



Planning Proposal

449 Victoria Street and 96 Newton Road, Wetherill Park

Draft Fairfield Local Environmental Plan 1994

Amendment No 133

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INTRODUCTION

Summary of Planning Proposal

This planning proposal seeks to amend the Fairfield LEP 1994 to include local provisions in Part 4, Clause 25 for the subject site (96 Newton Road and 449 Victoria Street) to allow the following uses in order to provide services that will primarily serve the needs of the local industrial business workforce:

1. Hotel with ancillary conference room (up to 7,000m²), and
2. Medical Centres (up to 300m²)

Background/History

Below is a chronology of events detailing the history:

- In December 2005 the State Government release the Metro Strategy 2005 which guides growth in the Sydney region from 2004-2031 and embodies major decisions on the location of urban growth, new housing areas, employment, transport, schools and hospitals.
- In 2007, the State Government release the Draft West Central Sub Regional Strategy (SRS) to support Metro Strategy 2005 and identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2031, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.
- Council prepares an Employment Lands Strategy (ELS) in 2008 in response to employment targets identified in the Metro Strategy and Draft SRS and to assist in Fairfield's transition to the Standard LEP Instrument. The ELS recommends the retention of existing industrial zoned land for the purposes of employment uses and recommends the development of industrial service centres/Central Services Facilities(CSFs) at 2 existing service centres (Greenway Plaza and Victoria Street Business Centre) and a vacant site at the south western corner of Victoria street/Newton Road intersection (subject site). The purpose of these CSFs are to provide a range of retail and commercial uses that will service the daily needs of the local industrial workforce.
- Spot rezoning submitted to Council in June 2008 for the subject site to enable development for the purpose of a CSF which Council resolves to process as part of Council's annual review LEP 1994 in October 2008
- Department of Planning and Infrastructure (DoPI) object to the spot rezoning proceeding in a letter dated 14 April 2009 stating that the proposal would facilitate development of offices outside of a strategic centre.
- The applicant makes representation to the DoPI who clarify its position in a letter to Council (dated 21 October 2009) stating that "*...there are elements of the proposal to*

expand the Newton Street CSF that are not opposed. These include non-commercial uses to service the day-to-day needs of the people who work and live in the local area, such as a gym, childcare centre and neighbourhood shops”.

- A separate letter (dated 16 November 2009) to the applicant (carbon copied to Council) also confirms that the “...majority of the proposed land uses listed in [the applicants] letter would be supported by the Department. These uses include the service retail component, a restaurant, hotel, child care centre and gym” and suggest that the applicant continue to liaise with Council to prepare a revised proposal for the site that is consistent with the DoPI’s comments.
- Council reconsider its position on CSFs at the May 2010 Council meeting, in light of comments raised by the DoPI which limit the range of services originally anticipated to be provided by the CSF and concerns raised by some Councillors regarding the impact of CSFs on surrounding Town Centres.

At that meeting, Council resolves to no longer proceed with the CSF Strategy identified in the ELS on the basis that the Standard Instrument LEP mandates neighbourhood shops as being permissible in the industrial area and that this would sufficiently address the day to day needs of the industrial workforce (relevant parts of the resolution are provided below, however full report and resolution shown in Attachment A).

1. *That Council notify the owners of the subject sites that no longer wishes to pursue the Central Services Facilities strategy, taking into consideration the existing retail and business uses in the industrial area and the provision in the standard LEP instrument which allows for neighbourhood shops which will sufficiently address the day to day needs of the industrial workforce.*
 2. *That the owner of 96 Newton Road and 449 Victoria Street be notified that Council will consider the following uses with associated floor space limits specified below upon lodgement of a planning proposal and site specific DCP for Council’s consideration:*
 - o *Childcare centre – accommodating up to 60 places*
 - o *Hotel (and conference centre rooms being ancillary to the hotel up to 7,000m2)*
 - o *Medical facilities up to 300m2...*
- In December 2011, the applicant submits a revised Planning Proposal and SSDCP as per Council’s resolution.

- Council resolves to make 'neighbourhood shops' a prohibited use in the higher density residential zones (ie R1,R3 and R4), and General and Light Industrial Zones (ie IN1 and IN2) in considering the Comprehensive Fairfield LEP 2011 in May 2012.
- The applicant amends the Planning Proposal to include neighbourhood shops and shops in addition to the original uses being sought as per Council's May 2010 resolution.

Current Situation

In considering the assessment of the subject proposal, Council resolved the following at the June 2012 Ordinary Council meeting:

That Council:

1. *Not include 'neighbourhood shops' in this LEP as permissible on the subject site.*
2. *Inform the Department of Planning and Infrastructure that it wishes to commence the gateway Determination Process to amend Part 4, Clause 25 of the Fairfield LEP 1994 to permit the following uses (including associated floor space restrictions) with Council consent on the land at Wetherill Park shown edged heavy black on the map marked "Fairfield LEP 1994 (Amendment No. 133) shown in Attachment C to the report.*
 - *Hotel with ancillary conference room (up to 7000m2)*
 - *Medical Centres (up to 300m2)*
3. *Allow a 60 place Child Care Centre on the subject site as per Council's May 2010 resolution and amend the SSDCP accordingly.*
4. *Provide the Executive Manager Environmental Standards with the delegation to authorise the planning proposal and associated information including the amended SSDCP (to be prepared by Council officers to reflect Council's decision on this item) to be submitted to the Department of Planning and Infrastructure pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.*

A full copy of the Council resolution, report and attachments are provided in **Attachment B**.

