

**Ordinary Council
Draft Minutes**

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Question asked by Councillor White

Reinstatement of Australia Post Mail Box:

File No. 14/03082

With completion of the construction and improvement works at Fairfield Bus and Train interchange, would Council please request Australia Post to reinstate a postal mail box at Fairfield Railway Station Plaza that has existed for some 25 years.

I have received numerous representations for this reinstatement since the previous mail box was removed in September 2013, prior to work commencement.

There appears to be only 2 postal facilities within the Fairfield CBD; that being outside Bing Lee mid Ware Street and the current post office mail box in Nelson Street, Fairfield. Both these locations are a great distance away for commuters to utilise.

QUESTIONS FROM PUBLIC FORUM

Questions were raised by Mr Kevin Austin of Canley Heights, in relation to street closures in Cabramatta, historical information in Canley Vale and carparking spaces in Fairfield.

REPORT BY CHAIRMAN OF THE OUTCOMES COMMITTEE - 9 SEPTEMBER 2014

120: SUBJECT: Planning Proposal - Canley Heights - Derby Street - 46
Premises: 46 Derby Street, Canley Heights, DP 7225 Lot 108
Applicant: Christopher C Weston - CC Weston & Associates
Owner: Ms D Ong & Mrs S Ong
Zoning: Zone R4 High Density Residential under Fairfield Local Environmental Plan 2013
File Number: 13/23539

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Mayor Carbone	Less than Significant Non-Pecuniary	I am a property owner in Canley Heights.	This will not influence my decision but I will leave the room.
Ly	Less than Significant Non-Pecuniary	I own a property in Canley Heights, which I live in and make no income from.	This will not influence my decision.
Molluso	Significant Non-Pecuniary	I own property in Canley Heights.	Councillor Molluso left and took no further part in debate or discussion.
Toma	Less than Significant Non-Pecuniary	I own property in Canley Heights.	This will not influence my decision.
Tran	Less than Significant Non-Pecuniary	I own property in Canley Heights.	This will not influence my decision.

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Councillor Molluso left (7.46pm) the meeting.

Mayor Carbone vacated (7.47pm) the Chair and left the meeting.

Deputy Mayor, Councillor Khoshaba assumed (7.47pm) the Chair.

MOTION: (Toma/Karajcic)

That Council:

1. Endorse the preparation of a Planning Proposal, as per Attachment A of the report, to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from R4 High Density Residential to B2 Local Centre to permit a 2 storey retail/commercial development.
2. Refer the Planning Proposal to amend Fairfield LEP 2013 to rezone the site at 46 Derby Street, Canley Heights from R4 High Density Residential to B2 Local Centre and amend associated FSR & Building Height Maps to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the planning proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report.
3. In requesting the Gateway Determination, Council advise NSW DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). 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. Endorse a draft amendment to Canley Corridor Development Control Plan 2013 known as Draft Amendment No. 7, implementing changes specified in Attachment B of the report and any other consequential amendments, for a 28 day public exhibition (in conjunction with the exhibition of the planning proposal) in accordance with the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
5. Endorse a draft amendment to Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan, known as Draft Amendment No. 5, as per Attachment C of the report, for a 28 day public exhibition (in conjunction with the exhibition of the planning proposal) in accordance with the provisions of Clause 27 of the Environmental Planning and Assessment Regulation 2000.
6. Receive a report following the public exhibition of the Planning Proposal, draft Amendment No. 7 to Canley Corridor Development Control Plan 2013 and draft Amendment No. 5 to Direct Development Contributions Plan 2011.
7. Advise the Applicant of Council's decision.

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A division was taken with the following results:

Aye

Nay

Councillor Barcha
Councillor Bennett
Councillor Karajcic
Councillor Khoshaba
Councillor Le
Councillor Ly
Councillor Saliba
Councillor Toma
Councillor Tran
Councillor White
Councillor Yeung

Total=(11)

Total=(0)

CARRIED UNANIMOUSLY

Mayor Carbone returned (7.48pm) to the meeting and resumed the Chair.

Councillor Molluso returned (7.48pm) to the meeting.

121: Post Exhibition - Amendment No.4 of the Expenditure Plan - Section 94 Plan 1999
File Number: 14/11533

MOTION: (Barcha/Karajcic)

That:

1. Council adopt the Expenditure Plan – Section 94 Development Contributions Plan 1999 – Amendment No.4 as publicly exhibited.
2. The Expenditure Plan – Section 94 Development Contributions Plan 1999 – Amendment No.4 come into force the day it is notified in the local newspaper.

A division was taken with the following results:

Aye

Nay

Mayor Carbone
Councillor Barcha
Councillor Bennett
Councillor Karajcic
Councillor Khoshaba
Councillor Le
Councillor Ly
Councillor Molluso
Councillor Saliba

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Item Number. 120

SUBJECT: Planning Proposal - Canley Heights - Derby Street - 46
Premises: 46 Derby Street, Canley Heights, DP 7225 Lot 108
Applicant/Owner: Christopher C Weston - CC Weston & Associates
Owner: Ms D Ong & Mrs S Ong
Zoning: Zone R4 High Density Residential under Fairfield Local Environmental Plan 2013

FILE NUMBER: 13/23539

REPORT BY: Edward Saulig, Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Endorse the preparation of a Planning Proposal, as per Attachment A of the report, to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from R4 High Density Residential to B2 Local Centre to permit a 2 storey retail/commercial development.
2. Refer the Planning Proposal to amend Fairfield LEP 2013 to rezone the site at 46 Derby Street, Canley Heights from R4 High Density Residential to B2 Local Centre and amend associated FSR & Building Height Maps to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the planning proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report.
3. In requesting the Gateway Determination, Council advise NSW DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). 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. Endorse a draft amendment to Canley Corridor Development Control Plan 2013 known as Draft Amendment No. 7, implementing changes specified in Attachment B of the report and any other consequential amendments, for a 28 day public exhibition (in conjunction with the exhibition of the planning proposal) in accordance with the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
5. Endorse a draft amendment to Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan, known as Draft Amendment No. 5, as per Attachment C of

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Meeting Date 9 September 2014

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the report, for a 28 day public exhibition (in conjunction with the exhibition of the planning proposal) in accordance with the provisions of Clause 27 of the Environmental Planning and Assessment Regulation 2000.

6. Receive a report following the public exhibition of the Planning Proposal, draft Amendment No. 7 to Canley Corridor Development Control Plan 2013 and draft Amendment No. 5 to Direct Development Contributions Plan 2011.
7. Advise the Applicant of Council's decision.

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	Planning Proposal - Canley Heights, 46 Derby Street	31 Pages
AT-B	Canley Corridor DCP No.37 - Draft Amendment No.7	2 Pages
AT-C	Development Contributions Plan 2011 - Draft Amendment No.5	1 Page
AT-D	Previous Report - Outcomes Committee - 8 April 2014 - Item No.42	14 Pages
AT-E	Economic Impact Assessment - Macro Plan Dimasi - July 2014 and Peer Review - Norlings Consulting August 2014	40 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 to rezone 46 Derby Street, Canley Heights from Zone R4 High Density Residential to Zone B2 Local Centre Proposal to permit a 2 storey retail/commercial development. The property is located at the edge of the Canley Heights Local Centre and is surrounded by private/public car parking and commercially zoned land.

Prior to resolving to support the Planning Proposal, Council's Outcomes Committee, at its meeting held on 8 April 2014, required the preparation of an Economic Impact Assessment (EIA) and that it be subject to an independent peer review. The EIA and peer review concluded that there is sufficient justification for Council to support to preparation of a Planning Proposal.

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This report recommends that Council proceed with a Planning Proposal to permit a 2 storey retail/commercial development, as well as draft amendments to the Canley Corridor Development Control Plan No.37 (DCP) and the Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan to include the subject site within the boundaries of the town centre within both plans, as well as limit the height of the development to 2 storeys within the DCP.

