

OUTCOMES SUPPLEMENTARY REPORTS**Meeting Date 22 October 2013****Item Number. 154**

SUBJECT: Planning Proposal to Amend Zoning Boundary alignment between IN1 General Industrial and IN2 Light Industrial zoned land

FILE NUMBER: 13/08055

PREVIOUS ITEMS: 137 - Outcomes Committee - 8 October 2013

REPORT BY: Andrew Mooney, Coordinator Strategic Planning

RECOMMENDATION:

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.

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.

SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

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CITY PLAN

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

SUMMARY:

The October 2013 Outcomes Committee considered a report on a proposal to amend the boundary between the IN1 – General Industrial and IN2 – Light Industrial zones on the subject sites, with the Committee resolving as follows;

A supplementary report be submitted to the Ordinary Council meeting to be held on 22 October 2013 in relation to Option 1 (applicant's proposed zone boundary) in regard to ingress/egress to the site, impacts on Residential properties in Malta Street and implications for adjoining properties zoned IN2 Light Industrial

As detailed in this report, there are insufficient safeguards under Option 1 (applicant's proposed zone boundary) to provide for the protection of the amenity of residential properties in Malta Street adjoining the subject site. These adjoining sites need to be protected from the potential impacts of the full range of industrial uses that could be established in any expanded IN1 Zone on the site.

In this regard, it is recommended that Council endorse the recommendations of the previous report in relation to a more balanced amendment to the IN1/IN2 zone boundary on the site in accordance with Option 2 (110m residential buffer distance), including the provision of a subdivision plan to confirm the alignment of the new zone boundary.

INGRESS/EGRESS ISSUES

Attachment B of the previous report to Council includes concept plans to illustrate a possible future industrial use on the combined sites (i.e. 61-63 and 65-67 Mandarin Street).

These plans show vehicular ingress/egress for the facility being located on Seville and Mandarin Streets with no vehicle ingress/egress from Malta Street where the proposal adjoins residential properties.

Council's Traffic Engineer has undertaken an assessment of these plans and in summary provided the following critical comments;

- Based on the SIDRA (traffic modelling) analysis for existing and redeveloped traffic conditions the impact of the proposed development at the intersection of Woodville Road and Tangerine Street during the morning peak period is substantial (reduced from a level of service C to level of service E). This needs to be clarified further.

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- Considering the proposed layout of the industrial units and the space constraints, it will be difficult to service adjacent units (within the development) at the same time.
- The entry and exit to the proposed industrial units on the ground floor by medium rigid vehicles has been checked using turning plate templates. The proposed driveway width off Mandarin Street was found to be insufficient for entry/exit by medium rigid vehicles to service the ground floor units.

Planning Comments

1. Proposed Ingress/Egress

The applicant's proposed IN1/IN2 zone boundary would give rise to a frontage of approximately 150m along Mandarin Street and 50m along Seville Street. In principle it is considered these distances would generally be sufficient to achieve vehicular access to the site without the need for further ingress/egress from Malta Street where residential properties are located opposite the site.

However, the above comments from Council's Traffic Engineer highlight the fact that substantial redesign of the concept proposal would be required to overcome internal traffic conflicts between industrial units within the proposed concept plan and to achieve satisfactory ingress/egress to the site (by medium rigid vehicles) from Mandarin Street to service the ground floor units.

In addition, further clarification would be required from the proponents to determine the findings of the SIDRA (traffic modelling) analysis.

The above comments are based on the indicative nature of concepts plans included in Attachment B which comprises a number of smaller industrial units (ranging in size from 210m² to 420m²) contained within the composite development. Given the scale and capacity of these units is small in comparison to a number of other industrial developments in the IN1 zone Council's Traffic Engineer advises it is foreseeable that this nature of development could be serviced by medium rigid vehicles.

However, it is noted that under the IN1 – General Industrial zoning proposed to be applied to the majority of the land a broader range of more intensive industrial uses could also be considered on the site (e.g. general manufacturing, truck depots, freight transport facilities and waste resource recovery facilities) which may need to be serviced by a range of heavier vehicles (including heavy rigid vehicles and articulated vehicles).

In general a frontage of 150m on Mandarin Street and 50m along Seville Street would provide sufficient scope to achieve ingress/egress to the composite IN1/IN2 site without the need for access from Malta Street. However, the above comments in relation to the concept plans submitted with the proposal highlight that issues relating to ingress/egress would need to be addressed on a case by case basis at DA stage having regard to the nature of the proposal and servicing requirements.

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2. Potential to establish formal restrictions on ingress/egress to Malta Street

Although the concept proposal does not propose access to the site from Malta Street, under a planning proposal it is not possible to formalise restrictions on access to this street due to the constraints imposed under the NSW Standard Local Environmental Plan (LEP) Template and s.117 Directions (6.3) issued by the Minister for Planning in 2007 which do not allow Council to impose additional development standards that place restrictions on a particular development being carried out.

Based on Council's experience with preparation of the Fairfield LEP 2013, it is unlikely that the NSW Department of Planning and Infrastructure (DPI) would allow preparation of a general local (LEP) clause restricting ingress/egress from sites of this nature (e.g. industrial land adjoining residential lands).

Although Council could consider developing site specific Development Control Plan (DCP) provisions, due to changes made to the Environmental Planning and Assessment (EP&A) Act in early 2013, DCP provisions of this nature are now restricted more to 'guideline status' and requiring Councils to show flexibility when dealing with development proposals.

A further option would be for Council to consider applying a condition of consent to any future DA prohibiting access from Malta Street. As Councillors would be aware, any condition of this nature could be subject to appeal in the Land and Environment Court.

It is noted that recommendation 3 of the report to the Outcomes Committee recommends the proponent submit a subdivision plan to accurately determine the alignment of the new boundary between the IN1/IN2 zones.

In the event that subdivision of the site is completed a new residual parcel of land (zoned IN2 – Light Industrial) would be created directly facing the residential properties on Malta Street. Based on this scenario it would be undesirable to place restrictions on vehicular ingress/egress on the residual parcel IN2 parcel which may require access to Malta Street for future development.

In conclusion, there is insufficient scope and a number of restrictions under the current planning legislation for Council to impose LEP/DCP restrictions on ingress/egress on the Malta Street frontage of the site. Further, this step is undesirable having regarded to the fact that potential future development on the residual IN2 light industrial parcel may require vehicular access to Malta Street.

POTENTIAL IMPACTS ON RESIDENTIAL PROPERTIES

As discussed in the previous report to Council, the IN2 Light Industrial zone not only provides for employment generating uses across the City but also functions as an important buffer area to more intensive industrial uses that are permitted in the IN1 Zone (e.g. general manufacturing, truck depots, freight transport facilities and waste resource recovery facilities) and adjoining residential zones.