Part 1 – Objectives

This planning proposal applies to Lot 304 DP 1098762 and Lot 4 DP 851250 otherwise known 449 Victoria Street and 96 Newton Road, Wetherill Park. (Refer to Figure 1 for location/aerial map).

The objective of the Planning Proposal is to amend the local clause contained in Part 4, cl 25 *Special provisions relating to particular land* (Fairfield Local Environmental Plan 1994) to allow the following uses and associated size restrictions that is proposed to serve the needs of the local industrial workforce and include:

1. Hotel with ancillary conference room (up to 7,000m²), and
2. Medical Centres (up to 300m²)

The proposed amendment will also need to be reflected in the Draft Fairfield LEP 2011 and it is anticipated that the new instrument will include the additional uses as part of Schedule 1 Additional permitted uses and be identified on the Key Sites Map accordingly.

SUBJECT SITE

Figure 1 – Aerial/Location Map

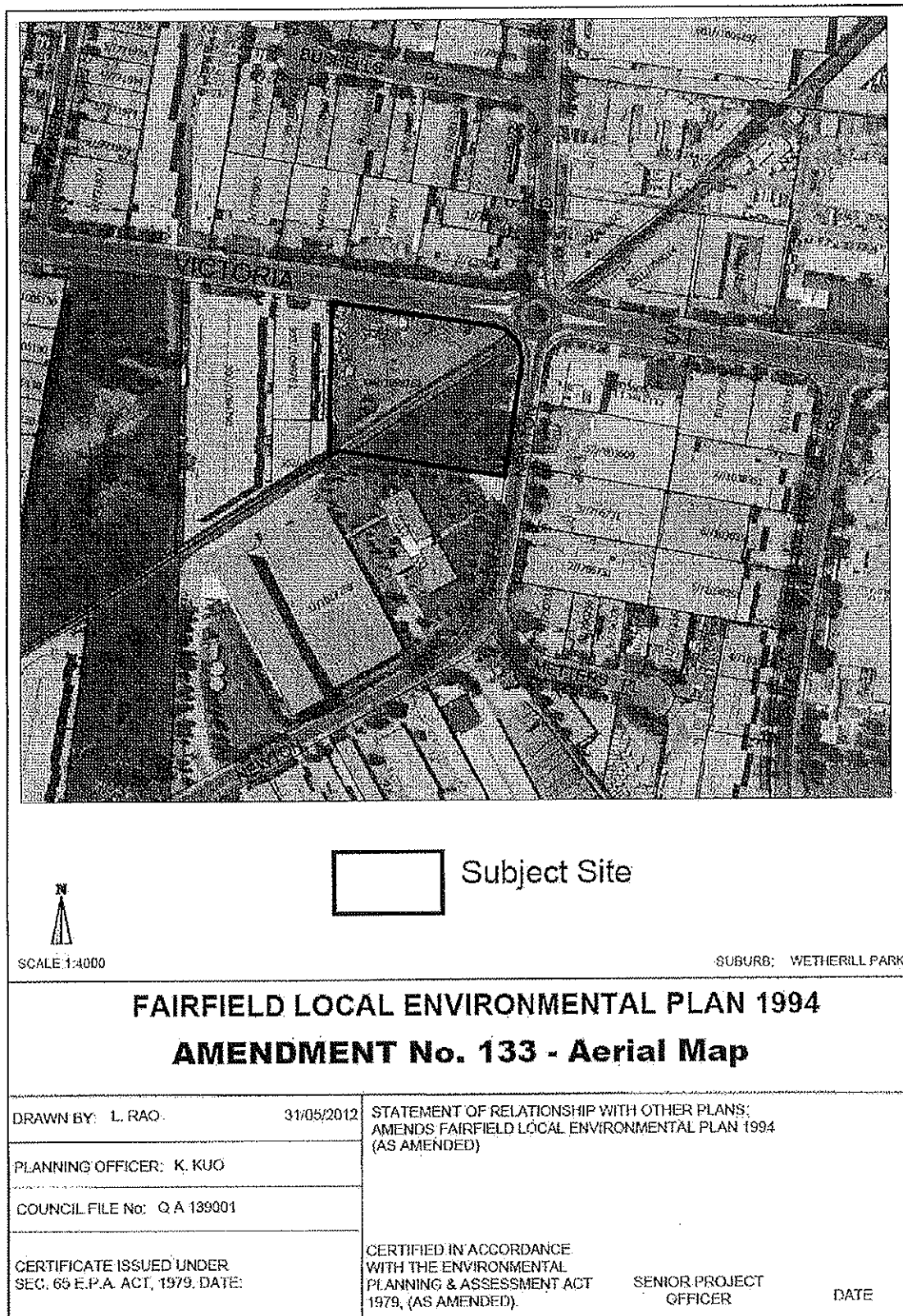
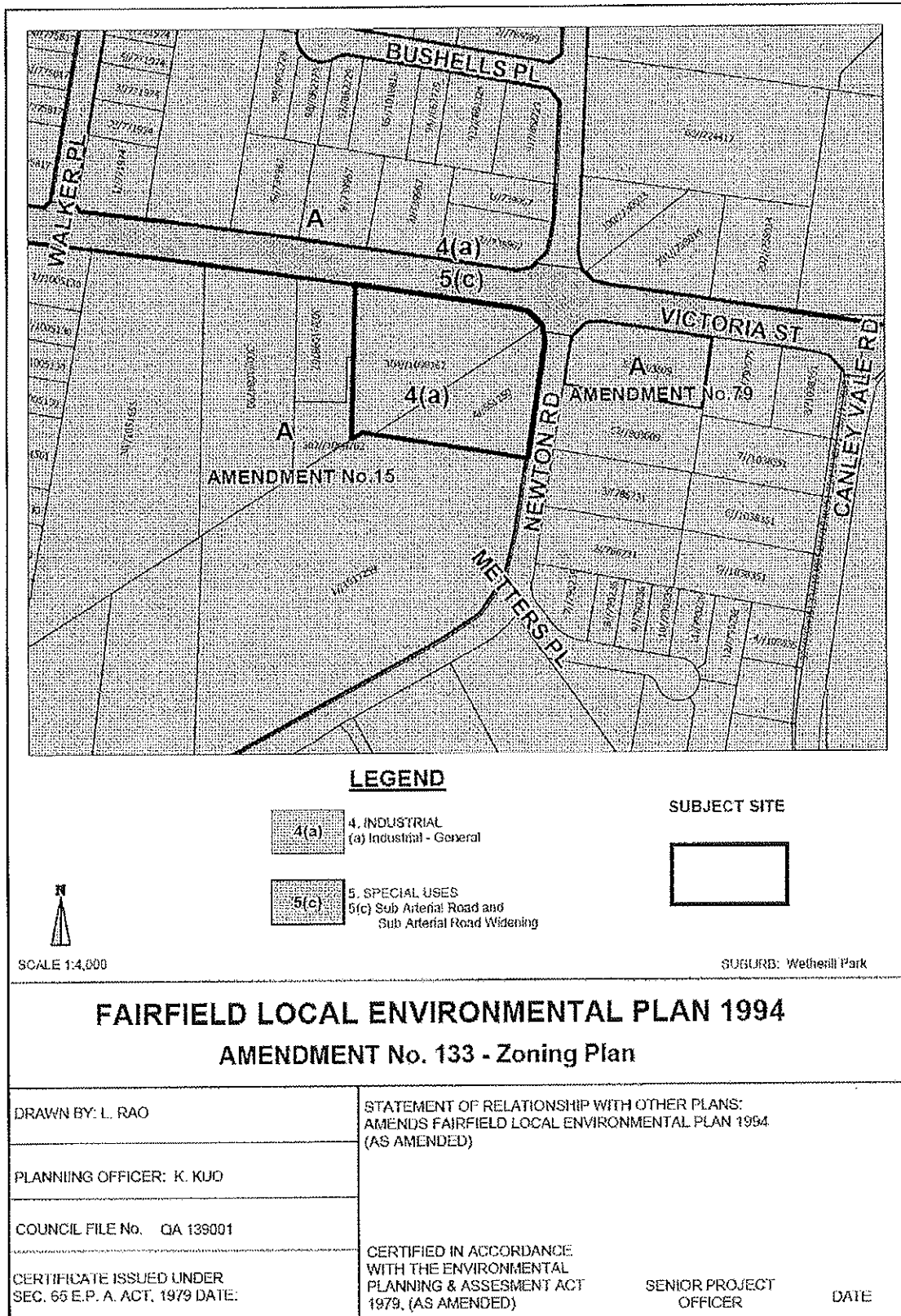


