



Planning Proposal

*Deferred Matter Precinct Fairfield Heights and
Smithfield*

*Fairfield Local Environmental Plan 2011 Draft
Amendment*

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INTRODUCTION

Fairfield City Council is currently in the final stages of preparing the comprehensive Fairfield Local Environmental Plan 2011 (FLEP2011) to ensure consistency with the Standard Instrument LEP. As part of the FLEP2011 process Council prepared a draft Fairfield Residential Development Strategy (RDS) (**Attachment A**) which identified a number of areas for rezoning to medium and high density residential.

One of the precincts identified to be 'up zoned' to High Density Residential was the precinct surrounding the northern section of the Fairfield Heights town centre. The precinct is located along Polding Street and contained with Fairfield Heights and Smithfield suburbs. The precinct is bounded by Murray Street and Slender Avenue to the north, Oxford Street, Prospect View Reserve and Montague Street to the west, Bodalla Street and Polding Street to the south and Barton Street to the east (see **Aerial Photo and Location Map in Figures 1 & 2**).

As a result of the public exhibition of FLEP2011 and RDS, Council received a number of submissions and a petition containing 100 signatures opposed to the proposed rezoning of the precinct. The submissions raised a number of concerns including traffic, amenity, privacy, recent low density development and requested that the Fairfield Heights / Smithfield precinct not be rezoned to High Density Residential and remain Medium Density Residential.

Accordingly, Council at its Comprehensive LEP Committee on 17 April 2012 (**Attachment B**) took into consideration the submissions and resolved that the precinct be designated as a Deferred Matter in the FLEP2011 to ultimately retain the existing Residential 2(a1) Residential A1 zone under Fairfield LEP 1994. Additionally, Council resolved to forward a Planning Proposal to the Department of Planning and Infrastructure proposing to zone the identified area as R3 Medium Density Residential.

Refer to Figures 1 - 3 for location, aerial photos and current zoning of the subject sites.

