

OUTCOMES COMMITTEE

Meeting Date 12 August 2014

Item Number. 100

SUBJECT: Cabravale Diggers - Amendment to Fairfield LEP 2013 to Allow Hotels As An Additional Permitted Use
Premises: 1 Bartley Street, Canley Vale (Lot 51 DP 1120245)
Applicant/Owner: Cabravale Diggers
Directors: John Dillon, Stan Martin, George Taylor, Les Eldridge, Jim Thompson, Bruce Cruickshanks, Ray Bramman, Ronnie Moore and Tom McDonough
CEO: Boris Belevski
Zoning: RE2 - Private Recreation

FILE NUMBER: 13/25179

PREVIOUS ITEMS: 3 - Cabravale Diggers - Amendment to Fairfield LEP 2013 to Allow Hotels - Outcomes Committee - 11 February 2014

REPORT BY: Anjele Vu, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council adopt the draft Planning Proposal (Attachment A) and associated draft amendment to the Fairfield City Wide DCP (Attachment B) relating to the Cabravale Diggers Club site as publicly exhibited, to allow consideration of Hotel and Motel accommodation at 1 Bartley Street, Canley Vale (Lot 51, DP1120245), otherwise known as the Cabravale Diggers Site.
2. Pursuant to Section 59 of the *Environmental Planning and Assessment 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)
3. The draft amendment to the Fairfield City Wide DCP (10.9 Controls for the Cabravale Diggers Site) come into force on the same day the planning proposal is gazetted and a public notice be placed in the local paper to advertise Council adoption of this plan.

Note: This report deals with a planning decision made in exercise of a function of Council under the EP & A Act and a division needs to be called.

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SUPPORTING DOCUMENTS:

AT-A	Planning Proposal	53 Pages
AT-B	Draft Amendment to Fairfield City Wide DCP 2013 – 10.9 Controls for the Cabravale Diggers Club Site	2 Pages
AT-C	Council Report 11 February 2014	13 Pages
AT-D	Gateway Determination	4 Pages

CITY PLAN

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

SUMMARY

This report relates to a planning proposal seeking to amend the Fairfield Local Environmental Plan (LEP) 2013 to enable the development of a hotel/motel at the Cabravale Diggers Club (1 Bartley Street, Canley Vale).

This report therefore seeks Council endorsement to:

1. Finalise and make the Planning Proposal (**Attachment A**) as publicly exhibited under delegated authority as issued by the Department of Planning and Environment (DP&E).
2. Adopt the draft amendment to Fairfield City Wide DCP 2013 – 10.9 Controls for the Cabravale Diggers Club Site (**Attachment B**) as publicly exhibited which will come into force on the same day that this planning proposal is gazetted.

BACKGROUND

In December 2013, Council received a planning proposal prepared by Cityscape Planning + Projects prepared on behalf of the Cabravale Diggers Club at 1 Bartley Street, Canley Vale seeking an amendment to the Fairfield LEP 2013 to enable the development of a hotel/motel on the site. In addition, a set of building envelopes for the proposed future development of the site was also submitted by Cityscape Planning + Projects.

Council considered a report (**Attachment C**) on 11 February 2014 where Council resolved to endorse the draft planning proposal for public exhibition and inform the DP&E that Council wishes to commence the Gateway Determination process to amend the Fairfield LEP 2013. It is also noted that Council also resolved to publicly exhibit a draft amendment to the Fairfield City Wide DCP 2013 (10.9 Controls for the Cabravale Diggers Club Site) which provides development controls relating to traffic and car parking, flood risk management and building envelopes.

GATEWAY DETERMINATION

On 16 April 2014, Council received the Gateway Determination (**Attachment D**) from the DP&E which enabled the draft LEP (Cabravale Diggers Amendment) to be publicly exhibited subject to a number of requirements.

The Gateway Determination was conditioned so that:

1. *Prior to undertaking public exhibition, Council is to amend the planning proposal to address Section 117 Directions 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions.*

Comment: Complete (Planning proposal (**Attachment A**) was updated prior to public exhibition).

2. *Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:*
 - Endeavour Energy
 - Jemena
 - Sydney Water
 - Telstra

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.

Comment : Complete (No Submissions Received).

3. *Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 (Planning & Infrastructure 2013).*

Comment: Complete. (See additional comments relating to the public consultation in the report below).

4. *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).*

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Comment: Noted (A public hearing was not held).

5. *The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.*

Comment: On target (DP&E deadline 16 December 2014).

DELEGATED AUTHORITY

In addition to the Gateway Determination, Council was also granted authorisation to exercise the functions of the Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 that are delegated to it by instrument of delegation dated 16 April 2014 in respect to this planning proposal (see *Attachment D* for a copy of the Written Authorisations to Exercise Delegation).

PUBLIC AUTHORITY CONSULTATION

Consultation material was forwarded to Endeavour Energy, Jemena, Sydney Water and Telstra as required by the Gateway Determination. No submissions were received.

PUBLIC EXHIBITION

Following receipt of the Gateway Determination from the DP&E, Council Officers placed the Planning Proposal on public exhibition. The Planning Proposal was placed on public exhibition for 28 days from 14 May 2014 to 11 June 2014, in accordance with the consultation requirements identified in the Gateway determination. The proposed draft amendment to Fairfield City Wide DCP 2013 – 10.9 Controls for the Cabravale Diggers Club Site were also placed on public exhibition concurrently. This included letters being sent to adjoining property owners.

During public exhibition 1 objection was received. The initial submission objected to the construction of motel/hotel built within a residential area as it will attract drunk and disorderly people into the community. The submission also identified that there was insufficient information and requested an extension to submit a further detailed objection.

In response to this objection, Council Officers provided the submission author additional time to submit a formal detailed submission. Council Officers further advised the submission author that the planning proposal seeks to amend Council's Fairfield LEP 2013 to allow an additional use of the club site for the purpose of short stay accommodation. This use is currently not permissible under the current LEP. Should the LEP be amended, only then could a development application be lodged for the proposal. Where it is noted that the club is a licensed premises the current planning proposal seeks to enable use of part of this site for the purpose of short stay accommodation. Should the planning proposal be approved, and a Development Application is lodged for the site as a hotel/motel with an ancillary bar area patron behaviour/management would be regulated through conditions of consent such as operating hours and adhering to an operational plan of management.

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Following this advice, the submission author submitted a written request to withdraw the submission.

RECOMMENDATION

As the 1 initial objection received was resolved and withdrawn during the Public Exhibition period, it is recommended that Council proceed to finalise the making of this plan, under delegated authority in accordance with the Guide to Preparing LEPs (Department of Planning & Infrastructure 2013). It is also recommended that the draft amendment to the Development Control Plan (10.9 Controls for Cabravale Diggers Club Site) come into force from the day the planning proposal is gazetted.

Anjele Vu
Strategic Land Use Planner

Authorisation:
Acting Group Manager City Development
Acting Director

Outcomes Committee - 12 August 2014

File Name: **OUT120814_4.DOC**

***** END OF ITEM 100 *****

Planning Proposal

ATTACHMENT A



Planning Proposal

Hotel or Motel Accommodation as an additional permitted use at the Cabravale Diggers Club site.

Amendment to Fairfield Local Environmental Plan 2013

ATTACHMENT A**Table of Contents**

- 1 Preliminary Information**
- 2 Part 1 – Objectives or Intended Outcomes**
- 3 Part 2 – Explanation of Provisions**
- 4 Part 3 - Justification**
- 5 Part 4 – Community Consultation**

Attachments

- A.** Council Report – Cabravale Diggers – Amendment to Fairfield LEP 2013 to allow Hotels (11 February 2014)
- B.** Planning Proposal submitted by Cityscape Planning + Projects (November 2013)

ATTACHMENT A

Preliminary Information

1.1 Context

This Planning Proposal has been drafted in accordance with section 55 of the Environmental Planning and Assessment Act 1979, and seeks to amend Fairfield LEP 2013.

1.2 Background Information

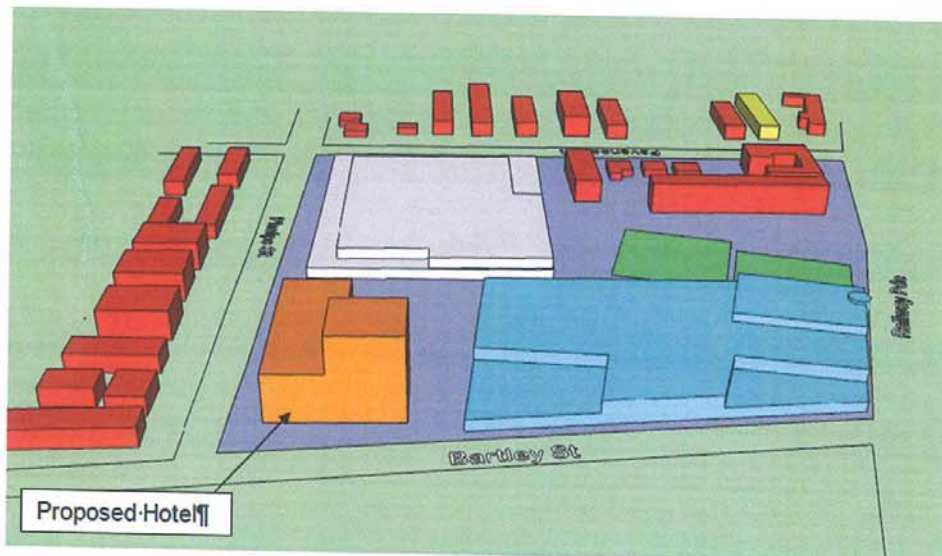
In December 2013, Cityscape Planning (applicant) on behalf of Cabravale Diggers submitted a Planning Proposal seeking to amend the Fairfield LEP 2013 *Schedule 1 Additional permitted uses* to allow "hotel or motel accommodation" as a use permissible with Council consent at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) otherwise known as the Cabravale Diggers Club. The applicant has also submitted a masterplan detailing the location of the proposed hotel on the Club site including building envelopes.

The issues associated with the proposal are outlined in the following sections of this document as well as in the attached Council report dated 11 February 2014.

1.3 Subject Land

The subject site comprises the Cabravale Diggers Club site which includes bowling greens, Club facilities and decked and surface car park areas.

The proposed location of the hotel is the vacant area located at the south-western corner of the site (corner of Bartley and Phelps Street).



The site is surrounded by residential apartments to the north and west with Cabravale Park located to the south (refer to location/aerial map below).

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Location/Aerial Map

ATTACHMENT A

1.4 Current Planning Provisions for subject Site

The subject site is currently zoned RE2 – Private Recreation under the Fairfield Local Environmental Plan (LEP) 2013 (refer to zoning map below). Development for the purpose of *Hotel or motel accommodation* is not permissible within the zone.