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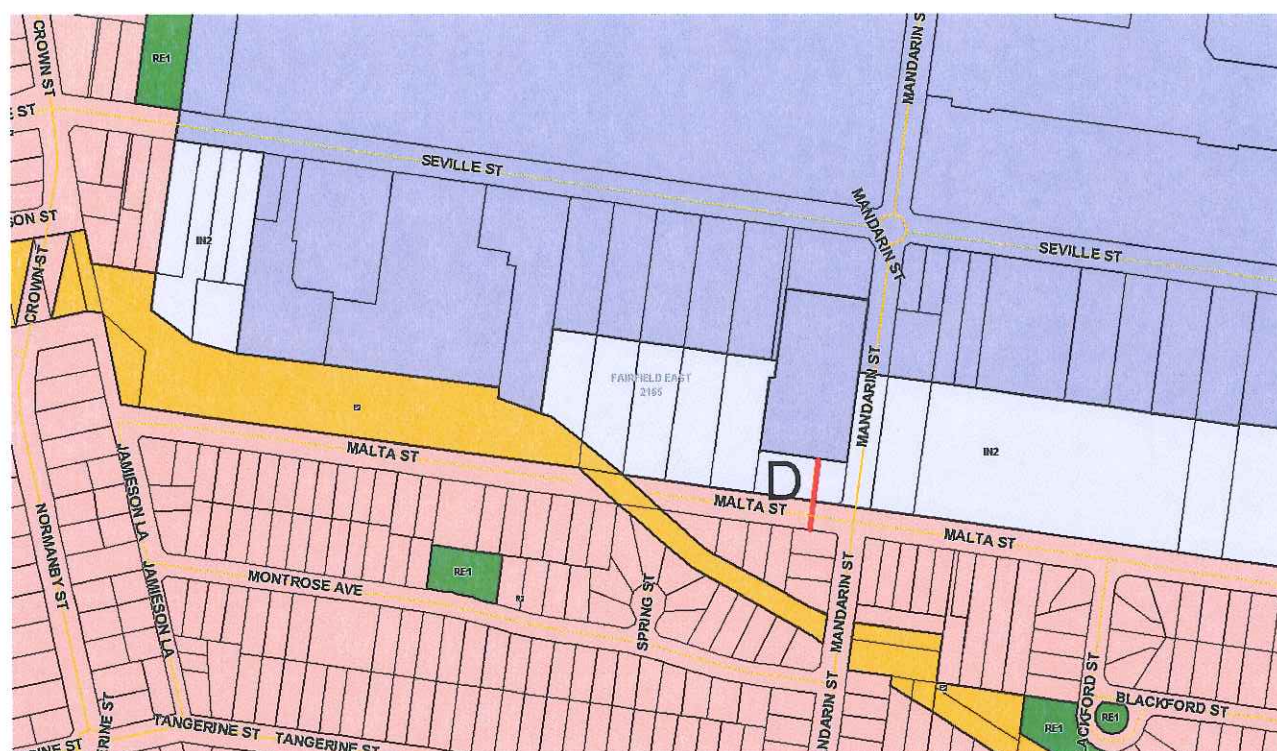
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The previous report to Council refers to the proponents proposed zone boundary giving rise to a setback of generally 25m between the IN1 General Industrial zone on the site and adjoining residential properties in Malta Street. This information had regard to advice contained in the applicants planning proposal alluding to a potential minimum zone boundary depth of 25m.

Council officers, after further discussion with the applicant, have undertaken a closer examination of the concept plans accompanying the proposal which show a reduction in the extent of the IN2 – Light Industrial zone buffer within the subject site from 140m to approximately 28m, with residential properties in Malta Street being setback a further 20m (comprising the road area of Malta Street) to the south of the site. This gives rise to a combined buffer distance (comprising the IN2 land on the site and road area of Malta Street) of approximately 48m (see map below).

The concept plans show a built form which generally encloses the proposed industrial uses on the site, creating a shielding effect to the adjoining residential properties in Malta Street from the potential acoustic and other (e.g. odours/fumes) impacts that might arise from uses contained with the indicative development.



D Buffer Distance 48m

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However, as referred to previously, the concept plans relate to an indicative form of development on the site and should not be construed as being representative of all the possible forms of industrial uses that could occur in the IN1 zone or indeed the final form of development that would occur on the site. In this regard it is noted the applicant's statements clearly indicate the plans are only conceptual.

At this stage there is no guarantee that futures industrial uses on the site would be enclosed and there are no specific provisions in Council's Comprehensive LEP or City Wide DCP which specifically require this outcome.

In general, this issue would be dealt with on a case by case base having regard to the nature of development and supporting acoustic impact and odour assessments submitted at DA stage.

As Council would be aware, the existing IN1 General Industrial areas of the City contain a very wide cross section of built forms and site configurations, many of which have a very open layout for provision of outdoor storage areas, vehicle turning space and provision of services to support the industrial uses.

The final design of any industrial development is influenced not only by the type of uses proposed but also the costs of achieving different site development outcomes, addressing relevant site constraints or mitigating impacts associated with a particular industrial use.

This is a key reason that in developing the layout of the industrial areas of the City the zoning arrangements have endeavoured to maximise the buffer areas between the IN1 – General Industrial zones and adjoining residential areas with the IN2 Light Industrial areas, road and open space corridors, other business and industrial zones (e.g. B5 – Business Development) maximising the potential for a buffer to mitigate noise and acoustic impacts in the IN1 – General Industrial area on adjoining residential areas.

As detailed in the previous report to Council, the applicants proposed IN2 buffer significantly reduces the potential for an effective buffer between potential 'higher impact' uses that would be permitted in the IN1 zone and adjoining residential properties in Malta Street.

Under the Standard LEP a number of these 'higher impact' industrial uses (e.g. general industries, waste or resource management facilities (i.e. junkyards) and freight transport facilities) are mandatory uses in the IN1 General Industrial zone and there is no discretion for Council to prohibit these uses on the site.

In addition, under the Fairfield LEP 2013, Council limited the permissibility of truck depots and transport depots to the IN1 zone to avoid the potential for these uses impacting on residential lands.

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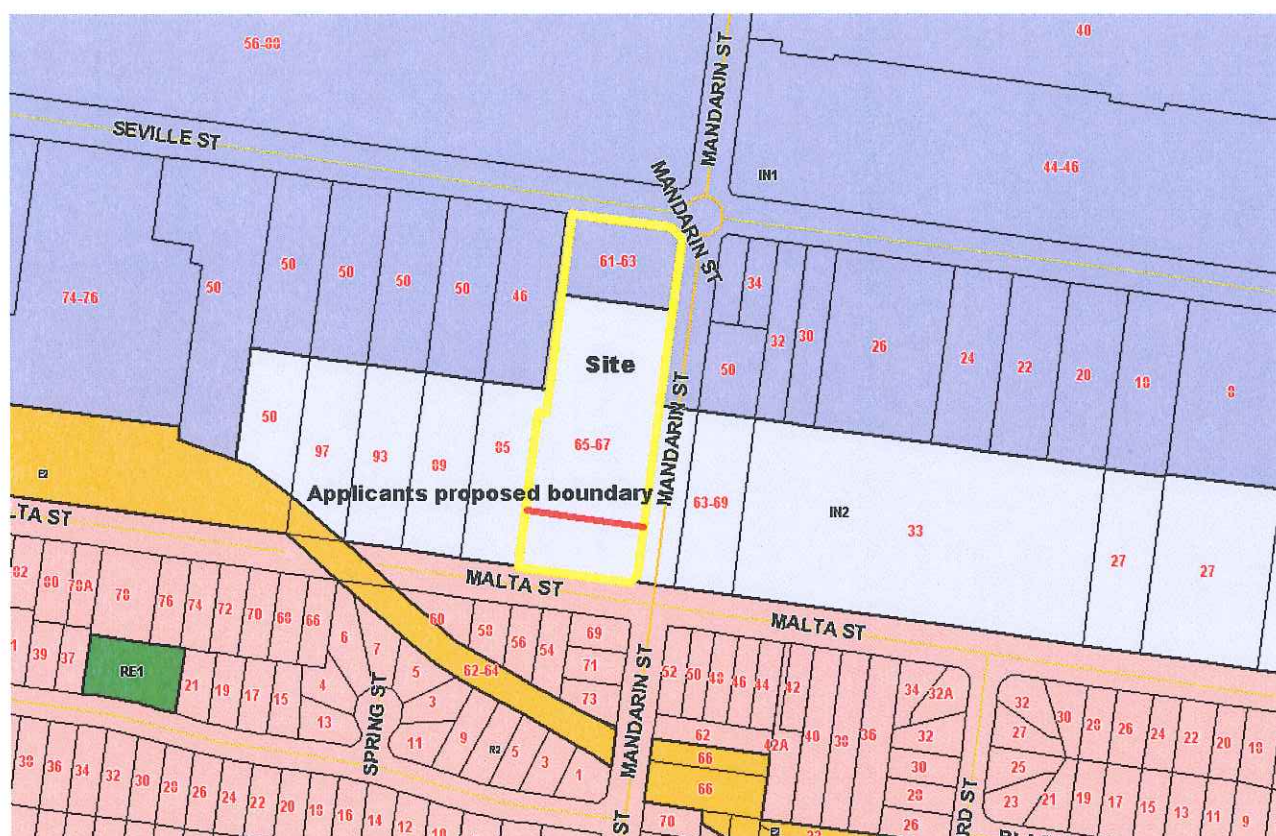
IMPLICATIONS FOR ADJOINING IN2 – LIGHT INDUSTRIAL PROPERTIES