Figure 1 – Fairfield Heights / Smithfield precinct Aerial Photo

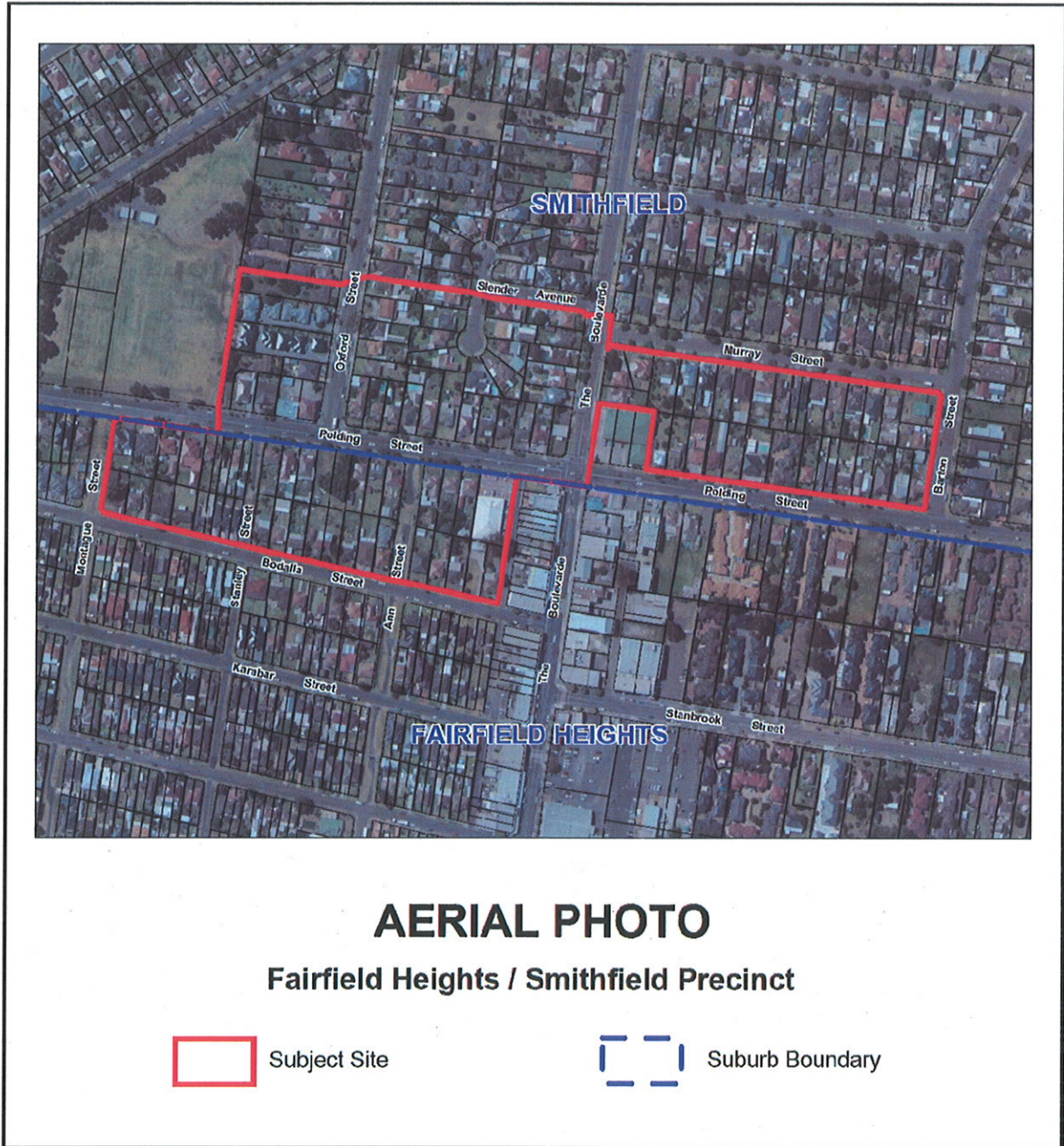


Figure 2 – Fairfield Heights / Smithfield precinct Location Map

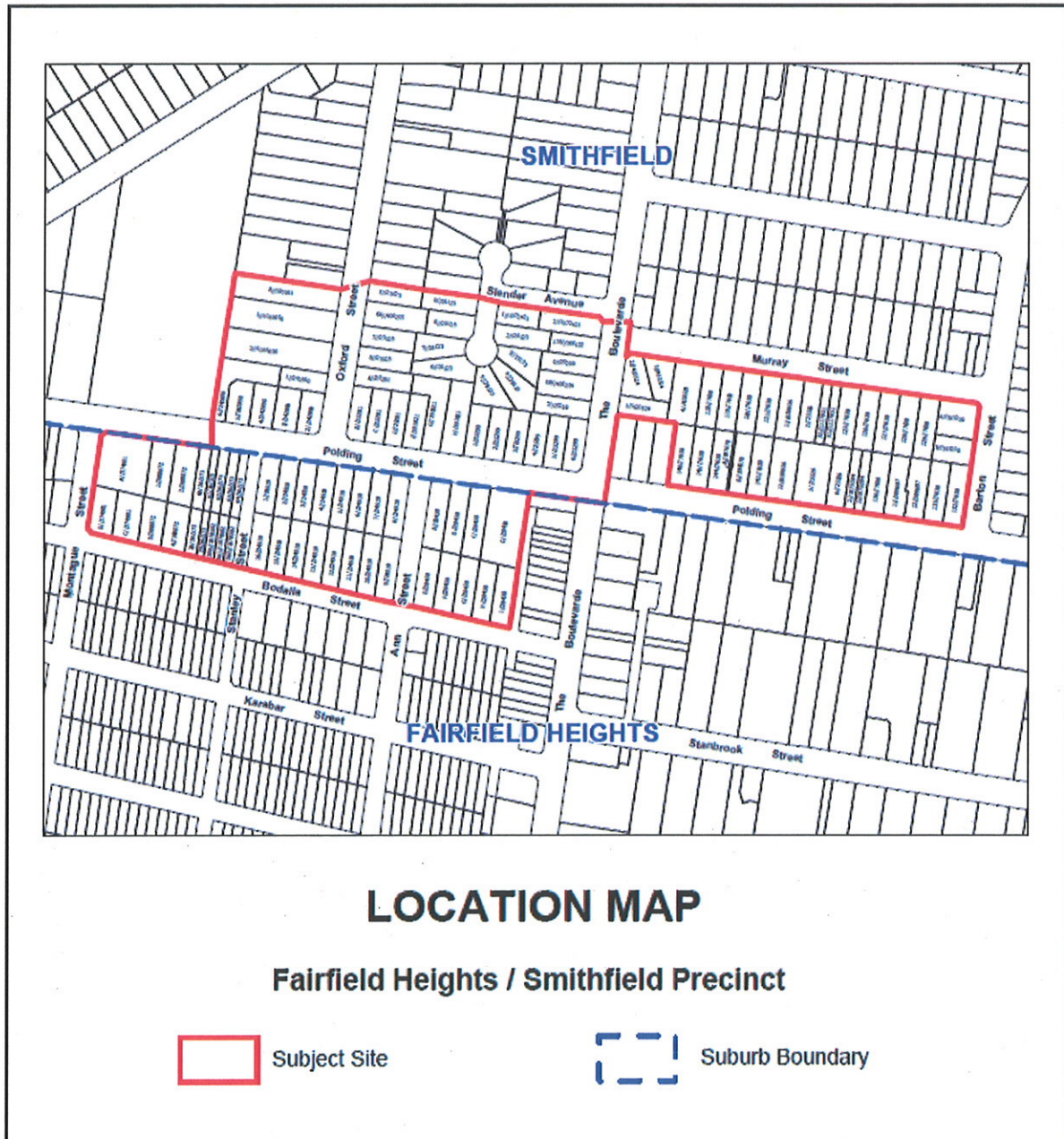
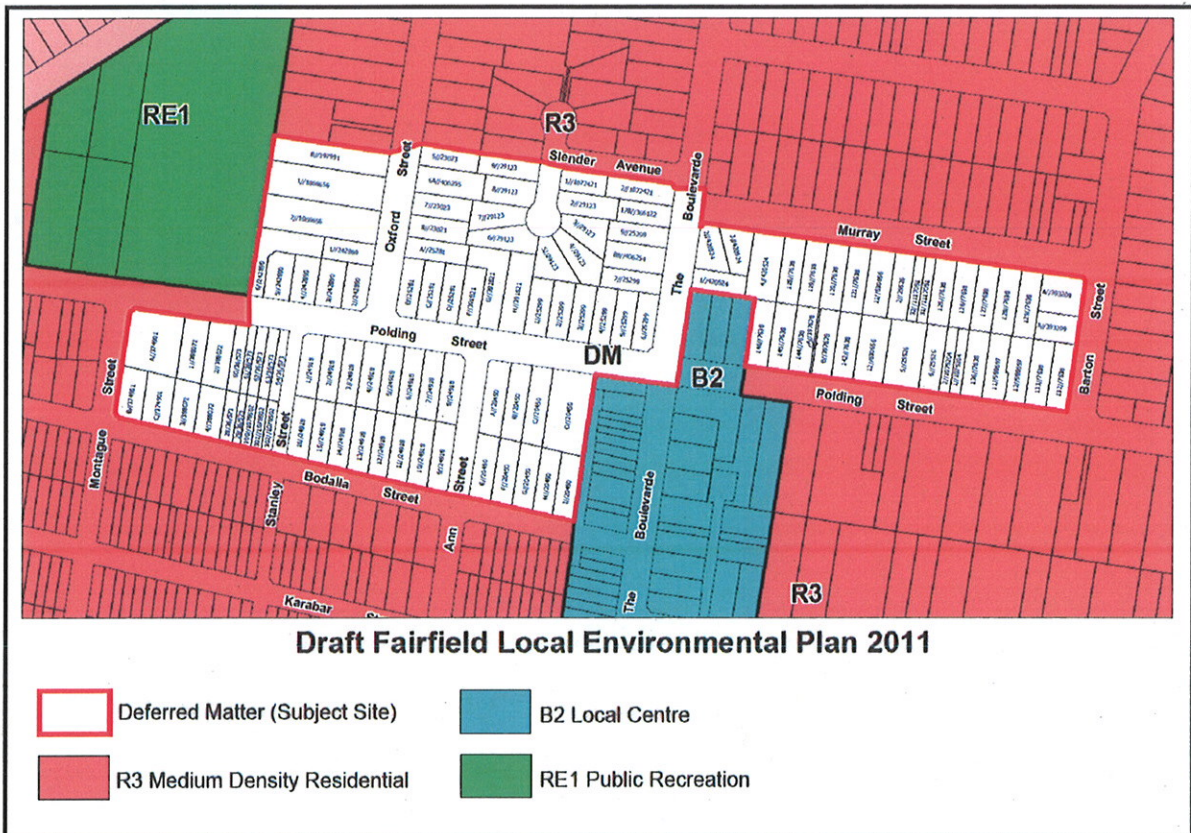
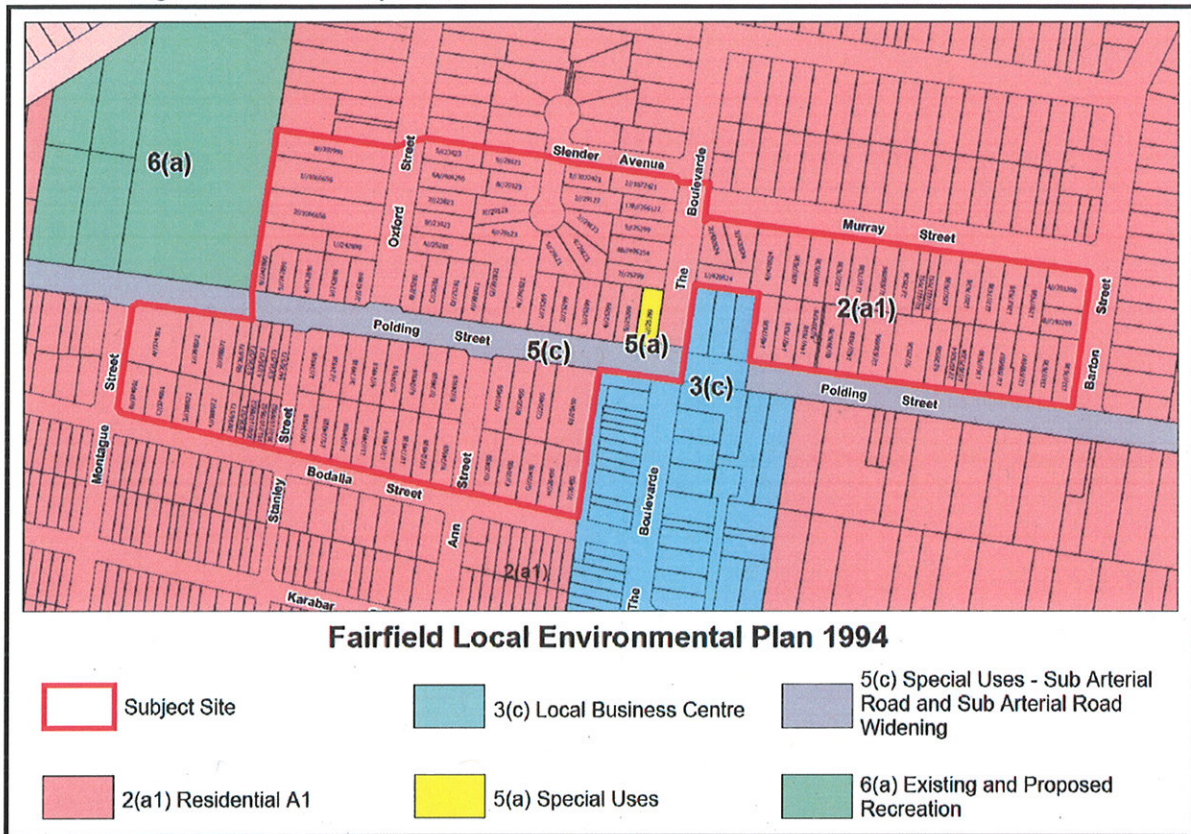


Figure 3 - Extract from Fairfield LEP 1994 and Draft Fairfield LEP 2011 Zoning Maps for the Fairfield Heights / Smithfield precinct



Part 1 – Objectives

The objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 2011 to rezone the subject precinct from Deferred Matter to R3 Medium Density Residential.

The rezoning of the precinct to medium density will respond to the community concerns regarding the previously proposed R4 High Density Residential zone. The rezoning of this precinct will result in the current zone under the Fairfield LEP 1994 being transferred to the new Comprehensive Fairfield LEP 2011.

The proposal also seeks to amend the Height of Building, Floor Space Ratio, Heritage and Land Application maps.

Part 2 – Explanation of Provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 2011. The proposed amendments to the Fairfield Local Environmental Plan 2011 are outlined below:

- Amend the **Zoning Map** to rezone the precinct identified on the location map from **Deferred Matter** to **R3 Medium Density Residential**.
- Amend the **Height of Building Map** to reinstate the existing maximum height of building to **9 metres**, which applies to the R3 Medium Density Residential zone
- Amend the **Floor Space Ratio Map** to reinstate the existing maximum FSR of **0.45:1**, which applies to the R3 Medium Density Residential zone
- Amend the **Heritage Map** to reinstate **Heritage Item Number 72** being Lots 4, 5, 12, 13 in Deposited Plan 24918 (161 Polding Street, Fairfield Heights)
- Amend the **Land Application Map** to remove the Deferred Matter precinct of Fairfield Heights / Smithfield.

Refer to figures 4-8 for proposed Zone, FSR, HOB, Heritage and Land Application Map amendment maps.

- Amend **Schedule 5 Environmental Heritage, Part 1 Heritage Items** of the Fairfield Local Environmental Plan 2011 to insert:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Fairfield Heights	Victorian House	161 Polding Street	DP 24918 Lots 4, 5, 12 & 13	Local	172

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

Figure 4 – Proposed Zone Map Amendment



Zoning Map



R3 Medium Density Residential



SCALE: 1:1,750

Suburb: Fairfield Heights & Smithfield

SHEET 1 OF 5

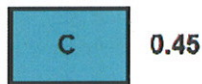
**FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011
(DRAFT ZONING AMENDMENT NO. 1)**

DRAWN BY: C. SHINN 31/05/2012	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011 (AS AMENDED)
PLANNING OFFICER: C. SHINN	
COUNCIL FILE No.	
DATE PUBLISHED ON NSW LEGISLATION WEBSITE	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, (AS AMFNDFD) SENIOR STRATEGIC LAND USE PLANNER DATE

Figure 5 –Proposed Floor Spate Ratio Map Amendment



Floor Space Ratio Map (n:1)



SCALE: 1:1,750

Suburb: Fairfield Heights & Smithfield

SHEET 2 OF 5

**FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011
(DRAFT FLOOR SPACE RATIO AMENDMENT NO. 1)**

DRAWN BY: C. SHINN 31/05/2012

PLANNING OFFICER: C. SHINN

COUNCIL FILE No.

DATE PUBLISHED ON
NSW LEGISLATION WEBSITE

STATEMENT OF RELATIONSHIP WITH OTHER PLANS:
AMENDS FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011
(AS AMENDED)

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT
1979, (AS AMENDED)

SENIOR STRATEGIC
LAND USE PLANNER

DATE

Figure 7 –Proposed Heritage Map Amendment

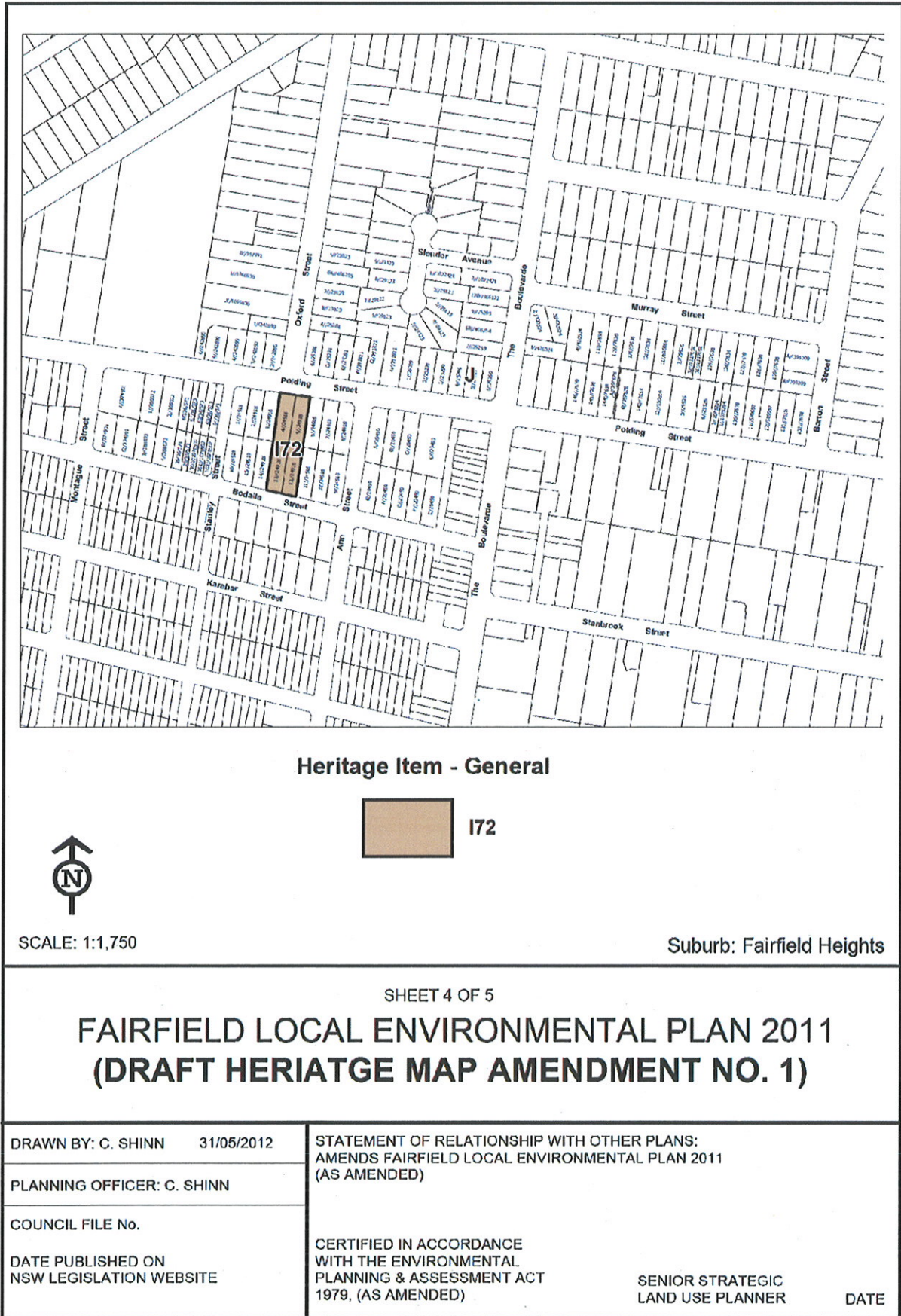


Figure 8 –Proposed Land Application Map Amendment

See **Attachment C** for existing and proposed Fairfield LEP 2011 Land Application Maps.

Part 3 – Justification

Section A – Need for a Planning Proposal.

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

The planning proposal to rezone the Fairfield Heights / Smithfield precinct from Deferred Matter to R3 Medium Density Residential is a result of the Council resolution at Comprehensive LEP Committee on 17 April 2012, within the resolution to prepare the Planning Proposal in response to the significant community concern about the R4 High Density Residential zone.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The planning proposal is the best means of achieving the intended outcome. A Local Environmental Plan Amendment is the only way to remove the precinct as a Deferred Matter and zone the precinct to R3 Medium Density Residential.

3. *Is there a Net Community Benefit?*

A Net Community Benefit Test has been undertaken to determine the net community benefit of the planning proposal. Table A demonstrates the net community benefit of the proposal assessed against the Department of Planning & Infrastructure criteria set out in the draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed FLEP2011 Amendment.

Table A – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/X
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	The amendment proposes no change from the zoning under the Fairfield LEP 1994. The Medium Density Residential permits a variety of dwelling types including dual occupancies, townhouse and villa development and would still facilitate some increased residential density adjacent to the Fairfield Heights town centre.	✓
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. The precinct is located around the Fairfield Heights town centre which is nominated as a Small Village/Village in the Sub-Regional Strategy. The amendment proposes no change from the zoning under the Fairfield LEP 1994.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The LEP amendment proposes to amend the Fairfield LEP 2011 from Deferred Matter to R3 Medium Density Residential, which is consistent with Fairfield LEP 1994.	✓
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The LEP Amendment is as a result of a Council resolution at its Comprehensive LEP Committee on 17 April 2012. However, as part of a future review of the Fairfield Heights town centre DCP Council may consider reviewing the surrounding residential as part of the review. Accordingly, in the short term it is unlikely that any spot rezoning would be pursued by Council in the precinct.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The LEP will not result in a loss of employment lands.	✓
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal will maintain the supply of residential land, including medium density infill development adjoining the Fairfield Heights Town Centre.	✓

Evaluation Criteria	Assessment	✓/x
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?	The existing road and utilities infrastructure is capable of servicing the precinct as there is no proposed change in residential density.	✓
Is there good pedestrian and cycling access?	There is sufficient pedestrian and cycle access to the precinct providing access to Fairfield Heights Town Centre.	✓
Is public transport currently available or is there infrastructure capacity to support future public transport?	The precinct benefits from a number of regular bus routes running along Polding Street.	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The precinct is currently zoned Medium Density Residential under Fairfield LEP 1994. The proposal is to zone the precinct R3 Medium Density Residential which is the equivalent zone. It is not anticipated that the PP will increase car distance travelled by residents.	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Yes. The expected impact of the proposal is that there will be additional patronage on the Transitway that is a positive outcome for the significant Government investment.	✓
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No.	✓
Will the LEP be compatible or complementary with surrounding land uses?	The proposal is compatible with the surrounding residential land uses.	✓
What is the impact on amenity in the location and wider community?	Little or no amenity impact on the wider community.	✓
Will the public domain improve?	The proposal does not propose improvement to the public domain.	✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	✓
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No.	✓
What are the public interest reasons for preparing the draft plan?	The proposal is in response to community consultation through the comprehensive Fairfield LEP 2011. The consultation identified a number of concerns by a large number of residents. Accordingly the proposal identifies the precinct to remain Medium Density Residential as identified in the Fairfield LEP 1994.	✓
What are the implications of not proceeding at that time?	The implication of not proceeding at this time is the site will continue to be a Deferred Matter and rely on Fairfield LEP 1994 as the main Planning Instrument. To ensure consistency, the Fairfield LEP 2011 should apply to the precinct.	✓

Section B – Relationship to strategic planning framework.

