

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

SUBJECT: Issue: Fairfield LEP 2013 – Housekeeping Amendment
Premises: Various parcels of land in Fairfield City Council
Applicant: Fairfield City Council
Owner: Various private (Attachment A) and Council owned land
Zoning: Various zones detailed in the report.
Submissions: Public Authorities Submissions – 1 Submissions
Exhibition period (22 June 2013 – 19 July 2013) – 0 Submissions

FILE NUMBER: 12/03792

PREVIOUS ITEMS: 104 - Outcomes Committee - 10 July 2012

REPORT BY: Anjele Vu, Strategic Land Use Planner

RECOMMENDATION:

That Council proceed with the plan as exhibited and submit Fairfield LEP 2013 Housekeeping Amendment, as it applies to 9 sites across the Fairfield Local Government Area (LGA), to the Department of Planning and Infrastructure (DP&I) for finalisation.

Note: This report deals with a planning decision made in exercise of a function of Council under the EP & A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Ownership Details	2 Pages
AT-B	Planning Proposal Housekeeping Matters LEP 2013 DISTRIBUTED SEPERATELY	75 Pages
AT-C	Outcomes Committee Report - Item 104 - 10 July 2012	24 Pages
AT-D	Gateway Determination Planning Proposal Housekeeping Matters LEP 2013	4 Pages
AT-E	Submission - Roads & Maritime Services	2 Pages

CITY PLAN

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

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

SUMMARY:

This report relates to the public exhibition of the planning proposal (LEP housekeeping amendment). The planning proposal originates from Council's consideration of the draft Comprehensive LEP (now Fairfield LEP 2013) following public exhibition and seeks to:

- Rezone various parcels to be consistent with the current or intended use of the land;
- Promote orderly development of land and provide greater certainty in regard to uses permitted on different parcels of land under the Comprehensive (standardised) LEP for the City; and
- Ensure transition of previous zoning provisions previously applying under Fairfield LEP 1994 to the equivalent Standard LEP zoning provisions.

One submission was received from the Roads and Maritime Services (RMS) during public exhibition raising no objection but also highlighted in general that any future development on sites fronting a classified (arterial) road should (where practicable) provide access by a road other than a classified road.

This report seeks Council endorsement to the forward the Planning Proposal – Housekeeping Amendment Local Environmental Planning 2013 (Attachment B) as exhibited to the Department of Planning and Infrastructure (DP&I) for finalisation.

BACKGROUND

On 24 July 2012, Council considered a report (Attachment C) regarding proposed housekeeping amendments to the draft Comprehensive LEP 2011. The recommendations contained in that report commenced the first 'housekeeping' planning proposal for the draft LEP 2011 and covered the following issues:

1. Zone changes originating from Council's resolution of 24 April 2012 in relation to public exhibition of the draft LEP 2011 for the following 2 sites;

- o **21 Phelps St, Canley Vale** – Council reviewed a submission from the owners of 21 Phelps Street and resolved that there was sufficient merit to support rezoning of the parcel from R3 Medium Density to B2 Local Centre.

Council's decision had regard to the fact that the previous provisions of Fairfield LEP 1994 allowed commercial development within 20 metres of land zoned 3(c) Local Business Zone (now zoned B2 Local Centre) and that Council had issued an approval for commercial development on the site. Under this consideration, economic justification had been provided for commercial use of the site.

- o **80-84 Brisbane Road (Triglav Club), St Johns Park** - The draft Fairfield LEP 2011 proposed to rezone 80-84 Brisbane Road to RE1 Private Recreation.

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

A subdivision proposal to create residential allotments has recently been approved for the Triglav Club and provides the basis for determining a new zone boundary for future residential development on part of the club site. Following consideration of a submission from the Club to the Draft LEP zone, Council supported rezoning of the rear of the site (fronting Runcorn Street) from RE1 Private recreation to R2 Low Density Residential.

2. Zone changes originating from request made to Council on the draft LEP 2011 by various land owners in relation to the following 3 sites;

- o **620 Elizabeth Drive, Bonnyrigg (Bonnyrigg Sports Club)** – Under the draft LEP 2011 the subject site was proposed to be rezoned from low density residential uses to RE2 Private Recreation to be consistent with the zoning of adjoining land in the Clubs ownership. However, under public exhibition of the draft LEP 2011, the Bonnyrigg Sports Club requested that Council “take the necessary steps to zone the land R1 – General Residential under the Draft LEP at no cost to the club”.

In response to this request it was recommended that Council support the rezoning of 620 Elizabeth Drive from RE2 Private Recreation to R2 Residential Low Density under the Draft Fairfield LEP2011 and was endorsed by Council on 24 April 2012.

- o **99 and 115 Meadows Road, Mt Pritchard** – Council reviewed a request from the Mountie’s Club to rezone 4 residential properties directly adjoin the existing club facilities to RE2 – Private recreation. It was recommended that Council endorse the rezoning of 2 of the 4 residential sites (99 and 115 Meadows Road, Mt Pritchard) from R2 – Low density residential to RE2 – Private recreation.