Figure 2 – Extract of current zoning under the Fairfield Local Environmental Plan 1994



PROPOSED AMENDMENTS TO THE FAIRFIELD LOCAL ENVIRONMENTAL PLAN 1994

Part 2 – Explanation of provisions

To achieve the objective mentioned above, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 1994 (FLEP 1994) and the draft Fairfield Local Environmental Plan 2011 (DFLEP2011).

Proposed Fairfield Local Environmental Plan 1994 Amendments

1. Insert new Clause 25K (detailed below) into Part 4 Special provisions relating to particular land of the FLEP 1994:

“25K 449 Victoria street and 96 Newton Road, Wetherill Park

- (1) This clause applies to Lot 304 DP 1098762 and Lot 4 DP 851250, known as 449 Victoria Street and 96 Newton Road, Wetherill Park, as shown edged heavy black on the map marked “Fairfield Local Environmental Plan 1994 (Amendment No. 133) – see Figure 3 of this Planning Proposal.*
- (2) Despite other provisions of this plan, development for the following uses and associated floor space restrictions (to be applied across the whole site and not per premises) may be carried out with development consent on land to which this clause applies:*
 - a. Hotel with ancillary conference room (up to 7,000m²), and*
 - b. Medical Centres (up to 300m²)*
- (3) In this clause, Hotel and Medical Centre has the same meaning as in the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.*

Note: The terms are defined as follows:

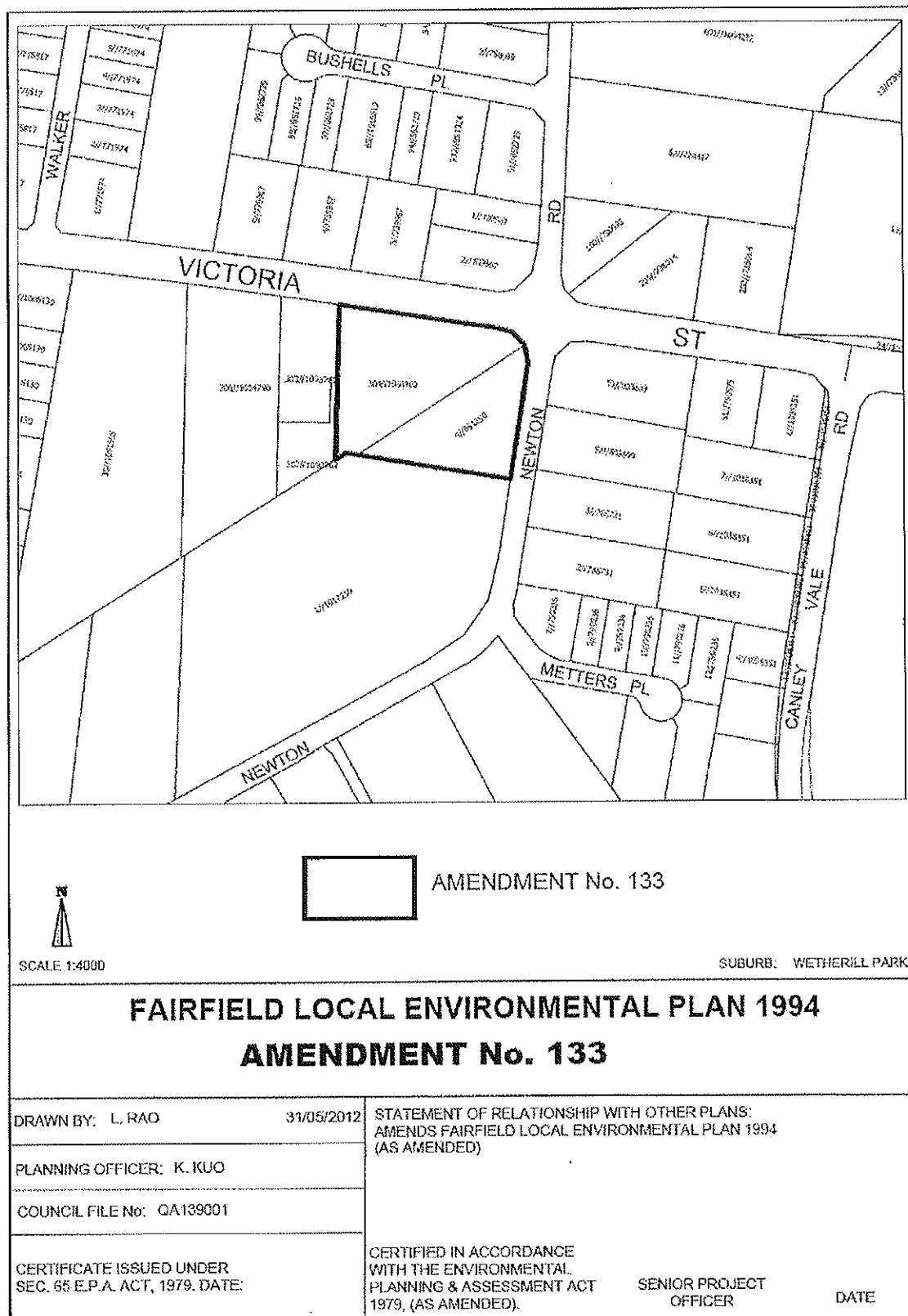
hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and*
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation*

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

2. Insert the following lines under the definition of “Map” in the Dictionary of the FLEP 1994
“Fairfield Local Environmental Plan 1994 (Amendment No 133)”

Figure 3 – Land Application Map – Draft LEP Amendment No. 133 to Fairfield LEP 1994



PROPOSED AMENDMENTS TO THE DRAFT FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011