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

The precinct currently contains low to medium density residential dwellings. The proposal to maintain the current medium density residential zone will continue to facilitate infill medium density development, such as townhouse and villa development adjacent to the town centre. This increase in residential density is consistent with both *Metropolitan Plan for Sydney 2036* and the *Draft West Central Subregion Strategy*.

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

Table B – Relationship to Strategic Planning Framework

METROPOLITAN PLAN FOR SYDNEY 2036			
STRATEGY	OBJECTIVE	COMMENTS	✓/ X
HOUSING SYDNEY'S POPULATION	OBJECTIVE D1 To ensure an adequate supply of land and sites for residential development	The Planning Proposal (PP) seeks to maintain the Medium Density Residential zoning that exists under Fairfield LEP 1994. The PP does not propose removal of residential land and accordingly the R3 Medium Density Residential zone would continue to permit infill medium density residential dwellings around the Fairfield Heights Town Centre.	✓
	OBJECTIVE D2 To produce housing that suits our expected future need	The Planning Proposal (PP) seeks to maintain the Medium Density Residential zoning that exists under Fairfield LEP 1994. R3 Medium Density Residential zoning allows a number of different dwelling types including dual occupancies, townhouses and villas. These smaller dwelling types are required to meet the requirements of the ageing population and to provide greater housing choice to accommodate the smaller household size.	✓
DRAFT WEST CENTRAL SUBREGION STRATEGY			
STRATEGY	OBJECTIVE	ACTION	✓/ X
HOUSING	C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres	The Planning Proposal (PP) seeks to maintain the Medium Density Residential zoning that exists under Fairfield LEP 1994. The PP proposes to maintain the medium density residential zoning around the Fairfield Heights Town Centre which is identified as Small Village/Village in the <i>Draft West Central Subregion Strategy</i> . This is consistent with the objective.	✓

	C2.3 Provide a mix of housing	<p>The Planning Proposal (PP) seeks to maintain the Medium Density Residential zoning that exists under Fairfield LEP 1994.</p> <p>The proposed R3 Medium Density Residential allows for a variety of dwelling types including dual occupancies, townhouses and villas. These smaller dwelling types are required to meeting requirements of the ageing population and to provide greater housing choice to accommodate the smaller household size. This is consistent with the objective.</p>	✓
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Based on the above assessment it is considered that the planning proposal is consistent with the *Metropolitan Plan for Sydney 2036* and *Draft West Central Subregion Strategy*. The proposal will aid in the achieving the relevant objectives as set out in the Plan.

5. Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Fairfield City Plan 2010-2020 Community Strategic Plan

Fairfield City Plan 2010-2020 Community Strategic Plan sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. Of relevance to this proposal are those goals that deal specifically with open space.

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

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

Themes	Goals	Planning Proposal	Consistency
PLACES & INFRASTRUCTURE	<p>Goal 1: Our city is a clean and attractive place where we take pride in our diverse character.</p> <p>"Our City takes pride in the diversity of its built environment which is reflected in the quality of new buildings and facilities as well as the care and maintenance of existing places and infrastructure"</p> <p>Strategies – What we will do to achieve the goal</p> <ul style="list-style-type: none"> - Provide for medium density development adjoining town centres, services and public transport 	<p>The proposal will seek to formalise the existing medium density residential zone under Fairfield LEP 1994 in the Fairfield LEP 2011, which will continue to assist in providing additional housing opportunities around the Fairfield Heights town centre.</p>	YES

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

Draft Fairfield City Residential Development Strategy 2009

The Draft Fairfield Residential Development Strategy (RDS) is a 20 year strategy that guides the location and type of future residential development within the eastern half of the LGA.

The Strategy has adopted a centres and corridors based planning approach to guide the location of new housing within existing urban areas of the Fairfield LGA.

The draft RDS identified a precinct of higher density residential development around the Fairfield Heights town centre in accordance with the centres and corridors based approach to guide infill residential development.

However, as a result of the public exhibition of FLEP2011 and RDS, Council received a number of submissions and a petition containing 100 signatures opposed to the proposed rezoning of the precinct. The submissions raised a number of concerns and requested that the Fairfield Heights / Smithfield precinct not be rezoned to High Density Residential and remain Medium Density Residential.

Accordingly, Council took into consideration the submissions and resolved that the precinct be designated as a Deferred Matter in the FLEP2011 to ultimately retain the existing Residential 2(a) Residential A1 zone under Fairfield LEP 1994. Additionally, Council resolved to forward a Planning Proposal to the Department of Planning and Infrastructure proposing to zone the identified area as R3 Medium Density Residential.

Originally as part of the draft RDS process, development standards in Fairfield City's high density residential areas had been proposed to remain consistent with FLEP1994. This would see high density residential sites be permitted to be developed to a FSR of 0.8:1 and a maximum height of 16 metres.

However, Council subsequently resolved that greater densities and heights were more appropriate and that Council would proceed with a FSR of 2:1 and a maximum height of 20 metres for residential flat building development in the R4 High Density Residential zone. This was a significant increase on top of what was used for the original potential dwelling calculations for the RDS to meet the West Central Sub-regional target of 24,000 dwellings.