REPORT

Council's Outcomes Committee, at its meeting held on 8 April 2014, considered a report (Attachment D) on a Planning Proposal to rezone 46 Derby Street, Canley Heights from Zone R4 High Density Residential to Zone B2 Local Centre to permit a 2 storey retail/commercial development and resolved:

That Council:

- 1. Provide in-principle support to the preparation of a Planning Proposal to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from R4 High Density Residential to B2 Local Centre.*
- 2. Endorse Option 1 contained in the report and advise the Applicant that an Economic Impact Assessment (EIA) needs to be prepared for the proposal in accordance with the requirements of Council's Retail and Commercial Centres Policy 2006, and be referred to Council's specialist economic advisor for independent review at the Applicant's cost.*
- 3. Receive a further report on the EIA and independent review for further consideration of the Planning Proposal.*
- 4. Advise the Applicant of Council's decision.*

An Economic Impact Assessment has been prepared for the proposal by the applicant, and it has been the subject of a peer review. The Peer Review concluded that if integrated well with the existing centre, the proposal for a 2 storey retail/commercial development is likely to complement the existing centre with economic impacts being minimal for the following reasons:

- a) the subject site is located at the edge of an existing centre** – Canley Heights local centre and redeveloping the site into centre uses appears to be a logical solution;
- b) the proposal represents only a small increase to the commercial and retail floor space** and therefore potential impacts are likely to be spread across a large number of retailers and would not be substantial; and

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c) the Canley Heights centre is currently trading well, the shopping precinct is popular and receives strong patronage from local residents and there are unlikely to be any significant impacts upon the existing centre and the surrounding centres hierarchy.

Given the outcome of the Economic Impact Assessment and its peer review, it is considered that there is sufficient justification for Council to support preparation of a Planning Proposal to rezone the land from Zone R4 High Density Residential to Zone B2 Local Centre.

Supporting the Planning Proposal will include the subject site in the Canley Heights town centre. Given it will become part of the centre it will also be necessary to:

1. Amend the catchment boundaries of the Canley Corridor Development Control Plan No.37 and the Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan. This will ensure that the town centre planning controls and development contributions will apply to the site.
2. Amend the height map within the Canley Corridor Development Control Plan No.37 to show a 2 storey height limit in keeping with the proposed development, as well as reflecting the site's inability to amalgamate with adjoining sites due to its isolated nature. This 2 storey height limitation will also be reflected within the Fairfield LEP 2013 Height of Buildings Map.

Other incidental amendments will be made to maps within the Canley Corridor DCP to reflect the sites inclusion, including the lot amalgamation map where the stand alone site will be referenced as Site No. 19.

It is recommended that draft amendments be supported and publicly exhibited in conjunction with the Planning Proposal once the Gateway Determination has been made.

Consultation Strategy

Subject to Council endorsement of the recommendations to this report, the next step in the Planning Proposal process involves referral of the proposal to the Department of Planning and Environment for a gateway determination to allow public exhibition to take place. The Planning Proposal, draft amendments to the Canley Corridor Development Control Plan and the Direct Development Contributions Plan will be exhibited simultaneously for a period of no less than 28 days. In addition to public notices, the local Chamber of Commerce and adjoining owners will be notified by letter.

CONCLUSION

Following the favourable outcome of the Economic Impact Assessment and its review, it is recommended that Council support the preparation of a Planning Proposal to rezone the land from Zone R4 High Density Residential to Zone B2 Local Centre.

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Draft amendments to the catchment boundaries of the Canley Corridor Development Control Plan No.37 and the Direct Development Contributions Plan 2011 – Canley Heights Car Parking Plan are also recommended as they apply to land zoned B2 Local Centre within the Canley Heights town centre.

The proposed amendments to the Development Control Plans and Direct Contributions Plan will be placed on public exhibition concurrently with the Planning Proposal following receipt of the Gateway Determination from the Department of Planning and Environment. Council will receive another report on the outcome of the exhibition period.