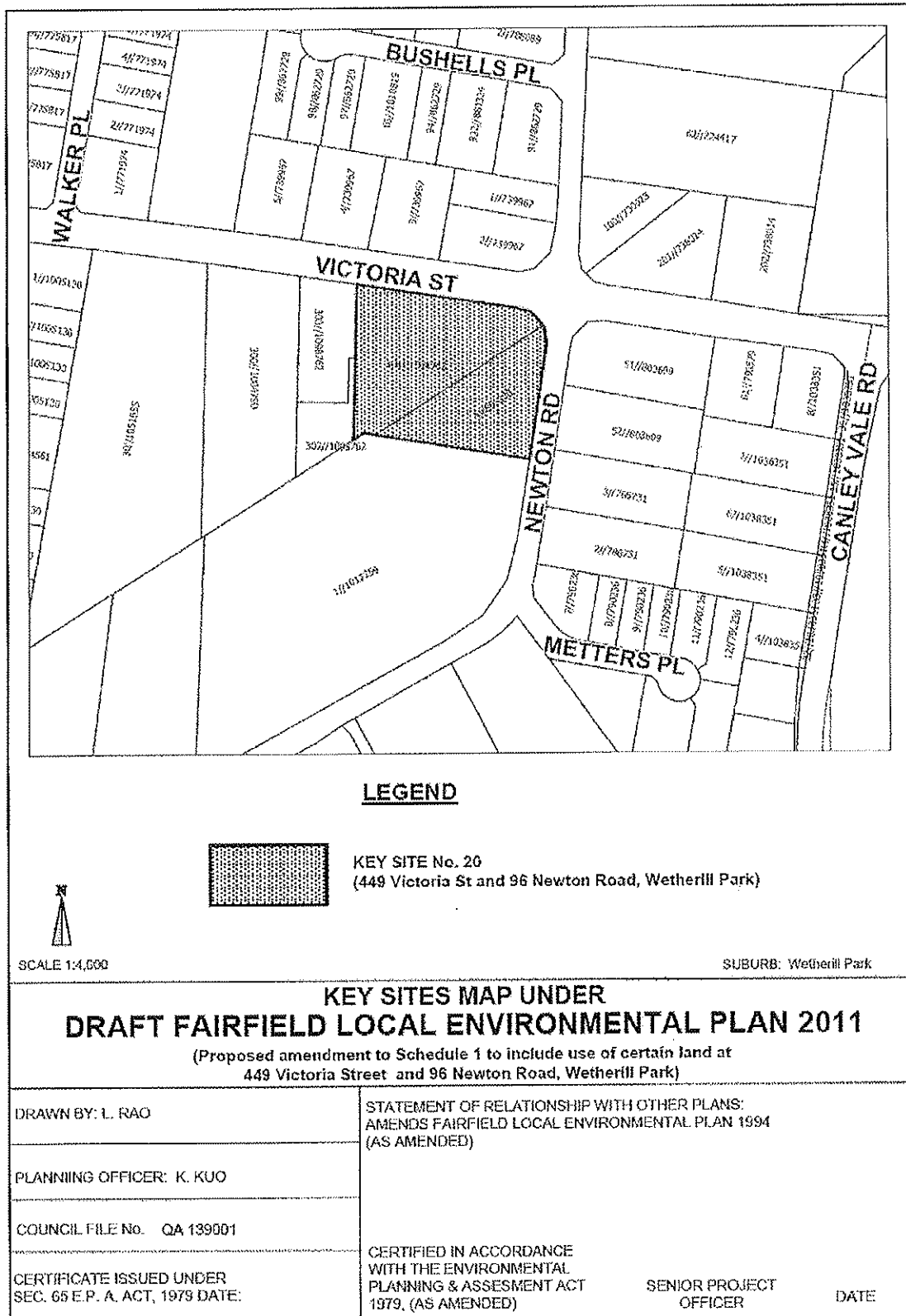
Proposed Draft Fairfield Local Environmental Plan 2011 Amendments

1. Amend Schedule 1 Additional permitted uses of the Draft Fairfield Local Environmental Plan 2011 to include the following:

20. Use of certain land at 449 Victoria Street and 96 Newton Road, Wetherill Park

- a. *This clause applies to Lot 304 DP 1098762 and Lot 4 DP 851250 in Zone IN1 General Industrial at 449 Victoria Street and 96 Newton Road, Wetherill Park as shown edged heavy black and numbered '20' on the Key Sites Map.*
 - b. *Development for the purposes of hotel or motel accommodation (up to 7,000m²) and medical centre (up to 300m²) is permitted with consent.*
 - c. *The floor space limits identified in Clause b) are to be applied across the whole site and not per premises.*
2. Amend Key Sites Map (see Figure 4) to include subject sites.

Figure 4 - Extract of proposed amendment to Key Sites Map from Draft Fairfield Local Environmental Plan 2011 (subject to gazettal of LEP Amendment No. 133 to Fairfield LEP 1994)



R:\MAPS\m_data\Draft-LEP\LEP 133-2012\AMENDMENT 133 (Key Site No. 20).Wor

Part 3 – Justification

Section A – Need for a planning proposal.

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

As mentioned above, the subject sites are identified in the Fairfield Employment Strategy as a Central Services Facility site which would provide a range of retail and commercial uses that would service the daily needs of the local industrial workforce (*refer to Background/History in Introduction for full chronology of events including correspondence with the Department of Planning and Infrastructure*). However, Council had subsequently resolved not to proceed with the Central Services Facilities' strategy identified in the Employment Lands Strategy at the May 2010 Council meeting (*refer to Attachment A*) but did resolve to permit the following on the subject sites:

"2. That the owner of 96 Newton Road and 449 Victoria Street be notified that Council will consider the following uses with associated floor space limits specified below upon lodgement of a planning proposal and site specific DCP for Council's consideration:

- *Childcare centre – accommodating up to 60 places*
- *Hotel (and conference centre rooms being ancillary to the hotel up to 7,000m²)*
- *Medical facilities up to 300m²"*

While Council did not seek to proceed with the CSF Strategy, Council recognises the need to allow a small range of additional facilities that would serve the day to day needs of the local industrial workforce (ie child care centre and medical centres) and well as a Hotel which would serve the industrial business needs by enabling travelling clients/workers to stay in the area as well as accommodating ancillary conference rooms to carry out business functions or events within the employment area of Wetherill Park.

The applicant has subsequently lodged a planning proposal and SSDCP in accordance with Council's May 2010 resolution with the addition of small scale shops and services that are also proposed to meet the daily needs of the nearby workforce. On the 26 June 2012, in considering an assessment of the subject planning proposal by Council officers, Council resolved the following (full copy of the report and resolution are included as **Attachment B**):

"That Council:

1. *Not include 'neighbourhood shops' in this LEP as permissible on the subject site (refer to NOTE below)*
2. *Inform the Department of Planning and Infrastructure that it wishes to commence the Gateway Determination Process to amend Part 4, Clause 25 of the Fairfield LEP 1994 to permit the following uses (including associated floor space restrictions) with Council consent on the land at Wetherill Park shown edged heavy black on the map marked "Fairfield LEP 1994 (Amendment No. 133) shown in Attachment C to the report.*
 - *Hotel with ancillary conference rooms (up to 7000m²)*

- Medical Centres (up to 300m²)
3. Allow a 60 place Child Care Centre on the subject site as per Council's May 2010 resolution and amend the SSDCP accordingly.
 4. Provide the Executive Manager Environmental Standards with the delegation to authorise the planning proposal and associated information including the amended SSDCP (to be prepared by Council officer to reflect Council's decision on this item) to be submitted to the Department of Planning and Infrastructure pursuant to Section 55 of the Environmental Planning and Assessment Act 1979."