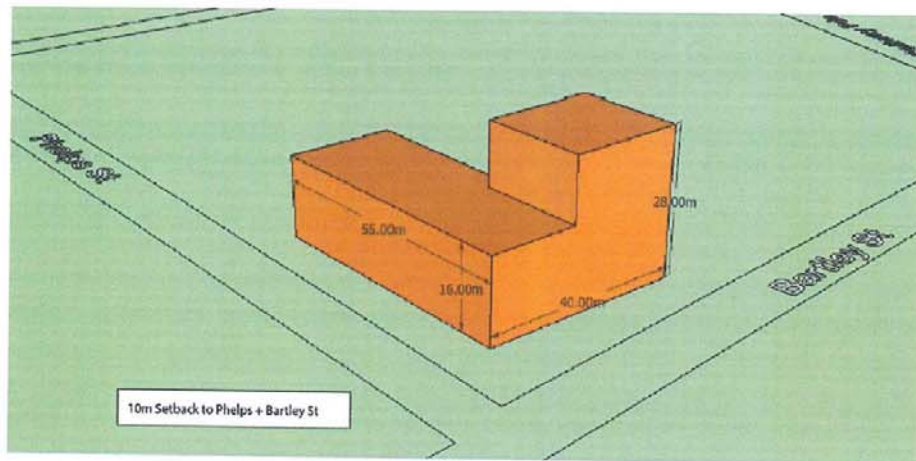


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The Fairfield LEP 2013 does not identify any maximum building heights or floor space ratio controls for the subject site. However, it is noted that the surrounding high density residential zone provides for a maximum building height of 16m and FSR of 0.8:1.

It is noted that the proposal seeks to amend the Schedule 1 of the LEP 2013 to permit *hotel or motel accommodation* as an additional permitted use on the subject site only. It is not proposed to amend the building heights and FSR maps contained in the LEP 2013. Rather, the proposal will be controlled through the inclusion of building envelopes prepared by Cityscape Planning and Projects as part of a draft amendment to Chapter 10 Miscellaneous Development (10.9 *Controls for the Cabravale Diggers Club site*) of the City Wide DCP 2013 (refer to AT-C) which is also proposed to be publicly exhibited in conjunction with the Planning Proposal.

Extract of the draft amendment to City Wide DCP detailing the relevant building envelopes (eg building heights and setback controls) shown below:



ATTACHMENT A**Part 1 – Objectives**

The purpose of the planning proposal is to provide short-term stay accommodation such as hotel or motel on the site in an accessible location.

In summary, the objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 2013 to allow *hotel or motel accommodation* as an additional permitted use under Schedule 1 at the Cabravale Diggers Club site.

The planning proposal applies to the following land:

South western corner of the Cabravale Diggers Club site. 1 Bartley Street, Canley Vale (Lot 51, DP 1120245)

The planning proposal is in accordance with Council's decision at its meeting on 11 February 2014 (see attached report).

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. Amend *Schedule 1 Additional permitted uses* to include the following:

Use of certain land at 1 Bartley Street, Canley Vale

(1) This clause applies to land identified as "xx" on the Key Sites Map

(2) Development for the purpose of hotel or motel accommodation at 1 Bartley Street, Canley Vale being Lot 51, DP 1120245, is permitted with development consent.

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Part 3 – Justification**Section A – Need for a planning proposal*****Is the planning proposal a result of any strategic study or report?***

The planning proposal is a result of an owner initiated (Cabravale Diggers Club) application. The proposal prepared by Cityscape Planning + Projects have identified that the "Club is looking to provide short – term stay accommodation such a hotel or motel on site in response to the current lack of such accommodation in the broader Cabramatta area" (copy of Planning Proposal submitted by Cityscape shown in AT-B)

As there is a vacant underutilised area located on the south western corner of the site, the Club has determined that this would be the most suitable location. This is also reflected in the Masterplan submitted as part of the planning proposal.

From a Council officer point of view it is considered that given the surrounding land uses and close proximity to public transport, there is merit in the Club's proposal. The Club is located within an existing high density residential area and across the road from the Cabravale Park. The subject site is also almost equidistant between the Canley Vale Town Centre and Cabramatta Town Centre and is in walking distance to the both Canley Vale and Cabramatta train stations.

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

Yes. An amendment to Schedule 1 Additional permitted uses of the FLEP 2013 is the best means of achieving the objective/intended outcomes. This ensures that hotels or motel accommodation are restricted to the subject site only rather than across all Private Recreation-RE2 zones.

As mentioned above, the surrounding land uses and close proximity of the site to public transport and nearby town centres are site specific issues. Accordingly, this is the reason why Council officers do not support amending the RE2 zone permissibility table as an alternative option as this would enable hotels/motels to be developed across all Private Recreation zones throughout the LGA. Furthermore, rezoning the site to a business zone will have the impact of enabling a wide range of retail/commercial uses on the subject site by essentially extending the existing nearby town centres at Cabramatta and Canley Vale upon which there is currently no economic/planning justification to increase commercial/retail zoned land at this location.

Accordingly, it is considered that there is merit for this site in particular to warrant further consideration through an amendment to Schedule 1 of the LEP as an additional permitted use for the subject site only. Future amendments to allow hotels in other RE2 zones should therefore be assessed on a case by case basis.

Is there a net community benefit?

Yes, Council believes that the proposal to allow hotel or motel accommodation on the subject site will have the following community benefit:

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- Enhance Local Tourism: Providing short term stay accommodation in the Cabramatta area which is becoming increasingly recognised as a food and cultural destination has the potential to open the area up to more visitors/tourists.
- Increase Employment: According to the applicant's proposal, it is expected that the proposed hotel/motel could generate between 80-120 new jobs in the LGA contributing to the employment targets identified in Metropolitan and Sub-Regional Planning Strategies.

In addition, it is recognised that while such a use would ideally be situated in a town centre, the availability of a parcel large enough to accommodate such a use in both Cabramatta/Canley Vale is limited. It is also considered that the subject site is located in close proximity to both town centres and public transport that it would meet the needs of integrating land use and public transport principles as well as serve a potential need.

It is considered that such characteristics may not necessarily apply to other Club sites across the LGA so there should not be any realistic expectation that this would create a precedent or expectation for change to either other Club sites in the LGA or adjacent residential zoned land. Nonetheless, any future request for a rezoning/LEP amendment to allow hotels/motels will therefore be assessed on a case by case basis.

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)?

Draft Metropolitan Strategy for Sydney to 2031

On 19 March 2013, the Department released the *Draft Metropolitan Strategy for Sydney to 2031*. The Draft Strategy supports the key goals, targets and actions contained in NSW 2021, the NSW Government's business plan to make NSW number one. It has also been prepared in conjunction with the NSW Long Term Transport Master Plan and the State Infrastructure Strategy. It is noted that the Draft Metro Strategy is a high level document that sets the strategic direction for the Metropolitan region. According to the recently released planning White Paper the next stage of strategic planning will involve the preparation of Regional Growth Strategies which will provide a further framework for growth that will inform the preparation of Sub Regional Delivery Plans. Under the Draft Strategy, the Fairfield LGA falls within the South West Sub Region

The Draft Strategy sets out 6 key directions:

1. Balanced Growth
2. A Liveable City
3. Productivity and Prosperity
4. Healthy and Resilient Environment
5. Accessibility and Connectivity
6. Sub-Regions - South West Sub Region.

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It is considered that the proposal is consistent with the general objectives of the Productivity and Prosperity direction of the Draft Strategy in particular *Objective 10: Provide capacity for jobs growths and diversity across Sydney*. The proposed hotel will have the capacity to provide between 80-120 jobs in a location that is easily accessible via public transport and will complement the nearby Cabramatta and Canley Vale Town Centres.

Metropolitan Strategy for Sydney to 2036

Metropolitan Strategy for Sydney to 2036 identifies nine strategic directions with a series of objectives and actions, it is considered that the key consistencies include:

- **Strategic Direction B – Growing and Renewing Centres**
B1: To focus activity in accessible centres
- **Strategic Direction C – Transport for a connected City**
C2: To build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share
- **Strategic Direction E – Growing Sydney's economy**
E1: Ensure adequate land supply for economic activity investment and jobs in the right locations.

Given the close proximity of the site to public transport and Cabramatta and Canley Vale Town Centres there is merit in amending the LEP to allow the development of a hotel as it will not only provide activity in an accessible location, but will also provide additional employment (80-120 jobs) in the local area.

Draft West Central Sub-Regional Strategy (SRS)– West Central Sub Region

The subregional strategy is an implementation tool for the Metro Strategy and provides regional specific actions to guide the long term development of an area. In particular the Draft SRS sets out employment and residential targets for each LGA within the sub region. The SRS also seeks to provide for balanced growth among LGA to build upon regional strength through the identification of strategic centres and corridors, Towns, Villages, Neighbourhood and Specialised Centres in relation to the overall structure of the Metro Strategy.

It is considered that the proposal will contribute to the employment target of 15,000 jobs in the Fairfield LGA and will also enhance activity around the existing centres of Canley Vale and Cabramatta by providing a service in an accessible location that is currently not yet met in those town centres. This may be due to the lack of available sites in these town centres to accommodate such an activity as well as the strength of retailing in the local market.

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

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Yes, the proposed amendment is consistent with directions and themes contained in the Fairfield City Plan 2010 – 2020 by focusing activity in accessible locations as well as creating increased employment opportunities.

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	Relevant	Consistency of Planning Proposal
SEPP 1 – Development Standards	NO	
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	NO	
SEPP 6 – Number of Storeys in a Building	NO	
SEPP 14 – Coastal Wetlands	NO	
SEPP 15 – Rural Landsharing Communities	NO	
SEPP 19 – Bushland in Urban Areas	NO	
SEPP 21 – Caravan Parks	NO	
SEPP 22 – Shops and Commercial Premises	NO	
SEPP 26 – Littoral Rainforests	NO	
SEPP 29 – Western Sydney Recreation Area	NO	
SEPP 30 – Intensive Agriculture	NO	
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	
SEPP 33 – Hazardous and Offensive Development	NO	
SEPP 36 – Manufactured Home Estates	NO	
SEPP 39 – Spit Island Bird Habitat	NO	
SEPP 41 – Casino Entertainment Complex	NO	
SEPP 44 – Koala Habitat Protection	NO	
SEPP 47 – Moore Park Showground	NO	
SEPP 50 – Canal Estate Development	NO	
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NO	
SEPP 55 – Remediation of Land	NO	
SEPP 59 – Central Western Sydney Regional Open Space and Residential	NO	
SEPP 60 – Exempt and Complying Development	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 71 – Coastal Protection	NO	
SEPP (Affordable Rental Housing) 2009	NO	

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SEPP Title	Relevant	Consistency of Planning Proposal
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 (Rural Lands) 2008	NO	
SEPP (Sydney Drinking Water Catchment) 2011	NO	
SEPP (Sydney Region Growth Centres) 2006	NO	
SEPP (Temporary Structures) 2007	NO	
SEPP (Urban Renewal) 2010	NO	
SEPP (Western Sydney Employment Area) 2009	NO	
SEPP (Western Sydney Parklands) 2009	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)	NO	
SREP 18 – Public Transport Corridors	NO	
SREP 20 – Hawkesbury-Nepean River (No 2 – 1997)	NO	

