

OUTCOMES COMMITTEE

Meeting Date 8 April 2014

Item Number. 40

SUBJECT: Planning Proposal to Amend Zoning Boundary Alignment Between
IN1 General Industrial and IN2 Light Industrial Zoned Land
Premises: Lot 2 and 3 DP 88038, 61-63 & 65-67 Mandarin Street, Fairfield East
Applicant/Owner: Nimish Patel
Owner: NKM Holdings (Director: Nasser Khalil Merhi)
Zoning: Part IN1 General Industrial and IN2 Light Industrial

FILE NUMBER: 13/08055

PREVIOUS ITEMS: Item 137 and Item 154 - Ordinary Council - 18 October 2011

REPORT BY: Anjele Vu, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse preparation of the planning proposal for the subject lands to realign the IN1 General Industrial and IN2 Light Industrial Zone boundaries affecting 61-63 and 65-67 Mandarin Street Fairfield East to be consistent with the zone boundaries on adjoining properties as detailed in the report.
2. Council inform the NSW Planning and Infrastructure Agency that Council wishes to commence the Gateway Determination Process to amend the draft Fairfield Local Environmental Plan 2013 to realign the zone boundaries of the IN1 General Industrial and IN2 Light Industrial Zone boundaries affecting 61-63 and 65-67 Mandarin Street Fairfield East as identified in **Attachment B** of the report.
3. Upon receipt of a Gateway Determination, subject to the conditions contained therein, publicly exhibit the Planning Proposal in accordance with the Consultation Strategy outlined in the report.

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

SUPPORTING DOCUMENTS:

AT-A	Council Report Item 137 and Item 154	28 Pages
AT-B	Planning Proposal	17 Pages

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CITY PLAN

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

SUMMARY

In October 2013, Council's Outcomes Committee resolved to support the realignment of the IN1 General Industrial and IN2 Light Industrial Zone boundary for the subject sites to be consistent with adjoining sites subject to a preliminary subdivision plan being submitted by the Applicant. The Applicant has now submitted the subdivision plan and a Planning Proposal for this site has been prepared by Council Officers.

This report seeks Council's endorsement to forward this planning proposal to the NSW Planning and Infrastructure agency for gateway determination.

Background

During the preparing of Fairfield LEP 2013 a submission was received to amend the zoning boundary between Zone IN1 General Industrial and IN2 Light Industrial relating to the 2 lots comprising the site, being lot 2 and 3 DP 818038 (611-63 & 65-67 Mandarin Street, Fairfield East). This submission was considered by Council's Comprehensive LEP Committee Meeting on 17 April 2012, where Council resolved not to support the rezoning based on the following issues:

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

Notwithstanding the above, it was acknowledged that the delineation of the boundary between the IN1 General Industrial and IN2 Light Industrial Zones for the site is not consistent with that on the adjoining properties. Council advised the owners of the site that a separate Planning Proposal should be submitted for any proposal to change the zone boundary between the IN1 General Industrial and IN2 Light Industrial for the subject property.

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In response, the Applicant submitted a planning proposal to Council in April 2013. The proposal sought to amend the zone boundary such that the bulk of the site will be zoned IN1 General Industrial (9,408m² in area) fronting Mandarin Street and Seville Street with a small portion of the site fronting Malta Street and Mandarin Street (1,304m² in area) (see option 1 Council report Item 137 - **Attachment A**). The Applicant also submitted plans which proposed that a 3-storey industrial complex development above a basement car park be constructed on the site.

In October, Council's Outcomes Committee considered 2 reports (**Attachment A**) regarding this planning proposal received. The reports provided an analysis of 4 key options for realigning the boundary between the IN1 General Industrial and IN2 Light Industrial Zones on the site. Options 1-3 of the report supported realignment of the zone boundaries where the buffer distances between the IN1 General Industrial Zone and the existing residential development along Malta Street formed focal points of the options. Option 4 of the report was an option to not proceed with the planning proposal. At the Ordinary Council Meeting, held on 22 October 2013, it was resolved that Council:

- 1. Note the additional information provided in the report in relation to the implications of the proponent's proposed realignment of the IN1 General Industrial and IN2 Light Industrial Zone boundary on the subject site in relation to ingress/egress issues, impacts on residential properties in Malta Street and implications for the adjoining industrial lands.*
- 2. Support the preparation of a Planning Proposal as detailed in Option 2 of the report to the October Outcomes Committee - to realign the zoning boundary between IN1 General Industrial and Light industrial to be consistent with adjoining sites (110m residential buffer distance) in principal subject to the realignment of the lot boundary to be consistent with the proposed zone boundary.*
- 3. Inform the applicant of Council's decision and as part of this, provide advice that the submitted concept plan contains significant deficiencies and no inference should be drawn that the concept plan associated with the proposal is development likely to be supported at DA Stage.*
- 4. Receive a further report, following submission of a subdivision plan to amend the lot boundary.*

Further details are provided in the Council Report on this matter which is included as **Attachment A**.

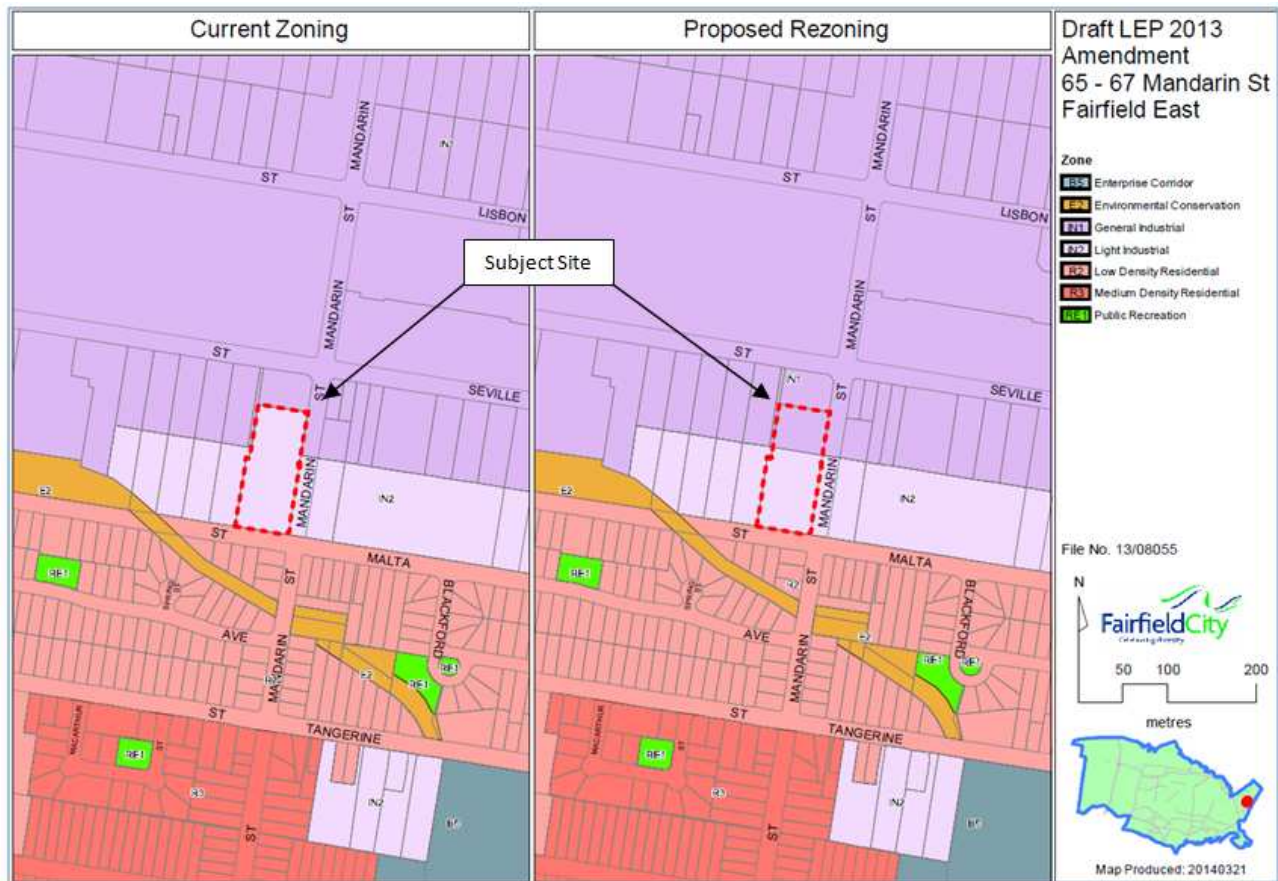
Subsequently, pursuant to the above Council resolution, Council officers sent (3) letters to the applicant and owner advising of Council's resolution and also requesting a response as to whether the applicant would like to proceed with the planning proposal. The Applicant responded on 25 February 2014 by informing that they would like to proceed with the rezoning application as per Council's resolution. A concept subdivision plan was also submitted. This plan was reviewed by Council's Engineering Assessment Branch where it was found that the proposed boundary alignment was not consistent with Council's October 2013 resolution. On 21 March 2014, the Applicant submitted amended preliminary subdivision plans where the proposed boundary alignment was consistent with Council's resolution. As per Council's resolution Council officers have also prepared a planning proposal (**Attachment B**).

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The existing and proposed zone boundary arrangements are shown below.



CONCLUSION AND NEXT STEPS

This report recommends Council endorse the Planning Proposal as shown in **Attachment B** to be submitted to the Planning and Infrastructure Agency for Gateway Determination. If Council decide to support this Planning Proposal the next steps in the process would be as follows:

Gateway Determination

The Gateway Determination from the NSW Planning and Infrastructure agency will specify the public consultation requirements which may include: Public Authorities to be consulted, the public exhibition period and other issues which may require action prior to (or part of) the exhibition process.

Public Exhibition

Following advice from the NSW Planning and Infrastructure agency Gateway Determination may commence, it is considered that the rezoning should follow the consultation strategy below:

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1. Notice in the newspaper as per legislative requirements;
2. Letter to owners of properties being rezoned;
3. Notification letter to adjoining industrial properties and residential properties to the south of the site; and
4. Public Authorities as specified in the Gateway Determination.

The Gateway Determination advice from NSW Planning and Infrastructure Agency will most likely specify that a 28 day public consultation period would be the most appropriate exhibition period for this Planning Proposal.

RECOMMENDATION

It is recommended that Council endorse preparation of the Planning Proposal as shown in **Attachment A** to be submitted to the Planning and Infrastructure Agency for Gateway Determination.

Anjele Vu
Strategic Land Use Planner

Authorisation:
Manager Strategic Land Use Planning
Group Manager City Development

Outcomes Committee - 8 April 2014

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***** END OF ITEM 40 *****