Note: In considering the Draft Comprehensive LEP in May 2012 and the results of public exhibition, Council resolved the following with regards to neighbourhood shops:

"1.7 The land use 'neighbourhood shops' be made a prohibited use in the zoning table for the following zones:

R1 Residential
R3 Residential
R4 Residential
IN1 General Industrial
IN2 Light Industrial, and;

'shop top housing' be made a prohibited use in the R1 and R4 Residential zones as Council is concerned that the Neighbourhood Shops and Shop top housing as permissible uses could allow the development of multiple shops on individual lots in these zones. In addition, there is great concern that if these shops are allowed they will adversely affect the ability for residential development to occur in the high and medium density areas as set out in Council's Residential Strategy, particularly in close proximity to Town Centres."

It is acknowledged that Neighbourhood Shops are a compulsory permitted use in the above zones as identified in the Standard LEP template. However, Council is still awaiting a response from the Department as to whether they will allow Council to remove neighbourhood shops from the permissibility table.

This Planning Proposal therefore presents the current proposal for the subject site taking into account Council's most recent resolution discussed above. The Planning Proposal is necessary to allow development of the site in accordance with Council's vision for the site as stated in the May 2010 Council resolution.

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

Yes, the planning proposal is the best means of achieving the intended outcome. This is summarised below:

- a) Creating local provisions for the subject site in Part 4, Clause 25 of the Fairfield LEP 1994 enables Council to include the proposed additional uses as well as also provide flexibility to include floor space restrictions for the site as identified in Council's resolution. These provisions would also be easily transferred to the Draft Fairfield LEP 2011 through the addition of the subject site as part of Schedule 1 Additional Permitted Uses as Key Site No. 20. In this case, the Key Sites Map will also be required to be amended to incorporate the subject site.

- b) The establishment of local provisions for the subject site as mentioned above will facilitate the future development of the site to include additional uses (on top of those already currently permitted in the general industrial zone) to carry out services that serve the needs of the local area and industrial workforce.
- c) The proposal does not seek to change the zoning meaning that the current 4A General Industrial zone under the Fairfield LEP 1994, or alternatively the proposed INI-General Industrial zone under the Draft Fairfield LEP 2011 of the subject site will be retained under this Planning Proposal.

This approach is considered preferable to a rezoning of the site for business purposes for the following reasons:

- a) Rezoning the site to 3C – Local Business Centre under the Fairfield LEP 1994 or alternatively the B1 or B2 Neighbourhood/Local Business Centre under the Draft Fairfield LEP 2011 will enable a wide range of business/commercial and retail uses outside of established town centres and may lead to the establishment of this node as a de facto town centre. This is inconsistent with the 'centres approach' identified in the Metro Strategy as the rezoning of the site would facilitate the development of a business/retail node in an out of centre location, and
- b) The establishment of such a centre within the Wetherill Park should the site be rezoned, has the potential to adversely affect the viability of nearby town centres.

3. *Is there a net community benefit?*

Yes. As the site is currently vacant, it is anticipated that the additional uses being proposed on the site as part of this planning proposal will trigger investment and redevelopment. The proposal will also provide a service node that will provide a wider range of services and facilities to meet the needs of the local area including nearby industrial workforce.

Section B – Relationship to strategic planning framework.

4. 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)?

Released in December 2010, the Metropolitan Plan for Sydney 2036 replaces the Metropolitan Strategy 2005 revising targets for the employment and residential targets mentioned previously (refer to Background/History). Furthermore, as the Draft West Central Sub Regional Planning Strategy 2007 was based on the 2005 Strategy, it is considered that the targets identified in the SRS are in need of an update. Notwithstanding the above, it is considered that the planning proposal has regard to the findings of the relevant Metropolitan Plan and Sub Regional Strategies as the proposal will be seeking to retain existing industrial zoned land for employment uses.

Table A details how the planning proposal is consistent with the objectives and actions contained within both the *Metropolitan Plan for Sydney 2036* and *Draft West Central Subregional Strategy*.

Table A – Relationship to Strategic Planning Framework

METROPOLITAN PLAN FOR SYDNEY 2036			
STRATEGY	OBJECTIVE	COMMENTS	✓/ X
STRENGTHENING THE 'CITY OF CITIES'	OBJECTIVE A3 To contain the urban footprint and achieve a balance between greenfield growth and renewal in existing areas	Proposal will not expand the urban footprint and will contribute towards redevelopment and regeneration of an existing vacant site within the Wetherill Park industrial area.	✓
GROWING AND RENEWING CENTRES	OBJECTIVE B1 To focus activity in accessible centres	The planning proposal will complement an existing industrial service centre located at 119 Newton Road (located across the road of the subject site and is also subject to site specific local provisions in Clause 25F of the Fairfield LEP 1994). It is acknowledged that the most people accessing the subject site will be by car due to the nature of travel in the employment zone and the fact that the site is well served by road (corner of Newton and Victoria Streets). Notwithstanding the above, the site is also located within 400m of the Victoria Street T-Way station.	✓
	OBJECTIVE B2 To strengthen major and specialised centres to support sustainable growth of the city.	The subject site is located approximately 2km from the Prairiewood Town Centre which is identified as a potential major centre. However, the limited range of additional uses being proposed (ie Hotel and Medical Centre), the associated floor space restrictions and the intention of the node to serve the daily needs of the local industrial workforce, it is considered that the proposal will not have significant adverse impacts on nearby centres.	✓
GROWING SYDNEY'S ECONOMY	OBJECTIVE E1 To ensure adequate land supply for	This planning proposal seeks to retain existing industrial zoned land for employment purposes. In fact, the additional uses being	✓