The proposed reduction of the IN2 Light Industrial buffer to 28m on the subject site creates a significant precedent not only for the adjoining IN2 – Light Industrial land in Malta Street but also other industrial areas of the City. These issues are clarified further below;

1. Adjoining IN2 – Light Industrial Land

The proponents proposed zone boundary would create a precedent for Council to support similar applications to amend the IN1/IN2 zone boundary on adjoining properties to the east and west of the subject site along the whole of Malta Street.

As is shown in the following image this includes a number of other properties zoned IN2 Light Industrial properties directly facing a significant number of residential properties along the length of Malta Street.



In the event that the zone boundary setback between the IN1 lands and residential properties along Malta Street were to be reduced, the scope for potential cumulative impacts (from noise and acoustic emissions) on residential properties along Malta Street would be significantly increased.

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2. Other Industrial Areas of the City.

As referred to in the previous report to Council the majority of Industrial Zones of the City have a buffer distance to residential areas ranging between 40m – 110m and in many instances (e.g. Wetherill Park) this buffer is up to 200m as a result of road corridors and open space areas being located at the interface between the industrial and residential areas.

In terms of recent important planning decisions and precedents on this issue Council has endeavoured to maximise the degree of separation between industrial areas and existing residential development.

Changes included in the Fairfield LEP 2013 introduced new IN2 Light Industrial zones in parts of Yennora, where previously these were not a buffer between residential properties and the IN1 General Industries zone equivalent from the previous LEP 1994 (i.e. the Light Industry 4(a) zone).

This is also illustrated in the current case of the Major Project (Jacfin proposal) application for to establish employment uses in Penrith City Council adjoining rural/residential properties in Greenway Place, Horsley Park.

In relation to that proposal, Council has made a number of submissions to the DP&I and NSW Planning and Assessment Commission (PAC) supporting residents request for a minimum buffer area of approximately 250m to mitigate the potential visual/acoustic impacts from industrial uses (logistics/warehouse development) in the IN1 General Industrial lands in Penrith City on the existing rural residential properties in Fairfield City.

In this regard, Council has generally been seeking to increase the scope of IN2 and other buffer zones in recent planning reviews.

PROPOSED CONCEPT PLANS

As referred to in the first section of this report, Council's Traffic Engineer raises a number of concerns in regard to internal vehicular access arrangements and driveway crossings (onto Mandarin Street) associated with the proposal which are deficient and would require significant redesign to address relevant standards in the case these plans were submitted as a formal development application.

Concern is also raised that smaller units (i.e. 220m²) may not be suitable for any warehouse, storage or light facility use.

In addition to the above, the applicants have not provided any advice on the specific nature of industrial uses associated with the proposed concept plans which comprise a composite development across the site on both sections of the site zoned IN1 and IN2:

- three storey development;

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- 44 industrial units ranging in size from 220m² – 420m² (average size 352m²);
- 120m² takeaway food and drink premises;
- basement car parking (239 spaces required with 286 space proposed);
- FSR = 2.34:1; and
- Site coverage = 86%.

The applicant's submission clearly states that at this stage the proposed plans are conceptual in nature. However, in general it is not considered the concept proposal would be representative of a typical manufacturing or industrial processing use found in the existing IN1 General Industrial zones of Fairfield City.

This is based on the reasoning that the concept plans do not provide for extensive storage, servicing, assembly, loading and unloading space that would be required to accommodate broader manufacturing or processing uses.

Rather it would appear that the layout and configuration of the concept plans is more suited for accommodating smaller warehouse, storage facility or light industrial uses, which are all permitted in the IN2 zone and do not require a rezoning of the majority of the site to IN1 as proposed by the applicant.

In some respects, there is an internal inconsistency in the applicant's submission. If the concept plan has been submitted to demonstrate a form of re-development that can be built that will minimise the impact of the rezoning on adjoining residential properties, then Council Officers consider that the existing IN2 zoning is the preferred zoning to achieve this objective.

However, the applicant has clearly stated that these plans are conceptual and there is no guarantee the site will be re-developed in this form and argue that IN1 is required to allow a range of land uses (such as truck depots, freight transport facilities, junkyards) which are unlikely to be accommodated in the units ranging from 220m² – 420m² shown in the concept plan.

Regardless of the consistency issue, the concept plan submitted is a significant departure from the type of development commonly submitted for development in industrial areas in Fairfield LGA. Given the traffic issues, internal circulations/access issues and concerns about some of the unit sizes, the applicant should be given clear advice that the concept plan currently with Council is not likely to be supported in its current form to ensure the applicant is aware of the concerns with the current plan.

OUTCOMES SUPPLEMENTARY REPORTS**Meeting Date 22 October 2013****Item Number. 154****CONCLUSIONS**

This supplementary report sets out further information in relation to ingress/egress, potential impacts on adjoining residential properties and precent created by the proposed re-alignment of the zone boundary between the IN1 – General Industrial and IN2 – Light Industrial zones on the site.

On balance it is considered that there are insufficient grounds for Council to support the applicant's proposed zone boundary alignment having regard to the additional issues Council has requested be investigated.

Accordingly, it is recommended that Council support the realignment of the zone boundary in accordance with Option 2, as previously recommended to the Outcomes Committee, involving re-alignment of the IN1/IN2 zone boundary to be consistent with the established zone boundary on the adjoining industrial properties to the east and west of the site.

Andrew Mooney
Coordinator Strategic Planning

Authorisation:
Group Manager City Development

Outcomes Supplementary Reports - 22 October 2013

File Name: **OSR221013_3.DOC**

***** END OF ITEM 154 *****

Attachments to the Outcomes Committee Item 154

Planning Proposal to Amend Zoning Boundary alignment between IN1 General Industrial and IN2 Light Industrial zoned land (22 October 2013) 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 **2013 and October**, then click **Find** button.
4. Click on **link which corresponds to the report under the agenda heading either HTML version or PDF version.**

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SUBJECT: Planning Proposal to Amend Zoning Boundary alignment between IN1 General Industrial and IN2 Light Industrial zoned land.

