



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

Attn: Mr Marcus Rowan

Dear Mr Young

Planning proposal PP_2015_FAIRF_002_00 to amend Fairfield Local Environmental Plan 2013

I refer to Council's request to finalise the planning proposal to remove 'residential accommodation', 'commercial premises' and 'industries' from the provisions of Clause 6.4 Flood risk management in the Fairfield Local Environmental Plan (LEP) 2013 and include seniors housing as an additional form of development affected by the provisions of the clause.

I have considered Council's request and acknowledge the extensive work undertaken by Council to prepare and develop this planning proposal.

I have, however, determined as the delegate of the Minister, in accordance with section 3.36(2)(b) of the *Environmental Planning and Assessment Act 1979*, to not proceed with the planning proposal for the following reasons:

- there is an unresolved objection to the proposal from the former Office of Environment and Heritage. Council needs to prepare the required detailed mapping and analysis to identify pockets of land above the flood planning level with "exceptional flood risk circumstances" that require appropriate flood controls for future general residential, commercial premises and industrial land uses;
- the proposal is inconsistent with Planning Priority W20 of the Western City District Plan relating to flood management and does not give effect to the district plan in accordance with section 3.8 of the Act; and
- without the appropriate mapping and analysis as outlined above, the potential risk to life and property for certain land within the LGA has not been adequately addressed.

Once the additional work has been undertaken, I would encourage Council to submit a new planning proposal to amend clause 6.4 with the necessary supporting information.

Council may wish to undertake this further flooding work as part of the preparation of its local strategic planning statement, which would assist in informing any proposed changes to the flooding controls in the LEP and development control plan. This would include the completion of flood studies for Smithfield West and Cabravale which are subject to funding agreements with the former Office of Environment and Heritage.

Should you have any enquiries about this matter, I have arranged for Mr Terry Doran to assist you. Mr Doran can be contacted on 9860 1579.

Yours sincerely



26 June 2020

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure