

OUTCOMES COMMITTEE

Meeting Date 12 May 2015

Item Number.

SUBJECT: Post Exhibition - Planning Proposal - Narrow Lot Development Standard

FILE NUMBER: 14/13674

PREVIOUS ITEMS: 102 - Residential Development Strategy East - Phase 2 Implementation - Response to Submissions - Outcomes Committee - 12 August 2014

REPORT BY: Edward Saulig, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council adopt the draft Planning Proposal (Attachment C of the report) to introduce a clause and change the minimum lot size map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas.
2. Pursuant to Section 59 of the Environmental Planning and Assessment (EP&A) Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environment Plans (Department of Planning & Infrastructure 2013). The delegated functions will be undertaken by the Group Manager City & Community Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.

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	Gateway Determination	4 Pages ✓
AT-B	Delegation of Plan Making Powers	1 Page ✓
AT-C	Planning Proposal - Narrow Lot Development Standard	23 Pages ✓
AT-D	Submission - Agency Consultation - Transport Roads & Maritime Services	1 Page ✓

CITY PLAN

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

SUMMARY

This report relates to the public exhibition of a Planning Proposal which seeks to introduce a clause and change the minimum lot size map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas.

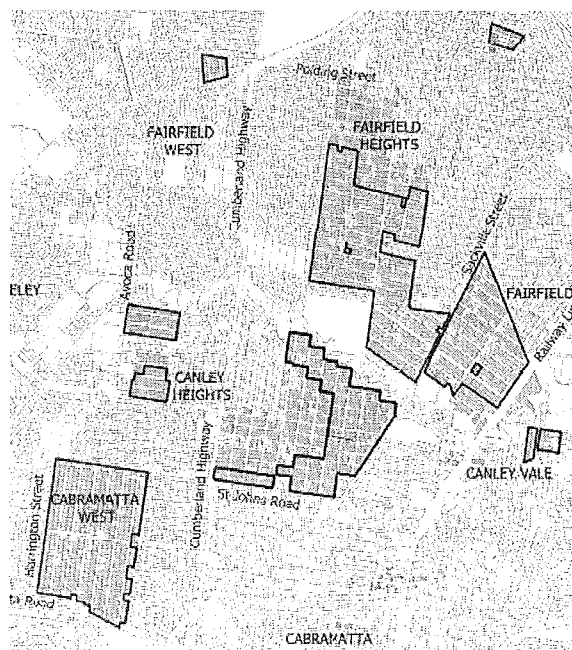
One agency submission of support in principle for the Planning Proposal and 12 public submissions were received (8 in support and 4 objections) during the exhibition period for Planning Proposal. It is not considered that the issues raised in the objections warrants the Planning Proposal from being amended or not proceeding.

It is recommended that Council adopt Planning Proposal to change the minimum lot size map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot precinct areas.

REPORT

Council at its meeting held on 12 August 2014 considered a report on a Planning Proposal to introduce a clause and change the Minimum Lot Size Map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas.

SUBJECT NARROW LOT PRECINCTS



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A change to the minimum lot size requirement in narrow lot areas within the R2 Low Density Residential Zone was recommended so the larger sites can be developed in a similar manner to their neighbouring narrow lot sites. The aim of the Planning Proposal is to promote a more consistent built form through future urban renewal and equity between property owners in the same street and neighbourhood.

The Planning Proposal, if adopted post public exhibition, would insert a new principle development standard clause into Part 4 of the Fairfield LEP 2013 allowing:

1. a variation down to 200m² to the existing minimum lot size provisions for land identified in narrow lot precincts; and
2. the approval and erection of attached dwellings or semi-detached dwellings at the same time as subdivision.

After considering the report, Council resolved:

That Council:

1. Council endorse preparation of the Planning Proposal (Attachment C of the report) that will introduce a clause and change the minimum lot size map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas as detailed in the report.
2. Council refer the Planning Proposal for infill narrow lot LEP clause to the NSW Department of Planning and Environment (NSW P&E) requesting a Gateway Determination and that the planning proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report.
3. In requesting the Gateway Determination, Council advise NSW P&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). The delegated functions will be undertaken by the Group Manager City Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
4. Council endorse the draft Large Lot Policy (Attachment D of the report) based on the criteria detailed within the report and place it on public exhibition for 28 days with a further report to Council at its conclusion.

This report deals with resolution 1 to 3 related to the Planning Proposal - Narrow Lot Development Standard following its public exhibition. Resolution number 4 relating to the Large Lot Policy is dealt with in another report to the 12 May 2015 Outcomes Committee Meeting.

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GATEWAY DETERMINATION

The NSW Department of Planning & Environment issued a Gateway Determination on 29 January 2015 permitting the Planning Proposal's public consultation for a minimum of 28 days (**Attachment A**). Included with the Gateway Determination, the Minister also delegated plan making powers to Fairfield City Council to exercise delegation in the making of this Planning Proposal under Section 59 of the EP& A Act 1979. (See **Attachment B** for a copy of the Written Authorisation to Exercise Delegation). Pursuant to this delegation, the Group Manager of City and Community Development is authorised to finalise the making of this Planning Proposal.

