

Planning Proposal

*Amend zoning boundary alignment between IN1
General Industrial and IN2 Light Industrial zone*

*Fairfield Local Environmental Plan 2013
Amendment No. (TBA)*

Table of Contents

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

Attachments

- a)** Council Report – ITEM 137 and SUPP 154 - 22 October 2013
- b)** Context and Location Maps
- c)** Employment Lands Strategy
- d)** Council Report – ITEM 40 – 8 April 2014

Note: Please refer to attached compact disc to view attachments.

Part 1 – Objectives

The purpose of the planning proposal is to realign the zoning boundary between the IN1 General Industrial and IN2 Light Industrial zone to be consistent with the adjoining sites by rezoning part of Lot 2 DP 818038 No. 65-67 Mandarin Street Fairfield East from IN2 Light Industrial to IN2 General Industrial.

In summary, the objective of the Planning Proposal is to amend the Fairfield Local Environmental Plan 2013 to realign the zoning boundary between IN1 General Industrial and Light Industrial which will increase the IN1 General Industrial area and consequently decrease the IN2 Light Industrial area. The proposed rezoning will straighten out the zone boundary and correct a historic anomaly in the subdivision pattern for the IN1 General Industrial and IN2 Light Industrial zones in the area.

The planning proposal applies to the following land:

#	Street Address	Suburb	Lot	DP
1	61-63 Mandarin Street	Fairfield East	2	818038
2	65-67 Mandarin Street	Fairfield East	3	818038

The planning proposal is in accordance with Council's decision at its meeting on 10 October 2013 - see **Attachment A** for Council 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. Rezone part of Lot 2 DP 818038 from IN2 Light Industrial to IN1 General Industrial.
2. Amend the land zoning map to reflect the amended zoning boundary.

Refer to Attachment B for context map and location maps depicting the above mentioned site.

Part 3 – Justification

Section A – Need for a planning proposal

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

No, during the preparation 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 two lots comprising the site, being lot 2 and 3 DP 818038 (61-63 and 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.

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 2013 Council's Outcomes Committee considered two 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 focus points of the options. Option 4 of the report was an option to not proceed with the planning proposal. At Council's Committee Meeting held on 22 October 2013 Council resolved the following:

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.*

Subsequently on 25 February 2014 the applicant submitted a concept subdivision plan to confirm the alignment of the new zone boundary in accordance with Council's resolution. The preparation of the planning proposal therefore commenced.

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

On 8 April 2014 Council considered a report which sought Council's endorsement to proceed with the Planning Proposal. At this meeting Council resolved to support the planning proposal and to forward it to the Planning and Infrastructure Agency for Gateway Determination.

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

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

It is considered that amending the zoning boundary between the IN2 Light Industrial and IN1 General Industrial zone is considered the best means to achieving the objectives of the planning proposal i.e. amends the zoning boundary between the IN1 General Industrial and IN2 Light Industrial zones are consistent with adjoining sites.

Is there a net community benefit?

The relocation of the zone boundary will provide incentive for renewal of existing industrial precincts which will regenerate existing employment areas. The regeneration of employment areas will contribute to job growth within the Fairfield East area.

The rezoning application will reduce the existing buffer distance two 110m between residential development and IN1 General Industrial zone and is likely to increase intensification of the site. However, given the distance is above average of buffer distances (40m-110m) provided across the city, the reduced amenity is considered to be acceptable in this instance.

In accordance with the requirements of the Fairfield City Wide DCP any further development on the site would need to include investigations (e.g. acoustic assessment report) and measures (e.g. building construction techniques, restrictions on hours of operation) to mitigate impacts on the adjoining residential area where applicable at the Development Application stage.

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)?

The planning proposal is consistent with the draft Metropolitan Strategy for Sydney to 2031 and will indirectly assist with its implementation.

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

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

Although the relocation of the zone boundary will not provide for new industrial lands, it will increase the General Industrial zone and may provide incentive for renewal of existing industrial precincts. Accordingly it is considered that the planning proposal supports the objectives of the Sydney Metropolitan Strategy which seeks to protect and regenerate existing employment areas.

The rezoning will result in a decrease in buffer distance between residential development and general industrial zones, however, it is considered that the buffer distance being proposed (110m) also exceeds average buffer distances (40m-110m) provided across the city. Measures would also need to be considered as part of future development of the site where applicable to minimise impacts on surrounding residential areas at the Development Application stage.

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

The proposal to realign the zoning boundary between IN1 General Industrial and IN2 Light Industrial is consistent with Council's key strategic studies such as the Fairfield Employment Lands Strategy 2008 (**Attachment D**).

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 realignment of the zone boundary may provide incentive for the renewal of existing industrial lands and will not decrease the current industrial stock thereby meeting the aims of the strategy.

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.