	economic activity, investment and jobs in the right locations.	sought are likely to attract a greater number of jobs than if the site were to be used for other currently permissible uses such as warehousing/logistics. As mentioned above, the proposal will complement the existing industrial service centre located across the road at 119 Newton Road and is also in walking distance to public transport.	
DRAFT WEST CENTRAL SUBREGION STRATEGY			
STRATEGY	OBJECTIVE	ACTION	✓/ X
ECONOMY AND EMPLOYMENT	A1.1 Provide a framework for accommodating jobs across the sub region	The planning proposal will not only retain existing employment lands for employment purposes but will also potentially enable other uses (ie medical centres and hotels) that would potentially have higher rates of employment generation or capacity than other currently permitted uses such as warehousing/logistics.	✓
	A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands	The planning proposal seeks to retain existing employment lands for employment purposes and the resulting development will continue to contribute towards achieving the employment capacity targets identified in the Draft Sub-Regional Strategy.	✓
	A1.4 Contain the rezoning of employment lands to residential zonings across Sydney	As mentioned, the planning proposal retains existing employment lands for employment purposes. No residential development is being proposed.	✓

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

Fairfield City Plan 2010 – 2020 - Community Strategic Plan

Adopted on 14 December 2010, the Fairfield City Plan 2010 – 2020 Community Strategic Plan is the culmination of extensive community engagement to find out what the residents of Fairfield want for the long term future of the City. The City Plan develops a new Community Vision and identifies Council's long term priorities that are grouped under 5 themes consisting of:

- Community wellbeing
- Places and infrastructure
- Local economy and employment
- Good governance and leadership

In particular, it is noted that under the **Local economy and employment** theme the City Plan identifies the following goals:

Goal 1 – A range of employment opportunities and a workforce with a variety of skills

Goal 2 – Having a vibrant, safe and attractive places for shopping and access to services

Goal 3 – Prosperous businesses, industries and services

The intention of the proposal is to provide a range of services that will not only meet the day to day needs of the local area (ie medical centre and child care centres), but also serve the business needs of the surrounding industrial workforce through the development of a hotel to accommodate travelling workers/clients and provide a conference space to carry out business functions/events (Goal 1 and 3). The proposal will also trigger redevelopment and revitalisation of an existing vacant site that is well served by road and is also located in close proximity to public transport (Goal 2). It is therefore considered that the proposal is consistent with the relevant provisions of the Fairfield City Plan 2010-2020.

Fairfield Employment Lands Strategy 2008:

In 2008, Council had prepared an Employment Lands Strategy (ELS) in response to the employment targets identified in the Metropolitan Strategy and Draft Sub Regional Strategy and to assist in Fairfield's transition to the Standard LEP instrument. The ELS recommends the retention of existing industrial zoned land for the purposes of employment uses and also recommends the development/formalisation of industrial service centre or CSFs (Central Services Facilities) as coined by the ELS within the Wetherill Park industrial area. The ELS recommends the formalisation/development of 3 CSF sites: 2 existing industrial service centres (Greenway Plaza and the Victoria Street Business Centre) which both currently have site specific local provisions applying to the site under Clause 25F and 25G under the Fairfield LEP 1994 that currently already permit a range of retailing and commercial uses; and the subject site (96 Newton and 449 Victoria Street) which is currently vacant. The purpose of these CSFs is to provide a range of small

scale retail and commercial uses that will serve the needs of the local industrial workforce.

As mentioned previously, Council resolved not to proceed with the CSF strategy identified in the ELS 2008 at the May 2010 Council meeting which had included the subject site. However, Council did resolve to restrict the types of uses that it would consider on the subject site when compared against the wide range of retail, business and office premises that was originally envisaged under the CSF strategy.

It is therefore considered that the proposal is still consistent with the findings of the ELS 2008 as the proposal will result in development that will still provide services and uses that will meet the needs of the local area. Furthermore, the proposal is not seeking a zoning change and will retain the General Industrial zone as recommended in the ELS 2008.

