

Fairfield LEP 2013 - Variation of the minimum lot size provisions on certain existing narrow lot areas throughout the City of Fairfield

Proposal Title : **Fairfield LEP 2013 - Variation of the minimum lot size provisions on certain existing narrow lot areas throughout the City of Fairfield**

Proposal Summary : **The planning proposal seeks to insert a new principal development standard clause to vary the minimum lot size provisions on certain existing narrow lot areas within the Cabramatta, Fairfield and Smithfield districts.**

PP Number : **PP_2014_FAIRF_005_00** Dop File No : **00/0000**

Proposal Details

Date Planning Proposal Received : **05-Sep-2014** LGA covered : **Fairfield**

Region : **Metro(Parra)** RPA : **Fairfield City Council**

State Electorate : **CABRAMATTA
FAIRFIELD
SMITHFIELD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Various land parcels in Fairfield, Fairfield Heights, Fairfield West, Canley Heights, Canley Vale and Cabramatta West**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**
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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha) : **0.00**

Type of Release (eg Residential / Employment land) : **Residential**

No. of Lots : **0**

No. of Dwellings (where relevant) : **387**

Gross Floor Area : **0**

No of Jobs Created : **0**

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

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

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

The term relevant planning application means:

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

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

The Department has not received any disclosure statements for this Planning Proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

The Department's Lobbyist Contact Register has been checked on 19 November 2014 and there are no records of contact with lobbyists in relation to this proposal.

Supporting notes

Internal Supporting Notes :

Background

The City of Fairfield contains approximately 6,000 narrow lot sites which typically have a lot size of less than 300 sqm and frontages ranging from 6.7-7m. Many of these lots have been developed in parcels of 2-3 lots for single dwelling houses. Periodically Council required amalgamation of these lots resulting in numerous larger parcels of land between 400-600sqm.

In the transition to Fairfield Local Environmental Plan 2013, existing narrow lot sites in R2 Low Density Residential zones retained the minimum lot size requirement of 450 sqm for single dwellings and 600 sqm for dual occupancy dwellings. As a result, a number of existing narrow lot sites between 400-600sqm are surrounded by narrow lots of less than 300sqm occupied by dual occupancy or semi-detached housing. However, the narrow lot sites between 400-600sqm can only be developed for single dwellings due to the minimum lot size restrictions.

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The intent of the draft Plan is to permit dual occupancy and semi-detached housing on existing narrow lot areas of 400-600sqm by inserting an additional principle development standard clause to permit a reduced minimum lot size requirement. In addition, the clause will simultaneously allow for the approval and erection of attached and semi-detached dwellings on the identified land.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to amend the Lot Size Map for Fairfield Local Environmental Plan 2013 to alter the minimum lot size for areas marked as 'Narrow Lot Areas'. The amendment will facilitate redevelopment of certain land in the established R2 Low Density Residential narrow lot areas that is restricted by minimum lot size requirements. The proposal simultaneously allows for the approval and erection of attached dwellings or semi-detached dwellings on the identified land.

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

Is an explanation of provisions provided? **Yes**

Comment : The objectives will be achieved by inserting a new clause 4.1C 'Exceptions to minimum lot sizes for certain residential development' into Part 4 Principle Development Standards of Fairfield Local Environmental Plan 2013. The full wording of Clause 4.1C has been provided by Council as a separate document and on page 7 of the Planning Proposal. In addition, the minimum lot size map will be updated to reflect the changes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

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

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Section 117 Directions

2.3 Heritage Conservation

Direction 2.3 applies as a small number of items of local environmental heritage are situated within the land identified by this Planning Proposal. This proposed amendment will not have any direct impact on the heritage significance of these sites and their curtilages. The sites are located in areas highly developed for residential purposes and

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are unlikely to contain any items of indigenous heritage significance. The proposal is considered to be consistent with Direction 2.3.

3.1 Residential Zones

Direction 3.1 applies as the planning proposal will affect land within existing R2 Low Residential Density zones. By permitting a decreased minimum lot size in areas already surrounded by smaller lots, the proposal will reduce the consumption of land for housing on the urban fringe and instead concentrate it in areas already serviced by existing infrastructure. In addition, the proposal does not reduce the permissible residential density of land. The proposal is considered to be consistent with Direction 3.1.

Direction 3.3 Home Occupations

Although Direction 3.3 applies, the planning proposal does not rezone any land within the R2 Low Density Residential zones. As such the permissibility of home occupations within dwelling houses in the designated areas will not be affected. The reduction in minimum lot size is likely to cause an increase in residential density which will support the carrying out of low-impact small businesses in dwelling houses. The proposal is considered to be consistent with Direction 3.3.