Accordingly, the impact that this planning proposal will have on Council achieving its residential dwelling target is considered minimal considering the revised FSR and height for the R4 High Density Residential zone in other areas of the City. In addition, the Fairfield Heights / Smithfield precinct is currently zoned medium density residential, of which quite a few lots are still available for redevelopment to townhouse and villas.

As a result of the public exhibition process, Council has identified a number of additional issues that would form part of an immediate and future reviews of the draft RDS. The issues for review include:

- **Large residential lots policy** – preparation of a policy for large lots located away from existing town centres which applicants would then need to address with any proposal for rezoning for higher density. The policy would set the criteria under which Council would consider a rezoning and the issues the owner/applicant would need to address.
- **Minimum lot size for dual occupancy** – review of the Minimum Lot Size for Dual Occupancy in Narrow Lot precincts to ensure that sites that were not subdivided in a manner that allows for narrow lot development can still be developed in a manner consistent with the development potential of adjoining lots.

- **Residential Development Strategy Phase 2 of Stage 1** – the RDS identified precincts where a change in zoning to a higher density was deferred to allow completion of drainage studies. Given time taken to obtain endorsement for the DFLEP2011, exhibition and report the plan, some studies have now been completed. This now provides the opportunity for Council to determine whether it wishes to proceed with a planning proposal to allow rezoning of these sites.
- **RDS Stage 2** – Stage 2 of the residential development strategy will look at the opportunities in the western half of the City (primarily in proximity to the Transitway and various town centres).
- **Other residential issues** – other residential issues resulting from exhibition of the DFLEP2011 may result in further studies or reviews which may provide opportunity for dwelling increase.

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

Table D details how the planning proposal is consistent with the relevant State Environmental Planning Policies.

Table D – Consistency with State Environmental Planning Policies

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	N/A	-
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	YES	The sites do not contain significant vegetation. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 21 – Caravan Parks	N/A	-
SEPP 22 – Shops and Commercial Premises	N/A	-
SEPP 26 – Littoral Rainforests	N/A	-
SEPP 29 – Western Sydney Recreation Area	N/A	-
SEPP 30 – Intensive Agriculture	N/A	-
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	YES	The precinct was previously zoned 2(a) Residential A1 under the Fairfield LEP 1994. It is proposed that the precinct be zoned R3 Medium Density Residential, which is the equivalent zone. The R3 Medium Density Residential zone will continue to permit infill development in close proximity to the Fairfield Heights town centre. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 33 – Hazardous and Offensive Development	N/A	-

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 36 – Manufactured Home Estates	N/A	-
SEPP 39 – Spit Island Bird Habitat	N/A	-
SEPP 41 – Casino Entertainment Complex	N/A	-
SEPP 44 – Koala Habitat Protection	N/A	-
SEPP 47 – Moore Park Show Ground	N/A	-
SEPP 50 – Canal Estate Development	N/A	-
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	-
SEPP 55 – Remediation of Land	N/A	-
SEPP 59 – Central Western Sydney Regional Open Space and Residential	N/A	-
SEPP 60 – Exempt and Complying Development	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 62 – Sustainable Aquaculture	N/A	-
SEPP 64 – Advertising and Signage	N/A	-
SEPP 65 – Design Quality of Residential Flat Development	N/A	-
SEPP 70 – Affordable Housing (Revised Schemes)	N/A	-
SEPP 71 – Coastal Protection	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Major Development) 2005	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Temporary Structures) 2007	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Infrastructure) 2007	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Rural Lands) 2008	N/A	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-
SEPP (Affordable Rental Housing) 2009	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Urban Renewal) 2010	N/A	-
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	N/A	-

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
SREP No. 9 (Extractive Industry) (No 2 – 1995)	N/A	-
SREP No. 18 (Public Transport Corridors)	N/A	-
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	N/A	-

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

Table E details how the planning proposal is consistent with the relevant Section 117 Directions.