6. *Is the planning proposal consistent with the applicable state environmental policies?*

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	Yes	In allowing the additional uses on the subject site, the proposal also seeks to introduce floor space limits for these uses. These floor space limits are considered to be development standards and any variation to these standards by the developer would be required to comply with the provision of this SEPP at the DA stage.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 6 – Number of Storeys in a Building	Yes	This planning proposal does not contain height of building provisions that would affect the application of the SEPP.
SEPP 14 – Coastal Wetlands	N/A	-
SEPP 15 – Rural Land Sharing Communities	N/A	-
SEPP 19 – Bushland in Urban Areas	Yes	The site does not contain significant vegetation. This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 21 – Caravan Parks	N/A	-
SEPP 22 – Shops and Commercial Premises	Yes	The planning proposal is not proposing shops or commercial premises as additional uses. However, depending on the DoPI's decision on whether they allow Council to remove mandatorily permitted "neighbourhood shops" from the IN1 - General Industrial zone's permissibility table, small scale retailing may end up being permitted on the site. Notwithstanding, the above this planning proposal does not contain provisions that would affect the application of the SEPP.
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 41 – Casino Entertainment Complex	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	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 60 – Exempt and Complying Development	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP 62 – Sustainable Aquaculture	N/A	-
SEPP 64 – Advertising and Signage	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
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	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
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	Yes	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	-
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	-

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

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.	The proposal is to amend the current Fairfield LEP 1994 to allow the development of medical centres and hotel on the subject site in addition to the uses already currently permitted in the General Industrial zone. The proposal seeks to retain existing employment zoned land for employment purposes and is also likely to have higher rates of employment than other uses currently permissible on the same land (ie warehousing/logistics) The Planning Proposal is not considered to impact negatively on the viability of any identified strategic centre with the nearest centre being approx 2km from the subject site at Prairiewood (potential major centre). The intention of the proposal is to provide localised services to cater towards the needs of the local industrial business workforce.	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	N/A
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	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	recreation vehicles.		
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
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	The planning proposal will complement an existing industrial service centre located at 119 Newton Road (located across the road of the subject site and is also subject to site specific local provisions in Clause 25F of the Fairfield LEP 1994). It is acknowledged that the most people accessing the subject site will be by car due to the nature of travel in the employment zone and the fact that the site is well served by road (corner of Newton and Victoria Streets). Notwithstanding the above, the site is also located in walking distance (within 400m) of the Victoria Street T-Way station and presents another transport option for people wishing to access the site.	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	N/A	N/A

Section II/ Direction No. and Title	Contents of Section II/ Direction	Planning Proposal	Comply
	Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.		
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.	There is an existing concrete stormwater drainage channel that bisects the subject site. Accordingly the applicant was asked to prepare a flood investigation report addressing the flooding issues associated with future development of the site with regards to freeboard requirements and flood protection. Council's Natural Resource Branch have reviewed the report and are satisfied with the model, however, should development be altered from what was previously reviewed, Council will request further flood modelling to be carried out as part of the DA stage. It is noted that provision has also been made in the Site Specific DCP to ensure future development of the subject site complies with Council's Flood Management Controls as outlined in the Fairfield City-wide DCP.	YES
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	Ensure that the best agricultural land will be available for current and future generations to grow	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
NSW Far North Coast	- 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		
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 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.	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	N/A	
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 proposed amendment to the LEP is consistent with this direction and does not include specific provisions that require concurrence, consultation or referral of development applications to the Minister or public authority.	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 draft LEP seeks to include floor space restrictions on proposed additional uses being sought to control the scale of the	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		resulting development to ensure it does not adversely impact on the viability of nearby centres. Council has also adopted an amended Site Specific Development Control Plan that sets out detailed controls that will facilitate the orderly development of the site (refer to AT-E of the June 2012 Council report contained in Attachment B of this planning proposal).	
7. Metropolitan Planning			
7.1 Implementation of the Metro Strategy	Planning proposal shall give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metro Strategy.	The planning proposal is considered to be consistent with the following objectives of the Metro Strategy: * A3 To contain the urban footprint and achieve a balance between greenfield growth and renewal in existing areas, * B1 To focus activity in accessible centres, * B2 To strengthen major and specialised centres to support sustainable growth of the city and * E1 To ensure adequate land supply for economic activity, investment and jobs in the right locations. This is discussed in further detail in Table A of this planning proposal.	YES

8. 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 site does not contain any critical habitat or threatened species, communities etc.

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

As mentioned above, the issue of flooding is the main environmental issue that has been addressed as part of this planning proposal and SSDCP. However, once the development application comes in, a further assessment of the flooding impact will be carried out.

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

In considering the economic impact in a planning context, the issue to consider is not the impact on any individual competitor to any business but instead the overall impact on the availability of goods, services and facilities to the local community. Given the restricted nature of additional uses being sought, the associated floor space and size restrictions, and the intention of the node to service the daily needs of the local industrial workforce and businesses, it is considered that the proposal will not have a significant adverse impact on surrounding Town Centres.

It is also noted that the subject site is currently vacant. Accordingly, the proposal is likely to trigger investment in the area through redevelopment, and provide a service node that will provide a wider range of services to meet the daily needs of the local area.

Section C – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The site is serviced by local buses and is within walking distance of the Parramatta to Liverpool Transitway. The site is also well served by road being located on the corner of Newton and Victoria Street.

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

Consultations with public authorities have not commenced. These will be subject to the conditions of any Gateway Determination that may be issued.

It is anticipated that consultation with the **Roads and Maritime Service** due to the site having one frontage on Victoria Street which is a Regional Road, and the **Office of Water** due to existence of a concrete stormwater drainage channel bisecting the subject site.

Part 4 – Community Consultation

In the event that a gateway determination is issued by the Department of Planning and Infrastructure to proceed with the rezoning of the subject site, it is recommended that the planning proposal be placed on public exhibition for a period of twenty eight (28) days from the day it is advertised in the local newspaper. It is also recommended that letters be sent to adjoining land owners including those situated across the road from the subject site advising them of the planning proposal.

Note: The above will be in addition to the requirements of any Gateway Determination that may be issued.