PUBLIC CONSULTATION

The Planning Proposal (**Attachment C**) and supporting exhibition material was publicly exhibited for a period of 28 days from Wednesday 11 March 2015 to Wednesday 8 April 2015. Notification letters were sent to property owners within the Narrow Lot Precincts, totalling 3638 letters. In addition a public notice was placed in the Fairfield Champion newspaper on Wednesday 11 March 2015.

PUBLIC SUBMISSIONS RECEIVED

Twelve public submissions were received (8 in support and 4 objections) during the exhibition period. It is considered that the issues raised in the 4 objections do not warrant the Planning Proposal from being amended or not proceeding.

Note that 14 submissions were received with the simultaneous exhibition of the Planning Proposal and the draft Large Lot Policy. One submission was titled "Narrow Lot Development", however contained reference to matters associated with the draft Large Lot Policy. The detail of this submission has been included in this report and in another report dealing with the Draft Large Lot Policy.

The issues raised in the objections included:

Submission No.1 – Issue raised in regard to increased traffic and parking congestion.

Comment: The Planning Proposal affects a total of 387 properties which represents approximately 10% of all properties within the narrow lot precincts. Any potential additional traffic impacts, therefore, will be dispersed across a wide area and have minor impacts.

Submission No. 2 – The objection raises concern that Council will obtain a portion of the "downsized" land. The submitter has understood the intention of the Planning Proposal to be a change to the development standard and thereby facilitate the acquisition of private land by Council. This is not the intent of the Planning Proposal. As previously mentioned in this report, the aim of the Planning Proposal is to promote a more consistent built form through future urban renewal and equity between property owners in the same street and neighbourhood within narrow lot precincts.

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Comment: This is not the intended outcome of the Planning Proposal and there is no proposal by Council to obtain "downsized" land.

Submission No.3 - Impact on appearance of street, evaluation of property, narrow lot too narrow to fit dwelling that will be in keeping with rest of the street.

Comment: The narrow lot precincts were developed in the post WWII period and are currently under a gradual stage of transition with both knock down and rebuild, as well as narrow lot development.

This trend will continue despite the Planning Proposal which affects approximately 10% of properties in the precincts. Council's Citywide DCP 2013, Chapter 5C Dwelling Houses on Narrow Lots contains templates that demonstrate dwellings can be adequately accommodated on lots with a width between 6.7 and 7 metres.

Submission No.4 – The minimum lot size of 200 m² is too small and will impact on the community.

Comment: The 200 square metre standard has been chosen to allow consistent narrow lot development within the precincts. It is in the lot width, typically 6.7 and 7 metres, where a distinction can be made as to whether development is both viable and desirable for the amenity of occupants. As previously mentioned, templates demonstrating acceptable narrow lot development design within the Citywide DCP have been drafted for lot widths of 6.7 and 7 metres, with areas of approximately 223 square metres.

The submission previously mentioned in this report titled "Narrow Lot Development", however containing reference to matters associated with the draft Large Lot Policy, gives qualified support. Concern relating to potential car parking and traffic issues is raised. As earlier referenced in this report, the Planning Proposal affects a total of 387 properties which represents approximately 10% of all properties within the narrow lot precincts. Resulting impacts will therefore be minor. It should be noted that not all property owners will proceed with narrow lot development. Many property owners chose to construct large single detached homes despite their greater development potential.

PUBLIC AUTHORITY CONSULTATION

In accordance with conditions contained within the Gateway Determination, Council consulted with the following public authorities under Section 56(2)(d) of the EP&A Act, 1979 during the public exhibition period for the proposal:

1. Transport for NSW
2. Transport for NSW - Roads and Maritime Services
3. Sydney Water
4. Essential Energy
5. Telstra

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As a result of this formal consultation process, one submission was received from Transport Roads and Maritime Services (**Attachment D**). The agency raised no objection to the Planning Proposal, subject to the integrity of Roads and Maritime reservations being maintained.

CONCLUSION

As a result of the public exhibition of the Planning Proposal to introduce a clause and change the Minimum Lot Size Map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas, it is recommended that Council adopt the Planning Proposal as contained in Attachment C.

Upon adoption of the Planning Proposal, Council will formally seek drafting of the LEP written instrument from Parliamentary Counsel under Section 59(1) of the EP&A Act 1979. In addition, a formal request will also be forwarded to NSW DP&E to review and finalise the draft LEP maps associated with the proposal.



Edward Saulig
Strategic Land Use Planner

Authorisation:

Acting Manager Strategic Planning
Group Manager City & Community Development



Outcomes Committee - 12 May 2015

File Name: **OUT120515_19.DOC**

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



Planning &
Environment

Mr Alan Young
City Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Contact: Georgina Ballantine
Phone: 02 9860 1568
Email: georgina.ballantine
@planning.nsw.gov.au
Our ref: PP_2014_FAIRF_005_00
Your ref: 14/15575

Attention: Elizabeth Workman/Andrew Mooney

Dear Mr Young

**Gateway Determination – Fairfield Local Environmental Plan 2013 –
Amendment to minimum lot size provision for narrow lot areas**

I am writing in response to Council's email dated 3 September 2013 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("the Act") for the planning proposal to amend Fairfield Local Environmental Plan 2013 to permit exceptions to minimum lot sizes for certain residential development in narrow lot areas throughout the City of Fairfield.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. I enclose the determination and other papers.