Proposal: Planning Proposal to Amend Zoning Boundary alignment between IN1 General Industrial and IN2 Light Industrial zoned land.

Premises: Lot 2 and 3 DP 818038, 61- 63 & 65-67 Mandarin Street, Fairfield East

Applicant: Namish Patel
☐ Owner: N K M Holdings Pty Ltd (Director: Nasser Khalil Merhi)

Zoning: Part IN1 General Industrial and IN2 Light Industrial

FILE NUMBER: 13/08055

REPORT BY: Anjele Vu, Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Support the preparation of a Planning Proposal as detailed in Option 2 of the report - 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.
2. Inform the applicant of Council's decision.
3. Receive a further report, following submission of a subdivision plan to amend the lot boundary.

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.

SUPPORTING DOCUMENTS:

AT-A	Planning Proposal	23 Pages
AT-B	Concept Plans	12 Pages
AT-C	Assessment of Consistency with Ministerial Directions under Section 117	5 Pages

OUTCOMES COMMITTEE**Meeting Date 8 October 2013****Item Number. 137****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 (**Attachment A**) prepared by Chris Weston & Associates on behalf of NKM Holdings Pty Ltd seeking to amend the 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 (61- 63 & 65-67 Mandarin Street, Fairfield East) to facilitate future construction of a multi-level industrial/commercial type development on the site.

This report provides and analyses 4 key options for realigning the boundary between the IN1 and IN2 zones on the site with the recommended proposal (Option 2) being to align the zone boundary to be consistent with that of adjoining industrial properties to protect amenity of residential properties (to the south of the site) and facilitate balanced development of the land.

Option 2 is also recommended having regard to the following key differences between land use permitted in the IN1 General Industrial and IN2 Light Industrial zones;

- The IN1 zone allows a broader range of industrial uses than the IN2 zone including the category of 'General Industry' which can incorporate more intensive forms of manufacturing, production or processing which have the potential to impact on residential amenity (e.g. from noise, truck movements or odours).
- The IN1 zone permits a range of other specific land uses including transport and truck depots, freight transport facilities, waste or resource management facilities (i.e. junkyards), recycling facilities which also have greater potential for impact on neighbourhood amenity.
- In the IN2 Light Industrial zone industrial uses are restricted to 'light industry' which by its nature and characterisation under the Standard LEP definition for this use must not interfere on the amenity of a neighbourhood by way of noise impacts or odours.

BACKGROUND

Council's Comprehensive LEP Committee Meeting on 17 April 2012 considered a submission to the Fairfield Draft Comprehensive LEP requesting for the amendment of the current zone boundary between the General Industrial IN1 General Industrial and IN2 Light Industrial zone on the subject sites. The rezoning of the site as requested in the submission was not supported based on the following issues:

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- *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.

In response the applicant has now submitted a planning proposal, the subject of this report.

EXISTING SITE

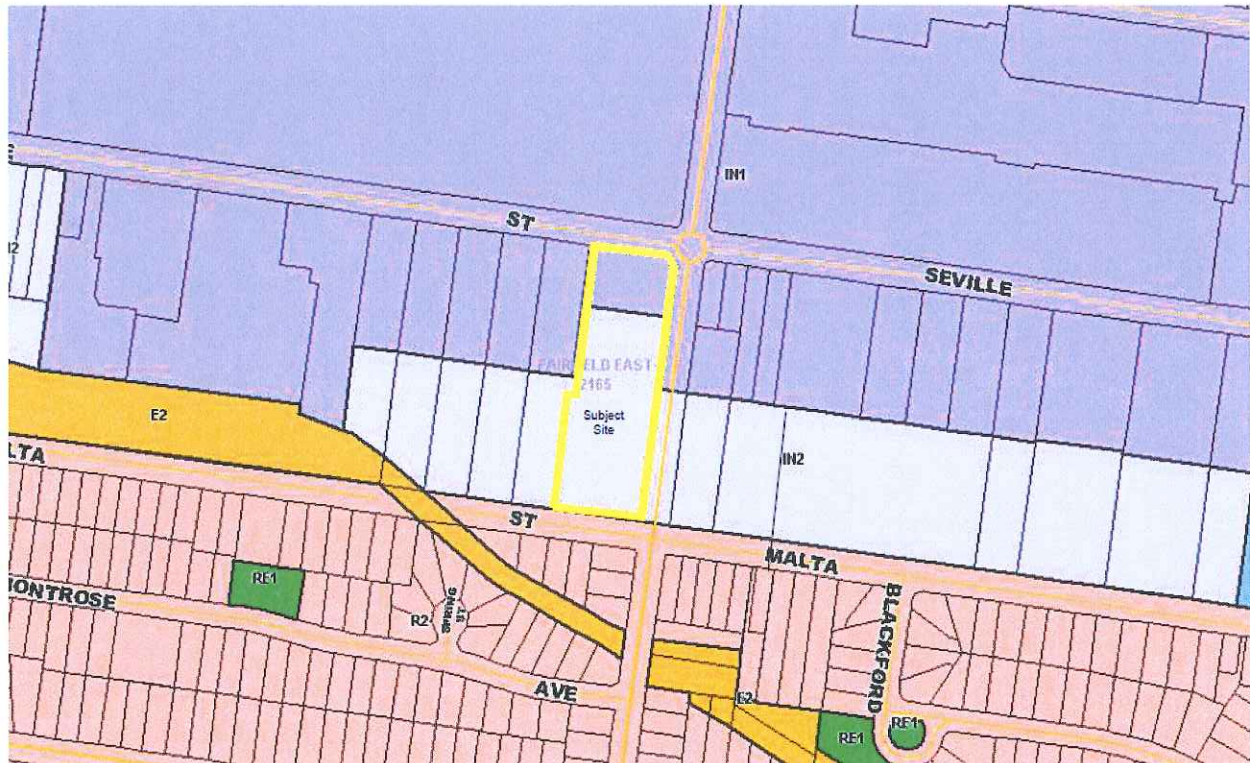
The subject sites comprise corner allotments (in the same ownership) with frontages to Mandarin, Malta and Seville Street Fairfield East, shown below. The sites are presently zoned IN1 General Industrial and IN2 Light Industrial under Fairfield LEP 2013, having a combined site area of approximately 10,721m². Of the total site area, 8,346m² of the land fronting Mandarin and Malta Streets (65-67 Mandarin Street) is currently zoned IN2 Light Industrial and the remaining 2,364m² of the land fronting Seville Street).

The map below is an Extract of Fairfield 2013 zoning map showing Lot 2 and 3 DP 818038 (61- 63 & 65-67 Mandarin Street, Fairfield East)

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As shown in the above map, the existing zone boundary of the subject sites is inconsistent with the zone boundary alignment of the industrially zoned lands fronting Seville Street and Malta Street. This would appear to be the result of a historical subdivision pattern of the area and is considered to represent a zone boundary anomaly between the IN1 and IN2 zones within the Fairfield East Industrial Estate.

The characteristics of the site are as follows:

- Northern part of site (zoned IN1) fronting Seville Street has approval (1996) for a warehouse. The southern section (zoned IN2) fronting Malta site has approval (2008) for light industrial activities (metal pipe and frame fabrication plant).
- No significant vegetation identified on the sites.
- Access to 65-67 Mandarin Street is on Malta Street and a secondary access on Mandarin Street.
- Surrounding Development North of Malta Street predominately light industry. South of Malta Street predominately residential development.