While this rezoning will reduce the existing buffer distance between the IN1 General Industrial and existing residential development from 161m to 110m. It is noted that this still exceeds existing buffer distances across the city (40m-110m). Notwithstanding this acoustic assessment would be required for future uses on the land and measures implemented to safeguard amenity of the adjoining residential area where applicable

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	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	N/A	-
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	N/A	-
SEPP 21 – Caravan Parks	N/A	-
SEPP 26 – Littoral Rainforests	N/A	-
SEPP 29 – Western Sydney Recreation Area	N/A	-
SEPP 30 – Intensive Agriculture	N/A	-
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	N/A	-
SEPP 33 – Hazardous and Offensive Development	N/A	-
SEPP 36 – Manufactured Home Estates	N/A	-
SEPP 39 – Spit Island Bird Habitat	N/A	-
SEPP 44 – Koala Habitat Protection	N/A	-
SEPP 47 – Moore Park Show Ground	N/A	-
SEPP 50 – Canal Estate Development	N/A	-
SEPP 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	-
SEPP 55 – Remediation of Land	Yes	The subject site is currently use for industrial activities. This planning proposal does not change the industrial use for this site. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	N/A	-
SEPP 62 – Sustainable Aquaculture	N/A	-
SEPP 64 – Advertising and Signage	N/A	-
SEPP 65 – Design Quality of Residential Flat Development	N/A	-
SEPP 70 – Affordable Housing (Revised Schemes)	N/A	-
SEPP 71 – Coastal Protection	N/A	-
SEPP (Kurnell Peninsula) 1989	N/A	-
SEPP (Building Sustainability Index: BASIX) 2004	N/A	-
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	-
SEPP (Major Development) 2005	N/A	-
SEPP (Sydney Region Growth Centres) 2006	N/A	-
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A	-

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	-
SEPP (Temporary Structures) 2007	N/A	-
SEPP (Infrastructure) 2007	N/A	-
SEPP (Exempt and Complying Development Codes) 2008	N/A	-
SEPP (Rural Lands) 2008	N/A	-
SEPP (Western Sydney Employment Area) 2009	N/A	-
SEPP (Western Sydney Parklands) 2009	N/A	-
SEPP (Affordable Rental Housing) 2009	N/A	-
SEPP (Urban Renewal) 2010	N/A	-
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	-
SEPP (State and Regional Development) 2011	N/A	-
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-

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

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

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

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

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- Encourage employment growth in suitable locations - Protect employment land in business and industrial zones - Support the viability of identified strategic centres.	This planning proposal is consistent with this direction. The planning proposal does not reduce the total potential floor space area for industrial uses in industrial zones. [Direction 1.1(4)d]	Yes
1.2 Rural Zones	Protect agricultural production value of rural land.	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	N/A
1.4 Oyster Aquaculture	Protect oyster aquaculture areas.	N/A	N/A
1.5 Rural Lands	Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes.	N/A	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	N/A	YES
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.	N/A	N/A
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

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	N/A
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	This planning proposal does not contain provisions that is inconsistent with this direction. Site is currently used for industrial uses. The zone boundary amendment is not considered to be inconsistent with the objectives of this direction.	YES
3.5 Development Near Licensed Aerodromes	- Ensure effective and safe operation of aerodromes - Ensure aerodrome operation is not compromised by development - Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.	N/A	N/A
3.6 Shooting Ranges	- Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, - Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land - Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	N/A
4.3 Flood Prone Land	- Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. - Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	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.	Yes

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		Council's review of all flood liable land is conducted in accordance with the Floodplain Development Manual 2005. 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 is therefore considered appropriate that consideration of 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.	
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
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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	- 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.		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	-	-
5.6 Sydney to Canberra Corridor	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.7 Central Coast	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal is consistent with this direction. The proposal will rezone the site which will ensure efficient and appropriate assessment of development on the site [Direction 6.1 (1)].	YES
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	The planning proposal is consistent with the direction. The planning proposal seeks to rezone the site to an appropriate zone. It is not proposed to include any additional site specific planning controls [Direction 6.3 (1)].	YES
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Planning proposal is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The planning proposal is consistent with the Metropolitan Plan for Sydney 2036. The planning proposal seeks to increase IN1 General Industrial zone which will promote job growth which is consistent with the Metropolitan Plan for Sydney 2036.	

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the subject sites do not contain any critical habitat or threatened species, communities etc.

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

The planning proposal involves minimal adverse environmental effects. Of those effects that are present, such as stormwater quality, traffic impacts, waste generation, soil and sediment control for example, will be resolved through the Development Application process and in accordance with the provisions of the Fairfield City Wide DCP 2013.

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

The planning proposal will have social and economic benefits through protection and renewal of existing employment lands. The increased general industrial area will provide greater flexibility for industrial uses looking to locate within the Fairfield East Industrial Area and subsequently provide support for employment.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Given the nature of the proposal, it is unlikely that this planning proposal will result in a significant increase in demand in infrastructure.

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

Section to be completed following Gateway Determination.

Part 4 – Community Consultation

Community consultation, is proposed in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and Clause 14 of the Environmental Planning and Assessment Regulation 2000.

A period of 28 days would be appropriate for the exhibition of the planning proposal and notification is able to be conducted by way of direct correspondence to surrounding owners and occupiers (where relevant) of the sites, publication within the local press and information on Fairfield City Council's website.

This section may be amended post Gateway Determination to include any additional consultation requirements identified as part of the Gateway Determination Process.

Part 5 – Project Timeline

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

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