I have also agreed that that any inconsistency with Section 117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has asked to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's

request to draft and finalise the draft Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries in regard to this matter, please contact Georgina Ballantine of the Metropolitan Region (Parramatta) office of the Department on phone no. (02) 9860 1568.

Yours sincerely



29 January 2015

Terry Doran
Acting Director
Metropolitan Region (Parramatta)
Planning Services



Gateway Determination

Planning proposal (Department Ref: PP_2014_FAIRF_005_00): to permit exceptions to minimum lot sizes for certain residential development in narrow lot areas throughout the City of Fairfield

I, the Acting Director, Metropolitan Region (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 ('the Act'), that an amendment to the Fairfield Local Environmental Plan 2013 to permit exceptions to minimum lot sizes for certain residential development in narrow lot areas throughout the City of Fairfield should proceed, subject to the following conditions:

1. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Essential Energy
 - Sydney Water
 - Telstra
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning

proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 29th day of January 2015



Terry Doran
Acting Director
Metropolitan Region (Parramatta)
Planning Services
Department of Planning and Environment



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Fairfield City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_FAIRF_005_00	Planning proposal to permit exceptions to minimum lot sizes for certain residential development in narrow lot areas.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 29th day of January 2015

A handwritten signature in black ink, appearing to read 'Terry Doran'.

Terry Doran
Acting Director
Metropolitan Region (Parramatta)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning Proposal

Narrow Lot Areas

Additional Principal Development
Standard Clause and Proposed Lot Size
Map Amendment

Draft Amendment to
Fairfield Local Environmental Plan 2013

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- c) Draft Amendment - Fairfield LEP 2013 Minimum Lot Size Map
- d) Draft Amendment – Fairfield LEP 2013 - Clause 4.1C Exceptions to Minimum Lot Sizes for Certain Residential Development

Background - Need for Planning Proposal

Historical Subdivision and Development Pattern

Subdivisions dating back to the early 1900's in certain low and medium density zoned areas of Fairfield City resulted in 'narrow lot' configurations being created in the established areas of the City, incorporating the suburbs of Fairfield Heights, Canley Heights, Canley Vale and Cabramatta West.

There are approximately 6,000 narrow lot sites in these areas which typically have a lot size of less than 300 square metres and frontages ranging from 6.7 to 7 metres.

Over time many of these lots have been acquired and developed in parcels of 2-3 lots for the purpose of single dwelling housing (particularly in the 1970's as a result of increased immigration levels). Periodically Council required amalgamation of these lots resulting in numerous parcels of land exceeding the average 220 square metre lot size.

Council introduced LEP (Fairfield LEP 1994) and DCP controls to ensure orderly and appropriate development of the narrow lot sites which has given rise to a distinctive housing character in the narrow lot areas which is typically terrace style housing. Although there has been some downturn in housing markets in Fairfield, redevelopment in the narrow lot areas has continued to take place.

Introduction of Council's Standard Instrument LEP

With the conversion of Fairfield LEP 1994 into Council's Standard Instrument LEP (Fairfield LEP 2013) in May 2013 these narrow lot areas retained an equivalent low and medium density residential zonings. Council's draft Residential Development Strategy (RDS) 2009 did not recommend upzoning of these narrow lot areas for higher density housing due to such factors as current and future housing needs, market considerations, distance from town centres and public transport nodes.

Under the R2 Low Density Residential zoning, there are numerous residential dwelling types permitted in the zone including single dwellings, dual occupancies (attached and detached), detached housing and semi-detached housing. Narrow lot housing development in Fairfield is typically captured by the Standard Instrument definitions of attached and semi-detached dwellings. In addition, the entire R2 Low Density Residential zone adopted the existing 450 square metre minimum lot size requirement.

Minimum Lot Size Requirements

Existing narrow lot areas that were transitioned to an R2 Low Density Residential zone retained the minimum lot size requirement of 450 square metres that previously applied under Fairfield LEP 1994. Further, an additional minimum lot size requirement of 600 square metres for dual occupancy development was also introduced under Fairfield LEP 2013. As such, there are a number of existing lots within the narrow lot areas of Fairfield City which are typically between 400 square metres and 600 square metres which are surrounded by narrow lot development but which as a result of their size can only be developed for a single lot (as narrow lot or dual occupancy cannot be achieved).

Council is proposing an amendment to the existing minimum lot size map and an additional principle development standard clause to permit a reduced minimum lot size requirement in narrow lot areas where development for the purposes of attached or semi-detached dwellings are simultaneously proposed.

The proposed amendments to Fairfield LEP 2013 will allow an increase in the number of lots (and dwellings) able to be created in existing narrow lot precincts. The number of properties that will potentially benefit from the introduction of the proposed clause and amendment to the minimum lot size map (being lots between 400m² and 600 m²) totals 387.

Part 1 – Objectives

The purpose of the planning proposal is to:

- Facilitate redevelopment of certain land in the R2 Low Density Residential narrow lot areas which are surrounded by lots that permit narrow lot housing (either attached or semi-detached dwellings) to be developed for narrow lot housing in the same way existing surrounding lots can be developed.

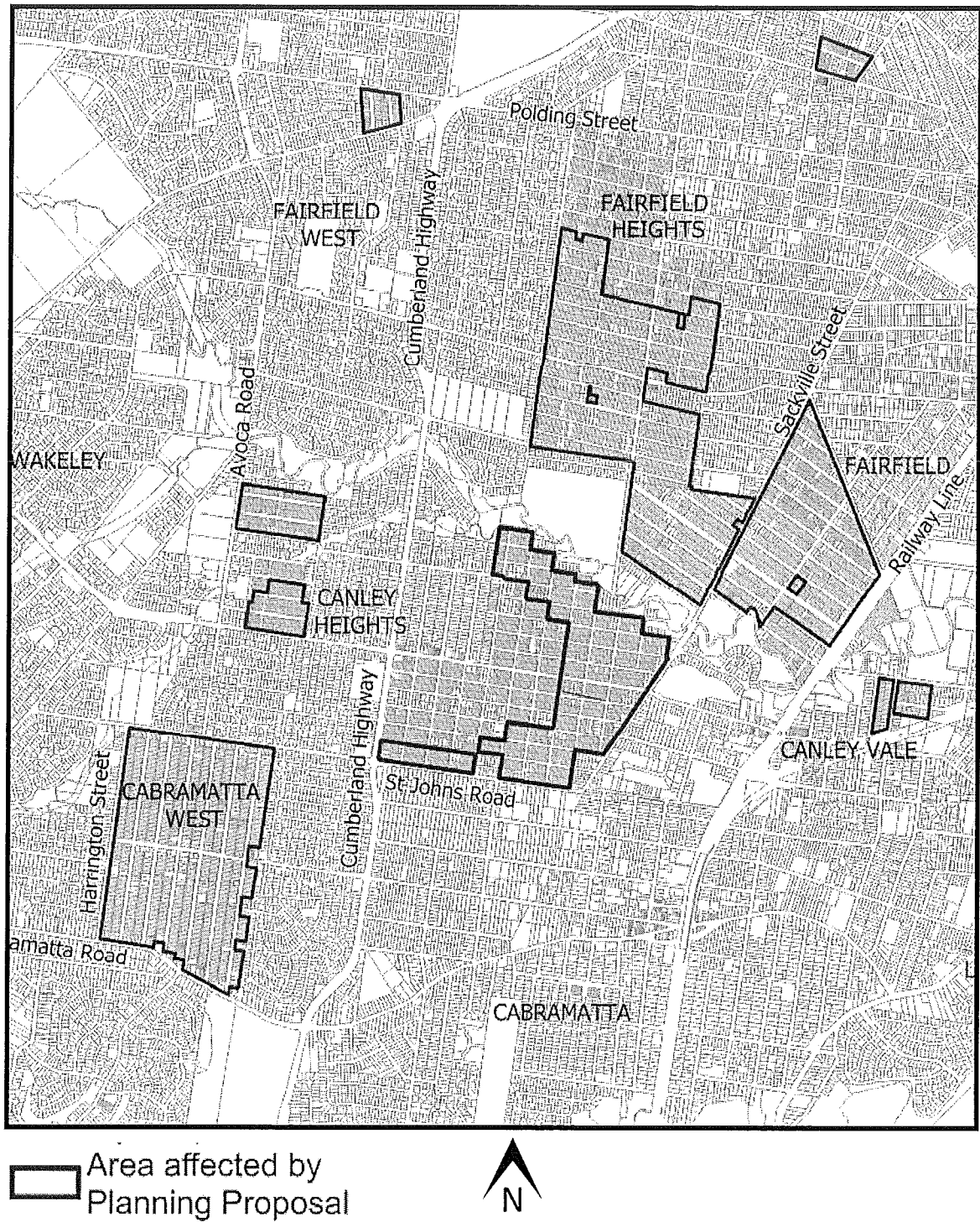
In summary, the objectives of the Planning Proposal are to amend the Fairfield Local Environmental Plan 2013 to:

1. Insert a new principal development standard clause into Part 4 of the LEP which allows for a variation to the existing minimum lot size provisions for certain identified land in existing narrow lot areas; and
2. Simultaneously allow for the approval and erection of attached dwellings or semi-detached dwellings on the identified land.

The planning proposal applies to certain land zoned R2 Low Density Residential in the suburbs of Cabramatta West, Canley Heights, Fairfield Heights and Canley Vale as identified on the following map.

The planning proposal is in accordance with Council's decision at its meeting on 12 August 2014 - see **Attachment A** for Council report.

Map - Existing Narrow Lot Areas Subject to Planning Proposal



Part 2 – Explanation of provisions

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

1. Insert a new clause into Part 4 Principal Development Standards as follows:

4.1C Exceptions to minimum lot sizes for certain residential development

- (1) The objectives of this clause are as follows:

- a. to encourage housing diversity without adversely impacting on residential amenity,
- b. to ensure that lot sizes are consistent with the predominant subdivision pattern of the area and maintain a low density residential character in existing neighbourhoods.