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	Consistency	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.	This proposal is for an additional permitted use of hotel/motel on the subject Club site. The proposal does not seek to extend or reduce land currently zoned for business as the Club site is zoned RE2-Private Recreation. The site is very well accessed by public transport including bus services and a railway line with the Club being within walking distance of both Cabramatta and Canley Vale Railway Stations. Cabramatta Town Centre which is zoned B4 Mixed Use under Fairfield LEP 2013 is also located within close proximity to the south of the Club and are only separated by a public	YES

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Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
		park. <i>Hotel or motel accommodation</i> is already permitted in the Cabramatta Town Centre under the B4 Mixed Use zoning. Similarly, Canley Vale Town Centre located approximately 200 metres to the north of the Club site is zoned B2 Local Centre which also permits <i>hotel or motel accommodation</i> with consent. The existing zoning of the site also currently allows development for purposes which are considered to have potentially more significant impact on surrounding residential amenity for example, recreation facilities (major) and function centres.	
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
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.	The planning proposal does not propose to alter provisions applying to heritage conservation under cl.5.10 of the draft Fairfield LEP 2013. However, the closest heritage item is located within Cabravale Park – Bandstand (117) Notwithstanding the above, any development within proximity to heritage items would need to address the provisions of the above clause of the FLEP 2013 as part of the DA process where relevant.	YES
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.	N/A	N/A
3.2 Caravan Parks and Manufactured Home Estates	- Provide for a variety of housing types - Provide opportunities for caravan parks and manufactured home estates.	N/A	N/A
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	N/A

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Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
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	N/A	N/A
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			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject site is not located in a known area of acid sulphate soils according to the FLEP 2013.	YES
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 subject site appears to be affected by both mainstream (part low risk) and overland flooding (part medium and part low risk). Accordingly, should the LEP amendment be gazetted, any resulting development application will required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments Flood Planning Development Manual 2005.	YES
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	N/A

ATTACHMENT A

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
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
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	- 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 planning - Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	- 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
5.8 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	N/A	N/A
6.2 Reserving Land for Public Purposes	- 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	Discourage unnecessarily restrictive site specific planning controls	N/A	N/A
7. Metropolitan Planning			
7.1 Implementation of	Planning proposal shall give legal	The proposal will focus activity in an	YES

ATTACHMENT A

Section 117 Direction No. and Title	Consistency	Planning Proposal	Comply
the Metropolitan Plan for Sydney 2036	effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy.	accessible location and will generate between 80-120 new jobs. It is therefore considered that the proposal is consistent with the objectives of the Metro Strategy for Sydney to 2036 In particular, the proposal is consistent with the following objectives of the Metro Strategy for Sydney to 2036: - Strategic Direction B – Growing and Renewing Centres B1: To focus activity in accessible centres - Strategic Direction C – Transport for a connected City C2: To build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share - Strategic Direction E – Growing Sydney's economy E1: Ensure adequate land supply for economic activity investment and jobs in the right locations.	

ATTACHMENT A**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?

The planning proposal applies to the Cabravale Diggers Club site which currently contains an existing club, bowling greens, decked and at grade car parking areas. The site has been built up and there are no known critical habitat, threatened species, populations or ecological communities at the subject site.

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

The subject site appears to be affected by both mainstream (part low risk) and overland flooding (part medium and part low risk).

Accordingly, should the LEP amendment be gazetted, any resulting development application will required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW Governments Flood Planning Development Manual 2005 to ensure flooding impact is managed appropriately.

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

The social impacts of the proposal have been considered and it is unlikely that the proposal will have any significant adverse social effects.

With regard to potential economic effect, it is considered that the proposal will complement the existing nearby town centres and is not likely to adversely affect the economic viability of those centres as *hotel or motel accommodation* are already permissible in both the B4 –Mixed Use (Cabramatta Town Centre) and B2 – Local Centre (Canley Vale Town Centre) zone.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The proposal is unlikely to place a level of demand of existing public infrastructure that could not be managed satisfactorily by Council.

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

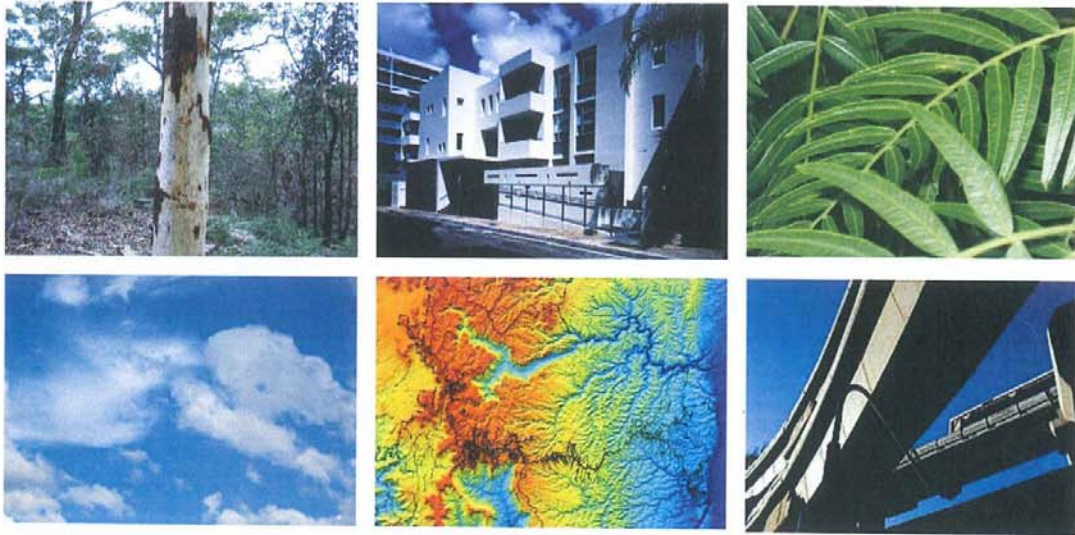
This section is to be completed following Gateway Determination and consultation with State/Commonwealth public authorities.

Part 4 – Community Consultation

ATTACHMENT A

In addition to requirements issued by the DP&I under the planning proposal covering consultation with State Government Agencies and utility providers as specified in the Gateway Determination, it is proposed that consultation and public exhibition of the planning proposal (for a minimum period of 28 days) be undertaken with land owners and residents via:

- Letters to adjoining land owners
- Notice in the local newspaper
- Letters to adjoining Council's (Blacktown, Liverpool, Penrith, Holroyd, Parramatta, Auburn and Bankstown)



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PLANNING PROPOSAL

CABRA-VALE DIGGERS

AMENDMENT TO FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2013
TO ALLOW AN ADDITIONAL LAND USE

SUBMITTED TO: FAIRFIELD CITY COUNCIL

NOVEMBER 2013

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INTRODUCTION

Cityscape Planning + Projects has been engaged by *Cabra-Vale Diggers Club* to prepare a *Planning Proposal* for the subject site.

The Planning Proposal explains the intended effect of a proposed Local Environmental Plan (LEP) and sets out the justification for making that plan.

The report has been prepared in accordance with the NSW Department of Planning and Infrastructure requirements as set out in *Guide to Preparing Local Environmental Plans (2009)* and *Guide to Preparing Planning Proposals (2009.)*

SUBJECT SITE

The lands subject of this planning proposal is a large irregular shaped parcel of land located at the north-western corner of Bartley St and Railway Ave, Cabramatta.

The site has the following real property description:

Lot: 51 DP: 1120245

Figures 1 demonstrates the location of the site and Figure 2 provides an aerial photo of the site.

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FIGURE 1: LOCATION OF SITE

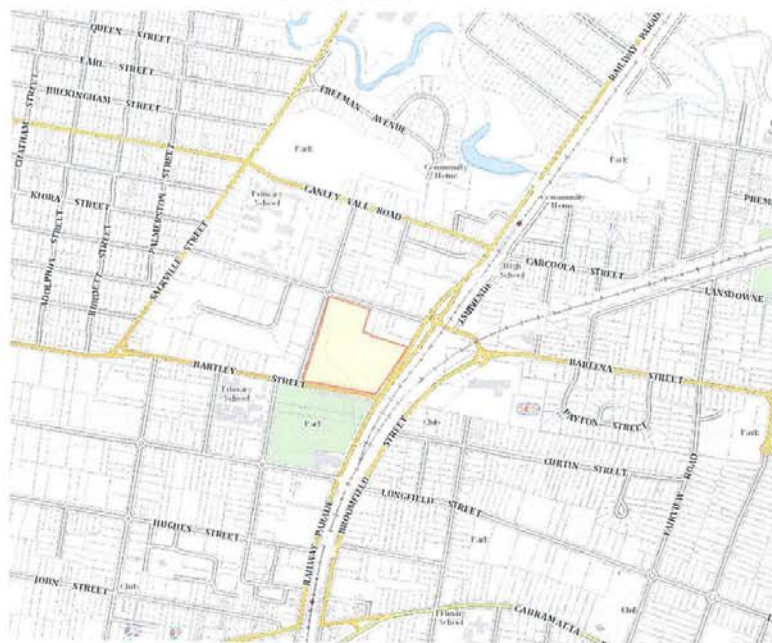


FIGURE 2: AERIAL PHOTO OF SITE



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PART 1: OBJECTIVES OR INTENDED OUTCOMES

To enable the *Cabra-vale Diggers Club* to be developed for the purposes of hotel or motel accommodation.

PART 2: EXPLANATION OF PROVISIONS

Amendment of the Fairfield LEP 2013 *Schedule 1 Additional permitted uses* by inserting the following.

Schedule 1 Additional permitted uses

19 Use of certain land at Cabramatta at corner of Railway Ave and Bartley St

(1) This clause applies to land identified as "19" on the Key Sites Map.

(2) Development for the purposes of hotel or motel accommodation is permitted with development consent.

Amendment of the Fairfield LEP 2013 Key Site Map in accordance with the proposed key sites map shown at Part 4 of this report.

PART 3: JUSTIFICATION

SECTION A: NEED FOR THE PLANNING PROPOSAL

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

An *Urban Form Analysis and Masterplan* has been undertaken and accompanies this planning proposal. This analysis reveals that the site is located on the northern fringe of the Cabramatta CBD and therefore provides an excellent opportunity to provide short-term stay accommodation for visitors and tourists to the Cabramatta town centre and its environs.

The subject site is also located adjacent to established medium to high-density residential development with a maximum building height of 16m (4-5 storeys). In this context a larger building envelope, typically associated with a hotel type building, would not be inconsistent with the prevailing and desired future character of the local area.

The accompanying document also provides a masterplan that seeks to site the hotel at the currently unoccupied south western corner of the site. This built outcome could provide a positive street addresses to the park area to the south and would not cause any adverse overshadowing to private or public open space areas.

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

Councils planning staff have previously considered options for achieving this outcome and have concluded that an addition to schedule 1 represents the best mechanism because:

- 1. This will allow Council to restrict the use tot his particular site and not open up development of all other RE2 Private Recreation zoned land for the purposes of hotel or motel accommodation, particularly where it may not be on keeping with surrounding development and zoning and:*
- 2. Council is also able to identify (via a map) only that part of the site upon which the additional permitted use provisions will be applicable....*

As such it is considered that the planning proposal is clearly the best means of achieving the objectives or intended outcomes.

3. Is there a net community benefit?

The following section undertakes a 'net community benefit test' in accordance with the parameters defined by the NSW Draft Centres Policy.

- Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?***

An assessment of the Planning Proposal against all state, and regional planning strategies and directions is undertaken at

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subsequent sections of this report and demonstrates consistency with all relevant strategies.

- ***Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?***

The subject site is not located within a key centre or corridor as identified by the metropolitan or sub-regional strategies.

- ***Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?***

The site is uniquely placed to deliver short-term accommodation for visitors and tourists to the Cabramatta Town Centre, given the existing land use of the site and its proximity to the Cabramatta Town Centre.

Such characteristics don't necessarily apply to other club sites across the Local Government Area (LGA) so there should not be any realistic expectation that that proposed LEP change would create an precedence or expectation for change for similar changes to either other club sites in the LGA or adjacent residential zoned land.

Further, all of the sites identified a Schedule 1 represent planning anomalies in the sense that they provide a situation where the standard LEP zones their permissible uses do not provide the flexibility to allow strategic or merit based development outcomes.

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Accordingly, the inclusion of the site at Schedule 1 of the LEP is recognition of the sites unique qualities and therefore should further reduce any case for precedence for additional change to the statutory planning framework.

- ***Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?***

There are currently no other spot rezoning's proposed for the local area and therefore no cumulative impact.

- ***Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?***

The proposed LEP change will deliver significant permanent employment opportunities. The scale of this employment generation will depend upon the scale and type of any hotel or motel development option that is advanced.

However the *Word Tourist Organization* states that the optimum number of staff per 10 rooms is 8-12 people. Therefore if a 100 room hotel option is advanced for the site then the proposed LEP could generate 80-120 new job opportunities.

- ***Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?***

The subject site provides no residential development opportunity under the existing zoning and therefore its development for the purposes of hotel or motel accommodation

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development will not result in the loss of any residential land supply.

- *Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?*

The site is located only 350m from Canley Vale Station and 500m from Cabramatta Station.

Both of these rail stations provide regular train services to the Sydney CBD and broader metropolitan rail network.

The stations also serve as bus interchanges and provide access to regular bus services to local neighbourhoods.

The site is therefore considered to have excellent access to public transport.

The site also enjoys access to a full suite of urban services and infrastructure. There are no known infrastructure capacity constraints in these areas.

- *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?*

A future development is likely to lengthen visitation rates to Cabramatta and the LGA and therefore could not be expected

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to have any significant impact upon vehicle kilometres travelled (VKT) by visitors to the area.

Nevertheless, the availability of excellent access to public transport to the site could mitigate any increased in vehicle VKT that may occur.

- *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?*

The proposed LEP change could provide additional patronage to local bus and rail services and therefore provides an opportunity to make efficient usage of those government services and infrastructure.

Any increase in patronage could be expected to be within the carrying capacity of that infrastructure.

A traffic and parking impact assessment has also been undertaken and demonstrate that further development of the site for the purposes of a hotel or motel will not adversely impact the operational efficiency of the local road 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? Is the land constrained by environmental factors such as flooding?*

The site has undergone significant development over many decades and therefore provides no natural environment values.

Similarly, the site is not identified as being exposed to flood or bushfire hazard.

- ***Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?***

A hotel or motel is not likely to generate additional amenity impacts such as noise or odour, particularly when considered in the context of the existing use of the site for the purposes of a club.

The accompanying *Urban Form Analysis and Masterplan* demonstrate that the site has the ability to absorb a large building envelop without adverse impact to visual qualities of the neighbourhood or solar amenity of adjacent residential development.

- ***Will the public domain improve?***

The development of the south-eastern corner of the site would activate that street frontage and may also provide an address to the park located opposite. This is considered to represent a positive impact on the public domain.

- ***Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?***

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Not relevant as no new retail or commercial facilities are proposed.

- *If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?*

Not relevant as no new retail or commercial facilities are proposed.

- *What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?*

Cabramatta is an important tourist destination in Sydney's rapidly increasing food tourism economy. There is currently a distinct lack of short-term stay accommodation opportunities within the Cabramatta town centre, area which is having a detrimental impact upon the possible future growth of that part of the economy.

The provision of new tourist accommodation opportunities would therefore promote the growth of that economy segment and could provide a significantly positive impact upon the local economy.

The development of a hotel would also generate significant new local employment opportunities.

As such the draft plan is considered to be in the public interest and failure to proceed with this option would represent a 'loss

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opportunity cost' that would certainly not be in the public interest.

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)?

METROPOLITAN PLAN FOR SYDNEY 2036

This plan represents contemporary metropolitan strategy for the Sydney region. The plan identifies nine (9) different strategic directions and a series of objectives and actions. These are provided below together with an assessment of the planning proposals consistency with each of them.

STRATEGY + OBJECTIVES	Relevant	Consistent	Comment
Strategic Direction A:			
Strengthening a City of Cities			
A1: To promote regional cities to underpin sustainable growth in a multi-centred city	NA		
A2: To achieve a compact, connected, multi-centred and increasingly networked city structure	✓	✓	
A3: To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing urban areas	✓	✓	Each of the sites is located within the existing urban footprint of the City.

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A4: To continue strengthening Sydney's capacity to attract and retain global business investment	NA		
A5: To strengthen Sydney's role as a hub for NSW, Australia and south east Asia through better communications and transport connections	NA		
A6: To strengthen Sydney's position as a contemporary, global tourism destination	✓	✓	The development of a hotel or motel on site would assist in securing the role of Cabramatta as one of Sydney's key food tourism destinations.
A7: To ensure Sydney continues to support major events in iconic locations, and remains competitive in the global event and convention market	✓	✓	The development of a hotel or motel on site would assist in securing the role of Cabramatta as one of Sydney's iconic food tourism destinations.
A8: To plan and coordinate delivery of infrastructure to meet metropolitan housing and employment growth targets	NA		
A9: To support, protect and enhance nationally and internationally significant infrastructure in the metropolitan area	NA		
A10: To identify and plan for infrastructure to support global Sydney	NA		

Strategic Direction B:

Growing and Renewing Centres

B1: To focus activity in accessible centres	✓	✓	The site is located on the northern fringe of the Cabramatta CBD and enjoys excellent access to public transport linkages.
B2: To strengthen major and specialised centres to support sustainable growth of the city	✓	✓	

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B3: To plan for new centres and instigate a program for high quality urban renewal in existing centres serviced by public transport



The site is located on the northern fringe of the Cabramatta CBD and enjoys excellent access to public transport linkages.

dfsdfsdf

Strategic Direction C:

Transport for a connected City

C1: To enhance our transport system through implementation of the metropolitan transport plan

NA

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C2: To build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share

✓

✓

The subject site is located within 500m of Cabramatta Rail Station and 350m of Canley Vale rail Station.

C3: To ensure a transport system that supports productivity through access to jobs, the efficient movement of freight and effective economic gateways

NA

C4: To ensure that our key centres are accessible and connected

NA

C5: To improve the passenger experience of public transport and promote active transport opportunities

NA

C6: To ensure transport corridors are preserved for future growth

NA

Strategic Direction D:

Housing Sydney's Population

D1: To ensure an adequate supply of land and sites for residential development

NA

D2: To produce housing that suits our expected future needs

NA

D3: To improve housing affordability

NA

D4: To improve the quality of new housing development and urban renewal

NA

Strategic Direction E:

Growing Sydney's Economy

E1: Ensure Adequate land supply for economic activity, investment and jobs in the right locations

NA

The development of the site for a hotel could generate between 80-120 new jobs for the LGA.

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E2: Plans for more commercial and retail jobs in highly accessible Strategic Centres	✓	✓
E3: To provide employment lands to support the economy's freight and industry needs	NA	
E4: To provide for a broad range of local employment types in dispersed locations	✓	✓
E5: To increase and diversify the jobs and skills base of Western Sydney	✓	✓
E6: To support Sydney's nationally significant economic gateways	NA	

Strategic Direction F: Balancing land use on the City's fringe

F1: To contain Sydney's urban footprint	✓	✓	The site is located within Sydney's existing urban footprint.
F2: To maintain and protect agricultural activities and resource lands	NA		
F3: To encourage investment in agriculture and resource lands	NA		
F4: To maintain Sydney's soil health	NA		

**Strategic Direction G:
Tackling climate change protecting Sydney's natural environment**

G1: To reduce Sydney's greenhouse gas emissions	NA
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G2: To lead the Asia-Pacific region in capital city adaptation to climate change	NA		
G3: To integrate environmental targets into land use planning	NA		
G4: To improve the health of waterways, coasts and estuaries	NA		
G5: To achieve sustainable water use	NA		
G6: To protect Sydney's unique diversity of plants and animals	NA		
G7: To improve Sydney's air quality	NA		
G8: To minimise household exposure to unacceptable noise levels	NA		
G9: To minimise and recycle waste	NA		
Strategic Direction H: Achieving equity, liveability and social inclusion			
H1: to ensure equity, liveability and social inclusion are integrated into plan making and planning decision-making	NA		
H2: To ensure appropriate social infrastructure and services are located near transport, jobs and housing	NA		
H3: To provide healthy, safe and inclusive places based on active transport	NA		
H4: To continue to identify, enliven and protect places of special cultural, social and community value	✓	✓	Cabramatta is place of important cultural and social value to the broader Sydney metropolitan area. The provision of tourism accommodation will strengthen that role.

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Strategic Direction I:

Delivering the plan

- | | |
|--|----|
| I1: To integrate decision-making across government to achieve plan directions | NA |
| I2: To develop strongly integrated land use and infrastructure planning processes | NA |
| I3: To align subregional planning with the strategic directions of the metropolitan plan | NA |
| I4: To ensure LEP's deliver the intent and yield anticipated under the metropolitan plan | NA |
| I5: To establish the SMDA to deliver urban renewal in priority locations | NA |
| I6: To streamline the land release process | NA |
| I7: To monitor and update the metropolitan plan | NA |
| I8: To facilitate public engagement in metropolitan and subregional planning | NA |

WEST CENTRAL SUB REGIONAL PLAN (DRAFT)

Subregional planning is an intermediate step in translating the Metropolitan Strategy. Draft Sub-regional Strategies act as a broad framework for the long-term development of the area, guiding Government investment and linking local and state planning issues.

