. 1

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.

RECOMMENDATION:

7. Submissions from STATE GOVERNMENT AGENCIES

That:

- 7.1 Council amend the draft LEP by removing 'aquaculture' as being permissible without consent in the RU2, RU4, RU5 and E3 zones.
- 7.2 In light of comments from the Rural Fire Service under Section C.5 of the report, Home Based Child Care be listed as permitted with consent in the RU5, RU4 and RU2 zones.

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.

RECOMMENDATION:

8. Submissions for 45-49 Diamond Crescent, Bonnyrigg and Sustainable Resources Centre.

That:

- 8.1 In light of the recommendation from the independent consultant the zone boundary between the E2 and R2 zones for the 45-49 Diamond Crescent, Bonnyrigg (Lot 16 DP 849870) be amended as shown in the figure in Section D1 of the report.
- 8.2 In light of the recommendation from the independent consultant, the zone boundary between the E2 and IN1 zones for the Sustainable Resources Centre (Lot 1 DP 51555773, Lot 34 DP 657040 and Lot 35 DP 3082) be amended as shown in the figure in D2 of the report.
9. Council endorse the recommendations listed in the table under Section E1 of the report aimed at promoting clarity and certainty of local clauses and provisions of the draft LEP 2011.
10. The following properties on Council's adopted Section 94 Plan and proposed to be zoned E2 under the draft LEP be removed from the Land Reservation Acquisition Map:

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- 19 Prince Street, Canley Heights
 - 23 Prince Street, Canley Heights
 - 27 Prince Street, Canley Heights
 - 4a Prospect Crescent, Canley Vale
 - 45 Chifley Street, Smithfield
 - 19 Liverpool Street, Cabramatta
 - 5 Liverpool Street, Cabramatta
 - 7 Liverpool Street, Cabramatta
 - 7 Prospect Crescent, Canley Vale.
11. The zone boundary between the E1 and RE2 zones be adjusted to reflect current and proposed recreation uses adjoining Floyd Bay as shown in the figure in Section E3 of the report.
12. Pursuant to Section 68 of the Environmental Planning and Assessment Act 1979 (as amended) 1979, Council endorse the draft Fairfield LEP 2011 in **Attachment L** and accompanying maps in **Attachment J** subject to the amendments and recommendations listed above.
13. Subject to any amendments made by Council (above), that Council endorse the responses and recommendations included in the report and **Attachments A to H** relating to various submissions and write to those who made a submission advising them of Council's decision.
14. Pursuant to Section 68 of the Environmental Planning and Assessment Act 1979 (as amended) 1979 refer the draft Fairfield LEP 2011 and associated maps to the DP&I requesting it be endorsed by the Minister for Planning.

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	Residential Zones - Submission Summary & Recommendations (circulated separately)	30 Pages
AT-B	Rural Zones - Submission summary & recommendations (circulated separately)	16 Pages
AT-C	Industrial Zones - Submission summary and recommendations (circulated separately)	7 Pages
AT-D	Business Zones - Submission summary & recommendations (circulated separately)	20 Pages
AT-E	Private Recreation - Submission Summary and Recommendations (circulated separately)	8 Pages
AT-F	Heritage Issues - Submission summary and recommendations	4 Pages

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	(circulated separately)	
AT-G	Miscellaneous Issues - Submission summary and Recommendations	5 Pages
	(circulated separately)	
AT-H	State Gov Agencies - Submission summary and recommendations	8 Pages
	(circulated separately)	
AT-I	Report from independent consultant on SRC site and Diamond Crescent	8 Pages
	(circulated separately)	
AT-J	Compact Disc - draft LEP Maps, previous reports to Council 17.8.10 and 30.8.11	
	(circulated separately)	
AT-K	Copy of submissions (owners details removed)	1008 Pages
	(circulated separately)	
AT-L	Draft Fairfield LEP 2011 (written instrument)	98 Pages
	(circulated separately)	

SUMMARY:

Council at its meeting of the 6 December 2011 endorsed public exhibition of a new draft Comprehensive Local Environmental Plan (LEP) for the City with the exhibition taking place from the 18 January to 14 March 2012.

A total of 167 submissions were received including, 153 from the general community (or their consultants), 2 from Federal or State Members of Parliament, 10 from public authorities and 2 internal submissions from Council Departments. A further 18 submissions were received which did not contain any specific comments about the draft LEP or raised questions which have been already been addressed by Council officers.

Attachments A to H of this report provide a detailed summary of issues raised in the submissions and recommendations provided by Council officers.

Two areas generated a large number of submissions relating to particular issues and as a result it is recommended that:

- Council defer consideration of the proposed R4 High Density Residential zone precinct around Fairfield Heights (in proximity to Murray and Polding Street) until an urban renewal masterplan which will involve further consultation with landowners and review of the zone boundaries in the precinct has can been undertaken.
- 30 submissions were received from the landowners in the rural areas (including the results from a survey of 149 residents) proposing a reduction in the minimum allotment size for subdivision. Due to a range of complex planning issues, it is not recommended that Council review the minimum subdivision controls for the area until the rural lands study has been completed.

An underlying consideration for the recommendations to this report is not only to give reasonable consideration to the issues raised in all submissions to public exhibition of the

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draft LEP but also ensure the scope of proposed amendments to the draft LEP being considered by Council minimises the potential need for its re-exhibition.

As Councillors would be aware, Council is required to meet a deadline specified by the Department of Planning and Infrastructure (DP&I) for delivery of the draft LEP to be eligible for LEP Acceleration Funding from the DP&I for the Cabramatta Transport Management and Accessibility Plan (TMAP). The TMAP is currently under preparation and will inform traffic strategies for proposed higher density residential zones for Cabramatta Town Centre as identified under the draft Residential Development Strategy (RDS).

This is the reason that any amendments to the draft plan are proposed to be dealt with as a separate planning proposal. This will allow changes to be managed in a way that still allows Council to meet this deadline.

The draft Residential Strategy (RDS) and draft Biodiversity Strategy were also placed on public exhibition with the draft LEP. Further reports to Council regarding the draft strategies will be made once Council has made a decision on the draft LEP.

RECOMMENDATIONS - CATEGORIES

The recommendations of this report fall under the following main 4 categories:

1. Recommended amendments to be made now to the draft LEP in light of issues raised in submissions or as a result of issues identified by Council officers that do not trigger the need for re-exhibition of the draft LEP.
2. Recommended amendments to the draft LEP which require preparation of a further planning proposal(s) prepared by Council in light of submissions to the draft LEP.
3. Recommendations on submissions which have the potential to be considered as a separate planning proposal but require more detailed investigations or justification by the private landowner. These proposals would also be subject to payment of a planning proposal fee.
4. Recommendations on submissions that do not generate any changes to the draft LEP. These recommendations are outlined both in the body and attachments to this report.

BACKGROUND:

All Council's in NSW are required to implement the NSW Standard LEP Template, which introduces new standardised zones, clauses and definition of land uses to Fairfield City. In this regard, the draft LEP largely represents a transition of the current zones and planning controls to the new standardised LEP provisions apart from changes to the LEP zones or

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provisions (which relates largely to a number of local clauses included in the LEP) identified in various strategies prepared by Council.

Preparation of the draft LEP has been a significant undertaking for Council and has also involved preparation of a number of major studies (Retail and Commercial Centres Study, Draft Biodiversity and draft RDS), detailed analysis, consultation with State Agencies, briefings to Councillors and recent public exhibition of the draft Fairfield LEP for an extended two month period.

At key stages Council has considered detailed reports and recommendations on the draft LEP as follows:

- a. 27 February 2007 – Council resolved to commence preparation of a new draft LEP for the City to replace the current Fairfield LEP 1994.
- b. 17 August 2010 – Council endorsed the contents and maps of the draft LEP and referred these to the DP&I Council requesting authorisation for public exhibition (Attachment J).
- c. 30 August 2011 – Council endorsed further amendments to the draft LEP (including maps) and made a further request to the DP&I to authorise public exhibition (Attachment J).
- d. 6 December 2011 – Following receipt of authorisation from the DP&I Council resolved to place the draft LEP on public exhibition.

When it comes into force, the draft LEP for the City will replace the current zones and controls of the Fairfield draft LEP 1994.

The draft LEP comprises a large number of maps. Given their number and scale these maps are reproduced on a compact disc (Attachment J). Paper copies of the maps will be available for inspection at the LEP Committee and can be provided to members of the public upon request.

LEP ACCELERATION GRANT FUNDING:

As Councillors would be aware, during the earlier stages of preparation of the draft LEP/RDS, advice was received from the former RTA that Council would need to prepare a TMAP to investigate the traffic/parking impacts for proposed increased residential densities in the Cabramatta Town Centre area.

In response to this Council resolved that the draft LEP maps that apply to the Cabramatta Town Centre and surrounding precincts would retain the zoning, FSR and height currently in place in the existing DCP for the centre and that the additional density identified in the draft RDS and Cabramatta draft Town Centre DCP would be re-assessed taking into consideration the findings of the TMAP study.

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Council subsequently secured a grant (\$200,000) from the DP&AI under the LEP Acceleration Fund to undertake the TMAP study which is due for completion around July 2012.

A key criteria of the grant funding is that following public exhibition, pursuant to Section 68 of the EP&A Act Council must finalise and refer the draft LEP to the Department by no later than 18 May 2012.

Subject to further endorsement by a Extraordinary Council Meeting proposed for the 8 May 2012, the recommendations to this report provide the basis for Council to meet the 18 May deadline. Failing this, it is likely that Council would need to formally consider a request for extension of the deadline and if Council was unsuccessful in gaining the extension the funding would be lost.

DETAILS OF PUBLIC EXHIBITION:

The draft LEP was placed on extended exhibition for a period of 8 weeks from 18 January 2012 to 14 March 2012. Councils Administration Centre served as the statutory exhibition location during public exhibition and was maned by Council staff throughout the exhibition period. Other measures included:

- Mail out to approximately 10,000 properties directly affected by major zoning changes or new LEP provisions not consistent with current provisions contained in Fairfield LEP 1994
- Public notices in local press for each week of public exhibition.
- All exhibition material made available on Council's website.
- Notification to State Government Agencies and adjoining Councils.
- Information about the draft LEP contained in the March 2012 publication of Citylife highlighting key changes. Information was also included on four previous Citylife publications.
- Display at main Town Centres and Libraries
- Information, Q and A sessions for various stakeholder groups (Chambers of Commerce, Discussion Groups, Council Advisory Committees)
- Information (2) and interview (1) sessions for residents of the Rural area.
- Information provided in appropriate community languages and translators arranged for town centre events.

A total of 167 submissions were received in regard to the public exhibition comprising:

- 18 submissions which did not contain any comments or raised questions requiring clarification which Council officers have already responded to.
- 153 submissions from the general community including consultants making submissions on behalf of land owners.
- 2 submissions from Federal/State Members of Parliament
- 10 submissions from State Government Agencies

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- 2 internal submissions from Council Departments

In addition the following table provides a further breakdown of the submissions received from the general community in relation to various zones contained in the draft LEP.

<u>Zone/Provisions</u>	<u>No. of submissions</u>
Residential	74
Rural	30
Industrial	5
Business	34
Private Recreation	6
Heritage	5
Miscellaneous (E3 zone and Local Clauses)	3

The following sections of this report and related attachments provide detailed information on issues raised in the submissions.

PART A: SUBMISSIONS FROM THE GENERAL COMMUNITY, CONSULTANTS & RECOMMENDATIONS TO COUNCIL

A1. RESIDENTIAL ZONES (ATTACHMENT A)

Submissions to the proposed Residential Zones covered the following key issues:

A1.1 Fairfield Heights

R4 Zone – High Density Residential – Murray/Polding St, Fairfield Heights

22 submissions (Attachment A), including a survey containing 100 signatures were received objecting to the proposed change in zoning from medium density to high density housing between Murray and Polding Street in Fairfield Heights.

This area was identified for increased housing density under Stage 1 of Council’s draft Residential Development Strategy based on:

- Proximity to the Fairfield Heights Local Business Centre
- Provision of existing infrastructure and services in the area.
- Access to public transport including a proposed strategic public transport corridor along Polding street

A number of the objections to the proposed high density zoning requested that the current medium density housing zone be retained.

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The draft Residential Development Strategy (RDS) contains a recommendation that Urban Renewal Masterplans be prepared to provide finer grain plans for how the newly zoned areas should be developed. This process may resolve some of the issues or might identify other issues Council may wish to address before a final recommendation for this precinct is submitted to the DP&I.

Given this and number of objections to the proposed high density zoning, it is recommended that:

1. Council list the locality as a deferred matter under the draft LEP as shown in the following figure. As a deferred matter, the current medium density zoning provisions of Fairfield LEP 1994 will continue to apply to the area until such time as Council made a final decision on a planning proposal and urban renewal masterplan RDS
2. Commence preparation of a planning proposal and Urban Renewal Masterplan to allow further investigation of options for the area, and
3. Undertake consultation with the residents of the area to examine the implications for Council's draft Residential Development Strategy.



Some of the issues that will need to be addressed in any urban renewal masterplan include:

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- The location of the boundary between the high and medium density zones in the area still needs to be determined. For example in the past Council has received enquiries regarding the potential for apartment style development along Polding Street and this needs to be considered further in light of urban design considerations and potential renewal of the area
- More detailed planning controls need to be investigated for the area. This could for example include height controls on medium/high density housing that achieves a transition to the surrounding residential area.
- There needs to be more focussed consultation with all residents/landowners in the area.

RECOMMENDATION: Council defer the R4 High Density Zone from Fairfield Heights (between Murray and Polding Street) and commence a planning proposal and Urban Renewal Masterplan which will include as part of the process further consultation with residents and determine the implications and any possible changes for the residential development strategy.

Fairfield Heights – Sites zoned R3 requesting change to R4

Eight further submissions (Attachment A: Nos 99, 113, 129, 130, 140, 144, 145, 161) were received for various sites (in Stanbrook St, The Boulevard and Polding St) requesting a change in zone from medium density (R3) to high density (R4) residential.

The above sites are currently zoned 2(a1) under Fairfield LEP 1994 and surrounding areas are dominated by existing town house and villa development on land parcels of similar size and dimensions. Rezoning the above 'isolated' sites would create major inconsistencies not only in the zoning pattern but also in the prevailing built form of the area.

The Urban Renewal Masterplan process can include a further 'site specific' review of these sites to determine whether there is anything unique about these sites that would prompt allowing a higher density. However on the information available today it is unlikely that a change would be recommended.

Given the above it is recommended that there is no change to the draft LEP as it relates to these sites.

A1.2 Narrow lot Areas

Attachment A (part A.1.2) provides details of 11 submissions (5 supporting 6 against) received on the proposal to remove current restrictions on narrow lot development in Fairfield, Fairfield West and Fairfield Heights. Generally objections/concerns to the proposal to allow narrow lot development were based on negative impacts on land values, amenity, infrastructure and car parking.

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The LEP proposal to allow narrow lot development in Fairfield, Fairfield West and Fairfield Heights is aimed at meeting Council's dwelling targets under the Sydney Metropolitan Strategy and at ensuring consistent application of dwelling controls. Adequate infrastructure is also available in these areas to service future demand from new residential development.

Any future narrow lot development in these areas would need to comply with controls contained the Fairfield City Wide DCP aimed at ensuring this form of development has a suitable built form, provision of car parking and minimises impacts on surrounding residential development. Objections raised to this form of development which cannot be resolved by Council officers would be referred to Council's Independent Hearing and Assessment Panel for a decision.

Given these broader planning considerations and fact that other narrow lot areas are located further from town centres, there is no planning justification to maintain the current prohibition on narrow lot development in the suburbs of Fairfield, Fairfield West and Fairfield Heights.

In this regard, no changes are recommended to the proposal to allow narrow lot development in the above suburbs.

A1.3 Dual Occupancy Issues

Eight (8) Submissions (Attachment A, part A.1.3) related to the permissibility of dual occupancy development in the R2 zone.

None of the submissions contained specific objections to allowing dual occupancy in the R2 zone but rather requested further clarification on the applicability of dual occupancy development on their site or questioned the minimum lot size controls, including restrictions on subdivision for dual occupancy.

Two key areas arose in relation to the above comments as follows:

Restrictions on subdivision of dual occupancy in Medium Density Zone:

Cl.4.1A(4) of the draft LEP restricts minimum lot size for subdivision of dual occupancy in the R3 zone to 300m². However, there are no minimum subdivision requirements for other forms of residential development in this zone. In this regard it is recommended that the restriction on minimum lot size for subdivision of dual occupancy in the R3 zone be removed to be consistent with allowances for subdivision of other forms of housing.

RECOMMENDATION: Reference to the minimum lot size restriction for subdivision of dual occupancy development in the R3 zone be deleted from cl.4.1A(4)

Minimum lot size requirements for Dual Occupancy.

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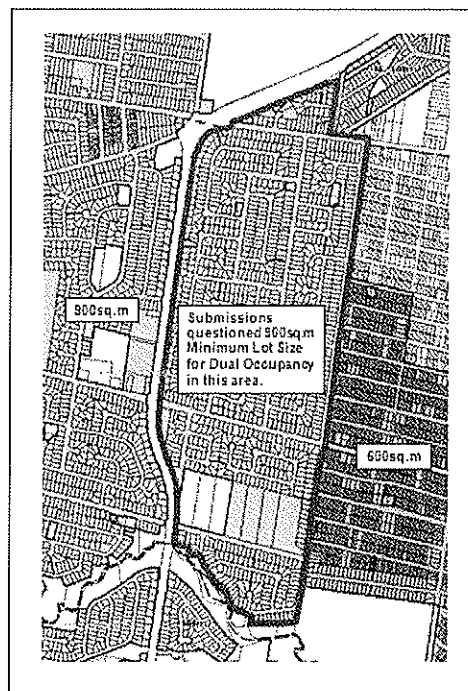
There are two issues that have arisen in relation to the minimum lot size controls for Dual Occupancy Development.

Firstly, there are sites within the narrow lot areas that for historical reasons do not have the same narrow lot arrangement as adjoining lots, instead they are a single larger parcel. Some of these sites are in the Residential R2 zone (i.e. single dwelling and dual occupancy zone) and are less than 600m² so their sites cannot be developed for dual occupancy.

Given that in many cases these sites are surrounded by narrow lot sites it is not considered consistent or appropriate to limit these sites to only single dwellings given the narrow lot development possible on all adjoining sites.

It is recommended that council Officers review the narrow lot areas and determine whether a change to the minimum lot size for dual occupancy in narrow lot areas should be reduced so the larger sites can be developed in a similar manner to the narrow lot sites. This review will be reported to Council and if adopted by Council implemented via a future Planning Proposal which will change the minimum lot size map in the new Comprehensive LEP.

The second issue is that some residents in the precinct bounded by The Cumberland Highway to the East, Polding to the North, Maud Street to the East and Orphan School Creek to the South (see diagram below) have requested the minimum lot size in this area be decreased from the 900m² to 600m².



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The 900m² dual occupancy minimum lot size was selected for this area because it is further away from the Fairfield Heights centre and because the majority of properties in this precinct are less than 600m².

While Council Officers recommend no change be made it would not be a significant planning issue if Council was to decide to implement the 600m² limit in this area and it could be implemented in conjunction with the review of dual occupancy lot sizes for narrow lots discussed above.

RECOMMENDATION: The exhibited provisions for minimum lot size for dual occupancy in narrow lot areas be retained. A further report on whether minimum lot size for dual occupancy in narrow lot areas should be varied shall be prepared for Council's consideration.

A1.4 Request R3 Medium Density Zone

11 submissions (Attachment A part A1.4) requested the zoning of their site be changed from R2 Low Density to R3 Medium Density.

The analysis undertaken by Council officers of the majority of sites concludes that the change to the R3 zoning is not supported.

A number of sites identified were relatively large sites located away from the town centres. While they were suitable for redevelopment because of their size they were not identified in the Draft Residential Strategy because the strategy is based on the direction set in the Metropolitan Strategy which is to encourage a centres based approach where density is encouraged within and in close proximity to existing or proposed centres. None of the sites identified met this criteria and this is the reason that the proposed changes in zoning have not been supported.

However, Council Officers considered that a policy framework for large residential sites outside and away from town centres should be considered. Once this policy was adopted and endorsed by Council individual owners could then lodge a planning proposal to demonstrate how they met the criteria in Council's policy and an additional permitted use could be permitted on these sites if they met Council's requirements. The results of the review would determine whether the policy should enable these sorts of developments or strongly limit them.

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Given the various site specific issues to be assessed for all of the sites listed it is not appropriate for Council to undertake a site by site assessment of all these proposed changes immediately. Developing a policy for landowners to address would assist Council in justifying the use of the additional permitted uses clause (which the DP&I have been reluctant to use in the past) and ensure Council has a policy framework if the Minister for Planning's proposed changes to make Planning Proposals subject to appeal/review by the JRPP in the future is adopted by the State Government. It will ensure that Council has a policy in place which is important because the JRPP must take that policy into consideration and it will maximise Council ability to influence decisions the JRPP makes about the local area.

RECOMMENDATION: An issues paper that looks at whether Council should adopt a policy for redevelopment of large lots away from existing town centres be prepared and reported to Council for its consideration and in the interim none of the amendments proposed in Section A1.4 of the Attachment A be supported at this time.

A1.5 Request R4 High Density Zone

Fourteen 14 Submissions were received (Attachment A, Part A1.5) for various sites across the City.

A number of these sites are located in or near Cabramatta and Council has been previously advised that the Cabramatta T MAP will need to be completed and considered before the density of development in and around Cabramatta can be considered.

Some of the other sites are located in the west of the LGA and should await the completion of Stage 2 of the Residential Strategy or otherwise if they are large sites could potentially be covered by the large lots policy discussed in the previous section.

Other sites around Fairfield are in areas that have been identified as suitable for higher density but when the LEP was first endorsed by Council they were deferred to allow completion of drainage studies. In some locations these drainage studies have been completed and subject to the drainage findings being incorporated into the controls a rezoning of some areas may be able to proceed. However these changes cannot be made to the LEP without re-exhibition of the plan so it is proposed that they be considered as part of a separate Planning Proposal.

RECOMMENDATION: A separate report be prepared updating Council on those areas which are identified in the residential strategy for higher density but which were deferred pending completion of further drainage studies. The report should identify which drainage studies are now complete to allow Council to determine whether it wishes to implement those Phases of the Residential Strategy via a new Planning Proposal.

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A1.6 R1 General Residential Zone – Bonnyrigg Living Communities Project

Urbis made a submission (no.155) on behalf of Newleaf which raised the following issues in relation to the proposed R1 General Residential Zone associated with the Bonnyrigg Living Communities Project:

- All lots associated with the Bonnyrigg Living Communities Project should be zoned R1 General Residential. The RE1 zone is unnecessary as the public open space network will be delivered by way of the Part 3A Concept Plan approval and the Voluntary Planning Agreement/Infrastructure Services Delivery Plan. The Draft LEP may result in a part residential, part recreational zoning of residential properties, requiring unnecessary local plan amendments.

If Council resolves to retain the RE1 zoning, then the zone boundaries will need to be amended to reflect the modified Concept Plan approval, with an appropriate level of flexibility to accommodate the final subdivision pattern as detailed within the Part 4 development applications.

- The potential redevelopment of the privately owned lots must be planned with a commensurate level of consideration for the adjoining land owners and payment of contributions for physical and social infrastructure. These owners are not financially contributing to the staged delivery of infrastructure by way of the VPA/ISDP and should not constrain the development of the majority of the estate which benefits from the Concept Plan approval.

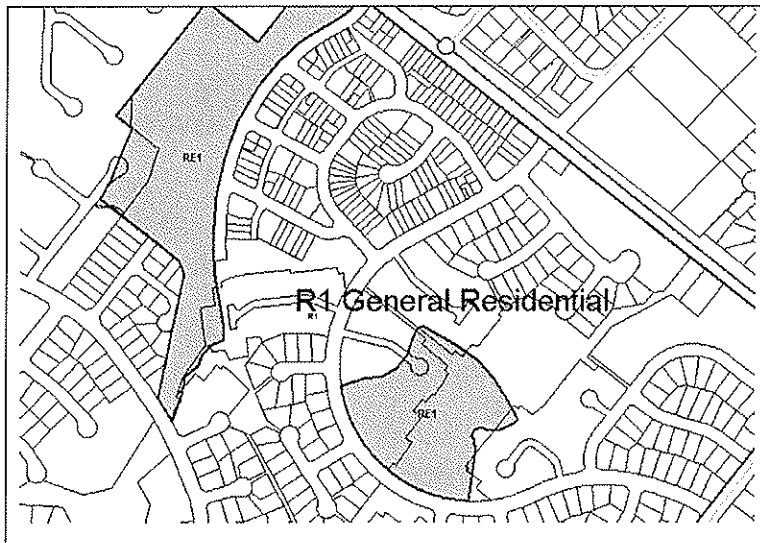
PLANNING COMMENTS

The boundaries between the proposed R1 General Residential and RE1 Private Recreation zones within the Bonnyrigg Living Communities Project (below) are based on the current boundaries contained in the Fairfield LEP 1994. These boundaries were originally determined through a rezoning order issued by the Minister for Planning in June 2010.

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Changes to the R1 and RE1 boundaries for Stage 4 (adjoining Bunker Reserve) of the proposal are subject to a current application for modification to the concept plan being assessed by the DP&I and includes a request to increase residential densities under the Concept Plan. Council made a submission to this modification objecting to the increase in residential densities due to the deficiency arising in the provision of public open space and shortfall in the provision of community facilities.

Ultimately any change to the Concept Plan which facilitates new residential development on land currently zoned open space land would override the zoning provisions. However, it is not recommended that Council consider any change to the R1 and RE2 boundaries based on Council's concerns regarding the increase in residential densities proposed in the development.

This approach is also recommended in that a report on the DA for stage 4 of the project (located in proximity to Bunker Reserve) is still to be considered by the JRPP and this will determine the final subdivision boundary between the open space and residential land.

Private residential properties (approximately 90) within the Estate do not come under the provisions of the VPA and would be required to make contributions (1% of capital costs of the development) under s.94A of the EP&A Act. In light of the issues relating to provision of open space and community facilities in the Estate, it is recommended that Council undertake further investigations to determine if standalone s.94 contributions are appropriate to these sites, commensurate with the level of development proposed and relationship on the provision of open space and community facilities. This issue has no bearing on the provisions of the draft LEP.

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RECOMMENDATION: A separate report be referred to Council on the s.94 issues relating to potential redevelopment of privately owned properties located within the Bonnyrigg Living Communities Project and relationship on the provision of open space and community facilities in the area.

A1.7 Residential - other submissions

Attachment A (Part A1.6) details issues raised in 8 submissions covering a broad range of issues. No changes are recommended to the draft LEP in light of the issues raised.

A2. RURAL ZONES (ATTACHMENT B)

A2.1 RU4 – Primary Production Small Lots (Horsley Park and Cecil Park)

25 submissions were received from properties proposed to be zoned RU4.