Direction 3.4 Integrating Land Use and Transport

Direction 3.4 applies as the planning proposal alters a zone relating to urban land. The objective of the planning proposal is to enable increased density and housing choice in existing residential areas in and around town centres. The identified areas have good access to existing infrastructure and services, including public transport. The proposal is considered to be consistent with Direction 3.4.

Direction 4.3 Flood Prone Land

Direction 4.3 applies as the planning proposal alters a zone that contains flood prone land. Any future redevelopment of the identified land will be assessed in accordance with the provisions of Chapter 11 Flood Risk Management of Council's City Wide Development Control Plan and the NSW Government's Flood Planning Development Manual 2005. The amendment will not rezone any of the subject land and, although the reduction in minimum lot size may permit up to 387 new dwellings, the dwellings will be scattered within a number of different areas of the Fairfield Local Government Area. As such, the increase in dwellings is not considered significant and is unlikely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services. It is considered that any inconsistency with Direction 4.3 is of minor significance.

Direction 6.1 Approval and Referral Requirements

The planning proposal does not contain any provisions that will increase approval and referral requirements from the Minister or public authority and does not contain any designated development. The planning proposal is considered to be consistent with Direction 6.1.

Direction 6.3 Site Specific Controls

The planning proposal does not impose more restrictive site specific development controls on any of the identified land. The planning proposal is considered to be consistent with Direction 6.1.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal will provide the opportunity for an additional 387 dwellings to be built in the identified areas. The increase in dwellings will assist Fairfield Council in meeting the allocation of an additional 24,000 dwellings within the City of Fairfield by 2031 under the State Government's Metropolitan Plan for Sydney 2036 and Draft West Central Subregional Strategy.

SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)

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SEPP 32 applies to all development of urban land, however the objectives of SEPP 32 focus on the development of multi-unit housing and related development. The land identified in the planning proposal is zoned R2 Low Density Residential and multi-unit housing is not permitted in R2 zones. It is considered that the proposal is not inconsistent with the aims and objectives of SEPP 32.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : A Locality Map and a draft Minimum Lot Size Map are provided as part of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council will carry out community consultation consistent with the conditions of the Gateway Determination.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **May 2013**

Comments in relation to Principal LEP : Fairfield Local Environmental Plan 2013 was notified on 17 May 2013.

Assessment Criteria

Need for planning proposal : The planning proposal will assist in achieving the recommendations arising from the Fairfield Council's draft Residential Development Strategy 2009 through increasing housing density in existing residential areas within town centre catchments. The draft Plan will effect a more consistent housing pattern in areas surrounded by existing narrow lot housing. In addition, the proposal will contribute to the target of 24,000 dwellings for the City of Fairfield by 2031 under the draft West Central Subregional Strategy.

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Consistency with strategic planning framework :

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 Metropolitan Plan for Sydney 2036 and DWCSRS.

The Planning Proposal is consistent with a number of objectives contained within the Sydney Metropolitan 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.

Environmental social economic impacts :

Environmental

The land identified in the planning proposal does not contain any critical habitat or threatened species or communities. The subject lands are located in urbanised areas and are currently occupied by low to medium density residential dwellings.

Social and Economic

The potential social and economic benefits resulting from the proposed amendment are as follows:

- Greater range and diversity of housing types (detached, semi-detached and dual occupancy);
- New growth within existing urban areas and around centres and public transport corridors.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 12 months Delegation : RPA

Public Authority Consultation - 56(2)(d) : Essential Energy
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra

Is Public Hearing by the PAC required? No

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

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required.

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal for Narrow Lot Areas 05.08.2014 (vA1652136).doc	Proposal	Yes
Location Map - Areas Affected by Planning Proposal.pdf	Map	Yes
Fairfield LEP 2013 Draft Principal Development Standard Clause - Narrow Lot Areas.docx	Proposal	Yes
Narrow Lot Areas - Draft LEP Map.pdf	Map	Yes
Minutes - Outcomes Committee August 2014.pdf	Determination Document	Yes
Outcomes Committee Report - 12 August 2014.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

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

Additional Information :

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

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

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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.

Supporting Reasons :

The draft Plan has merit as it will contribute to the housing target of 24,000 for the City of Fairfield (draft West Central Subregional Strategy) and assist in implementing the recommendations of Fairfield Council's draft Residential Development Strategy 2009.

Signature:



Printed Name:

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Date:

26/11/14