PLANNING PROPOSAL

The proposal is seeking 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) as detailed under option 1 (below) of this report. It is also proposed that a 3-storey

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industrial complex development above a basement car park be constructed on the site. (Refer to **Attachment B** for a copy of proposed development concept plans).

ASSESSMENT

Strategic Planning Assessment

The following provides an assessment of the consistency of the proposal with key strategic planning issues relevant to the proposal.

The Draft Metropolitan Strategy for Sydney

The Draft Metropolitan Strategy for Sydney identifies minimum job targets for each sub-region. The strategy also identifies the need to support economic growth and through policies and actions which

- Protect existing employment lands, for employment and strategic purposes, including buffer zones.
- Provide new industrial lands to meet future demand.

In regard to employment the Metro Strategy states that the South West Subregion currently has an employment of 298, 000 with 362, 000 expected by 2021 and 432 000 expected by 2031.

The strategy 'recognises and intensifies the subregion's role in Sydney's manufacturing construction and wholesale/logistic industries particularly in Fairfield, Bankstown and Liverpool.'

Planning Comment

The submitted plans (**Attachment B**) propose the construction of a 3-storey industrial/commercial complex development comprising of 44 factory units and a basement car park. The current zoning of the subject lots does not prohibit the construction of an industrial complex of this nature upon the site, subject to compliance with the provisions of the Fairfield City Wide Development Control Plan.

As such, the proposed amendment to the IN1 and IN2 zone boundaries will not provide for more industrial land/floor area, thus would not impact on the employment targets for the South West Subregion. The analysis provided within the Planning Proposal submitted is insufficient to justifying the consistency of the Planning Proposal with the Metropolitan Strategy for Sydney 2031. As such, it is unclear the need for the Planning Proposal submitted, as it would not provide for more industrial lands or protect existing buffer zones.

Employment Lands Strategy

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The Employment Lands Strategy 2008 provides guiding principles for the future direction for all industrial zoned land in the LGA.

Principals identified in the strategy aim to promote robust and diverse employment areas, preserve existing industrial lands, encourage clustering of industries. Renewal of existing industrial precincts to meet the objectives of the metropolitan strategy which seeks to use existing employment lands more efficient and regenerate existing employment areas to decrease the additional employment lands required.

The strategy further outlines the importance of preserving and enhancing existing buffer zones that protect the surrounding uses from the impact of general industrial uses to this end it is noted that light industrial zones are important in providing a buffer between general industrial and residential uses.

This type of buffer will help protect residential amenity and reduce land use conflicts between existing residential development and more intensive industrial uses in the IN1 zone. In this regard it is critical that General Industrial land should ideally be separated from residential neighbourhoods and other sensitive lands uses. Increasing awareness of environmental impact of industrial noise and odour emissions further highlights the importance for adequate buffer zones for general industrial zones.

Planning Comment

The proposal will provide for renewal of existing industrial precincts and in part meet the objectives of the Employment Lands Strategy. However, the relocation of the zone boundary (as proposed in the submitted Planning Proposal) will reduce buffer zone (IN2 Light Industrial Land) from approximately 140m to 25m in depth.

This is inconsistent with other IN2 zoned lands along Malta Street and IN1 zoned lands along Seville Street (approx 67-110m depth), resulting in an undesirable precedent for IN1 and IN2 zoned lands. Furthermore the proposal will significantly reduce the buffer provided between the IN1 zoned zone on the northern part of the site and the residential lands facing Malta Street.

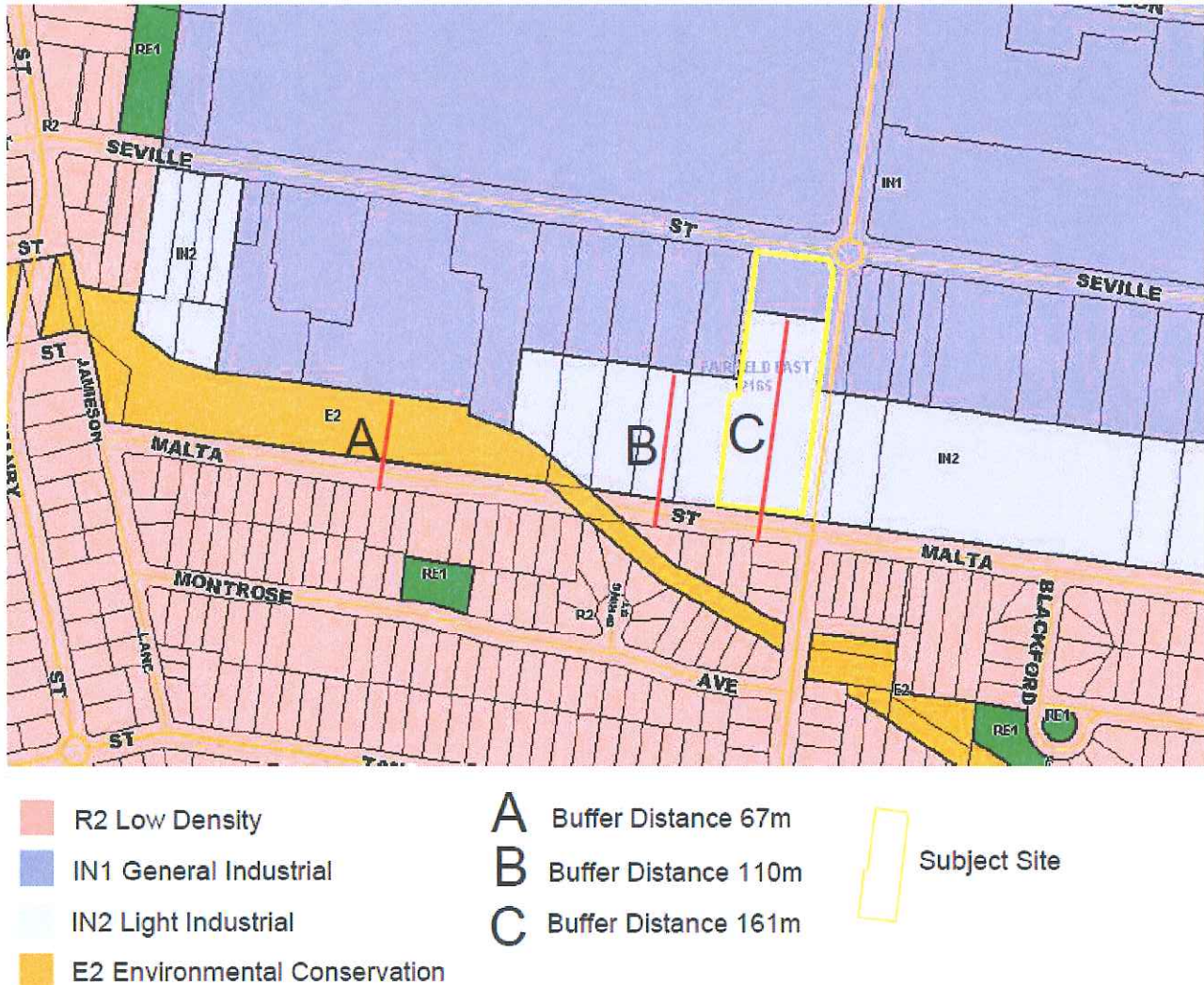
An alternative option may be the re-alignment of the zone boundary such that the zone boundary is consistent with other IN1 and IN2 zoned lands along Seville and Malta Street. Different options of where the zoning boundary may be located are discussed further in this report.