This included a submission (no.147) from the Horsley Park Residents Action Group which included the results of a survey from 149 residents of Horsley Park on three proposed options for subdivision:

Option	Supporting
1. Residential Blocks ¼ acre (1,000 sq.m) or ½ acre (2,000 sq.m)	47 (32%)
2. Residential Blocks 1 acre (4,000 sq.m) or 1¼ (5,000sq.m)	75 (50%)
3. Support both Option 1 and 2 (above)	13 (9%)
4. Retain Primary Production Zone with 2½ acre (10,000 sq.m) min lot size	14 (9%)

The submission from the Residents Action Group also outlined a number of other issues in relation to the rural area including:

- Residents see Horsley Park as an exclusive Garden Suburb Estate
- Residents want more money spent towards beautification of the area, provision of kerb and gutter, tree lined streets/power lines to be placed below ground, estate entry points, adequate parking areas near commercial precincts, achievable through Government and local Council grants as well as s.94 contributions
- Residents want an intensification and invigoration of the existing commercial strip along the Horsley Dr and Felton St
- Significant money spent on formalising and beautifying the main entry point in the area.

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In addition to the above, a further 17 individual submissions also registered support for reduced subdivision requirements.

Submission (no.148) was received from GM Architects, on behalf of 21 specific landowners in Horsley Park which in summary raised the following issues:

- Request education establishments, crematoria and places of worship be prohibited in the RU4 zone to ensure compatible land uses in the zone.
- Reduce subdivision requirement to 5,000m²
- Area is not of strategic importance for Western Sydney Employment Land Investigation Area (WSELIA) otherwise it would have been included in the Departments investigations.

Planning Consultants CC Weston lodged two separate submissions as follows:

- Submission no.120 (see Attachment B for details) on behalf of the landowners of 785-811 The Horsley Drive (existing plant nursery/rural industry processing logs into firewood immediately to the south of the Western Sydney Employment Area), requesting rezoning of the site from RU4 Primary Production Small Lots to B6 Enterprise Corridor
- Submission no.133 (see Attachment B for details) on behalf of the landowners of 1766-1768 The Horsley Drive (existing service station, restaurant, takeaway food outlet) on the south western corner of The Horsley Dr and Old Wallgrove Road, requesting rezoning of the site from RU4 Primary Production Small Lots to B6 Enterprise Corridor

Other issues raised in individual submissions for the RU4 zone included

- Title "Primary Production Small Lots" not reflective of character of Horsley and Cecil Park, should be changed to "Large Lot Residential" (raised in two submissions)
- Expand the village commercial area
- Complete Council's Rural Lands Study
- Do not agree with applying riparian zone as property does not flood
- Submissions 1 and 142 suggested Council should allow granny flat development.
- Submission 109 questioned whether the Biodiversity Map had been correctly applied to their property.

PLANNING COMMENTS AND RECOMMENDATIONS

In 2007 Council resolved to place the Rural Lands Study on hold until the findings and recommendations of the Western Sydney Employment Lands Investigation Area (WSELIA) had become available.

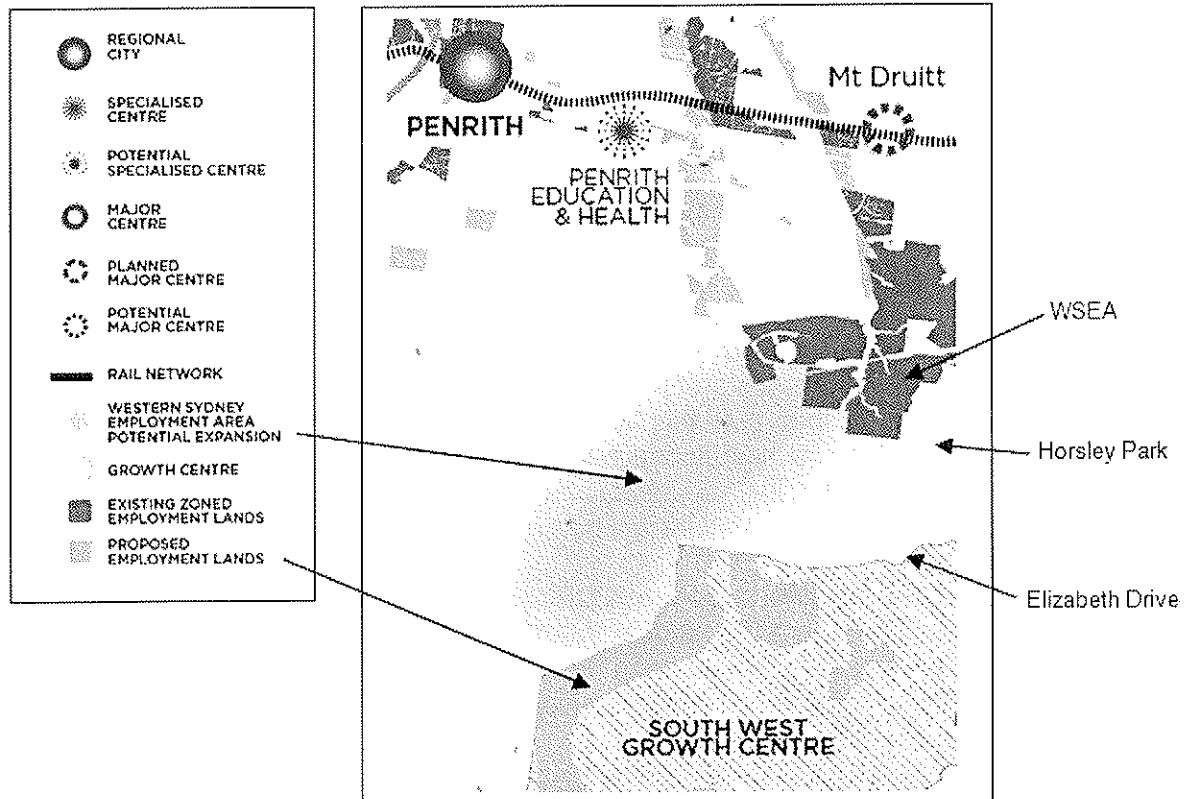
In 2010, following a review of the *Sydney Metropolitan Strategy – City of Cities (2005)* the Department of Planning released the *Metropolitan Plan for Sydney 2036*. This plan now

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identifies the WSELIA lands as "Western Sydney Employment Area Potential Expansion" as shown in the following extract from the Strategy.



In addition to the above, Action E5.3 of the *Metropolitan Plan for Sydney 2036* requires the Department of Planning and Infrastructure to "Prepare a Structure Plan for the broader WSEA". Under this action the following issues will be considered by the DP&I:

- *The Western Sydney Employment Area will need new infrastructure and services to transform itself from a semi-rural area into a major zone of employment and economic activity. Its infrastructure needs include road, water and energy servicing and telecommunications.*
- *The phasing and delivery of infrastructure in released areas will be supported by a coordinated infrastructure servicing strategy linked to a contributions framework. The first key step of this strategy is delivering the Erskine Park Link Road.*

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- *The Department of Planning will prepare a structure plan for the broader Western Sydney Employment Area, incorporating the former Badgerys Creek Airport site, taking into account desired employment types and numbers, infrastructure needs, development staging and appropriate governance and resourcing. It will apply a whole of government perspective to ensure infrastructure provision is incorporated into wider agency planning and budgets (where appropriate and consistent with procurement guidelines), so that elements like new roads, rail, water, sewer, power and telecommunications are in place to meet industry needs*

The DP&I advise that a project scope for the structure plan is currently being developed and in due course, Council's affected by the plan will be further advised of timing of the project and process for involvement by Councils and community.

Based on the above, it would appear that the DP&I is committed to recommencing the work required to clarify directions for semi-rural and industrial lands surrounding Horsley and Cecil Park. It is also clear that this work would have significant implications for Council's rural area and have a significant influence on future directions for the area, particularly in terms of the provision of roads, infrastructure (e.g. sewerage, stormwater reticulation, power) and how these services will be funded.

Council has recently received advice from the DP&I that two large developer nominated sites – Capital Hill, Mount Vernon and Oakdale West in Penrith City Council (directly to the west of the Fairfield rural areas) requesting housing opportunities on semi-rural and industrial zoned land will be subject to further analysis by the DP&I.

Consideration of these sites for 'housing opportunities' also generates significant implications for preparation of a Structure Plan for the employment lands and add an additional layer of complexity to strategic land use planning issues not only within the employment lands itself but also the surrounding rural lands in Horsley and Cecil Park.

In addition to the above, based on the s.117 Direction 1.2 issued by the Minister for Planning, Council would not be able to consider reducing minimum subdivision requirements, changing the zoning of rural land to an alternative zone (e.g. B6 Enterprise Corridor or IN1 Industrial) or increasing permissible densities (which would include allowing granny flat housing/secondary dwellings) until it had prepared a Strategy justifying these changes.

Further, applying the alternative zone name (R5 – Large Lot Residential) would also trigger the provisions of the above s.117 Direction as this change in zone name would preempt a number of planning directions (e.g. ruling out agricultural uses and changing the objectives of the zone) which need to be considered by a Strategy.

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In mid 2011, the DP&I exhibited a study relating to the proposed re-alignment of a southern extension to the Erskine Park Link Road to connect the Erskine Park employment lands with Old Wallgrove Road. The recommendations on the link road would ultimately be incorporated in the SEPP (WSEA) and have significant bearing on outcomes for the road network surrounding the rural area.

The alignment of the network would also need to be incorporated into any study for the rural area undertaken by Council. It is understood that a report on the proposal is currently being considered by DP&I.

Based on the above issues, at this time it would still be premature for Council to recommence work on the rural lands study until a clearer direction on the Employment Structure Plan has become available. The key issue/risk for Council in not waiting is that the directions set by the Structure Plan at a State level will impact on Horsley Park and Cecil Park (particularly in terms of infrastructure provision and zoning of land) and override those arrived at by Council.

In this regard it is recommended that Council continue to defer the rural lands study but also write to the DP&I requesting that as a matter of urgency work associated with the WSEA Structure Plan and Erskine Park Link road be expedited.

RECOMMENDATION: Council write to the Minister for Planning and request as a matter of urgency that the Department of Planning and Infrastructure expedite work associated with the structure plan for the Western Sydney Employment Area and Erskine Park (Southern) Link Road proposal to permit Council to resolve a timetable for recommencing the rural land study.

RU4 – Primary Production Small Lots - Permitted Uses

Submission 148 (referred to above) requests that places of worship, education establishments and crematoria be listed as prohibited uses in the RU4 zone based on these uses being “incompatible” with other land uses permitted in the RU4 zone.

Under the draft LEP, existing land uses permitted in the 1(a) Non Urban Residential Zone have been generally transferred to the RU4 zone under the equivalent Standard LDEP definition. This includes a number of innominate land uses. An innominate land use is a use currently not defined in the Fairfield LEP 1994 but could be considered as being permissible due to the zone objectives and nature of other land uses already permitted in the zone.

‘Crematoria’ is an example of innominate land use that is not defined in Fairfield LEP 1994 but listed under the Standard LEP. Council still has some degree of discretion to prohibit an in-nominate use and it is recommended crematoria be prohibited based on the following issues:

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- There have been no previous approvals for this use in the rural area.
- Cemeteries are already listed as a prohibited use in the RU4 zone.

Submission 148 requests that 'places of worship' and 'educational establishments' also be listed as prohibited uses. In this instance it is recommended Council continue to permit these uses as:

- Both uses have been permitted in the rural area for many years
- A number of education establishments have previously been approved in the rural area
- DP&I have recently prepared a draft LEP practice note which encourages Council's to follow a flexible approach in the zoning of places of worship.
- Council currently does not have a strategy in place providing justification for prohibiting places of worship and education establishments in the rural area.
- Schools are permitted under the SEPP (Infrastructure)

In addition to the above land uses, as noted above, a submission contended that Council should permit granny flat (secondary dwelling) housing in the RU4 zone. Advice from the DP&I indicates that this step would represent an increase in housing density for the area and would trigger the provisions of the s.117 Direction 1.2 (above) applying to rural lands and require Council to prepare a strategy justifying this proposal.

This issue would be investigated further under the rural lands study. However, if Council were of a mind to consider allowing granny flat (secondary dwelling) housing in the rural zones then this could be considered by resolving to prepare a study on this aspect alone to determine whether it could proceed in the short term via a separate planning proposal.

RECOMMENDATION: Crematoria be removed as a permitted use in the RU4 Zone

RU4 – Primary Production Small Lots - Application of Biodiversity Map

Under the draft LEP a Biodiversity Map and Local Clause (6.2) has been applied to properties containing Cumberland Plain Woodland. This vegetation is already protected by the Threatened Species Conservation Act.

Under preparation of the draft LEP, Council commissioned vegetation mapping to determine the extent of land affected by the map and local clause. This work was based on aerial photo interpretation but also involved some site inspections.

Submission 109 (above) indicates that vegetation on their site in the RU4 zone has not been correctly applied. Further investigations are recommended (via ground truthing) to determine the accuracy of the vegetation mapping in the Rural Area

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RECOMMENDATION: The LEP provisions relating to the Biodiversity Map and Clauses as exhibited be adopted with Council officers to undertake a further review of the Biodiversity Map in relation to 34-39 Calmsley Place, Horsley Park with any variations to be included in a further Planning Proposal for the area to be undertaken by Council

A2.2 RU2 – Rural Landscape (Tourism - Key Hole Lands Horsley Park)

In the preparation of the draft LEP, Council endorsed conversion of the current 6(d) Recreation Tourism Zone applying to the Key Hole lands to RU2 Rural Landscape. This step was in response to guidelines issued by the DP&I indicating that the Keyhole lands could no longer be specifically designated for 'tourism' purposes. Under these arrangements current uses permitted in the 6(d) zone have been transferred to the new RU2 zone.

Four submissions were received (Attachment B nos.29, 54, 92 and 103) which in summary raised the following issues:

- Request Council permit 1 acre (5,000m²) subdivision
- Council should contact the DP&I and request it stimulate development
- Rezone Keyhole lands for industrial uses

PLANNING COMMENTS AND RECOMMENDATIONS

Over the years there has been considerable discussion with the owners of the Keyhole lands regarding the future of the area. In brief the following issues that need to be resolved for renewal or future development in the area:

- More detailed investigations into and understanding of natural constraints relevant to the locality including (but not limited to) – overland flooding, landslip, potential contamination, setbacks from natural vegetation
- Provision of infrastructure and services (sewerage disposable, stormwater drainage systems)
- Access constraints (in particular to The Horsley Drive), impact of transmission line easements on development and any setbacks required to the surrounding Western Sydney Parklands.
- Inclusion and agreement of all landowners in determining strategic directions for the area

To address these issues a comprehensive strategic study and investigation would need to be prepared by landowners of the Keyhole lands to determine future directions for the area. As part of this process consultation would also be required with the DP&I on any strategic directions for the area.

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RECOMMENDATION: Council write to those making a submission on the RU2 Rural Landscape Zone (Keyhole Lands), advising them of the issues raised in this report and indicating that the landowners in the area would need to undertake a study providing strategic justification for any change in the zone or subdivision controls applying to the area.

A2.3 RU1 – Primary Production

JBA Planning lodged a submission (no.164) on behalf of the CSR Brickwork Site on Cecil Road in Cecil Park, requesting the zoning of the site be changed from RU1 Primary Production to RU4 – Primary Production Small Lots. Based on the following issues:

- The economic life of the quarry is coming to an end in the short to medium term
- The RU4 Zone would be consistent with the zoning and character of the surrounding land
- Rezoning will encourage rehabilitation of the site in an orderly and economic manner
- The RU4 zone is consistent with the strategic planning framework applying to the site.

PLANNING COMMENTS/RECOMMENDATIONS

At this stage it is not considered appropriate to change the zoning of the CSR site from RU1 to RU4 for the following reasons:

- A State Government s.117 Direction applies to the zoning of land containing extractive material. As a result, this step requires further consultation and in some cases concurrence from a range of State Government agencies. It is noted that submission 116 (see under s.C.3 of this report - below) from the Dept of Trade and Investment, Regional Infrastructure and Services indicates that land adjoining the quarry contains unmined clay resources (located in the Western Sydney Regional Parklands). The viability of mining these resources needs to be further investigated and advice be obtained from the Western Sydney Parklands.
- Rezoning of the land RU4 would require further assessment against relevant State Strategies and Policies. It is noted the site is listed as having regional significance under Sydney Regional Environmental Planning Policy 9 – Extractive Industry.
- Extensive rehabilitation and earthworks would be required to make the site suitable for rural/residential development.
- More detailed information needs to be provided by CSR in relation to the availability of clay resources in the quarry and its “economic life”.
- More detailed information needs to be provided in relation to stormwater drainage, traffic access, sewerage disposal for future development on the site and the impact of site remediation on these issues.

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- Once more information is available on the above and site constraints taken into consideration, a concept plan would need to be prepared showing the proposed subdivision layout for rural/residential development on the site.

To address the above, it is recommended (below) that CSR be given the option of submitting a separate, detailed planning proposal for consideration by Council and various State Government Agencies.

The strategic context of the CSR's request to rezone the site RU4 is different to other parts of the rural area and at this stage does not specifically rely on preparation of the rural lands study as:

- CSR is proposing to rezone the site RU4 consistent with the zoning of rural/residential land in Cecil Park.
- Current minimum subdivision controls for the RU4 zone would also be applied to the site.
- Consideration of a planning proposal to rezone the site RU4 would not compromise the capacity for Council to undertake further strategic investigations into land use planning issues relevant to the rural area.

RECOMMENDATION: Council advise JBA Planning and CSR that a separate (detailed) planning proposal would need to be submitted for Council to be able to consider rezoning of the Cecil Park Brickwork site from RU1 to RU4 and would need to address the issues set out in S.A2.3 of the report.

A3. INDUSTRIAL ZONES

5 submissions (Attachment C) were received in relation to the industrial zones.

Key issues relate to:

- Submission no.94 from Urbis requesting hotel/motel accommodation be listed as permitted use on the large vacant industrial site (proposed to be zoned B5 – Business Development) at 1403 The Horsley Drive, Wetherill Park near the north eastern intersection at the intersection with Cowpasture Road.
- Submission no.123 from Neustein Urban regarding Greenway Plaza (proposed to be zoned B5 Business Development), requesting:
 - o that a limited range of commercial/retail uses (including small supermarket 1500m2) be made permitted uses on the site
 - o expressing dissatisfaction that under the draft LEP existing retail/commercial uses on the site will need to rely on existing use rights. This would mean existing retail/commercial uses on the site would need to lodge a development application for each change of use rather than being able to utilise provisions of the SEPP (Exempt/Complying)

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- Submission no.165 prepared by Bob Tillott & Associates on behalf of the owners of 61-63 and 65-67 Mandarin St, Fairfield East requesting realignment of the IN1 – General Industrial and IN2 - Light industrial Boundaries on the site.

The other submissions are considered minor amendments and do not warrant amendment to the draft LEP

PLANNING COMMENT AND RECOMMENDATIONS

1403 The Horsley Drive and Greenway Plaza

As part of the adoption of the Employment Lands Strategy Council resolved not to proceed with the concept of a central services facilities for the Wetherill Park Employment Lands but to consider one site (at the corner of 449 Victoria St and 96 Newton Road) for a future motel/hotel, medical centre and childcare centre. It is noted that a planning proposal relating to these uses on the site has recently been submitted but is yet to be reported to Council.

During the preparation of the draft LEP, the DP&I advised that current restrictions in Fairfield LEP 1994 applying to retail/commercial uses (including a prohibition on supermarkets) at Greenway Plaza could not be transferred to the draft LEP 2011. In response, in the draft LEP placed on public exhibition, Council endorsed the approach that retail/commercial uses on the site would need to rely on existing use rights provisions of the EP&A Act to guard against unfettered expansion of retail/commercial uses on the site.

In this regard, previous decisions of Council in relation to the Employment Lands Strategy and Central Services Facility (CSF) sites do not provide a basis for considering a change to the proposed zoning arrangements and LEP provisions applying to the above sites.

17-19 Longfield Street, Lansvale

Submission No.138 from Elton Consulting comprised a detailed submission requesting that Council carry out the following:

- Rezone the site from the B5 Business Development to R4 High Density Residential
- Apply a maximum height of 18m on the site
- Apply a maximum FSR of 1.7:1 on the site
- Amend the draft LEP to include local provision to allow 2,000sqm of commercial uses on the site as additional permitted uses

PLANNING COMMENTS AND RECOMMENDATIONS

The subject site is currently zoned 4C Special Industrial and is being proposed to be zoned to an equivalent zone (B5 Business Development) under the Draft LEP 2011 based on the strategic considerations:

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Employment Lands Strategy - The Fairfield Employment Lands Strategy does not identify an oversupply of industrial land or any industrial areas to be rezoned to allow other land uses. This submission proposes to remove a significant parcel of land (approximately 39,000sq.m) from an employment zone. The retention of this site is important to retain capacity to provide services and employment to the expanding population as detailed in the Residential Development Strategy.

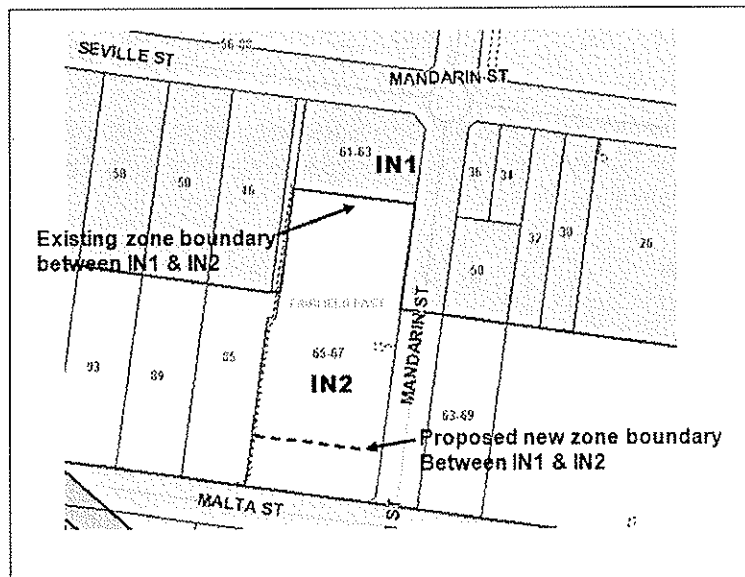
Residential Development Strategy (RDS) - The RDS identifies a centres and corridors approach to increasing residential density and meeting the Metropolitan Strategy dwelling target of 24,000 additional dwellings by 2031. This approach taken by the RDS ensures that the majority of the additional residential dwellings and population has access to community services, shops, transport, medical services, that are usually found within or around major centres.

This proposal is therefore not recommended to be supported considering that it would be locating a significant population away from a major/town centre or strategic transport corridors approximately 1.2km away from Cabramatta Town Centre and 1.4km away from the train station.

It is therefore recommended that Council retain the B5 Business Development Zone for the subject site.

61-63 and 65-67 Mandarin St, Fairfield East

The above two sites comprise corner allotments (in one ownership) with frontages to Mandarin, Malta and Seville Streets. The submission (no.165) for these lots requests significant realignment of the current zone boundary (shown in the following figure) between the IN1 – General Industrial and IN2 – Light Industrial sites. The current zone boundary follows the subdivision boundary between the two properties.



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As part of the submission detailed plans were submitted showing the layout of a possible industrial development on the site based on the proposed new zone boundary, comprising industrial units on the northern section of the site fronting Mandarin and Seville Streets and light industrial use on the southern section fronting Malta and Mandarin St.

At this stage, rezoning of the site as requested in the submission is not supported based on the following issues:

- An insufficient buffer area (via the IN2 zone) is provided between the IN1 zones on the northern part of the site and residential lands along Malta Street
- The proposal would create an undesirable precedent for the remainder of the IN2 lands fronting Malta Street which provided a buffer zone to the IN1 land along Seville Street
- The plans submitted with the proposal raise concerns in relation to whether they are industrial or commercial in nature, do not demonstrate that adequate arrangements have been made for vehicle circulation within the site, provide adequate car parking and setbacks along the front and side boundaries of the site in accordance with Council's DCP requirements.

Notwithstanding the above, it is acknowledged that the delineation of the boundary between the IN1 and IN2 zones for the site is not consistent with that on the adjoining properties. In this regard, it is recommended that Council advise the owners of the site that a separate planning proposal should be submitted for any proposal to change the zone boundary between the IN1 and IN2 for the subject properties and this needs to be accompanied by plans that address the above concerns.

RECOMMENDATION: Council advise the owners of 61-63 and 65-67 Mandarin St, Fairfield East that a separate planning proposal needs to be submitted for any change in the IN1/IN2 zone boundary on these sites and they must address the issues contained in Part A3 of this report

A4. BUSINESS ZONES

34 Submission (Attachment C) were received which raised issues in relation to the various business zones of the City. Key issues are summarised below and with detailed planning comments provided in Attachment C.

A4.1 Cabramatta Town Centre

Twelve (12) of these related to Cabramatta Town Centre and included requests for an increase in FSR and/or building height allowances or rezoning of residential land (adjoining the town centre) for commercial purposes.

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As Council would be aware, consideration of planning issues and rezoning of land in and around the Cabramatta Town Centre has been placed on hold until work on a Transport Management and Accessibility Plan (TMAP) has been completed. Work on the TMAP is currently underway and it is anticipated that the findings and recommendations of the study will be reported to Council in the second half of 2012. Once a report on the TMAP has been considered by Council, further consultation will be undertaken with landowners as part of the process of resolving the new density controls for the Cabramatta area.

Submission no.112, questioned the applicability of landscaping requirements applying under cl.4.3B of the draft LEP to their property adjoining the Dutton Lane carpark. These requirements were transferred from the current Cabramatta Town Centre DCP and are only intended to apply to the Dutton Lane car park. The application to the privately owned property adjoining the car park is the result of a mapping anomaly. Accordingly it is recommended Council amend the draft LEP Maps to clarify this requirement.

RECOMMENDATION: Area 5 in the LEP Town Centre Precinct Map be amended so the landscape controls do not apply to the privately owned property adjoining Council's car park so it is clear that landscape requirements in this precinct only apply to Council's at grade car park between the multi deck car park and Dutton lane.

Submission no 166 from Cabramatta Business Association.

The Cabramatta Business Association has identified an anomaly in the Draft LEP (other issues raised by the association are addressed in Attachment D). The Cabramatta Town Centre DCP 5/2000 identifies a height bonus in Area 8 (John Street Precinct) if shop top housing is provided (i.e. 3 stories if shop top housing is provided and 2 stories shop top housing is not provided). This is not reflected in the draft LEP

PLANNING COMMENT AND RECOMMENDATION

In order for this issue to be addressed Table 4.3B in the written instrument must be amended with the following row to be added to the table:-

Column 1	Column 2	Column 2
Area 8.1,8.2,8.3,8.4 and 8.5	Development Provides for Shop top Housing	Maximum Building height is 8.5m if the requirements of Column 2 cannot be achieved.

Also the Height of Building Map must be amended so that Areas 8.1 to 8.5 (which are identified in the Precinct Map which is included in the LEP) have a maximum height of 10m instead of 8.5m previously shown in the exhibited version of the LEP.

RECOMMENDATION: The Draft LEP written instrument be amended so that the additional provisions identified in Section 4.1 of this report are included in Table4.3B and the Building Heights Map be amended so that areas 8.1-8.5 (identified in the Precinct Map) show a maximum height of 10m.

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A4.2 Fairfield Town Centre

Four submissions related to Fairfield Town Centre. Three of these (nos.13, 14 and 107) requested increased FSR and/or Height allowances for various sites in the Centre. As outlined in the comments in Attachment C, these requests are inconsistent with the principles and strategic framework of the Town Centre DCP and are not supported. Furthermore any piecemeal change to FSR/Height controls is generally undesirable having regard to the comprehensive urban design and planning analysis carried out under preparation of the Town Centre DCP.