Table E – Consistency with Section 117 Directions

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	<ul style="list-style-type: none"> ▪ Encourage employment growth in suitable locations ▪ Protect employment land in business and industrial zones ▪ Support the viability of identified strategic centres. 	N/A	N/A
1.2 Rural Zones	<ul style="list-style-type: none"> ▪ Protect agricultural production value of rural land. 	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> ▪ Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. 	N/A	N/A
1.4 Oyster Aquaculture	<ul style="list-style-type: none"> ▪ Protect oyster aquaculture areas. 	N/A	N/A
1.5 Rural Lands	<ul style="list-style-type: none"> ▪ Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes. 	N/A	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	<ul style="list-style-type: none"> ▪ Protect and conserve environmentally sensitive areas. 	N/A	N/A
2.2 Coastal Protection	<ul style="list-style-type: none"> ▪ Implement the principles in the NSW Coastal Policy. 	N/A	N/A
2.3 Heritage Conservation	<ul style="list-style-type: none"> ▪ Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	<p>The Planning Proposal (PP) is consistent with the direction.</p> <p>The PP identifies an existing heritage item identified under Fairfield LEP 1994 to be included in the Fairfield LEP 2011.</p> <p>The heritage item had not been included in the comprehensive Fairfield LEP 2011 as the precinct had previously been identified as a Deferred Matter. [Direction 2.3</p>	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		– 4(a)].	
2.4 Recreation Vehicle Areas	<ul style="list-style-type: none"> Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. 	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<ul style="list-style-type: none"> Encourage a variety and choice of housing types to provide for existing and future housing needs Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services Minimise the impact of residential development on the environment and resource lands. 	<p>The Planning Proposal (PP) is consistent with the direction.</p> <p>The PP proposes the site to be zoned R3 Medium Density Residential, which is equivalent to the existing 2(a1) Residential A1 zone under the Fairfield LEP 1994.</p> <p>The PP does not propose a decrease in potential residential dwellings in the precinct, while continuing to accommodate infill medium density dwellings. [Direction 3.1 – 4(a)(b)(c)(d)].</p>	YES
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> Provide for a variety of housing types Provide opportunities for caravan parks and manufactured home estates. 	N/A	N/A
3.3 Home Occupations	<ul style="list-style-type: none"> Encourage the carrying out of low-impact small businesses in dwelling houses. 	N/A	N/A
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> Improve access to housing, jobs and services by walking, cycling and public transport. Increase choice of available transport and reducing car dependency. Reduce travel demand and distance (especially by car) Support the efficient and viable operation of public transport services Provide for the efficient movement of freight 	<p>The Planning Proposal (PP) is consistent with the direction.</p> <p>The PP proposes the site to be zoned R3 Medium Density Residential, which is equivalent to the existing 2(a1) Residential A1 zone under the Fairfield LEP 1994.</p> <p>The precinct is adjacent to the Fairfield Heights town centre and is located along Polding Street, along which regular bus services run. [Direction 3.4 – (4)].</p>	YES
3.5 Development Near Licensed Aerodromes	<ul style="list-style-type: none"> Ensure effective and safe operation of aerodromes Ensure aerodrome operation is not compromised by development Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures. 	N/A	N/A
3.6 Shooting Ranges	<ul style="list-style-type: none"> Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land 	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	<ul style="list-style-type: none"> Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<ul style="list-style-type: none"> Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. 	N/A	N/A
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	N/A	N/A
4.3 Flood Prone Land	<ul style="list-style-type: none"> Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	<p>The precinct is not identified as being affected by mainstream flooding.</p> <p>A small number of lots are impacted by low risk overland flooding at the corner of Slender Avenue and The Boulevard. The PP proposes to maintain the existing medium density residential zoning, with any development required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments <i>Flood Planning Development Manual 2005</i>.</p> <p>The PP has not impact on the existing flooding issues in the precinct. [Direction 4.3 – (4)].</p>	YES
4.4 Planning for Bushfire Protection	<ul style="list-style-type: none"> Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. Encourage sound management of bush fire prone areas. 	N/A	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	<ul style="list-style-type: none"> To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. 	N/A	N/A
5.2 Sydney Drinking Water Catchments	<ul style="list-style-type: none"> To protect water quality in the hydrological catchment. 	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> Ensure that the best agricultural land will be available for current and future generations to grow food and fibre Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement 	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	planning <ul style="list-style-type: none"> ▪ Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas 		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<ul style="list-style-type: none"> ▪ Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route ▪ Prevent inappropriate development fronting the highway ▪ Protect public expenditure invested in the Pacific Highway ▪ Protect and improve highway safety and efficiency ▪ Provide for the food, vehicle service and rest needs of travellers on the highway ▪ Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns. 	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	N/A	N/A
5.6 Sydney to Canberra Corridor	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.7 Central Coast	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	<ul style="list-style-type: none"> ▪ Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek 	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> ▪ Ensure LEP provisions encourage the efficient and appropriate assessment of development 	The PP is consistent with this direction. The PP will rezone the site to R3 Medium Density Residential which will ensure efficient and appropriate assessment of development applications in the precinct, removing the requirement to assess applications in the precinct under the old Fairfield LEP 1994 [Direction 6.1 – 4(a)].	YES
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> ▪ Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes ▪ Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	N/A	N/A
6.3 Site Specific Provisions	<ul style="list-style-type: none"> ▪ Discourage unnecessarily restrictive site specific planning controls 	The PP is consistent with this direction. The PP will rezone the site to R3	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		Medium Density Residential and does not propose any unnecessarily restrictive development controls [Direction 6.3 – 4(b)].	
7. Metropolitan Planning			
7.1 Implementation of the Metro Strategy	<ul style="list-style-type: none"> ▪ Planning proposal shall give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy. 	<p>The planning proposal is consistent with the direction.</p> <p>Further details are provided earlier on in this proposal under Section B – Relationship to Strategic Planning Framework</p>	YES

Section C – Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No, the subject sites do not contain any critical habitat or threatened species, communities etc.

The subject sites are currently occupied by low to medium density residential dwellings.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The planning proposal involves minimal adverse environmental effects. The development of land in the precinct for low to medium density housing is currently permissible with the Planning Proposal formalising the uses under the Fairfield LEP 2011. Nevertheless, any environmental effects are controlled through provisions in the Fairfield City Wide Development Control Plan Chapter 3 – Environmental Site Analysis.

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

The planning proposal will have minimal social and economic effects. The proposal seeks to formalise the Fairfield LEP 1994 zone under the Fairfield LEP 2011.

Section D – State and Commonwealth interests

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

The proposal does not identify a change in zoning and seeks to formalise the Fairfield LEP 1994 zone under the Fairfield LEP 2011.

The subject precinct is in close proximity to the centre of Fairfield Heights. The formalisation of the R3 Medium Density Residential zone will ensure development of townhouse and villa development adjacent to the services the town centre provides as well as the frequent bus routes along Polding Street.

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

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

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

Part 4 – Community Consultation

In the event that a gateway determination is issued by the Department of Planning and Infrastructure to proceed with the rezoning of the subject site, Council will undertake the following community consultation:

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

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