- (2) This clause applies to land identified as “Area 1” on the Minimum Lot Size Map.

- (3) Despite clause 4.1(3) development consent may be granted to a single development application for development to which this clause applies that is both the following:

- a. The subdivision of land into 2 or more lots, and
- b. The erection of an attached dwelling or semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 200 square metres.

2. Amend the Minimum Lot Size Map by outlining in blue and identifying as “Area 1”, those areas (in the suburbs of Cabramatta West, Canley Heights, Fairfield Heights and Canley Vale) to which the proposed Clause 4.1C will apply.

Refer to:

Attachment B for Location Map

Attachment C for Proposed Amendment to Fairfield LEP 2013 Lot Size Map.

Part 3 – Justification

Section A – Need for a planning proposal

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

Yes – the Planning Proposal is a result of recommendations arising following the exhibition of Council's draft Residential Development Strategy 2009.

The NSW Government's Draft West Central Sub-Regional Strategy (DWCSRS), released by the Department of Planning in 2007, identified the need to provide an additional 24,000 residential dwellings by 2031 within the City of Fairfield. To accommodate this growth, appropriate areas were required to be identified for increased development.

In 2009 Council began preparation of a draft Residential Development Strategy (RDS), generally applying east of the Cumberland Highway, to facilitate the appropriate implementation of Council allocated 24,000 dwellings target. The draft RDS nominated 80 per cent of dwellings to be provided within town centre catchments, with the additional 20 per cent to be provided as in-fill development.

The draft RDS was proposed to be implemented in phases.

- **Phase 1** – focused on the centres of Fairfield Heights, Canley Heights, Cabramatta/Canley Vale and Villawood.
- **Phase 2** – focused on strengthening corridors between Fairfield and Fairfield Heights, Fairfield and Canley Vale as well as upzoning medium density areas in Villawood to permit higher density housing around the railway station.

In December 2009, Council's Outcomes Committee considered a report of the recommendations of the draft RDS and resolved to proceed with Phase One implementation as part of the Fairfield Standard Instrument Local Environmental Plan (LEP). As a result of submissions received from the public exhibition of Council's Standard Instrument LEP in early 2012, Council at its meeting of 17 April 2012 resolved that a further report be prepared on whether the minimum lot size for dual occupancy in narrow lot areas should be varied.

Essentially, some sites within narrow lot areas are a single larger parcel (between 400m² and 600m²) and therefore do not have the same narrow lot arrangement as adjoining lots where narrow lot housing has already been constructed over two or three narrow lots or whereby a narrow lot subdivision pattern exists. Many of these sites are in the R2 Low Density Residential zone which permits single dwellings, attached dwellings, semi-detached dwellings and dual occupancies.

These lots cannot be subdivided as the minimum lot size requirement for the entire R2 Low Density Residential zone is 450m². In addition, dual occupancy development cannot occur either as the minimum lot size for attached or detached dual occupancy is 600m². The definitions of attached and semi-detached dwellings requires these dwellings to be on their own individual lot of land and ideally these lots should be between 200m² and 300m² to achieve the desired urban design outcome and replicate the predominant existing residential streetscape of terrace style housing.

Given that in many cases these sites are surrounded by existing narrow lot housing, it is not considered consistent or appropriate to limit these sites to only single dwelling development on larger lot sizes. There is considerable capacity for many sites within the existing narrow lot areas to provide increased density and housing choice in the City of Fairfield by amending Fairfield LEP 2013 to allow subdivision of certain lots below the current minimum lot size requirement when developed simultaneously for attached and semi-detached dwellings.

Whilst Council's original recommendation related to the minimum lot size requirements for dual occupancy development, subsequent research and strategic planning for these narrow lots areas has concluded that the best means to promote redevelopment and increased housing choice and affordability within these areas is to encourage attached and semi-detached dwellings. These two dwelling types will represent terrace style housing and are more consistent with the existing development pattern of the existing areas. Council does not want to encourage development of detached dual occupancies whereby one dwelling is detached from the other and/or located one behind the other. This outcome would not provide a desired outcome in terms of streetscape, solar access, efficient use of land and residential amenity.

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

It is the belief of Council that the Planning Proposal is the best way to achieve the desired outcome and ultimately increased density to support Council's draft RDS and required dwelling target as allocated under the DWCSRS.

The current legislative requirements for minimum lot size that apply to the land identified in this Planning Proposal do not facilitate redevelopment of sites that are not already subdivided and/or developed for narrow lot housing. The land identified in this Planning Proposal is zoned R2 Low Density Residential and under the existing provisions of Fairfield LEP 2013 there is a minimum lot size requirement of 450m² for all R2 zoned land.

There are many existing lots within the "narrow lot areas" of the LGA which are between 400m² and 600m² and under the current minimum lot size requirement therefore have no subdivision or redevelopment potential. Only lots greater than 600m² could be redeveloped for the purpose of dual occupancy development and then subdivided down to a minimum of 300m² under the provision of *Clause 4.1B Minimum Lot Size for Dual Occupancy Development* of Fairfield LEP 2013.

By inserting the proposed clause *4.1C Exceptions to minimum lot sizes for certain residential development* into Fairfield LEP 2013 the areas identified by this Planning Proposal will gain the potential to redevelop for the purpose of attached dwellings or semi-detached dwellings which is consistent with the existing residential subdivision pattern and housing type of surrounding development.

Without an amendment to Fairfield LEP 2013, the redevelopment potential of land within the areas identified by the Planning Proposal is limited to a minimum lot size for 450 sqm for single dwellings and 600sqm for dual occupancy development.

Is there a net community benefit?

Yes it is Council's belief that there will be significant community benefit as a result of the proposed amendments to Fairfield LEP 2013. These benefits include:

- Increased housing diversity within the Fairfield LGA;
- Potential for increased provision of affordable housing;
- More consistency within existing subdivision pattern and residential character in narrow lot areas;
- Promoting housing options within close proximity to existing town centres, public transport opportunities and associated urban support services.

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 2013. The R2 Low Density Residential zoning permits a variety of dwelling types including single dwellings, dual occupancies, attached dwellings and semi-detached dwellings and will facilitate some increased residential density in relatively close proximity to public services and infrastructure.	✓
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 narrow lot areas affected by the Planning Proposal are predominantly adjoining and surrounding local centres.	✓
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 facilitate development of housing types already permissible in the R2 Low Density Residential zone by applying more realistic and conducive lot sizes for the housing types permissible such as attached and semi-detached dwellings.. The land affected by the Planning Proposal is specifically identified due to the existing development of many sites for narrow lot housing. There is a specific streetscape that exists in the narrow lot areas and the outcome of this planning proposal will facilitate infill development in these existing areas for housing types similar to the existing urban structure.	✓
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. The Planning Proposal is as a result of recommendations contained within Council's draft Residential Development Strategy and accordingly, in the short term it is unlikely that any other 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 aims to facilitate residential development in existing residential areas and 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?	The proposal will maintain the supply of residential land, including for narrow lot infill development in existing narrow lot areas. It is feasible that the Planning Proposal will increase housing supply and affordability with the City of Fairfield.	✓
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?	The existing road and utilities infrastructure is considered capable of servicing the increased residential density. The original intent and subdivision pattern for these areas (prior to World War I) was for development of these lands for terrace style housing. Subsequent historical changes to minimum lot size requirements and compulsory amalgamation requirements have altered the continued permissibility of narrow lot housing in recent times. The intent of the Planning Proposal is to allow these areas the development potential as originally intended and planned for.	✓
Is there good pedestrian and cycling access?		✓

Evaluation Criteria	Assessment	✓/x
Is public transport currently available or is there infrastructure capacity to support future public transport?	There is sufficient pedestrian and cycle access to the precinct providing access to local shops and public open space. The lands identified in this Planning Proposal benefit from good access to a number of regular bus routes running along strategic transport corridors as well as relatively good access to several railway stations.	
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?	It is not anticipated to that the Planning Proposal 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 strategic bus corridors and the existing rail network.	✓
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 as well as the character and density of surrounding residential development.	✓
What is the impact on amenity in the location and wider community?	The proposal will likely generate redevelopment of lands in the future and gentrification of many existing areas. This will contribute to improved streetscape and visual amenity. There will however be intermittent impacts on amenity of existing residents during the future demolition and construction of new housing.	✓
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?	N/A.	✓

Evaluation Criteria	Assessment	✓/x
What are the public interest reasons for preparing the draft plan?	The proposal is in response to submissions received during the public exhibition of Council's Standard Instrument LEP in early 2012.	✓
What are the implications of not proceeding at that time?	The implication of not proceeding at this time is the lands identified by the proposal will continue to develop in an ad hoc manner consistent with the existing lot sizes which have great variation. Should the Planning Proposal not proceed this will also impact on Council's draft Residential Development Strategy and proposed allocation of dwelling targets under the Sydney Metropolitan Plan 2036 and draft West Central Sub-Regional Strategy.	✓

Section B – Relationship to Strategic Planning Framework

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)?

As discussed in Section A above, the Planning Proposal forms part of Council's response to the allocation of an additional 24,000 dwellings within the City of Fairfield by 2031 under the State Government's previous Metropolitan Plan for Sydney 2036 and DWCSRS.

The Planning Proposal is consistent with a number of objectives contained within the Strategy including:

- OBJECTIVE D1 - To ensure an adequate supply of land and sites for residential development.
- OBJECTIVE D2 - To produce housing that suits our expected future needs.
- OBJECTIVE D3 - To improve housing affordability

The Planning Proposal is consistent with a number of objectives and actions contained within the DWCSRS including:

- C1.3 - Plan for increased housing capacity targets in existing areas.
- C2.1 - Focus residential development around centres, town centres, villages and neighbourhood centres.
- C2.3 - Provide a mix of housing.