Submission 119 supported the proposed B6 zone adjoining the Fairfield Town Centre on the northern side of The Horsley Drive and also requested allowing standalone residential flat buildings and self storage units in the zone.

These uses are not supported based on:

- The B6 zone is intended to provide a support role to the adjoining town centre and accommodate some degree of suitable 'overflow' development as long as this is compatible with and integrated with residential development.
- Self storage units usually operate on a 24hr/7day basis and are more appropriately located in the industrial zones of the City.

A4.3 Villawood Town Centre

Submission 55 requested changing the zoning of the large 2.3 hectare site on Woodville Road from B5 to B2 to permit a broader range of commercial uses including function centres. This site currently supports bulky goods development and is zoned 4(c) Special Industrial under Fairfield LEP 1994.

Conversion of the site to B2 zone is not supported by either Council's retail or employment lands strategies. Under the draft LEP function centres are targeted for existing main and medium sized town centres including the nearby Villawood town centre.

A4.4 Prairiewood Town Centre.

A submission (no.152) relating to Stocklands requested changing the maximum FSR allowance for the site from 0.55 to 1:1 and increasing the maximum permitted height from 18m to 26m (to be consistent with that applying with the Calabria Community Club site – on the southern side of Restwell Road) to allow for future retail and non retail development on the site.

The above request would allow for significant expansion of the Stocklands site and is not supported based on the following issues:

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- The requested increase in FSR and height allowances would allow expansion of Stocklands well beyond the scope identified in Council's Retail and Commercial Centres Study.
- Any expansion factor for Stocklands would also need to be considered in context with the Prairiewood Masterplan and it is not clear whether the above level of proposed expansion would achieve this outcome.
- A more detailed planning proposal with appropriate strategic justification is required for Council to be able to consider the degree of expansion requested by Stocklands.

Notwithstanding the above, an approval has recently been granted for the Stocklands site that will result in a new overall FSR of 0.57:1 for the shopping centre. The FSR shown on the draft LEP maps of 0.55:1 applies to the existing level of development on the site. In this regard it is recommended (as follows) that Council increase the FSR allowance on the LEP Map to 0.57:1.

RECOMMENDATION: The maximum FSR shown on the LEP maps for the Stocklands site be increased from 0.55:1 to 0.57:1 to reflect the recent approval for commercial expansion on the site.

A4.5 Canley Heights

Submission 151 requests rezoning the rear of 264 Canley Vale Road, Canley Heights from R4 High Density Residential to B2 Local Business Centre to reflect the use of the rear part of the site for commercial purposes.

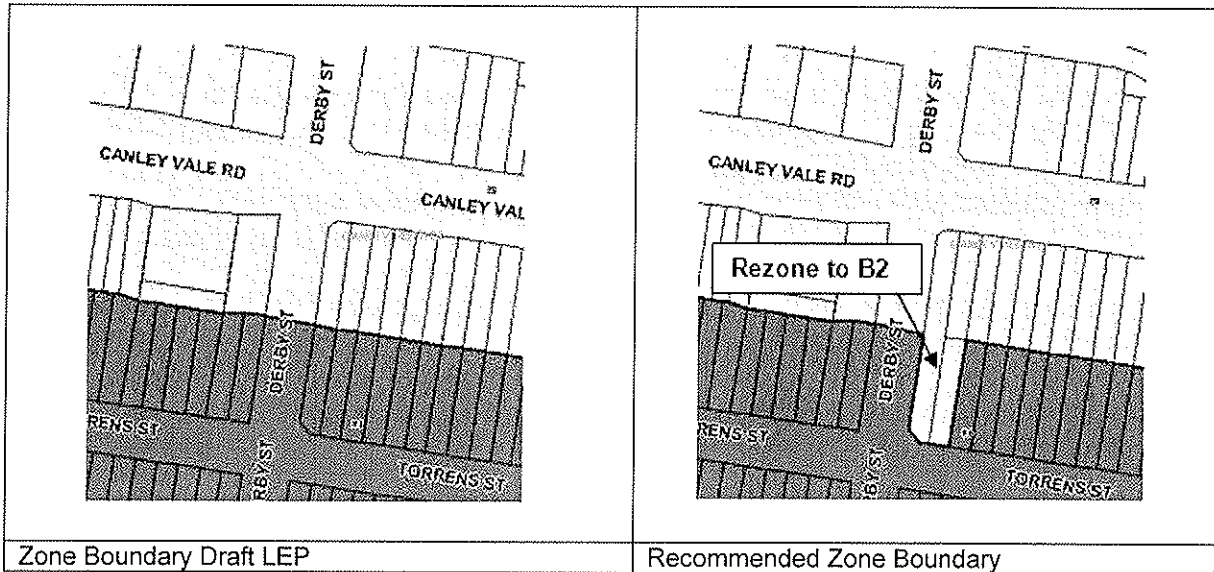
PLANNING COMMENT AND RECOMMENDATION

The above rezoning is supported (as shown in following figure) based on the existing commercial use of the site which extends over the whole site. This step would also require modifying the building height and FSR maps to be consistent with the remainder of land in the Town Centre zoned B2.

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RECOMMENDATION: Change the zoning of 246 Canley Vale Road (comprising lot 4 DP 589894 and whole of lot 5 DP 1346) from R4 High Density Residential to B2 Local Business as shown in s.A4.5 of this report. Maximum FSR and height maps also be amended for the site to be consistent with the remainder of the B2 zone in Canley Heights.

A4.6 21 Phelps Street, Canley Vale

Submission No. 61 (Attachment D) seeks to rezone the subject site to reflect the boundaries of precinct No.9 within the Canley Corridor DCP and the development site contained within an approved development application.

The ability to rely upon Clause 20C (1) Development near zone boundaries within Fairfield LEP 1994 will be removed with the making of LEP 2011. The LEP 94 clause allows Council to grant consent to development if the development does not extend more than 20 metres into the zone where the development is prohibited.

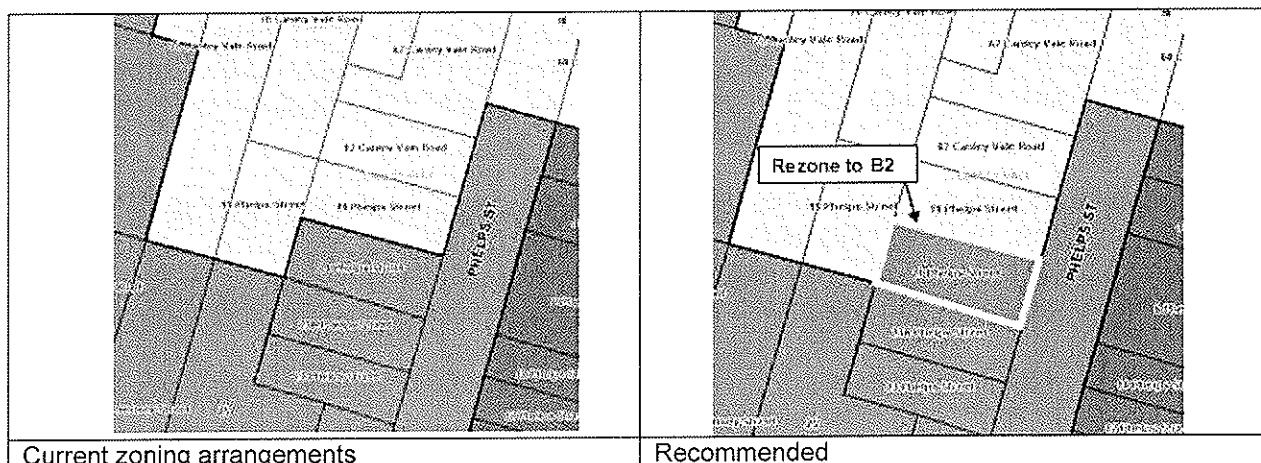
Council approved a DA that allows for commercial development on 21 Phelps St, so Council has already assessed as part of the DA the economic and other impacts associated with this lot being used for commercial development.

Given that the adjoining properties to the north and west are to be zoned B2 Local Centre and are also in the same ownership, there is merit in supporting a change in zoning as follows:

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RECOMMENDATION: That 21 Phelps Street, Canley Vale be rezoned from Residential to B2 Local Business Centre in a separate planning proposal to be prepared by Council.

A4.7 Bonnyrigg Garden Centre, 655 – 666 Elizabeth Drive, Bonnyrigg Heights

Submission no. 38 (Attachment C) requests rezoning of the above Garden Centre to B6 - Enterprise Corridor. The site is currently zoned R2 Residential Low Density and the centre operates under existing use rights.

Under the draft LEP the B6 zone has been applied to large sites adjoining the main town centres of the City on the basis of providing a business support zone for these areas. The zone permits including office and business premises, neighbourhood shops, light industry, bulky goods and residential development.

Based on the above issues and Council's adopted strategy underpinning zoning of land B6, a B6 zone for the garden centre is not supported.

The only other option Council officers have identified to address the owners issues is to allow an additional permitted use on the site. The owner may consider lodging a separate planning proposal if they consider it will benefit them. In this regard Council should note that the DP&I has previously discouraged use of the additional permitted use provisions so even if it is supported by Council it may still not be endorsed by the DP&I.

A4.8 Other Submissions relating to the Business Zones.

Comments and recommendations on other submissions to the Business Zone issues are contained in Attachment D.

This included a submission (no.105) from consultants Milestone on behalf of ALDI stores raising a concern with the lack of land in the City zoned for business purposes to permit further establishment of ALDI stores, particularly in Cabramatta Town Centre.

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As reported to Council in December 2011 relating to a proposal to rezone land in Bossley Park for an ALDI store on The Horsley Drive, Council's current Retail and Commercial Centres Study generally does not support the rezoning of additional land for 'mainstream' retailing (in particular) supermarket developments.

This is based on the findings of the Retail and Commercial Centres study that since 1996 there has been a general plateauing in population growth for the City. Council's retail/Commercial Centres strategy still allows for renewal of the centres in the City however this needs to be consistent with a number of criteria contained in the Strategy.

Any proposal to significantly expand or to change the mix of retail/commercial uses in the City would require a comprehensive review of the current Strategy.

A5. REGISTERED CLUB SITES

Submissions were received from seven registered clubs in the City (Attachment E). The issues raised and recommendations to Council are as follows:

A5.1 Smithfield RSL (Attachment E, Submission No.91)

Requests Council allow the additional permitted use of motel or hotel accommodation on the site.

A5.2 St John's Bowling Club (Attachment E, Submission No.102)

Request the Council amend provisions to the RE1 zone or alternatively amend the additional uses schedule of the draft LEP to allow hotel or motel accommodation.

PLANNING COMMENTS/RECOMMENDATION

As previously reported to Council, based on advice from the DP&I all club sites in the City (outside the business zones) will be zoned RE2 – Private Recreation under the draft LEP. This will include clubs already zoned 6(b) – Private Recreation (13 clubs) and some located in residential zones (8 sites)

Under the new RE2 – Private Recreation Zoning arrangements applying to the clubs outside business zones, there is insufficient strategic justification to continue to allow hotel/motel accommodation in the RE2 zone or individually as follows:

- It is undesirable to introduce a motel/hotel use on club sites located within or in proximity to residential zones where there is potential for detrimental impacts on residential amenity.
- Under Fairfield LEP 94, although a number of the club sites (e.g. St Johns Bowling Club) are currently zoned private recreation and motels are permitted in the zone, no applications or approvals have been granted for motel uses.

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- There are a number of constraints applying to club sites that restrict the potential for motel/hotel uses including the capacity of the sites to accommodate an additional intensive land use, proximity to arterial roads (where there are restrictions on access) undesirable traffic impacts on neighbourhood streets, and unacceptable amenity impacts to surrounding residential properties.

A5.3 Bonnyrigg Sports Club – Elizabeth Drive, (Attachment E Submission No.117 and 149)

Submissions were received in relation to two separate parcels owned by the club as follows:

1. Submission No.117 - Objects to rezoning of part of the vacant Club land (approximately 10,000m² in area) at 620 Elizabeth Drive (to the western side of the existing club building and facilities) from 2(a) Residential to RE2 – Private Recreation and requests a B6 – Enterprise Corridor for this parcel.
2. Submission No. 149 - requests rezoning of land (in Council ownership) utilised by the club for access to their site from Simpson Road from RE1 – Public Recreation to RE2 – Private Recreation. Reclassification of the land is also requested.

PLANNING COMMENTS/RECOMMENDATION

1. Rezoning of the large vacant Parcel of land at 620 Elizabeth Drive from RE2 to B6 is not supported as:
 - A B6 Enterprise Zoning would generate major inconsistencies with strategic directions contained in both Council's Retail Commercial Centres Strategy and Employment Lands Strategy.
 - The proposal is inconsistent with principles associated with the Sydney Metropolitan Strategy and associated draft West Central Sub-Regional Strategy.
 - The site is not located in proximity to main town centres, public transport, services or facilities where the B6 zone has been utilised.

In light of the above and the Clubs objection to zoning of the vacant parcel RE2, it is recommended that the Club be given the option of writing to Council within a two month time frame if it wants to request residential zoning of this land be retained with this rezoning to be subject of a planning proposal prepared by Council.

The club needs to make a decision about its intention for this land because if they intend to do residential then the R2 Residential zone is required as residential will not be permitted under the RE2 Private Recreation zone. Conversely if they wish to expand club uses onto the site they need to retain the RE2 zone as clubs are not be permitted under the R2 zone.

RECOMMENDATION: Council discuss further with the Bonnyrigg Sports Club the option of zoning 620 Elizabeth Drive, Bonnyrigg heights to R2 – Residential Low Density with any further rezoning of the land to be the subject of a planning proposal prepared by Council

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2. As detailed in Attachment E the Club has now submitted a planning proposal for rezoning/reclassification of land providing access from Simpson Road and this matter is best addressed via a separate planning proposal as a reclassification of the land and public hearing is also required.