The West Central Subregion strategy identifies the following additional and region specific actions to supplement those provided by the Metro Strategy:

KEY DIRECTIONS	KEY ACTIONS
PROVIDE LOCAL EMPLOYMENT OPPORTUNITIES	• Prepare Principal LEPs which provide sufficient zoned commercial and Employment Lands to meet employment capacity targets. (WC A1.1.1) • Undertake a metropolitan and subregional review of Employment Lands prior to considering any significant rezoning of industrial land to non-employment uses. (WC A1.4.1) • Investigate measures to protect and enhance Strategic Employment Lands. (WC A1.5.2) • Investigate and strategically identify areas for Business Park development with good access to transport infrastructure. (WC A1.8.3)
REALISE POTENTIAL FOR ECONOMIC DEVELOPMENT ALONG TO THE M7 MOTORWAY	• Review lands within good proximity to the M7 Motorway in strategic studies and identify options for future development which best utilises this infrastructure. (WC B5.2.1)
ALLOW FOR HOUSING GROWTH CLOSE TO PUBLIC TRANSPORT CORRIDORS	• Investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided. (WC B2.1.2) • Investigate the potential for greater development in areas within close proximity to the Parramatta-Rouse Hill Transitway and Parramatta-Liverpool Transitway. (WC B5.1.3 and WC B5.1.4)
PROVIDE GREATER HOUSING CHOICE AND AFFORDABILITY	• Provide for an appropriate range of residential zonings to cater for changing housing needs. (WC C2.3.2)
COORDINATE PLANNING AND GOVERNANCE OF CENTRES AND IMPROVE CONNECTIVITY BETWEEN CENTRES	• Explore opportunities for a more holistic approach to the management of centres. (WC B3.2.1) • Form steering committees with relevant stakeholders to ensure strategic planning and management of corridors. (WC B5.1.2)
IMPROVE RECREATIONAL FACILITIES AND ACCESS TO OPEN SPACE	• Improve access to regional open space resources such as the Western Sydney Regional Park, Sydney Olympic Park and Parramatta Park. (WC F1.1.1) • Develop parkland areas that cater for families and larger groups (including cultural groups) at larger sites such as Sydney Olympic Park, Chipping Norton Lake and Western Sydney Regional Park. (WC F1.2.3)
PROMOTE THE SUBREGION'S UNIQUE CULTURAL DIVERSITY	• Prepare Cultural Plans for local government areas, (WC F4.1.1) consistent with NSW Government's <i>Cultural Planning Guidelines for Local Government</i>. (WC F4.1.2)

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COMMENT:

The relevant key directions to the Planning Proposal are:

- *Provide local employment opportunities*
- *Promote the sub-regions unique cultural diversity*

Previous sections of this report have demonstrated that the Planning Proposal is consistent with these key directions and actions.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal causes no inconsistency with Fairfield City Council's strategic planning framework.

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

An assessment against these planning instruments is provided at Table 2 and demonstrates consistency where relevant with all planning instruments.

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TABLE 2: RELEVANT PLANNING INSTRUMENTS

SEPP TITLE	CONSIS -TENCY	COMMENTS
SEPP (Urban Renewal) 2010	N/A	
SEPP (Western Sydney Employment Area) 2009	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	
SEPP (Exempt and Complying Development Codes) 2008	N/A	
SEPP (Rural Lands) 2008	N/A	
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	
SEPP (Infrastructure) 2007	Y	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	NA	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Major Development) 2005	N/A	
SEPP (Development on Kurnell Peninsula) 2005 N/A	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	N/A	
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP No. 71 - Coastal Protection	N/A	
SEPP 70 - Affordable Housing (Revised Schemes)	N/A	
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP No. 64 - Advertising and Signage	Y	
SEPP No. 62 - Sustainable Aquaculture	N/A	
SEPP No. 60 - Exempt and Complying Development	Y	
SEPP No. 59 - Central Western Sydney Regional Open	N/A	

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Space & Residential		
SEPP No. 55 - Remediation of Land	Y	
SEPP No. 50 - Canal Estates	N/A	
SEPP No. 53 - Metropolitan Residential Development	N/A	
SEPP No. 47 - Moore Park Showground	N/A	
SEPP No. 44 - Koala Habitat Protection	N/A	
SEPP No. 41 - Casino/Entertainment Complex	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 36 - Manufactured Home Estates	N/A	
SEPP No. 33 - Hazardous and Offensive Development	N/A	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	N/A	
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 29 - Western Sydney Recreation Area	N/A	
SEPP No. 26 - Littoral Rainforests	N/A	
SEPP No. 22 - Shops and Commercial Premises	N/A	
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 19 - Bushland in Urban Areas	Y	
SEPP No. 15 - Rural Land-Sharing Communities	N/A	
SEPP No. 14 - Coastal Wetlands	N/A	
SEPP No. 6 - Number of Storeys in a Building	Y	
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	N/A	
SEPP No. 1 - Development Standards	N/A	
SREP 20 No. 20 – Hawkesbury-Nepean River (No2)	N/A	

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

An assessment against these directions is provided in Table 3:

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TABLE 3: S117 DIRECTIONS

DIRECTIONS UNDER s.117(2)		CONSIST- ENCY	JUSTIFICATION (where inconsistent)
1. Employment and Resources			
1.1	Business and Industrial Zones	N/A	
1.2	Rural Zones	N/A	
1.3	Mining, Petroleum Production and Extractive Industries	N/A	
1.4	Oyster Aquaculture	N/A	
1.5	Rural Land	N/A	
2. Environment Heritage			
2.1	Environment Protection Zones	N/A	
2.2	Coastal Protection	N/A	
2.3	Heritage Conservation	N/A	
2.4	Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	N/A	
3.2	Caravan Parks and Manufactured Home Estates	N/A	
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and Transport	Yes	
3.5	Development Near Licensed Aerodromes	N/A	
3.6	Shooting Ranges	N/A	
4. Hazard and Risk			
4.1	Acid Sulfate Soils	N/A	
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	N/A	

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4.4	Planning for Bushfire Protection	N/A	
5.	Regional Planning	Yes	
6.	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	
6.2	Reserving Land for Public Purposes	Yes	
6.3	Site Specific Provisions	Yes	
7.	Metropolitan Strategy		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	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?

The subject site has been extensively developed over many decades and as such does not accommodate any significant ecological or natural features.

Therefore there is no likelihood that any critical habitat or threatened ecological communities will be adversely affected by the planning proposal.

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

An inspection of the site and review of Councils environmental mapping information reveals that development of the site would not cause any other adverse environmental impacts.

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

Previous sections of this report have identified the positive economic impacts that the Draft LEP may facilitate.

It is not expected to generate any adverse social impacts.

SECTION D: STATE & COMMONWEALTH INTERESTS

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

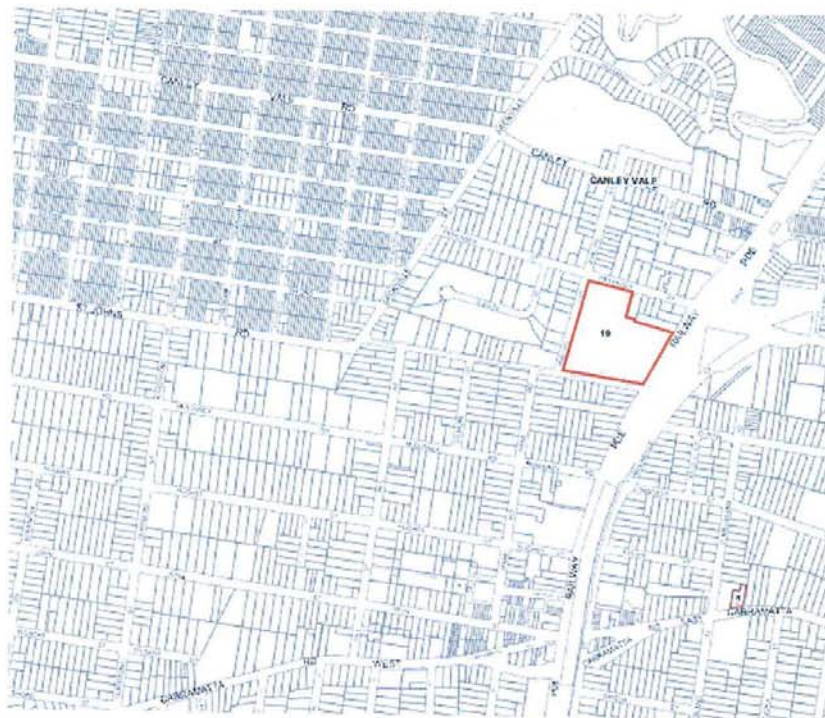
The site adjoins existing urban development, which enables connection to a full suite of urban services and infrastructure required to support the rezoning and subsequent development of the site.

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

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers; however, consultation will occur in accordance with the Gateway Determination.

The planning proposal will require the amendment of the Fairfield LEP 2013 – Key Sites Map. A copy of the amended map is provided below:

FIGURE 3: AMENDED KEY SITES MAP



PART 5: COMMUNITY CONSULTATION

The planning proposal will be exhibited by Council in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979*.

It is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days. Notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, adjoining landowners will be notified in writing.

During the public exhibition period the following documents will be placed on public exhibition:

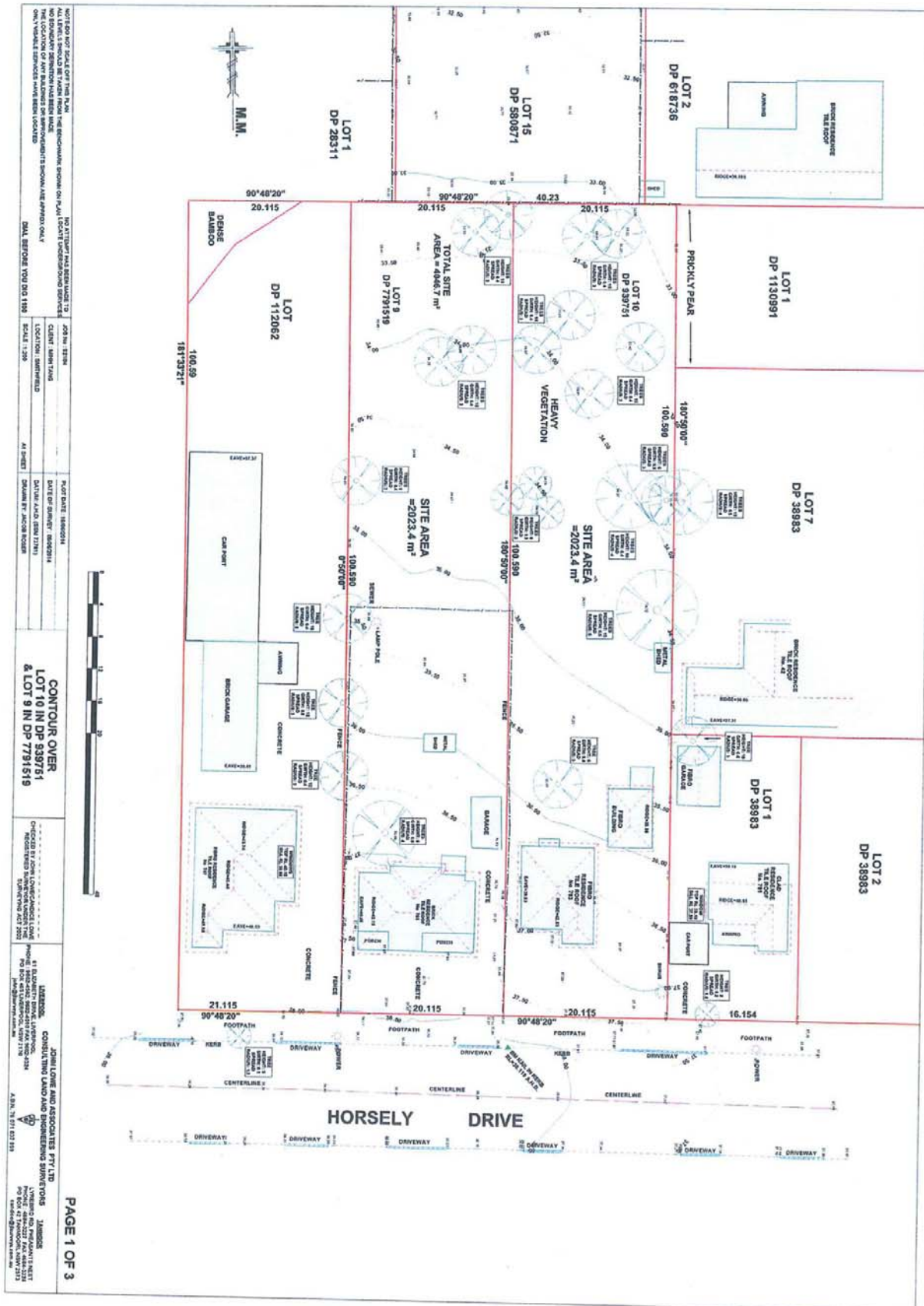
- The Planning Proposal;
- Urban Form Analysis and Masterplan
- Traffic and Parking Impact Assessment
- The Gateway determination;
- Relevant council reports;

Planning Proposal
Cabra-Vale Diggers Club

page 30

PART 6: PROJECT TIMELINE

No.	Task	Commence	Complete
1	Gateway Determination	February 2014	March 2014
2	Completion of Studies	No further studies required	
3	Government Agency Consultation	Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	
4	Public Exhibition	March 2014	April 2014
5	Public Hearing	NA	NA
6	Consider Submissions	April 2014	April 2014
7	Document Finalisation	May 2014	May 2014
8	Submission to DP&I	June 2014	June 2014





Draft amendment to Fairfield City Wide DCP 2013

ATTACHMENT B

10.9 Controls for the Cabravale Diggers site (Hotel or Motel accommodation)**Overview**

This clause applies to the development of hotel or motel accommodation at the Cabravale Diggers site at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) subject of amendment no.xxxx to the Fairfield LEP 2013 (as amended).

The definition of *hotel or motel accommodation* as detailed in the Fairfield LEP 2013 is follows:

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) *comprises rooms or self-contained suites, and*
- (b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

Objectives

The objectives of these controls are:

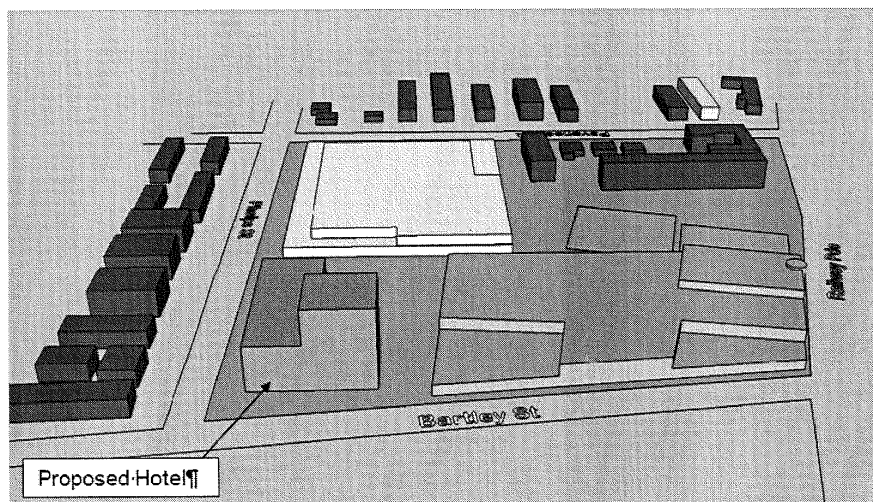
- To ensure that the location and siting of the proposed hotel/motel at the subject site has regard for compatibility with neighbourhood character, and
- To minimise adverse impact on neighbourhood amenity

Controls**(a) Building Envelopes**

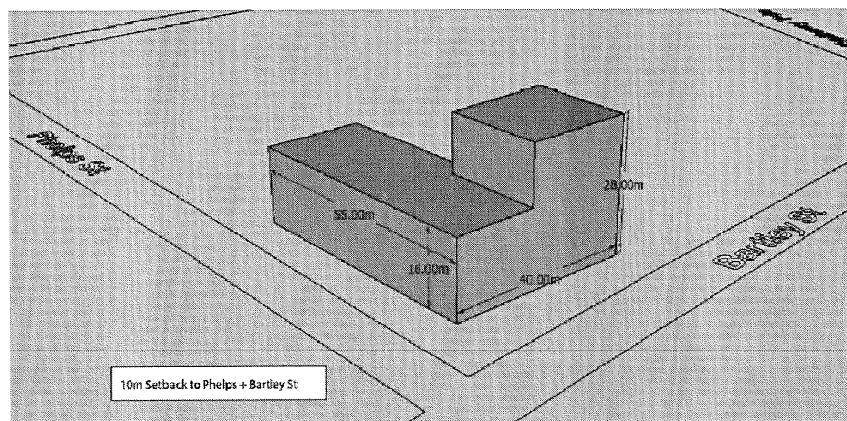
- i. Any hotel/motel development at the subject site must comply with the building envelopes (ie. location/siting, building heights, setbacks) detailed in the below diagrams:

Draft amendment to Fairfield City Wide DCP 2013

ATTACHMENT B



Location/Siting of Hotel/Motel



Building Envelopes

(b) Traffic and Car Parking

- i. Any proposal for a hotel or motel must comply with the traffic and car parking requirements outlined in Chapter 12 of this DCP
- ii. The proposed parking layout and access must comply with the requirements as specified in AS 2890.1:2004 and servicing of the site should comply with the requirements as specified in AS 2890.2:2002.
- iii. An updated traffic study will be required to be submitted as part of any Development Application that provides the appropriate traffic modelling (ie SIDRA) for adjacent and surrounding intersections for the existing and proposed traffic conditions.

(c) Flood Risk Management

- i. The provisions of Chapter 11 Flood Risk Management of this DCP as well as the NSW Government's Flood Planning Development Manual 2005 must be complied with to ensure flooding impact is managed appropriately.

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ATT 'C'

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A division was taken with the following results:

Aye **Nay**

Mayor Carbone
Councillor Barcha
Councillor Karajcic
Councillor Le
Councillor White
Councillor Yeung

Total=(6)

Total=(0)

CARRIED

Group Manager City Development left (6.44pm) the meeting and did not return.

SECTION A

'Matters referred to Council for its decision'

- 3: **Subject:** Cabravale Diggers - Amendment to Fairfield LEP 2013 to Allow Hotels
 Premises: 1 Bartley Street, Canley Vale (Lot 51 DP 1120245)
 Applicant/Owner: Cabravale Diggers
 Directors: John Dillon, Stan Martin, George Taylor, Les Eldridge, Jim Thompson, Bruce Cruickshanks, Ray Bramman, Ronnie Moore and Tom McDonough
 CEO: Boris Belevski
 Zoning: RE2 - Private Recreation
 File Number: 13/25179

Councillor Molluso arrived (6.47pm) to the meeting.

Councillor Le left (6.48pm) the meeting.

RECOMMENDATION: (White/Carbone)

That:

1. Council endorse the draft Planning Proposal (Attachment B) and associated draft amendment to the Fairfield City Wide DCP (Attachment C) *Controls for the Cabravale Diggers Club site* to allow consideration of *hotel or motel accommodation* at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) otherwise known as the Cabravale Diggers Club.

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2. Council inform the Department of Planning and Infrastructure (DP&I) that, pursuant to relevant provisions of the Environmental Planning and Assessment (EP&A) Act and associated Regulations, Council wishes to commence the Gateway Determination Process to amend the draft Fairfield Local Environmental Plan 2013 to allow *hotel or motel accommodation* as a use permissible with development consent on the subject site.
3. In requesting the Gateway Determination, Council advise the DP&I that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the EP&A Act 1979). 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. Subject to the DP&I issuing a gateway determination supporting the Planning Proposal, the Planning Proposal, Draft DCP amendment and associated exhibition material be publicly exhibited in accordance with the Consultation Strategy outlined in this report and the conditions set out in the Gateway Determination.

A division was taken with the following results:

Aye

Mayor Carbone
Councillor Barcha
Councillor Karajcic
Councillor Molluso
Councillor White
Councillor Yeung

Total=(6)

Nay

Total=(0)

CARRIED

- 4: **Subject:** Housekeeping Land Environment Plan (LEP) - Anomaly Amendment
- Premises:** 400, 402, 402A & 404 Cabramatta Road West Cabramatta, 6 Links Avenue Cabramatta and 2 Orange Grove Road, Cabramatta
- Applicant/Owner:** MS MG Ryan and Gas Motors Ltd (Director: Graeme Andrew Stewart)
- Zoning:** R2 Low Density
- File Number: 12/03792

RECOMMENDATION: (White/Karajcic)

OUTCOMES COMMITTEE

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SUBJECT: Cabravale Diggers - Amendment to Fairfield LEP 2013 to Allow Hotels
Premises: 1 Bartley Street, Canley Vale (Lot 51 DP 1120245)
Applicant/Owner: Cabravale Diggers
 Directors: John Dillon, Stan Martin, George Taylor, Les Eldridge, Jim Thompson, Bruce Cruickshanks, Ray Bramman, Ronnie Moore and Tom McDonough
 CEO: Boris Belevski
Zoning: RE2 - Private Recreation

FILE NUMBER: 13/25179

REPORT BY: Kevin Kuo, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse the draft Planning Proposal (Attachment B) and associated draft amendment to the Fairfield City Wide DCP (Attachment C) *Controls for the Cabravale Diggers Club site* to allow consideration of *hotel or motel accommodation* at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) otherwise known as the Cabravale Diggers Club.
2. Council inform the Department of Planning and Infrastructure (DP&I) that, pursuant to relevant provisions of the Environmental Planning and Assessment (EP&A) Act and associated Regulations, Council wishes to commence the Gateway Determination Process to amend the draft Fairfield Local Environmental Plan 2013 to allow *hotel or motel accommodation* as a use permissible with development consent on the subject site.
3. In requesting the Gateway Determination, Council advise the DP&I that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the EP&A Act 1979). 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. Subject to the DP&I issuing a gateway determination supporting the Planning Proposal, the Planning Proposal, Draft DCP amendment and associated exhibition material be publicly exhibited in accordance with the Consultation Strategy outlined in this report and the conditions set out in the Gateway Determination.

Note: The 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.