The Metropolitan Plan for Sydney 2036 has been replaced by *A Plan for Growing Sydney* released by the State Government on 14 December 2014. The Planning Proposal is consistent with the Plan is so far as it seeks to increase the number of dwellings within the City and thereby assist in accommodating Sydney's population growth.

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

Fairfield City Plan 2010-2020 Community Strategic Plan sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. The proposed amendment is considered to be consistent with directions and themes contained in the Fairfield City Plan 2010 – 2020 aimed at providing a mix of housing and tenure types for all sectors and in providing more affordable rental housing.

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

The relevant State Environmental Planning Policies are outlined in the table below:

SEPP Title	Relevance	Consistency of Planning Proposal
SEPP 1 – Development Standards	No	
SEPP 19 – Bushland in Urban Areas	No	
SEPP 21 – Caravan Parks	No	
SEPP 30 – Intensive Agriculture	No	
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Yes	Consistent
SEPP 33 – Hazardous and Offensive Development	No	
SEPP 50 – Canal Estate Development	No	
SEPP 55 – Remediation of Land	No	
SEPP 62 – Sustainable Aquaculture	No	
SEPP 64 – Advertising and Signage	No	
SEPP 65 – Design Quality of Residential Flat Development	No	
SEPP 70 – Affordable Housing (Revised Schemes)	No	
SEPP (Affordable Rental Housing) 2009	No	
SEPP (Building Sustainability Index: BASIX) 2004	No	
SEPP (Exempt and Complying Development Codes) 2008	No	
SEPP (Housing for Seniors or People with a Disability) 2004	No	
SEPP (Infrastructure) 2007	No	
SEPP (Major Development) 2005	No	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	
SEPP (Miscellaneous Consent Provisions) 2007	No	
SEPP (State and Regional Development) 2011	No	

The relevant Sydney Regional Environmental Plans are outlined in the table below:

SREP Title	Relevance	Consistency of Planning Proposal
SREP 9 – Extractive Industry (No 2 – 1995)	N/A	
SREP 18 – Public Transport Corridors	N/A	
SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)	N/A	
GMREP No.2 – Georges River Catchment	N/A	

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

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 are outlined in the table below:

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- 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	Protect agricultural production value of rural land.	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	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	Protect oyster aquaculture areas.	N/A	N/A
1.5 Rural Lands	Not applicable to Fairfield LGA	Not applicable to Fairfield LGA	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	N/A.	N/A
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	There are a small number of items of environmental heritage included within the land identified by this Planning Proposal. This proposed amendment to Fairfield LEP	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		2013 does not in itself have any direct impact of the heritage significance of these sites. Future redevelopment proposals that will be initiated by the proposed amendments to Fairfield LEP 2013 will need to assess the heritage impacts on individual heritage items either affected by or in the vicinity of such proposals. This will be undertaken individually at each subsequent development application stage.	
2.4 Recreation Vehicle Areas	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	- 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.	The proposed amendment to Fairfield LEP 2013 does not change the permissibility of existing residential development on land identified by this planning proposal. The Planning Proposal does however provide the legal framework within which a greater variety of housing types will be able to be constructed in the future. The outcome of the planning proposal will be to ultimately increase density and housing choice in existing residential areas where there is good access to existing infrastructure and services. The planning proposal will promote residential development in established areas and will accommodate part of Council's dwelling target without the need to impact upon other areas of the LGA considered to have greater environmental significance.	YES
3.2 Caravan Parks and Manufactured Home Estates	- Provide for a variety of housing types - Provide opportunities for	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	caravan parks and manufactured home estates.		
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	The planning proposal aims to increase density in established areas of the LGA which will in turn promote opportunities for the establishment of low-impact small businesses in dwelling houses.	YES
3.4 Integrating Land Use and Transport	- 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	The outcome of the planning proposal will be to ultimately increase density and housing choice in existing residential areas where there is good access to existing infrastructure and services.	YES
3.5 Development Near Licensed Aerodromes	- 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	- Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, - Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land - Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A
4. Hazard and Risk			

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	None of the lands identified under this Planning Proposal are affected by Acid Sulfate Soils under the provisions of Fairfield LEP 2013.	N/A
4.2 Mine Subsidence and Unstable Land	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	- 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.	The PP aims to maintain the existing residential character of surrounding areas. The Proposal does not alter the zoning or permissibility of land uses over the subject land. There will be minor increases in density which in part aim to meet Council's additional dwelling target under the Draft West Central Sub-Regional Strategy. The existing urban areas of Fairfield City are located within a floodplain (part of the Georges River Catchment). These areas are highly urbanised and have the potential to be exposed to different degrees of overland flooding associated with stormwater runoff. Council has undertaken a number of Flood Studies which have identified several areas with the Planning Proposal as having varying levels of flood risk. Future redevelopment of land in accordance with the proposed changes to Fairfield LEP 2013 will be required to meet the provisions of Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments <i>Flood Planning Development Manual 2005</i>. The potential for overland	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		flooding is assessed on a case by case basis and having regard to Council flood maps and site investigations. Development is 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> .	
4.4 Planning for Bushfire Protection	- 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 - None of the lands identified in this Planning Proposal area affected by Bushfire Hazard/Risk	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	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	To protect water quality in the hydrological catchment.	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	Draft LEPs shall not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this direction, could hinder the potential for development of a Second Sydney Airport at Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development	The PP is consistent with this direction	YES
6.2 Reserving Land for Public Purposes	Planning proposal to facilitate the provision of	The provisions of the Planning Proposal do not propose any	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	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.	changes to land reserved for public services and facilities.	
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls	The Planning Proposal aims to insert an additional clause within Part 4 of Fairfield LEP 2013 which will provide greater flexibility for the future development of land identified in narrow lot areas. It does not impose more restrictive site specific development controls.	YES
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Planning proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014.	The planning proposal is consistent with this direction. Further details are provided earlier in this proposal under Section B – Relationship to Strategic Planning Framework	YES

Section C – Environmental, Social and Economic Impact

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 land affected by this Planning Proposal does not contain any critical habitat or threatened species, communities etc.

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

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 future re-development of sites in the precincts identified by this Planning Proposal will potentially cause environmental impacts during future construction phases. Any likely environmental effects will be controlled through the provisions of the Fairfield City Wide Development Control Plan 2013 including Chapter 3 – Environmental Site Analysis.

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

There are a number of identified social benefits resulting from the proposed amendment to the FLEP 2013 which include:

- The increased provision of affordable housing;
- Greater range and diversity of housing types;
- New growth within existing urban areas and around centres and public transport corridors.

The Planning Proposal is considered to have minor economic impact.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The proposal does not identify a change in zoning and seeks to provide a mechanism with which to allow the subject land to be redeveloped in keeping with the surrounding predominant residential character and density.

The areas affected by the Planning Proposal are in relatively close proximity to strategic transport corridors, local open space and local town centres. The aim of the proposal is to increase density around such services and facilities and Council considers this public infrastructure is adequate for the proposed increase in density in these areas.

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

Consultation is required with the following public authorities under Section 56(2) (d) of the Environmental Planning and Assessment Act:

- Essential Energy
- Sydney Water
- Telstra
- Transport for NSW - Roads and Maritime Services

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

Part 4 – Community Consultation

Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979.

The Act sets out the community consultation requirement for planning proposals and these are determined or confirmed at the Gateway.

The Gateway Determination dated 29 January 2015 requires that the planning proposal be made publicly available for a period of 28 days.

Part 5 – Project Timeline

The project timeline is intended to be used only as a guide and may be subject to changes such as changes to issues that may arise during the public consultation process and/or community submissions.

No.	Step	Process content	Timeframe
1	s.56 – request for Gateway Determination	Prepare and submit Planning Proposal to DP&I	September 2014
2	Gateway Determination	- Assessment by DP&I (including LEP Panel) - Advice to Council	4 months: January 2015
3	Completion of required technical information and report (if required) back to Council	- Prepare draft controls for Planning Proposal - Update report on Gateway requirements	N/A
4	Public consultation for Planning Proposal	In accordance with Council resolution and conditions of the Gateway Determination.	28 days notification period: March – April 2015
5	Government Agency consultation	Notification letters to Government Agencies as required by Gateway Determination	March 2015
6	Public Hearing (if required) following public consultation for Planning Proposal	Under the Gateway Determination issued by DP&I public hearing is not required.	
7	Consideration of submission	Assessment and consideration of submissions	1 month
8	Report to Council on submissions to public exhibition and public hearing	Includes assessment and preparation of report to Council	1 month: May 2015
9	Possible re-exhibition	Covering possible changes to draft Planning Proposal in light of community consultation	Minimum 1 month
10	Report back to Council	Includes assessment and preparation of report to Council	1 month
11	Referral to PCO and notify DP&I	- Draft Planning Proposal assessed by PCO, legal instrument finalised - Copy of the draft Planning Proposal forwarded to DP&I.	1 month
12	Plan is made	Notified on Legislation web site	1 month
Estimated Time Frame			12 months

16 March 2015

Roads and Maritime Reference: SYD15/00267

Council Reference: 14/13674

City Manager
Fairfield City Council
PO Box 21
Fairfield NSW 1860

Attention: Edward Saulig

**PLANNING PROPOSAL TO AMEND FAIRFIELD LOCAL ENVIRONMENTAL PLAN
2013 – AMENDMENT TO MINIMUM LOT SIZE PROVISION FOR NARROW SITES**

Dear Mr Young

I refer to your letter of 19 February 2015 inviting Roads and Maritime Services (Roads and Maritime) to comment on the abovementioned planning proposal to facilitate redevelopment of certain land in the Zone R2 Low Density Residential containing narrow lot (widths of 6.7 metres to 7 metres) areas. Roads and Maritime appreciates the opportunity comment on the planning proposal.

Roads and Maritime has reviewed the subject planning proposal and raises no objection, subject to the integrity of Roads and Maritime reservations being maintained.

For more information please contact James Hall – Senior Transport Planner on Ph 8849-2047 or by email James.Hall@rms.nsw.gov.au.

Yours sincerely



Greg Flynn
Manager, Strategic Land Use
Network and Safety