Edward Saulig
Strategic Land Use Planner

Authorisation:
Acting Group Manager City Development

Outcomes Committee - 9 September 2014

File Name: **OUT090914_32.DOC**

***** END OF ITEM 120 *****

Outcomes Committee

Minutes

Meeting Date: 08 April 2014

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SECTION B

'Matters submitted to the Committee for decision, subject to the Right of Referral'

- 42: Subject:** Planning Proposal - Canley Heights - Derby Street - No.46
Premises: 46 Derby Street Canley Heights, DP7225 Lot 108
Applicant: Christopher C Weston - CC Weston & Associates
Owner: Mrs D Ong & Mrs S Ong
Zoning: Zone R4 High Density Residential under Fairfield Local Environmental Plan 2013

File Number: 13/23539

Councillor	Type of Interest	Nature of Interest	Action Taken/ Explanation Given
Mayor Carbone	Less than Significant Non-Pecuniary	I am a property owner in Canley Heights.	This will not influence my decision.

Mr Chris Weston (C.C. Weston & Associates) addressed the Committee in relation to this item.

MOTION: (White/Karajcic)

That Council:

1. Provide in-principle support to the preparation of a Planning Proposal to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from R4 High Density Residential to B2 Local Centre.
2. Endorse Option 1 contained in the report and advise the Applicant that an Economic Impact Assessment (EIA) needs to be prepared for the proposal in accordance with the requirements of Council's Retail and Commercial Centres Policy 2006, and be referred to Council's specialist economic advisor for independent review at the Applicant's cost.
3. Receive a further report on the EIA and independent review for further consideration of the Planning Proposal.
4. Advise the Applicant of Council's decision.

A division was taken with the following results:

Aye

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

Total=(6)

Nay

Total=(0)

CARRIED

OUTCOMES COMMITTEE

Meeting Date 8 April 2014

Item Number. 42

SUBJECT: Planning Proposal - Canley Heights - Derby Street - No.46
Premises: 46 Derby Street Canley Heights, DP7225 Lot 108
Applicant/Owner: Applicant: Christopher C Weston - CC Weston & Associates
Owner: Mrs D Ong & Mrs S Ong
Zoning: Zone R4 High Density Residential under Fairfield Local
Environmental Plan 2013

FILE NUMBER: 13/23539

REPORT BY: Edward Saulig, Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Provide in-principle support to the preparation of a Planning Proposal to amend Fairfield Local Environmental Plan 2013 to rezone the site at 46 Derby Street, Canley Heights, being Lot 108, DP 7225 from R4 High Density Residential to B2 Local Centre.
2. Endorse Option 1 contained in the report and advise the Applicant that an Economic Impact Assessment (EIA) needs to be prepared for the proposal in accordance with the requirements of Council's Retail and Commercial Centres Policy 2006, and be referred to Council's specialist economic advisor for independent review at the Applicant's cost.
3. Receive a further report on the EIA and independent review for further consideration of the Planning Proposal.
4. Advise the Applicant of Council's decision.

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	Applicant Planning Proposal for 46 Derby Street Canley Heights by CC Weston & Associates	50 Pages
AT-B	Locality Plan - Zoning - 46 Derby Street Canley Heights	2 Pages
AT-C	Assessment of Consistency with Ministerial Direction under Section 117 prepared by Council officer	5 Pages

CITY PLAN

OUTCOMES COMMITTEE

Meeting Date 8 April 2014

Item Number. 42

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

SUMMARY

Council is in receipt of a Planning Proposal to rezone 46 Derby Street, Canley Heights from Zone R4 High Density Residential to Zone B2 Local Centre. The property is located at the edge of the Canley Heights Local Centre and is surrounded by private/public car parking and commercially zoned land.

Concept plans for a possible future commercial development on the site have been included with the planning proposal that does not include any on-site car parking. Instead, a future Section 94 car parking development contribution (at DA stage) for the required 25 spaces is proposed as permitted by the Section 94 Car Parking Plan for Canley Heights.

Given the nature of surrounding public and private car parking and commercial land uses, the site is not ideally situated for residential development. The planning proposal would essentially result in commercial infill development that can be integrated with the commercial area and provide a transition to the adjoining car parks and high density residential zone to the north of the site.

As yet an Economic Impact Assessment has not been prepared for the proposal and it is recommended this be prepared by the Applicant and submitted to Council for further consideration prior to referral of the planning proposal to NSW Planning and Infrastructure.