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SUPPORTING DOCUMENTS:

AT-A	Urban Form Analysis + Masterplan: Cabravale Diggers Club (November 2013)	21 Pages
AT-B	Draft Planning Proposal - Cabravale Diggers Club	51 Pages
AT-C	Draft Amendment to Fairfield City Wide DCP 2013 - 10.9 Controls for the Cabravale Diggers Club site	2 Pages

CITY PLAN

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

SUMMARY

Council is in receipt of a Planning Proposal (PP) by Cityscape Planning + Projects prepared on behalf of the Cabravale Diggers Club at 1 Bartley Street, Canley Vale seeking an amendment to the Fairfield Local Environmental Plan 2013 to enable the development of a hotel/motel on the site.

The body of this report provides an assessment of the subject PP and recommends that Council amend the provisions of the Fairfield LEP 2013 to allow '*hotel or motel accommodation*' as a use that can be considered with development consent at the Cabravale Diggers site. It is considered that this amendment be carried out by amending *Schedule 1 Additional Permitted Uses* of the LEP to enable the proposed development of a hotel on the subject site

It is also recommended that Council adopt the building envelopes contained in the Urban Form Analysis and Masterplan submitted by the Cityscape Planning for inclusion in a draft amendment to the Fairfield City Wide Development Control Plan (DCP) 2013 – *10.9 Controls for Cabravale Diggers Club site*. The draft DCP amendment will be exhibited in conjunction with the Planning Proposal subject to authorisation being issued by the DP&I following Gateway Determination.

BACKGROUND

The Chief Executive Officer (Boris Belevski) of Cabravale Diggers and the Mayor met on 16 August 2013 to discuss the possibility of developing a hotel at the Club. A subsequent letter was sent by the Club dated 20 August 2013 advising that the "*hotel would be solely used for accommodation purposes, and retail shopping outlets would not form part of the hotel development*" and also requested advice from Council staff on the process and information required to commence the application process.

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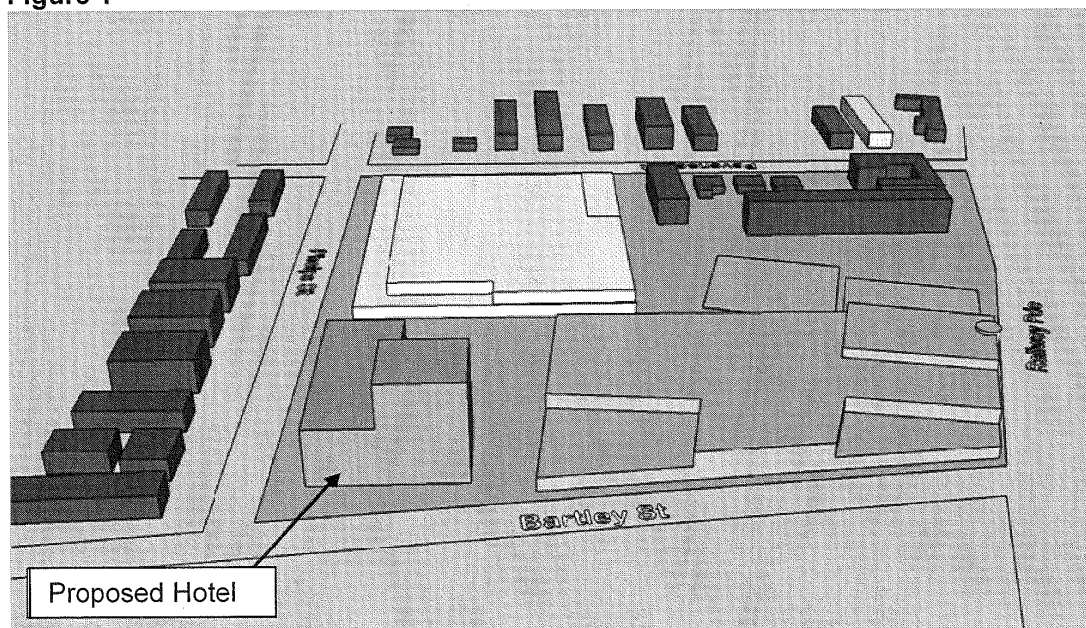
A subsequent letter was sent from Council's Manager, Strategic Planning to Cabravale Diggers advising that the development a hotel is not permissible in the current RE2 Private Recreation zone. This letter provided preliminary advice that there could be strategic merit in allowing a portion of the Cabravale Diggers Club site to be developed for a hotel given its surrounding land uses and close proximity to public transport which include bus and train services. Council's letter therefore advised that should the Club wish to pursue the matter further, that a formal PP and Site Specific DCP/Master Plan would need to be lodged to Council to amend *Schedule 1 Additional Permitted Uses* of the Fairfield LEP 2013, to enable Council to formally consider the proposal.

THE PROPOSAL

The proposal submitted by Cityscape Planning on behalf of Cabravale Diggers seeks to amend the Fairfield LEP 2013 *Schedule 1 Additional permitted uses* to allow "hotel or motel accommodation" as a use permissible with Council consent at 1 Bartley Street, Canley Vale (Lot 51 DP 1120245) otherwise known as the Cabravale Diggers Club.

The applicant has also submitted an *Urban Form Analysis + Master-Plan: Cabravale Diggers* (refer to Attachment A) which shows the location of the hotel on the south western corner of the club site (corner of Bartley Street and Phelps street). Refer to Figure 1 below.

Figure 1



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THE SUBJECT LAND AND SURROUNDING DEVELOPMENT

The subject site currently comprises the Cabravale Diggers Club site which includes bowling greens, Club facilities and decked and surface car park areas.

The subject site is located adjacent a R4 high density residential zone which currently contains 2-4 storey residential flats to the west of the site. The site is also very well accessed by public transport including bus and train services with the Club being within walking distance of both Cabramatta and Canley Vale Railway Stations. Cabramatta Town Centre which is zoned B4 Mixed Use under Fairfield LEP 2013 is also located within close proximity to the south of the Club and are only separated by a public park (Cabravale Park).

Hotel or motel accommodation is already permitted in the Cabramatta Town Centre under the B4 Mixed Use zoning. Similarly, Canley Vale Town Centre which is located approximately 200 metres to the north of the Club site is zoned B2 Local Centre and also permits *hotel or motel accommodation* with consent. Currently there are no hotels/motels located in the Cabramatta and Canley Vale Town Centre.

FAIRFIELD LEP 2013

The subject site is currently zoned Private Recreation RE2 meaning that the proposed additional use for '*hotel or motel accommodation*' is not permissible in the zone

An extract of the zoning table is provided below and details the zone objectives and permissibility:

Zone RE2 Private Recreation**1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

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The definition of hotel or motel accommodation as identified in the Fairfield LEP 2013 is as follows:

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and*
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary*

It is considered that the proposed additional use for “*hotel and motel accommodation*” is a compatible use with the existing use of the site as a Club and will allow the site to continue to be used for recreational purposes. It is therefore considered that the proposed additional use whilst not currently permissible within the RE2 zone is still consistent with the objectives of the RE2 zone.

In addition, it is recognised that while such a use would ideally be situated in a town centre, the availability of a parcel large enough to accommodate such a use in both Cabramatta/Canley Vale is limited. It is also considered that the subject site is located in close proximity to both town centres and public transport that it would meet the needs of integrating land use and public transport principles as well as serve a potential need.

It is considered that such characteristics may not necessarily apply to other Club sites across the LGA so there should not be any realistic expectation that this would create a defensible precedent or expectation for change to either other Club sites in the LGA or adjacent residential zoned land. Nonetheless, any future request for a rezoning/LEP amendment to allow hotels/motels on other club sites would be assessed on a case by case basis.

Draft Practice Note – Schedule 1 Additional Permitted Uses

The DP&I has also issued a draft practice note that was on public exhibition from the 18 September 2012 – 15 October 2012 which provides guidance to Councils on the use of the additional permitted uses on specific sites through Schedule 1 under the Standard LEP. It is noted that this Practice Note is still in draft form and has not yet been adopted by the Department.

Notwithstanding the above, the guideline seeks to formalise the Department's position to not support additional permitted uses in the LEP except in exceptional circumstances in order to improve clarity on the basis that land use permissibility should be controlled by zones and the land use table.

OUTCOMES COMMITTEE**Meeting Date 11 February 2014****Item Number. 3**

According to the Frequently Asked Questions (FAQ) accompanying the draft practice note, it would seem that unless the additional use is of a scale or nature that is highly specialised or hazardous (ie hazardous storage facility) and is proposed on a site that would not otherwise support a range of other uses potentially permissible through the imposition of a new zone (ie site is poorly serviced, isolated) that only then will the use of additional uses schedule/Schedule 1 be acceptable.

Under this draft Practice Note, the Department would have Council rezone the subject site to a business zone in order to permit the proposed hotel/motel or alternatively permit hotel/motels across all RE2 –Private Recreation zones. Rezoning the site to business will have the impact of enabling a wide range of retail/commercial uses on the subject site by essentially extending the existing nearby town centres at Cabramatta and Canley Vale upon which there is currently no economic/planning justification to increase commercial/retail zoned land at this location. Furthermore, the impact of amending the zoning table to allow hotels/motels across all RE2 – Private Recreation zones may encourage these developments to occur in inappropriate locations where the likely impact on residential amenity is significant (ie such as those club sites in proximity to low density residential zones), or located away from public transport.

It is noted that Council had made a submission to the Department at the time of the exhibition of the Draft Practice Note recommending that a merit assessment of a planning proposal seeking an additional use/s on a particular site should at least be considered where the proposal is consistent with a Council resolution and/or Policy position. In this case, it is considered that the proposal has sufficient merit due to its surrounding land uses and proximity to public transport to warrant proper consideration by the Department's LEP Review Panel as part of the Gateway Determination process.

Height Limit and FSR

The Masterplan submitted with the proposal provides an indicative building envelope to provide Council and the community an indication of the likely heights and bulk of the potential hotel should the planning proposal be approved. It is noted that these are building envelopes only and the detail of what will actually be developed will only finalised at the Development Application stage. Notwithstanding this, building envelopes provide general height and bulk controls that can be used in DCPs/Masterplans to guide future development.