A5.4 Panthers Group – (Attachment E no.124)

The above submission (prepared by MacroPlan Dimasi) raises comments in relation to two sites owned by Panthers Group as follows:

1. Mekong Club, 117 John St, Cabramatta
 - Requests confirmation that zoning of this site (within Cabramatta Town Centre) from the current 3(c) Local Business to B4 – Mixed Use will not thwart the capacity of the club to expand within the existing building.
2. Triglav Club 80-84 Brisbane Road, St Johns Park
 - Raises concern that the rezoning of the whole of the club site from the current 2(a) Residential to RE2 – Private Recreation, will restrict the capacity of the club to undertake residential subdivision/development on land at the rear of the site not required for club development.

PLANNING COMMENTS/RECOMMENDATION

1. Under the B4 Zone applying to Cabramatta Town Centre, clubs are a permitted use. The proposed zoning of the Mekong Club site does not restrict club uses, however any redevelopment of the site would need to be the subject of a separate DA and meet relevant Council and State planning requirements relating to club development.
2. As previously reported to Council, during the preparation of the draft LEP, the DP&I has not supported permitting clubs in the residential zones of the City, with a number of club sites (including the Triglav Club) currently zoned residential to be zoned RE2 under the draft LEP. The new RE2 zone does not permit residential uses.

The Triglav Club has now submitted a development application which proposes to establish new residential lots on part of the site. It is proposed that Council transfer the zoning of this part of the site from RE2 Private Recreation to the R2 Low Density Residential Zone as part of a Council initiated planning proposal that will be prepared shortly.

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RECOMMENDATION: In relation to the Triglav Site (80-84 Brisbane Road, St Johns Park) Council amend the RE2 zone boundary by including this amendment in the housekeeping planning proposal to be prepared by Council so that the part of the site proposed to be subdivided for residential purposes is zoned R2.

A5.5 Mounties Club, Mount Pritchard (Attachment E, No.146)

As detailed in Attachment E, since Council commenced preparation of the draft LEP, the Club has acquired two additional parcels on Meadows Road and Leo Street adjoining the existing Club's facilities and requests rezoning of these parcels from R2 Residential to RE2 Private Recreation to be consistent with the zoning of the remainder of the Club site.

PLANNING COMMENTS/RECOMMENDATION

In accordance with the approach followed for zoning of club sites under preparation of the draft LEP it is recommended that these two sites be included in a separate 'housekeeping' planning proposal for the draft LEP.

RECOMMENDATION: 115 Meadow Road, 8-10 Leo Road, Mt Pritchard be included in a separate planning proposal to be prepared by Council to rezone these parcels RE2 to be consistent with the zoning of the land containing Mounties Club, Mt Pritchard

A6. HERITAGE ISSUES

Five submissions (Attachment F) related to heritage issues.

Submission 121 from Council's Aboriginal Advisory Committee recommended Council commit resources to investigating and mapping aboriginal heritage items in the City. This is a matter that needs to be subject to further scoping and reporting to Council.

Submissions 136 was received from Rail Corp and requested changing the listing of Villawood Railway Station from a State to local item and removing the Brick Railway building at Cabramatta from the heritage schedule.

The above matters have been the subject of detailed investigations by Council's Heritage Planner and therefore no modifications are recommended to the Heritage Schedule.

A7. SCHEDULE 1 – ADDITIONAL PERMITTED USES

A7.1 SITE 1 – Newleaf Community Precinct

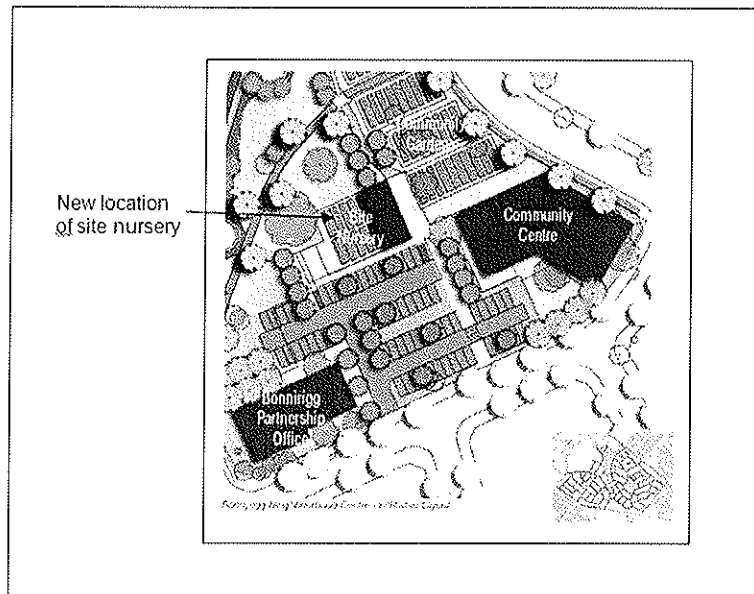
The submission from Urbis (no.155) requested an amendment to the key sites map to reflect the approved road layout of Newleaf Parade and request for modification to the Concept Plan regarding the future layout of the community centre precinct.

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This amendment includes relocating a future 'plant nursery' in Tarlington Reserve at the end of Louise Place, to a new location within the community precinct as shown in the following image.



PLANNING COMMENT/RECOMMENDATION

The plant nursery is integral to the social renewal plan for the Bonnyrigg Living Communities Project and was included in the original approval for the Project but in a different location (200m to the northwest of the proposed new location in Tarlington Reserve, at the end of Louise Place).

It is understood the nursery will provide for training and employment opportunities and operate in conjunction with other community facilities included in the redevelopment. Plants produced by the nursery would be available for sale to the community.

The request to amend the additional uses Schedule of the draft LEP is supported based on the following points:

- The plant nursery was included in the original Concept Plan approval but in a slightly different location.
- Council's submission to the request for modification to the Concept Plan did not object to the relocation of the site nursery into the Community Precinct.
- The new location of the plant nursery has a greater buffer/setback from surrounding residential development and reduces the potential for impacts (e.g. noise, odours) on existing residents (particular those in Louise Place).
- The use complements the proposed community gardens proposed to be located within the community precinct
- The new location provides for better access to car parking facilities and other uses/activities associated with the community facility precinct.

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RECOMMENDATION: Council amend key sites map 1 to reflect the new boundaries of the Community Facility precinct associated with the Bonnyrigg Living Communities Project and to include plant nursery as an additional permitted use in item 1 of Schedule 1.

A7.2 SITE 5 – 563-567 Cabramatta Road West, Cabramatta West

Under the draft LEP, 'delicatessen' is listed as an additional permitted use on the above site which is a transfer of the additional permitted uses included in Fairfield LEP 1994. Submission 111 requests complete rezoning of the above site from R2 Low Density Residential to B4 – Mixed Use and removal of the additional permitted use in light of the long term historic use of the site for non-residential uses.

PLANNING COMMENT AND RECOMMENDATION

A previous request to rezone the above site for commercial uses has previously not been supported by the DP&I. Given the introduction of the new Standard LEP definitions (which does not specifically refer to 'delicatessen') it is considered reasonable for Council to request the DP&I endorse 'Shops' as an additional permitted use on the site.

Removing this restriction would mean that under the Standard LEP definition of shop, the following uses would be permitted:

means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises

This would help promote certainty for future uses and development on the site under transition to provisions contained in the Standard LEP.

RECOMMENDATION: Council amend Schedule 1 Item 5 by removing the reference that restricts use of the site to a 'delicatessen' so that 'shops' (in general) are an additional permitted use at 563-567 Cabramatta Road West, Cabramatta West.

A8. ENVIRONMENTAL MANAGMENT ZONE AND LOCAL CLAUSES (ATTACHMENT G)

Three submissions were received in relation to the above categories as follows:

A8.1 E3 - Environmental Management Zone

Submissions (no.110) objects to the prohibition of 'place of public worship' applying to the E3 zone in Lansvale Peninsula.

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PLANNING COMMENTS AND RECOMMENDATIONS

Detailed issues relating to the above zone/area are contained in Attachment G. The decision to exclude 'places of public worship' from the E3 zone is based on the environmental constraints relevant to the area, in particular the significant flood hazards. This approach has been endorsed by the DP&I and is consistent with guidelines relating to the preparation of the draft LEP.

A8.2 Local Clauses

Two submissions related to specific local clauses as follows:

- Submission 77, requested Council amend the provisions of clause 5.3 – 'Development near zone boundaries' to allow expansion of a Club site at 50 Stanbrook Street, Fairfield Heights zoned B2 – Local Centre to expand onto an adjoining site also in the clubs ownerships. An allowance for 25 metres is requested.
- Submission 110, contends that the application of clauses 6.1 (Riparian land and Waterways) and 6.2 (Biodiversity) are a duplication.

PLANNING COMMENT/RECOMMENDATIONS

Clause 5.3 - Development adjoining zone boundaries

Comments/recommendations in relation to the above submissions are as follows:

Under the draft LEP the 20 metre allowance for development to extend into an adjoining zone is only proposed for development in relation to the SP2 – Infrastructure applying to main roads and public transport (e.g. rail) corridors.

In all other cases a nominal 1 metre extension allowance is proposed. At this stage it is recommended Council maintain this arrangement based on the following key points:

- The 20 metre allowance for the SP2 zone is necessary to allow for changes/modifications in the alignment of planning for infrastructure corridors without the need for preparation of planning proposals.
- For other zones in the City, the 1 metre allowance accommodates minor anomalies in zone and subdivision boundaries.

An increased distance for other zones is not supported as this could result in 'de-facto' rezoning of land without necessary planning investigations, undermines the concept of maintaining separation between land uses with the use of zone boundaries and could lead to incremental changes or expansion of prohibited uses into an adjoining zone.

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Clause 6.1 and 6.2 Natural Resource – Biodiversity, Riparian Lands and Waterways.

The above clauses contained in the draft LEP are based on model guidelines issued by the DP&I. These clauses have been applied to various parts of the City as a result of investigations carried out under the draft Biodiversity Strategy and consultation with State Government Agencies.

Most importantly the application of the clauses represents discrete issues and legislation (e.g. Threatened Species Conservation Act and Water Management Act). Although there is some degree of overlap between certain aspects of each clause (i.e. both clauses are linked to consideration of threatened species), these apply to different parts of the natural environment i.e. land and water, and involve different assessment processes and ways of mitigating environmental impacts.

PART B. REPRESENTATIONS AND SUBMISSIONS FROM STATE AND FEDERAL MEMBERS OF PARLIAMENT

Representations/submissions from State and Federal Members of Parliament included:

1. State Member for Fairfield, Guy Zangari MP

The State Member for Fairfield made representations on behalf of the owners of 5, 14A and 16 Murray St, highlighting residents concerns in relation to the proposed R4 – High Density Residential Zone proposed for the area under the draft LEP.

These issues are addressed under Part A1.1 of this report and recommendations relating to the proposed deferred residential area between Polding and Murray Street and further investigation into residential zones in the area.

2. Federal Member for Fowler – Chris Hayes MP

In summary, Submission (no.23, Attachment D) from the Federal Member requests that Council explore options to provide more car parking in Cabramatta and extend the Free car parking hours at the Fisher Street Car Park to at least 3 hours to boost usage.

PLANNING COMMENTS:

The request from the Federal member is generally beyond the scope of measures and considerations associated with the preparation of the draft LEP.

Under the draft LEP 'car park' is a permitted use in the B4 - Business Mixed Use Zone applying to the Cabramatta Town Centre. In this regard, the draft LEP does not represent an impediment to Council's consideration of the issues raised in the submission from the Federal Member for Fowler.

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PART C. SUBMISSIONS FROM STATE GOVERNMENT AGENCIES AND RECOMMENDATIONS TO COUNCIL

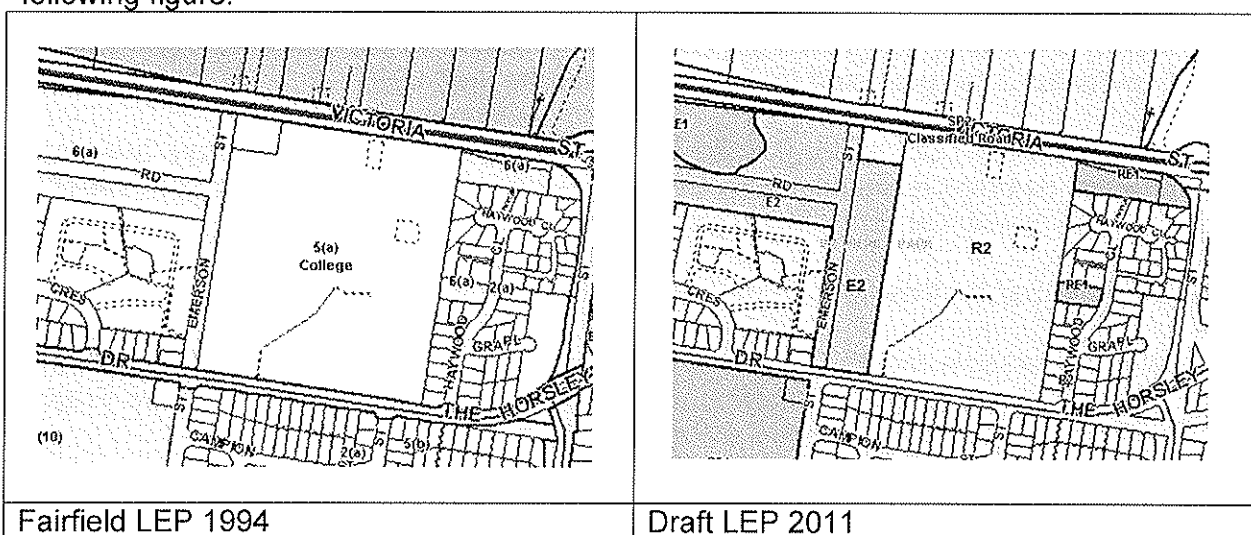
State Agencies and adjoining Council's were notified of public exhibition of the draft LEP. Previous consultation with these organisations was also undertaken in January-March 2007 under s.62 of the EP&A Act and feedback taken into consideration under preparation of the draft LEP.