Overall it is considered that there is sufficient justification for Council to provide in principle support to preparation of a planning proposal to rezone the land from Zone R4 High Density Residential to Zone B2 Local Centre subject to consideration of issues associated with the Economic Impact Assessment.

BACKGROUND

The site is an edge of centre site approximately 750sqm in area, isolated by a private car park to the south and a Council car park to the north. To the east of the site is a Zone B2 Local Centre property that forms a masterplan site under the Canley Corridor DCP 2013.

As part of the review of the Canley Heights Section 94 contributions plan, in August 2012 the owners of the site submitted a request to Council to rezone the site from R4 High Density Residential to B2 Local Centre. In relation to this request, Council, at its meeting of 23 October 2012, resolved as follows:

3. *Council advise the Owner of 46 Derby Street of the process should he wish to have the rezoning of his site considered.*
4. *The Owners of 46 Derby Street, Canley Heights be invited to submit a rezoning proposal for the site.*

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The planning proposal is being pursued by the owner of 46 Derby Street Canley Heights (subject site) to enable the development of a 2 storey commercial building with 1,013sqm of retail floor space, with off-site car parking provided by way of development contributions. The proposed outcome sought to be achieved by the applicant:

- (a) Amending the Fairfield LEP 2013 Land Zoning Map from Zone R4 High Density Housing to Zone B2 Local Centre;
- (b) Retaining the Fairfield LEP 2013 Height of Building Map Height Map which indicates a maximum permissible height of 20m onsite consistent with the adjoining Zone B2 Local Centre; and
- (c) Amending the Fairfield LEP 2013 Floor Space Ratio Map to indicate no floor space ratio on the site consistent with the adjoining Zone B2 Local Centre.

The request by the applicant for a building height of 20m and removing the Floor Space Ratio (FSR) is noted. However, as detailed further in this report, although recommending in principle support to rezoning of the site, the issue of potential maximum FSR and height on the site requires further consideration in light of an Economic Impact Assessment that needs to be submitted for the proposal.

Applicant's Justification

The Applicant's Planning Proposal (Attachment A) provides detailed information in support of the Proposal with the Applicant's key points for justification being:

- (a) **Formation of a natural Zone B2 Local Centre boundary** - the site's edge of centre location is in line with the Zone B2 Local Centre boundary for the adjoining site to the east;
- (b) **Opportunity to address land use imbalance in the Canley Heights local centre** - accommodating more small scale traditional retail and commercial uses in a local centre with a significant number of restaurants and cafes;
- (c) **Limited opportunity to provide desired amenity and density for a residential flat building** – the 15m wide site is isolated by a private car park to the south and a public car park to the north and does not allow site amalgamation opportunities with other adjoining Zone R4 High Density Residential land;
- (d) **The site's development constraints being able to be addressed with readily alternative solutions** – car parking can be accommodated off site through the payment of development contributions.

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ASSESSMENT

A. LOCAL PLANNING CONTEXT

Urban Design, Amenity and Built Form Considerations

The subject site (below) is located between an existing Council car park (to the north), private car park (to the south) and retail/commercial shopping strip facing Canley Vale Rd (to the south and west). The site is disconnected and isolated from the remainder of the R4 High Density Residential area adjoining the Canley Heights shopping centre.

The rezoning proposal provides scope for a future infill commercial development that has greater potential for integration with the adjoining commercial area rather than the residential areas as:

- **The site cannot be amalgamated with other residential sites to form a larger development site** – The site is separated from adjoining R4 High Density Residential properties by a recently constructed Council car park and community centre. The property at 42 Derby St has recently been rezoned RE1 Public Recreation and acquired by Council for a pocket park.
- **The isolated nature of the site reduces the potential for achieving desirable levels of residential amenity** due its location between a private and public car park and associated traffic movements and noise.
- **The dimensions of the site are too restrictive to allow construction of basement car park** for residential parking that would be required to be provided on site.
- **The adjoining property at 45 – 47 Peel Street is zoned B2 Local Centre** and has approval for a mixed use (commercial/residential) development.