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Existing Buffer Distances



The map above shows the existing buffer distances between the R2 Low Density Zones and the IN1 General Industrial zones along Malta Street. The shortest buffer distance is on the western end of Malta Street (Distance "A") where it is 67m.

The boundary line between IN1 General Industrial and other zones (IN2 Light Industrial and E2 Environmental Conservation) follows the lot boundaries. It would be inappropriate to have a split zones through a single lot. As such, any zone boundary change can only proceed after a lot amalgamation and re-subdivision of the subject sites has occurred, to ensure that the lot boundaries and zone boundaries are aligned.

OPTIONS AVAILABLE TO COUNCIL

As a result of reviewing the Planning Proposal in association with relevant strategies and studies, Council has the following 4 options available. The options to realign the zone

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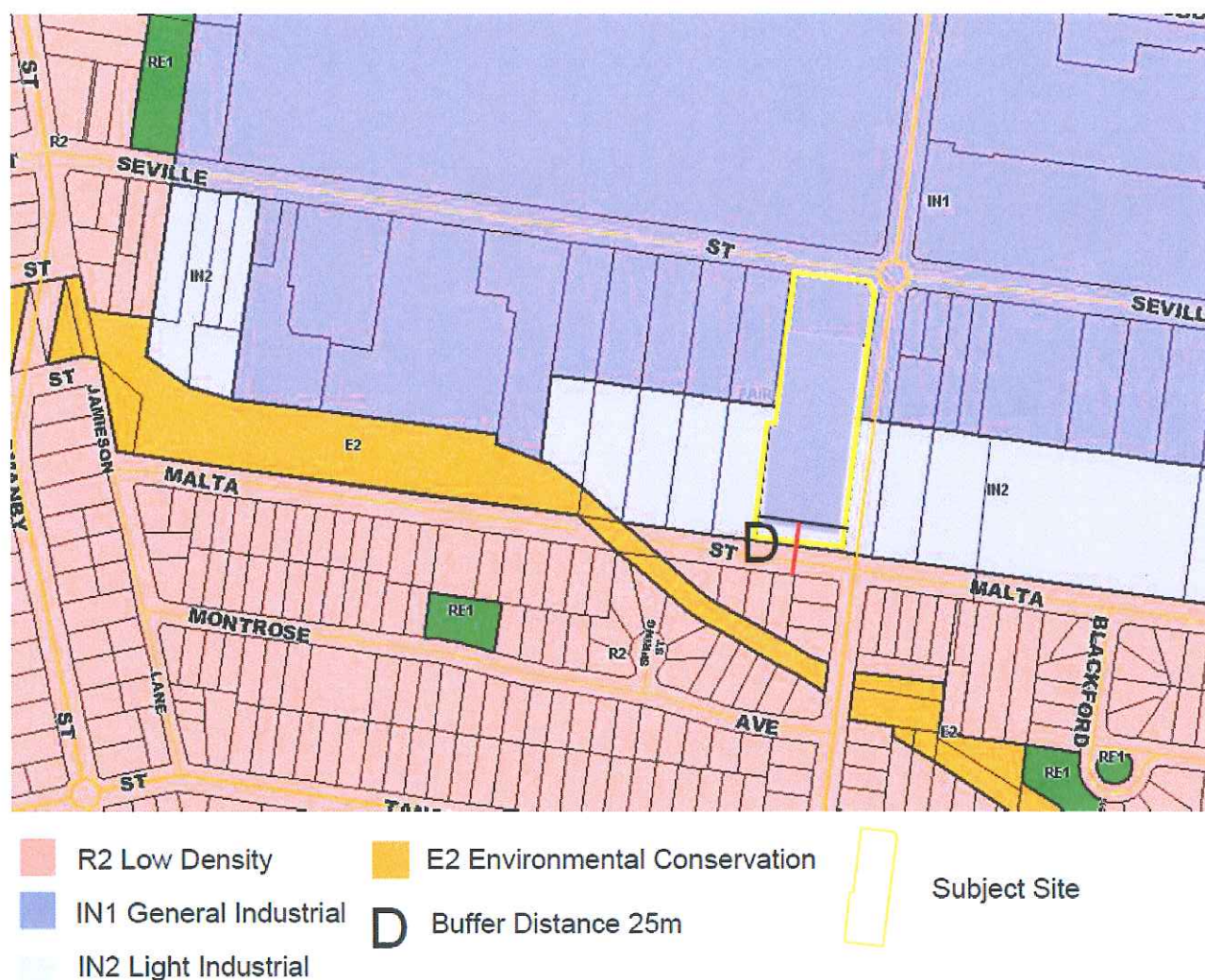
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boundaries are based on the buffer distances between the IN1 General Industrial Zone and the Residential Development along Malta Street. Options 1 – 3 of this report are options which Council can consider subject to the realignment of the lot boundaries. Option 4 is an option to not proceed with the Planning Proposal

OPTION 1

Support the Planning Proposal to realign the zoning boundary leaving a buffer distance of 25 meters (applicant option - below)



Option 1 is to support the applicants' proposal to realign the lot boundary of the site leaving a buffer distance of 25m between the residential development and the IN1 General Industrial zone.

The issues with this option are:

- The IN1 zones allows a broader range of 'General Industrial' uses than is permitted in the IN2 zone including all forms of manufacturing, waste resource recovery

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facilities (i.e. junkyards), recycling facilities, transport and truck depots, freight transport facilities. In this regard the IN1 zone permits a range of industrial uses that have greater potential for generating noise, traffic and odour impacts on the surrounding area than would occur with uses permitted in the IN2 Light Industrial zone where the principal form of industrial use permitted is 'light industry'.

It is noted that under the Standard LEP, light industry is defined as follows;

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) *high technology industry,*
- (b) *home industry.*

- A survey of other IN1 General Industrial zones throughout Fairfield LGA has revealed that there are some instances where the buffer distances between the IN1 zone and residential areas are less than 25m because of historic subdivision pattern. However in this case it would be inappropriate to support a short buffer distance as this is completely inconsistent with the pattern of subdivision in the surrounding area and has the potential to generate undesirable impacts on the residential lands to the south.
- Majority of the IN1 General Industrial zones throughout the Fairfield City has a buffer distance of between 40m – 110m from residential development; as such it would be inconsistent to reduce the buffer zone to less than 40m for the subject site.
- The proposed expansion of the IN1 General Industrial zone part of the site with a buffer distance of 25m between residential development and IN1 General Industrial zone is likely to result in intensification of the site which may compromise the residential amenity of the surrounding residences.
- It would create an undesirable precedent for the remainder of the IN2 Light Industrial Lands front Malta Street which provided a buffer zone to the IN1 General Industrial Land along Malta Street.

Based on the above issues, on balance this option is not recommended for support.

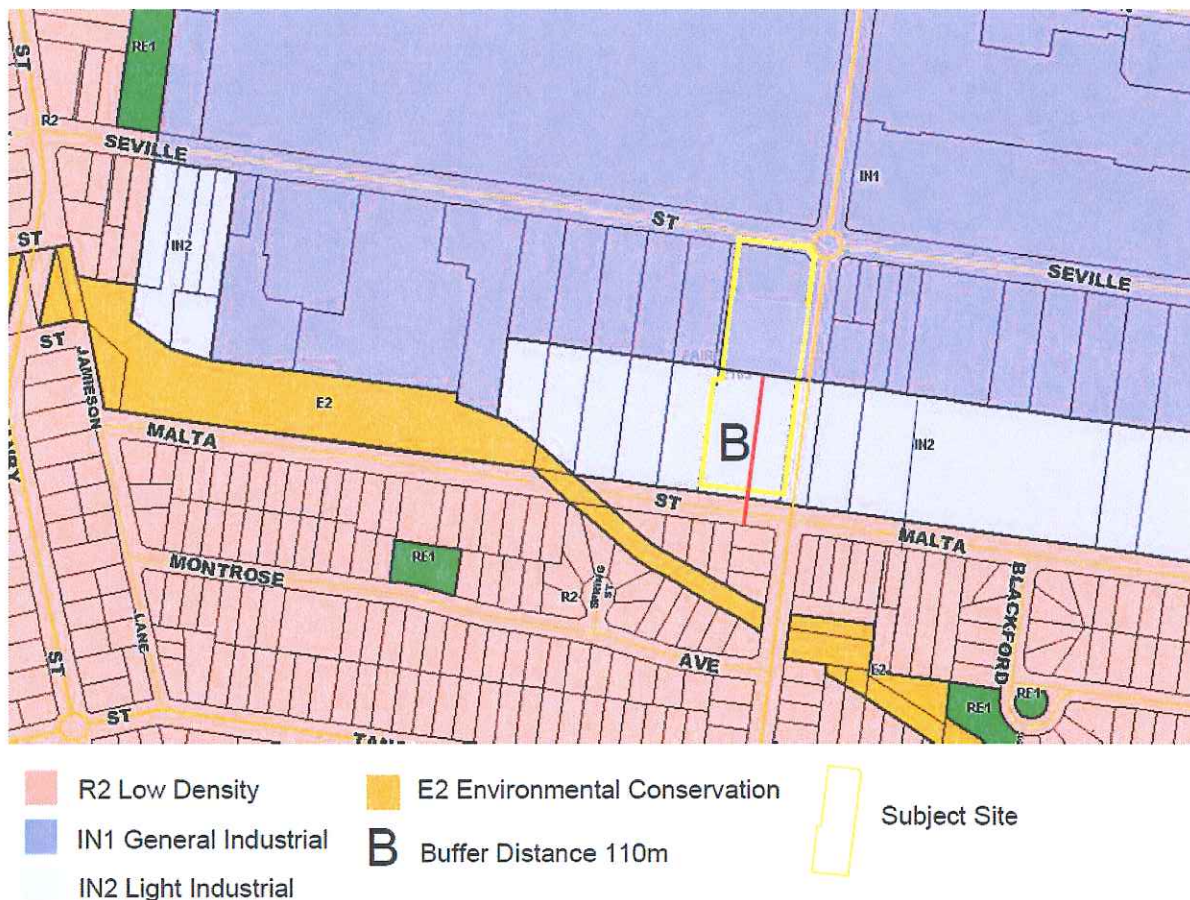
OPTION 2

Support the Planning Proposal to realign the zoning boundary with a buffer distance 110m (Zoning boundary aligned with neighbouring sites)

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Option 2 is to re-align the zone boundary such that the zone boundary is consistent with other IN1 and IN2 zoned lands on either side of the subject site.

The issues with this option are:

- The proposed expansion of the IN1 zone part of the site towards Malta Street with a buffer distance of 110m between residential development and IN1 General Industrial zone is likely to result in intensification of the site which may increase the impact of the General Industrial uses on the surrounding residences. However, given the distance is above average of buffer distances provided across the city, the reduced amenity is considered to be acceptable in this instance.
- This option would straighten out the zone boundary and correct a historic anomaly in the subdivision pattern for the IN1 and IN2 zones for this site.
- This option provides ample scope for balanced development on the combined IN1 and IN2 zones.

Based on the above this is the preferred option recommended for Council's support.

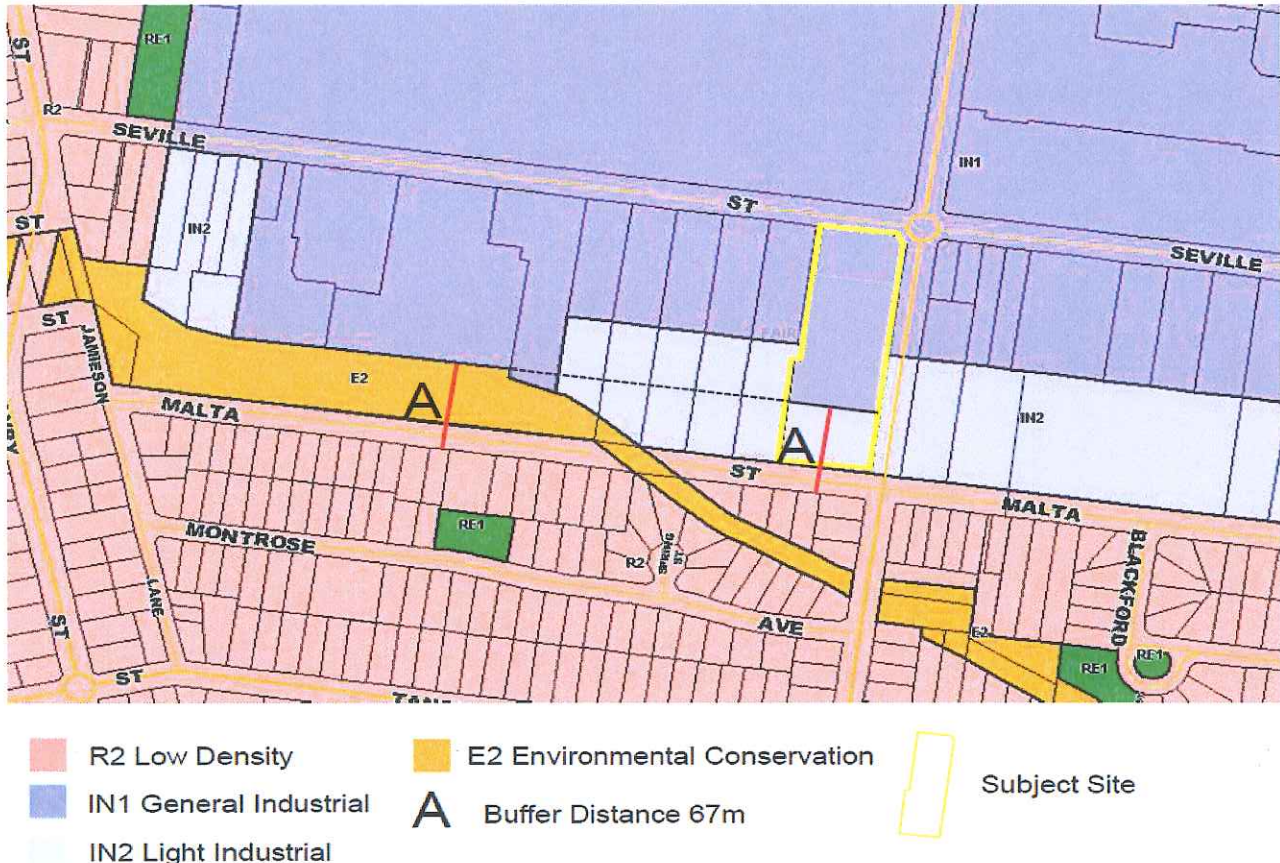
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OPTION 3

Support the Planning Proposal to realign the zoning boundary with a buffer distance 67m



Option 3 is the re-alignment of the zone boundary such that the zone boundary is consistent with the buffer distance at the western end of Malta Street where the IN1 zone adjoins the E2 zone.