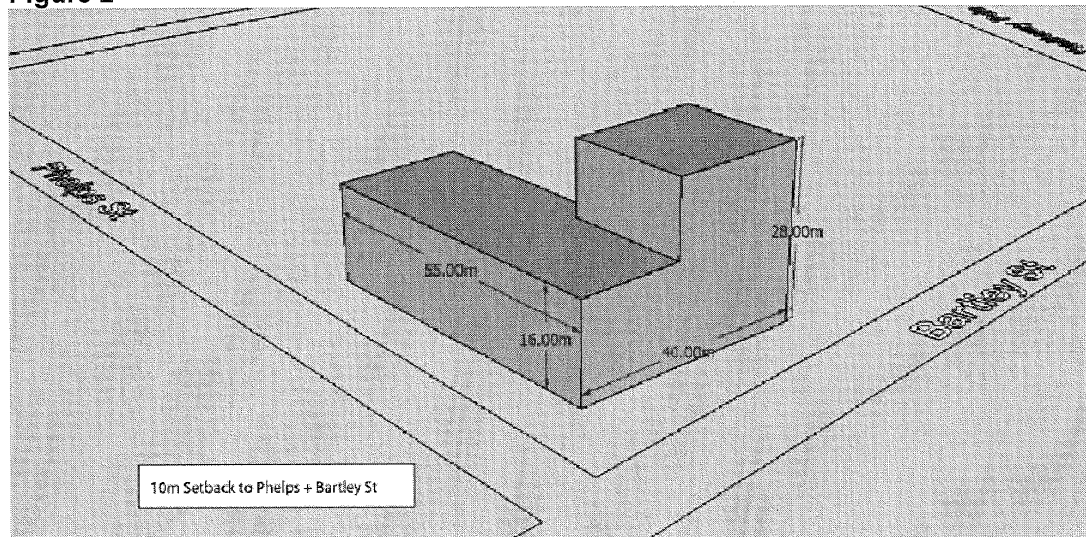
Figure 2 below details the building envelope contained in the Masterplan (shown in Attachment A) for the proposed hotel development should the proposed LEP amendment proceed. The Bartley Street frontage will have a maximum height of 28m (approximately 9 storeys) which fronts Cabravale Park while the bulk of the building will wrap around the Bartley Street and Phelps Street frontage with a height of 16m (approx 5 storeys). The hotel is also expected to be set back 10m from both the Bartley Street and Phelps Street frontages.

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Figure 2



According to the Fairfield LEP 2013, there are currently no building height or floor space ratio controls for the Cabravale Diggers Club site. Adjoining the subject site along the Phelps Street frontage is an existing R4 High Density Residential zone which currently has a height limit of 16m. As discussed above the proposed building height of the hotel will also be 16m along the Phelps Street frontage which will enable some consistency with the adjoining R4 zone. The proposed building envelope shows a tower element (9 storeys) which is located away from the corner along Bartley Street however, given that this fronts Cabravale Park, it is considered that this increased height will have a negligible impact with regards to amenity, built form and streetscape. In particular, refer to page 17 of Attachment A which details the negligible shadow impact arising from the proposed building envelope.

It is not proposed to amend the building heights and FSR maps contained in the LEP 2013. Rather, the proposal will be controlled through the inclusion of the above building envelopes by Cityscape Planning and Projects as part of a draft amendment to Chapter 10 Miscellaneous Development (10.9 Controls for the Cabravale Diggers Club site) of the City Wide DCP 2013 (refer to Attachment C) which is also proposed to be publicly exhibited in conjunction with the Planning Proposal.

CONSISTENCY WITH KEY STRATEGIES AND POLICIES

Metropolitan Strategy for Sydney to 2036

Metropolitan Strategy for Sydney identifies nine strategic directions with a series of objectives and actions. While a detailed assessment of the proposal in accordance with each of the directions is contained in the Planning Proposal shown in Attachment B, it is considered that the key issues are:

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- **Strategic Direction B – Growing and Renewing Centres**
B1: To focus activity in accessible centres
- **Strategic Direction C – Transport for a connected City**
C2: To build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share
- **Strategic Direction E – Growing Sydney's economy**
E1: Ensure adequate land supply for economic activity investment and jobs in the right locations.

Given the close proximity of the site to public transport and Cabramatta and Canley Vale Town Centres there is merit in amending the LEP to allow the development of a hotel as it will not only provide activity in an accessible location, but will also provide additional employment (80-120 jobs) in the local area.

Draft West Central Sub- Regional Strategy (SRS) – West Central Sub Region

The subregional strategy is an implementation tool for the Metro Strategy and provides regional specific actions to guide development the long term development of an area. In particular the Draft SRS sets out employment and residential targets for each LGA within the sub region. The SRS also seeks to provide for balanced growth among the LGA to build upon regional strengths through the identification of strategic centres and corridors, Towns, Villages, Neighbourhood and Specialised Centres in relation to the overall structure of the Metro Strategy.

It is considered that the proposal will contribute to the employment target of 15,000 jobs identified for the Fairfield LGA and will also enhance activity around the existing centres of Canley Vale and Cabramatta by providing a service in an accessible location that is currently not yet met in those town centres. This may be due to the lack of available sites in these town centres to accommodate such an activity as well as current high demand for retail space in the local market.

TRAFFIC ISSUES

The applicant has also submitted a Traffic and Parking Impact Assessment of the proposed Hotel/Motel Development prepared by ML Traffic Engineers.

Council's Traffic Engineer has reviewed the report and has raised no objections to the proposal subject to the following being addressed:

1. Chapter 12 of the Fairfield City Wide DCP 2013 requires car parking for the following:

Hotel - 1 space per 5m² gross leasable area bar/lounge/dining area/restaurant/function room plus 1 space per 40m² gross leasable area office/administration area plus 1 space per 3 bedrooms accommodation (if applicable).

OUTCOMES COMMITTEE**Meeting Date 11 February 2014****Item Number. 3**

Motel - 1 space for each motel unit plus 1 space per 2 employees plus 1 space per 5m² gross leasable area restaurant/function room .

2. To verify the information provided in regard to modelling, the applicant needs to provide the SIDRA input and output files for adjacent intersections for the existing and proposed traffic conditions.
3. The proposed parking layout and access should comply with the requirements as specified in AS 2890.1:2004 and servicing of the site should comply with the requirements as specified in AS 2890.2:2002.

As proposal relates to an LEP amendment, it is considered that the above issues be more appropriately dealt with as part of a future development application should the proposed LEP amendment be gazetted. It is emphasised that any future DA be required to address the traffic and parking requirements outlined in Chapter 12 of the Fairfield City-Wide DCP 2013.

Traffic Management and Accessibility Plan (TMAP) – Cabramatta

In adopting the Fairfield LEP 2013, Council had previously resolved to retain the existing building heights and densities in and around the Cabramatta Town Centre, despite the findings of the Draft Residential Strategy which identified higher residential densities in Cabramatta. The purpose of this decision was based on the fact the Council still needed to complete the TMAP (as requested by the Roads and Maritime Services) which would determine the potential traffic impacts of the increased residential densities before implementing the relevant zoning changes. Based on this, it is noted that a number of land owners who have requested rezonings to increase residential density or intensify use of their land in Cabramatta have been asked to wait until the TMAP has been completed before submitting a planning proposal

At this stage the TMAP is currently still being finalised and expected to be reported to Council for consideration within the first quarter of 2014.

With regard to the subject proposal, the existing RE2- Private Recreation zoning of the site currently already allows development for purposes which are considered to have potentially more significant impacts on the surrounding traffic network and residential amenity for example, recreation facilities (major) and function centres. Accordingly, this is why it is considered that the proposal is not likely to have a significant impact on the findings/recommendations of the TMAP due to the nature of the current RE2 – Private Recreation zone allowing a range of uses that would potentially have even greater impacts than that being requested as part of the PP.

OUTCOMES COMMITTEE**Meeting Date 11 February 2014****Item Number. 3****CONSULTATION STRATEGY**

In addition to requirements issued by the DP&I under the planning proposal covering consultation with State Government Agencies and utility providers, it is proposed that consultation and public exhibition of the planning proposal (for a minimum period of 28 days) be undertaken with land owners and residents via:

- Letters to adjoining land owners;
- Notice in the local newspaper; and
- Letters to adjoining Councils (Blacktown, Liverpool, Penrith, Holroyd, Parramatta, Auburn and Bankstown).

CONCLUSION

Based on the above assessment, it is recommended that Council endorse the planning proposal shown in Attachment B to proceed to the Gateway Determination process to enable hotel or motel accommodation to be permitted with consent at the Cabravale Diggers Club. It is also recommended that the planning proposal, Masterplan and associated information also be placed on public exhibition subject to authorisation from the DP&I.

Kevin Kuo
Strategic Land Use Planner

Authorisation:
Manager Strategic Land Use Planning
Group Manager City Development

Outcomes Committee - 11 February 2014

File Name: **OUT110214_24.DOC**

***** END OF ITEM 3 *****

Attachments to the Outcomes Committee Item 3 *Cabravale Diggers – Amendment to Fairfield LEP 2013 to Allow Hotels (11 February 2014)* can be accessed by following the steps below.

1. Go to <http://www.fairfieldcity.nsw.gov.au>
2. On the left hand side column of home page click on **Business Paper** link.
3. When page appears scroll down and select the **2014 and February**, then click **Find** button.
4. Click on link which corresponds to the report under the agenda heading either **HTML version** or **PDF version**.

Gateway Determination

ATT 'D'

**Planning &
Infrastructure**

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

Contact: Georgina Ballantine
Phone: 02 9860 1568
Email: georgina.ballantine
@planning.nsw.gov.au
Our ref: PP_2014_FAIRF_001_00
Your ref: 13/25179

Attention: Kevin Kuo

Dear Mr Young

Gateway Determination – Fairfield LEP 2013 – Amendment to allow Hotel or Motel accommodation as an Additional Permitted Use under Schedule 1 at the Cabravale Diggers Club site, Cabramatta

I am writing in response to your Council's letter dated 3 March 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to allow hotel or motel accommodation as an additional permitted use under Schedule 1 at the Cabravale Diggers Club site, Cabramatta.

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

I have agreed the planning proposal's inconsistency with S117 Direction 6.3 Site Specific Provisions as being of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 (LEP) is to be finalised within 9 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 LEP 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 agency for administrative purposes.

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The State Government is committed to reducing the time taken to complete LEPs 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 EP&A 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 agency's Metropolitan Delivery (Parramatta) office on 02 9860 1568.

Yours sincerely

✓ 16/4/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Growth Planning & Delivery

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Gateway Determination

Planning proposal (Agency Ref: PP_2014_FAIRF_001_00): to allow Hotel or Motel accommodation as an Additional Permitted Use under Schedule 1 at the Cabravale Diggers Club site, Cabramatta.

I, the Director, Metropolitan Delivery (Parramatta), at the agency for Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act, that an amendment to the Fairfield Local Environmental Plan (LEP) 2013 to allow hotel or motel accommodation as an additional permitted use under Schedule 1 at the Cabravale Diggers Club site, Cabramatta should proceed, subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address Section 117 Directions 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Endeavour Energy
 - Jemena
 - Sydney Water
 - Telstra

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.

3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A 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 (Planning & Infrastructure 2013)*.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

✓ 16/4/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Growth Planning & Delivery
As Delegate for the Minister for Planning & Infrastructure

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WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Fairfield City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979*, that are delegated to it by instrument of delegation dated 1 November 2013, in relation to the following planning proposal:

Number	Name
PP_2014_FAIRF_001_00	Planning proposal to amend Fairfield Local Environmental Plan 2013 to allow Hotel and Motel accommodation as Additional Permitted Uses under Schedule 1 on the Cabravale Diggers Club site, Cabramatta

In exercising the Minister's functions under section 59, the Council must comply with the agency's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

✓ 16/4/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Growth Planning and Delivery
Planning and Infrastructure