A total of 10 submissions were received from the State Agencies and adjoining Councils. Attachment H provides details of the submissions. Given the comments originate from State Agencies (which operate under various State Legislation) and have statutory obligations, the following sections of this report highlight key issues raised by the Agencies and recommendations to Council.

C.1 Dept of Education and Communities (Attachment H, no.39)

- Object to part zoning of the Wetherill Park TAFE as E2 – Environmental Conservation
- If not changed by Council will request DP&I make this change

The section of the TAFE site proposed to be zoned E2 is located along the western boundary of the site adjoining Emerson Street (closed section of road) as shown in the following figure:



PLANNING COMMENT/RECOMMENDATIONS

Land located on the TAFE site proposed to be zoned E2 supports a relatively dense area of Cumberland Plain Woodland identified as having conservation values under the draft Fairfield Biodiversity Strategy.

Under guidelines issued for the Standard Instrument, the remainder of land utilised by education facilities are generally required to be zoned to be consistent with the zoning of the surrounding area.

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The section of the TAFE site supporting Cumberland Plain Woodland is also 'linked' to similar vegetation located on adjoining land owned by Council also proposed to be zoned E2. It is recommended that Council retain the zoning of the E2 zone on the TAFE site based on the following points:

- The conservation value of the vegetation on the TAFE site is justified under Council's draft Biodiversity Strategy
- The vegetation is also protected under State (Threatened Species Conservation Act) and Federal legislation
- There is capacity elsewhere on the TAFE site to accommodate future redevelopment, and
- The E2 zone provides a buffer between the TAFE site and residential lands to the west.

Accordingly it is recommended that the draft zoning remain as proposed in the draft LEP.

C.2 Roads and Maritime Services (Attachment H, no.58)

The RMS raise concern that Council has listed 'moorings' as a development permitted with consent in the W2 Recreational Waterways Zone applying to the waterways of Chipping Norton Lake in Lansvale Peninsula.

RMS indicate that the practical effect of the Maritime and Services Act and Regulation and State Environmental Planning Policy (Infrastructure) is that the only proponent for installation of moorings on any navigable waterway will be the RMS.

Listing the use in the W2 zone as permitted with consent may send the wrong message to the community who want to install a mooring on waterways in Fairfield.

PLANNING COMMENT/RECOMMENDATIONS

It is recommended that Council retain 'Moorings' as a permitted use in the W2 zone based on the following points:

- In future it would allow a private proponent to submit a development application for a mooring in case there are future changes to the SEPP(Infrastructure) or NSW Maritime Act
- The provisions of the LEP do not override the RMS as the ultimate licensing authority for moorings
- The waterways associated with Chipping Norton Lakes are owned by the Crown.

C.3 Department of Trade and Investment Regional Infrastructure and Services Attachment H, no.116

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Key issues raised by this Department are as follows:

Rural/Agricultural Issues:

- The principles of the SEPP (Rural Lands) do not apply to Fairfield, however the principles of considering development in rural areas should be considered by Council.
- Good development controls will be required to reduce possible land use conflicts occurring in the Rural zones. Childcare centres, educational establishments and respite centres, places of worship and recreational facilities have an urban residential focus are not compatible with agricultural activities and should be located in urban zones.
- The 1 hectare lot size is very small for commercial agriculture. A 1 hectare lot will create an urban feel and will constrain any agricultural investment and most likely generate conflicts between residential and agricultural development.
- There is potential that agri-business (intensive greenhouse horticulture) could exist in future near warehousing using stormwater from roof tops. Suggest Council permit this use in the IN1 zone.
- Under cl.5.4 the default allowance of 8m² for Roadside stalls may not be sufficient to allow for flexible design to encourage marketing opportunities for farms.

Mineral Issues:

- Several lots in the south east corner of the CSR Brickworks site in Cecil Park contain clay resources but have not been zoned for primary production purposes.
- These lots are currently marked unzoned. It is important these lots are zoned in such a way that allows future extraction of clay material from the site.

Aquaculture:

- Permissibility of land based pond and tank aquaculture is governed by SEPP 62
- Requested that Council remove aquaculture from permitted with consent in the RU2, RU4, RU5 and E3 zones.

PLANNING COMMENT/RECOMMENDATIONS

Issues raised by the Department of Trade in relation to land uses and controls on these uses in the rural area would be the subject of future investigations under the rural lands study.

As referred to under section A2.3 of this report (above), submission 164 requests rezoning of the CSR site in Cecil Park from RU1 – Primary Production to RU4 – Primary Production Small Lots based largely on the advice that the “economic life of the quarry is coming to an end in the short to medium term”. It is recommended that issues relating to zoning of the quarry be subject to a separate planning proposal.

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It is noted that the "unzoned" parcels containing clay resources to the south east of the quarry are located in the Western Sydney Parklands and fall under the provisions of the SEPP (Western Sydney Parklands). For this reason land in the Parklands appears as 'unzoned' on Council's LEP maps but are in fact controlled by the SEPP. Any proposal to utilise these parcels for quarrying would need to be the subject of further investigations (potential under the planning proposal) and require further consultation with the Western Sydney Parklands Trust.

The draft LEP and Land Use Matrix has been modified to achieve consistency with the provisions of SEPP 62 in relation to the permissibility of aquaculture in the RU2, RU4, RU5 and E3 zones.

RECOMMENDATION: Council amend the draft LEP by removing 'aquaculture' as being permissible without consent in the RU2, RU4, RU5 and E3 zones.

C.4 Office of Environment and Heritage (Attachment H, no.131)

Zoning Controls:

- OEH supports the use of environmental protection overlays but recommends stronger protection where possible, particularly on the western side of the City where some areas are currently zoned RU4.
- Do not consider extensive agriculture and intensive plant agriculture suitable in the E3 zone (Lansvale Peninsula)
- Recommendations of the draft Biodiversity Strategy are supported, however urge Council to consider all final and draft recovery actions that have strategic planning implications that apply to the Fairfield LGA in the Final Biodiversity Strategy.

PLANNING COMMENT/RECOMMENDATIONS

In the rural area, the E2 zone has been applied to the main creek-line areas located on a number of privately owned properties. This arrangement reflects the existing constraints on these properties which are also subject to flooding and affected by a number of State Legislations (e.g. Water Management Act, Threatened Species Act).

Areas outside the creeklines supporting Cumberland Plain Woodland and riparian land will be covered by the natural resource local clauses (6.1 of the draft LEP and similarly are also covered by State Legislation.

The key difference between the above is that the local clauses are not as restrictive as the zone provisions which prohibit certain forms of development. This issue will be monitored and reviewed further in future once the new zoning and local clause provisions come into place.

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The E3 zone applies specifically to a number of privately owned properties in the Lansvale Peninsula previously zoned 6(d) Tourism. The 6(d) zone allowed a broad range of land uses that have not been included in the E3 zone due to the significant flooding and environmental constraints (e.g. acid sulphate soils) affecting the area.

Under the E3 zone, extensive agriculture and intensive plant agriculture have been identified as permitted uses as:

- There is already an intensive plant agriculture industry operating in the Peninsula on Hollywood Drive.
- Extensive agriculture provides scope of such uses as bee keeping.
- The above use generally does not result in a high concentration of workers that would expose people to flooding risks associated with the locality.

C.5 Rural Fire Service (Attachment H, no.163)

- Note that 'Home-based childcare' has been listed as permitted without consent. This type of development is classed by the Rural Fire Service as a "Special Fire Protection Purpose" and requires assessment under section 100B of the Rural Fires Act. Home based child care should be permitted only with consent.
- The improvement of biodiversity corridors and riparian land quality should still be aimed at Fire Management obligations of protecting life, property and assets from adverse fire impacts. Council is referred to the *NSW Biodiversity Strategy Guidelines for Ecologically Sustainable Fire Management July 2004*

PLANNING COMMENT/RECOMMENDATIONS

In light of the comments from the RFS regarding the legislative considerations for home based child care, it is recommended (below) that this use be listed as permissible with consent in areas of the City affected by bushfire risk being the RU2 – Rural Landscape, RU4 – Primary Production Small Lots and RU5 – Village zones in Horsley Park and Cecil Park.

Issues relating to the management of Council owned land and bushfire prone land is a matter that is addressed under various Plans of Management for these areas.

RECOMMENDATION: In light of comments from the Rural Fire Service under s.C.5 of this report, Home Based Child care be listed as permitted with consent in the RU5 and RU4, RU2 zones

PART D. SUBMMISIONS RELATING TO COUNCIL'S CORPORATE INTERESTS

Two submissions (Nos.78 and 90) were received from Council Departments requesting rezoning of land relevant to Council's corporate/business interests either involving or with potential for income generation.

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These being:

1. Submission 78: 45-49 Diamond Crescent, Bonnyrigg – requesting realignment of the boundary between E2 – Environment Protection and R2 - Residential Low Density zones.
2. Submission 90: Sustainable Resource Centre, Wetherill Park – requesting realignment of the boundary between E2 – Environment Protection and IN1 - General Industrial zones.

In light of the potential for a perception that Council has a conflict of interest between its statutory planning functions (in assessing submissions to the LEP) and corporate interests, both these submissions were referred to an independent consultant (Eco Logical Australia) for assessment.

Advice from the independent consultant is included in **Attachment 1** and in summary contains the following recommendations:

D1. 45 – 49 Diamond Crescent, Bonnyrigg (Submission 78)

Only partial modification of the boundary between the R2 Low Density and E2 Environment Protection zones is recommended as follows:

- The northern segment of vegetation on the site contains a cleared area of mown grassland.
- The recovery value of the northern segment is considered to be low due to the level of disturbance.
- Ground truthing by Ecological's ecologist generally concurs with the conclusions made on the type and condition of the vegetation.
- The overall environment value of the site is moderate to high. However the area of clearing in the northern segment of the proposed E2 zone could be excluded from an ecological perspective.

Based on the above advice, partial realignment of the E2/R2 zone boundary for the above site is warranted as detailed in the following recommendation and shown in the figure below.

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RECOMMENDATION: In light of the recommendation from the independent consultant the zone boundary between the E2 and R2 zones for the 45-49 Diamond Crescent, Bonnyrigg (lot 16 DP 849870) be amended as shown in the figure in section D1 of this report.

D2. Sustainable Resources Centre (Submission 90)

- Support ground truthing of location of vegetation contained in submission to relocate the boundary between the E2 and IN1 zones on the site.
- The provision of a 40m buffer from Prospect Creek delineating the E2 zone is sound as it provides adequate scope for rehabilitation as well as maintaining the buffer to the creekline
- Ground truthing by Ecological's ecologist generally concurs with the conclusions made on the type and condition of the vegetation.
- The overall environmental value of the site is low to moderate. Vegetation on the site has some ecological characteristics but the level of disturbance to these values is high.

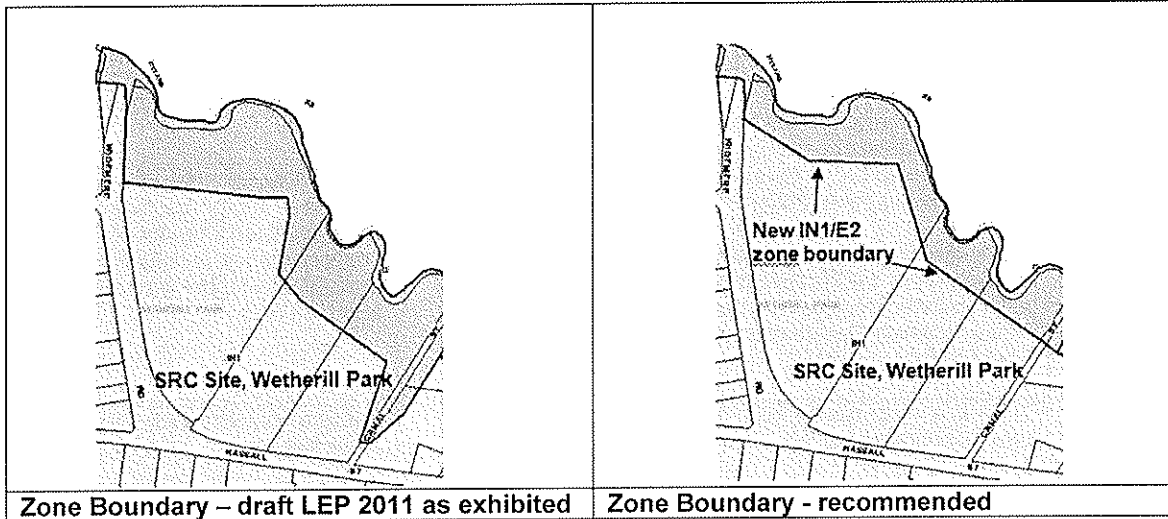
Based on the above advice, adjustment of the E2/IN1 zone boundary for the above site is warranted as detailed in the following recommendation and shown in the figure below.

RECOMMENDATION: In light of the recommendation from the independent consultant the zone boundary between the E2 and IN1 zones for the Sustainable Resources Centre (lot 1 DP 51555773, Lot 34 DP 657040 and Lot 35 DP 3082) be amended as shown in the figure in D2 of this report.

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PART E. OTHER ISSUES AND AMENDMENTS RECOMMENDED BY COUNCIL OFFICERS.

During the course of public exhibition, further internal review of the draft LEP has been undertaken by Council officers. Under the EP&A Act, the provisions of the draft LEP must now be taken into account for development applications and this process has helped inform the internal review.