The issues with this option are:

- The zone boundary would be inconsistent with the current zone boundaries of the adjoining sites.
- The proposed expansion of the IN1 zone part of the site towards Malta Street with a buffer distance of 67m between residential development and IN1 General Industrial zone is likely to result in intensification of the site which may increase the impact of the General Industrial uses on the surrounding residences.
- Although the distance is consistent with the shortest buffer distances provided at the western end of Malta Street, this option is not supported as it creates a precedent for the area for an overall reduced buffer distance between the IN1 zone

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and residential development to the south of the site which could lead to undesirable cumulative impacts on the surrounding residential area.

Based on the above this option is not recommended for Council's support.

OPTION 4

Not support the Planning Proposal to realign the zoning boundary.

Option 4 is for Council to not support the Planning Proposal to realign the zoning boundary. This option takes into consideration that the zoning boundary currently follows the lot boundary alignment.

The issues with this option are:

- There may be lack of incentive for the applicant to redevelop and 'update' the site, thus not renewing the existing industrial lands within the LGA. Any future redevelopment of the site would be subject to contemporary design and building standards applicable under current legislation and Australian Standards.
- The existing zone boundary alignment does not prohibit the construction of an industrial complex. That part of the site zoned IN2 is still able to develop for light industry with the exception industrial uses only permitted in the IN1 zone including general industry, waste resource recovery facilities (i.e. junkyards), recycling facilities, transport and truck depots, freight transport facilities.
- Existing levels of residential amenity for the surrounding area will be maintained.

OTHER ISSUES

Consistency with applicable Ministerial Directions

Gateway Planning Proposals are required to consider the Department of Planning and Infrastructure Section 117 Ministerial Directions. A Review of all Section 117 Directions was undertaken by Council officers to ensure over consistency of the Planning Proposal. The proposal is consistent with all relevant State and Regional planning policies. The detailed Section 117 Direction review can be seen in **Attachment C**.

Residential Amenity/Proposed Uses

The submitted plans provides for a 3 storey industrial building with basement car parking and pedestrian access off Malta Street.

The proposed expansion of the IN1 General Industrial zone part of the site towards Malta Street is likely to result in intensification of the site that may compromise the residential amenity of the surrounding residences.

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This relates to the fact that expansion of the IN1 General Industrial zone could potentially allow a range of land uses including general industry, waste resource recovery facilities (i.e. junkyards), recycling facilities, transport and truck depots, freight transport facilities to operate within closer proximity to existing residential areas.

Flooding

No 65-67 Mandarin Street, Fairfield East Lot 2 DP 818038

This lot is identified as being partly within a Medium Flood Risk Precinct and partly within a Low Flood Risk Precinct as a result of main stream flooding.

No. 61-63 Mandarin Street, Fairfield East Lot 3 DP 818038

This lot is identified as being partly within a Low Flood Risk Precinct and partly not affected by mainstream flooding.

Although both the sites are affected by mainstream flooding the rezoning of the site would not change the structure of development permissible on the site. It has been deemed that flooding issues will be adequately addressed at development application stage having regard to the provisions of Chapter 11 of Council's Fairfield City Wide Development Control Plan.

Acid Sulfate Soils

This site is not identified as being affected by acid sulphate soils nor is it within 500 metres of acid sulphate soils.

Traffic Issues

Redevelopment of the site as proposed in the submitted plans (**Attachment B**) may impact on the intersection of Woodville Road and Tangerine Street during AM peak period. However, these issues will be addressed at Development Application stage subject to the preparation of a traffic report for the proposal.

Appropriate Development

Preliminary assessment of submitted plans (**Attachment B**) show that the proposed building has potential to negatively impact on the surrounding area in regards to bulk and scale, vehicle and truck access and poor response to orientation and solar access.

As the architectural plans submitted are conceptual only and do not form part of the planning proposal, it would be difficult to rely on these plans as they may be subject to change in the future. Notwithstanding this fact, it could be argued that despite what the resultant built form may ultimately be, the subject site is presently zoned IN1 and IN2 and

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the likely built form in each respective zone would be similar on the basis that the development controls govern both industrial zones would be the same.

The issue in this instance would be the nature of uses that would be permitted in each respective zone and whether these uses would conflict in an adverse way with the surrounding residential locality. Given the close proximity of the residential zone to the industrial area, an appropriate land use buffer in the form of light industrial zone would be considered an appropriate and pertinent mechanism to control any potential amenity impacts.

As the IN2 zone extends further into the site, there may be scope available to reduce the zone boundary such that the zone boundary is consistent with other IN1 and IN2 zoned lands along Seville and Malta Street. Different options of where the zoning boundary may be located were discussed earlier in this report.

CONCLUSION AND NEXT STEPS

This report recommends Option 2 (above) to allow realignment of the IN1 and IN2 zone boundaries on the site to be consistent with the zone boundaries on adjoining industrial sites in proximity to the site. If Council decides to support this option the next steps in further consideration of a planning proposal would be as follows:

Realignment of Lot Boundaries

Council inform the applicant that the Planning Proposal has been supported in principal (in accordance with Council's preferred option) subject to a subdivision plan being submitted to Council for the amalgamation and re-subdivision of the site to ensure that the lot boundary and the zone boundary will be accurately aligned.

Report back to Council: to seek Councils' endorsement for preparation of the planning proposal

Submit Planning Proposal to Department of Planning

Prepare and forward a Planning Proposal and relevant documentation to Department of Planning and Infrastructure for Gateway Determination.

Gateway Determination

The Gateway Determination from the Department of Planning and Infrastructure will specifically outline the public consultation require with specific public authorities as well as a determined period for the document to be on public exhibition which will occur once an ad is placed within the local paper.

Public Exhibition

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Following advice from the DP&I Determination may commence, it is considered that the rezoning should follow the consultation strategy below:

1. Notice in the newspaper as per legislative requirements
2. Letter to owners of properties being rezoned
3. Notification letter to adjoining industrial properties residential properties to the south of the site.

The Gateway Determination advice from the DP&I will most likely specify that a 28 day public consultation period would be the most appropriate exhibition period for this Planning Proposal. Also the gateway determination may specify additional requirements for exhibition of the Planning Proposal.

Contact with public authorities will be undertaken if Council resolves to adopt the proposed recommendation in this report.

RECOMMENDATION

It is recommended that Council support Option 2 to realign the zoning boundary with a buffer distance 110m (zoning boundary aligned with neighbouring sites) subject to the submission of a subdivision plan to realign the lot boundary to be consistent with the proposed zone boundary.

The zone boundary alignment consistent with the neighbouring sites would straighten out the zone boundary anomaly and will provide for additional IN1 General Industrial land within the Fairfield LGA without compromising the amenity of the surrounding residential development.

Anjele Vu
Strategic Land Use Planner

Authorisation:
 Manager Strategic Land Use Planning
 Group Manager City Development

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File Name: **OUT081013_16.DOC**

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***** END OF ITEM 137 *****

Attachments to the Outcomes Committee Item 137

Planning Proposal to Amend Zoning Boundary alignment between IN1 General Industrial and IN2 Light Industrial zoned land (8 October 2013) 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 **2013 and October**, then click **Find** button.
4. Click on **link which corresponds to the report under the agenda heading either HTML version or PDF version.**