As a result of the above, the following additional amendments are recommended to clarify the intent and provisions of the draft LEP:

E1. GENERAL AMENDMENTS RECOMMENDED TO DRAFT LEP (WRITTEN INSTRUMENT)

No.	Clause, Zone, Schedule	Issue	Recommendation
1	Zone W2 Recreational Waterways	<i>Recreation facilities (outdoor)</i> should be permitted in the W2 Recreational Waterways zone applying to Chipping Norton Lakes. At the moment <i>Water recreation structures, wharf or boating facilities and charter and tourism boating facilities</i> are all permissible. This effectively permits the physical structures but not the recreational use of such facilities. Hence the need to permit <i>Recreation facilities (outdoor)</i> .	Recommended insert <i>Recreation facilities (outdoor)</i> as a permitted use in Item 3 Permitted with Consent of the W2 Recreational Waterways zone land use table.

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No.	Clause, Zone, Schedule	Issue	Recommendation
2	Clause 4.1A Minimum Lot Size for Dual Occupancy Development	<p>Part (4) of the clause states the following:</p> <p><i>Despite subclause (3), the size of any lot resulting from the subdivision of an approved dual occupancy, in zone R2 Low Density Residential or zone R3 Medium Density Residential must not be less than 300m².</i></p> <p>Currently Council does not have a minimum subdivision requirement in the 2(a1) zone (R3 equivalent), so it is recommended that this requirement as it applies to the R3 Medium Density Residential zone should be removed from Draft Fairfield LEP 2011.</p>	<p>Recommended delete Clause 4.1A(4) and replace with the following:</p> <p><i>4.1A(4) Despite subclause (3), the size of any lot resulting from the subdivision of an approved dual occupancy, in zone R2 Low Density Residential must not be less than 300m².</i></p>
3	Schedule 2 Exempt Development - Advertising on Council Owned or Managed Land	<p>There is a minor typo in Point (3) where the word 'on' has been used instead of 'of'.</p>	<p>Recommended Point (3) should be as follows:</p> <p><i>(3) Any advertising panel must not exceed an area of 3 square metres.</i></p>
4	Schedule 2 Exempt Development - Outdoor Dining on land zoned B2 Local Centre, B3 Commercial Core and B4 Mixed Use	<p>The Draft FLEP2011 states that "a minimum width of at least 2 metres of unobstructed footpath area is to be kept clear for use by pedestrians". This requirement applies to all town Centres covered under part (1) the clause including Cabramatta Town Centre.</p> <p>However Council's <u>Policy for Outdoor Dining on Council owned footpaths</u> states that "the minimum width of unobstructed footpath area dedicated as a clear pedestrian passage is 2 metres (except in the Cabramatta Town Centre 3(b) District Zone which is 3 metres)".</p>	<p>Recommended Delete Part (5) of the provisions relating to outdoor dining, and replace with the following:</p> <p><i>"A minimum width of at least 2 metres of unobstructed footpath area is to be kept clear for use by pedestrians, except in the B4 Mixed Use zone applying to the Cabramatta Town Centre where the minimum width of unobstructed footpath to be kept clear for use by pedestrian, is 3 metres".</i></p>
5	Schedule 2 Exempt Development - Temporary Use of Council owned or Managed Land	<p>Wording relating to this clause is as follows:</p>	<p>Replace the existing Point (1) with the following:</p> <p><i>(1) Development for the purpose of any temporary use on Council owned or managed land, is exempt development under the provisions of this Plan.</i></p> <p><i>(2) Any temporary use must be for a maximum period of 52 days in any one year, whether consecutive or non-consecutive.</i></p>

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No.	Clause, Zone, Schedule	Issue	Recommendation
6	Clause 4.4C(1) Cabramatta Town Centre	This table reflects only those precincts which have a Floor space ratio bonus depending on the % of residential floor space being provided. Given that Precinct 5 is not subject to any FSR bonus in the DCP 5/2000, Clause 4.4C(1) should be amended to read:	Clause 4.4C (1) be amended to read as follows: (1) This clause applies to land identified on the Town Centre Precinct Map (except Area 5 where the floor space ratio shown on the Floor Space Ratio Map applies)
7	Schedule 1 Additional Permitted Uses	Item 6 to the Schedule requires an update to an accurate Lot and DP description. Item 7 to the Schedule requires an update to the street address referred to in the Item. Updating of property references for 2 items within the Schedule 1.	Item 6 - add Lot 1 DP 29449 to the list of lots for this item as contained in Item (a). Item 7 - change the address to be "62 Railway Parade, Fairfield" and remove reference to "4 The Grove, Fairfield". Item 6 - Include Lot 1 DP 29449 in the list of lots for this item. Item 7 - change the address to be "62 Railway Parade, Fairfield"

RECOMMENDATION: That Council endorse the recommendations listed in the table under section E1 of this report aimed at promoting clarity and certainty of local clauses and provisions of the draft LEP 2011.

E2. RECOMMENDED AMENDMENTS TO LAND RESERVATION ACQUISITION MAPS

The draft LEP includes a Land Reservation Acquisition Map (Attachment J) showing properties identified by Public Authorities for acquisition. Land identified on the map also needs to be generally referenced under cl.5.1 of the draft LEP, indicating the zoning of and public authority responsible for its acquisition.

This includes land identified under Council's s.94 Plan for acquisition (open space and drainage) and currently zoned 6(a) – Existing and Proposed Recreation under Fairfield LEP 1994.

Under the draft LEP 2011, 9 of these properties on the s.94 acquisition list are proposed to be zoned E2 – Environment Protection. As a result of discussions with the DP&I these properties were also listed on the LEP acquisition map. These properties are as follows:

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- 19 Prince Street, Canley Heights
- 23 Prince Street, Canley Heights
- 27 Prince Street, Canley Heights
- 4a Prospect Crescent, Canley Vale
- 45 Chifley Street, Smithfield
- 19 Liverpool Street, Cabramatta
- 5 Liverpool Street, Cabramatta
- 7 Liverpool Street, Cabramatta
- 7 Prospect Crescent, Canley Vale

The land to be acquired includes sections of creek-line in various locations of the City adjoining land already in Council ownership. Acquisition of these sections of creek-line will not only allow Council to undertake various drainage/restoration works to the creeks in future, but also promote opportunities for improved access to the creeks and provision of passive recreation areas.

The above properties are also included on Council's recently adopted s.94 plan and acquisition has advanced to various stages. In this regard it is no longer necessary to list them as required for acquisition on the LEP Acquisition Map.

The above is really a transitional arrangement between the current LEP 1994, draft LEP 2011 and s.94 Plan. However, it is not intended that other land in the City zoned E2 under the draft LEP and in private ownership (e.g. creeklines in the rural area) be acquired by Council.

Under the draft LEP, to promote clarity regarding Council's intention in relation to acquisition of land it is proposed that no land proposed to be zoned E2 be identified for acquisition either under cl.5.1 or Land Reservation Acquisition Map.

During public exhibition, letters were sent to owners of sites proposed to be zoned E2 and in the s.94 Plan, advising them of the proposal to remove their property from the LEP Acquisition Map. No submissions or objections were received from these landowners.

In this regard it is recommended Council endorse removal of these properties from the Land Reservation Acquisition Map.

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RECOMMENDATION : That the following properties on Council's adopted s.94 plan and proposed to be zoned E2 under the draft LEP be removed from the Land Reservation Acquisition Map:

- 19 Prince Street, Canley Heights
- 23 Prince Street, Canley Heights
- 27 Prince Street, Canley Heights
- 4a Prospect Crescent, Canley Vale
- 45 Chifley Street, Smithfield
- 19 Liverpool Street, Cabramatta
- 5 Liverpool Street, Cabramatta
- 7 Liverpool Street, Cabramatta
- 7 Prospect Crescent, Canley Vale.

E3. RECOMMENDATION IN RESPECT TO E2 AND RE1 ZONE – LANSVALE PENINSULA.

A review of the E2/RE1 zone boundary on Lansvale Peninsula revealed that the E2 zone has inadvertently been applied to land currently being used as general access to the Dowling Beach and Shearer Park areas containing the existing roadways, beaches, car parks, boat ramps and wharfs.

These areas would act as service areas to support active recreation and are in public ownership. The site is also currently being developed as a park entry point with a road entry and car park area to the Chipping Norton Lakes in this part of the City.

In addition to the above, this area does not exhibit existing or proposed conservation values to warrant the E2, rather the current and intended use of the area is for recreation activities.

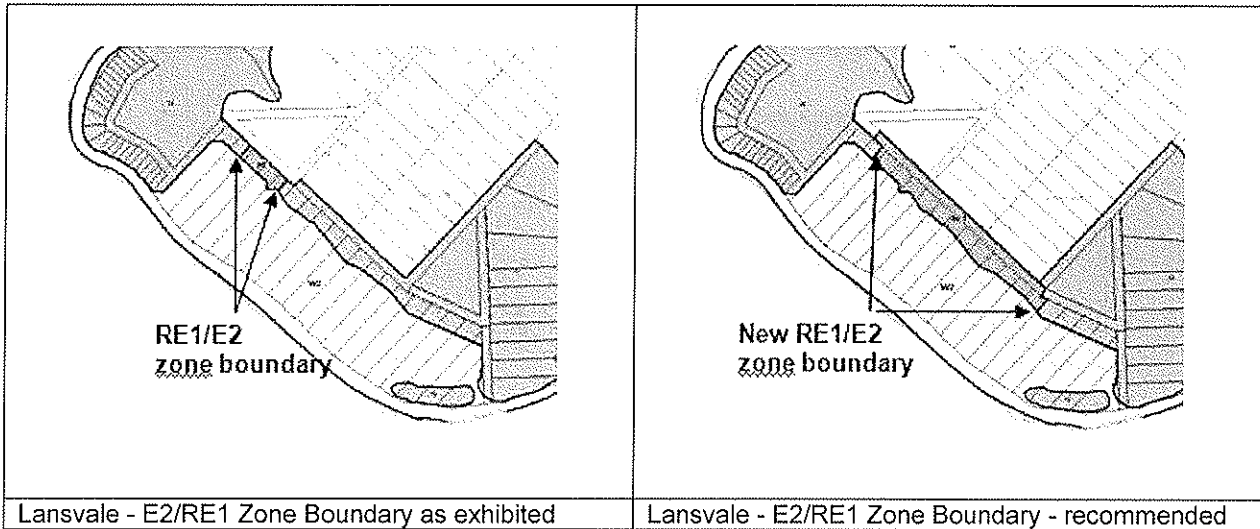
In this regard it is recommended that Council endorse modification of the E2/RE1 zone boundaries for this area as detailed in the following recommendation and shown in the figure below.

RECOMMENDATION: The zone boundary between the E1 and RE2 zones be adjusted to reflect current and proposed recreation uses adjoining Floyd Bay as shown in the figure in section E3 of this report.

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CONCLUSION AND NEXT STEPS

The draft Fairfield LEP 2011 will provide for implementation of the new Standard LEP Template zones and provisions to Fairfield City. Subject to Council's support and further endorsement by the Minister for Planning, the draft LEP will replace the current zones and provisions of the Fairfield LEP 1994.

The exception to this is that the Fairfield LEP 1994 will continue to apply to the proposed deferred areas in Bonnyrigg Town Centre and Fairfield Heights (R4 zone) until Council has undertaken further review of planning issues in these areas.

Public exhibition of the draft Fairfield LEP 2011 included extensive consultation with those property owners and residents in the City most affected by critical zoning or other planning changes under the draft LEP. In addition, information about the draft LEP has been made widely available throughout the City in line with the detailed communications strategy prepared for public exhibition.

The report and associated attachments include an analysis and recommendations in relation to all of the 167 submissions received to public exhibition. As a result of these submissions, in a number of cases further review of planning and zoning issues need to be undertaken and will be the subject of further reports to Council and in some instances, include the preparation of new planning proposals.

A number of other changes recommended to the draft LEP address technical matters or clarify provisions of the LEP and do not require re-exhibition.

In this regard it is recommended that Council endorse the recommendations to this report to allow the draft LEP to be referred to the Minister for Planning requesting it be made.

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Andrew Mooney
Senior Strategic Planner

Authorisation:
Manager Strategic Land Use Planning
Executive Manager Environmental Standards

Comprehensive LEP Committee - 17 April 2012

File Name: LEP170412_1

***** END OF ITEM 1 *****

Placeholder for Attachment A

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Residential Zones - Submission Summary &
Recommendations (circulated separately)

30 Pages

Placeholder for Attachment B

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Rural Zones - Submission summary & recommendations
(circulated separately)

16 Pages

Placeholder for Attachment C

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Industrial Zones - Submission summary and
recommendations (circulated separately)

7 Pages

Placeholder for Attachment D

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Business Zones - Submission summary &
recommendations (circulated separately)

20 Pages

Placeholder for Attachment E

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Private Recreation - Submission Summary and
Recommendations (circulated separately)

8 Pages

Placeholder for Attachment F

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Heritage Issues - Submission summary and
recommendations (circulated separately)

4 Pages

Placeholder for Attachment G

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Miscellaneous Issues - Submission summary and
Recommendations (circulated separately)

5 Pages

Placeholder for Attachment H

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

State Gov Agencies - Submission summary and
recommendations (circulated separately)

8 Pages

Placeholder for Attachment I

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Report from independent consultant on SRC site and
Diamond Crescent (circulated separately)

8 Pages

ATTACHMENT J

Item: 1

Compact Disc - draft LEP Maps, previous reports to Council 17.8.10 and 30.8.11
(circulated separately)

Placeholder for Attachment J

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Compact Disc - draft LEP Maps, previous reports to
Council 17.8.10 and 30.8.11 (circulated separately)

Pages

Placeholder for Attachment K

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council.Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Copy of submissions (owners details removed)
(circulated separately)

1008 Pages

Placeholder for Attachment L

Issue: Fairfield Draft Comprehensive LEPPremises:
All land in Fairfield City Council. Owners: Various
private and public land owners. Zoning: All existing
zones under Fairfield LEP 1994 and new zones under
Draft Comprehensive LEPSubmissions: Yes,

Draft Fairfield LEP 2011 (written instrument) (circulated
separately)

98 Pages