The above sites were deferred to the housekeeping planning proposal to allow public exhibition and further notification to adjoining land owners.

3. Inconsequential amendments to the draft LEP that have been identified by Council officers since its endorsement by Council on 24 April 2012 in relation to 5 sites which address zoning anomalies identified in the Comprehensive LEP or represent a transition from the previous zoning provisions contained in Fairfield LEP 1994 to the new Comprehensive LEP.

Page 5 of the planning proposal (Attachment B) provides a list and summary of these minor amendments.

In addition to the above and endorsing the planning proposal, Council also adopted the following policy in relation to club sites:

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

- a) Council will not support the rezoning of Land RE2 – Private recreation where this has the potential for a residentially zoned property becoming isolated from the surrounding residential land by the RE2 zone.
- b) Any further request for rezoning of club land (directly adjoin an RE2 zone) under the housekeeping LEP will only be considered against the criteria in (a) above until such time as the new draft Fairfield LEP 2011 comes into force.

Once the Fairfield LEP 2011 come into force any changes to the RE2 zone will need to be initiated by the landowner via lodgement of a formal planning proposal.

- c) That all clubs in Fairfield City located in residential areas and proposed to be zoned RE2 under the draft Fairfield LEP be advised of this Policy.

Letters regarding the above policy were sent to all clubs in the city with no submissions subsequently received from clubs during the public exhibition period in relation to Council's policy or requesting rezoning of additional land for club uses.

A planning proposal was prepared in accordance with the Council resolution on 24 July 2012 regarding the Housekeeping Amendments on the Comprehensive LEP 2011.

Note: The Draft Fairfield LEP 2011 was gazetted 17 May 2013 and came into force 31 May 2013. The gazetted LEP is now referred to as Fairfield LEP 2013.

On 13 November 2013 Council officers forwarded the planning proposal to the DP&I for Gateway Determination.

GATEWAY DETERMINATION

On 15 December 2012, Council received the Gateway Determination (Attachment D) from the DP&I which permitted draft LEP Housekeeping Amendment to be publicly exhibited subject to a number of requirements.

The Gateway Determination was conditioned so that:

- 1. Prior to undertaking public exhibition, Council is to amend the planning proposal to:
 - a. Provide current and proposed zoning maps, which clearly identify the land subject to the planning proposal. Current zoning maps are to be provided for land proposed to be included on the Land Reservation Acquisition Map, which clearly identifies the site proposed to be subject to acquisition;
 - b. Provide a draft Land Reservation Acquisition Map, which clearly identifies the site proposed to be subject to acquisition; and
 - c. Provide a map illustrating the relationship of 400 Cabramatta Road West, Cabramatta to the greater key sites area and provide greater context in the planning proposal to the need for this land to be identified as a key site.

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

Comment: Complete. The zoning maps, greater key sites and Land Reservation Key Sites Map were prepared and included as an appendix to the planning proposal prior to public exhibition (Attachment A).

2. Community consultation is required under Section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - a. The planning proposal must be made publicly available for 28 days; and
 - b. The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specification for material that must be made publicly available along with planning proposal as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

Comment: Complete. (See additional comments relating to consultation in the Public Exhibition section of the report below).

3. Consultation is required with the following public authorities under Section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW
 - Roads and Maritime Services.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Comment: Complete. (See additional comments relating to the consultation with public authorities in the report below).

4. A public hearing is not required to be held into the matter by any person or body under Section 56(2) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Comment: Noted. (A public hearing was not held).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Comment: On Target (DP&I deadline 22 December 2013).

PUBLIC AUTHORITIES CONSULTATION

The following outlines the submissions (Attachment E) received from the various public authorities.

Roads and Maritime Services (RMS)

The RMS raises no objection to the Planning Proposal. However the RMS raises the following issues for Council to note:

- RMS will not support any proposed driveways onto a classified road in any future development.
- Council should take consideration Clause 101(2a) of the State Environmental Planning Policy (Infrastructure) 2007, when granting development consent on land that has frontage to a classified road.

Officer Comment

The site at 620 Elizabeth Drive (Bonnyrigg Sports Club) has the greatest potential to be impacted by the RMS advice in relation to restrictions on access to a classified (arterial) road, with Elizabeth Drive also being under the control of the RMS.

The advice from the RMS means that in the event the owners of 620 Elizabeth Drive decided to pursue major redevelopment or re-subdivision of the site, it is likely they would be required to explore alternative vehicular access arrangements.

There may be options for this alternative access available to the west (via Schubert Place) or south (via Simpson Road) which would require negotiations between the Club and private land owners in the area under preparation of a future development application.

At this stage, it is not considered the advice from the RMS requires further investigations into this issue as:

- The Housekeeping LEP amendment proposes to reinstate the low density residential zoning that has applied to the site under the former Fairfield LEP 1994 for approximately the last 20 years;
- The owners of the site have not indicated they are intending to subdivide the site at this stage; and
- There were no objections from either the RMS or surrounding properties owners to the proposal to rezone the site from RE2 – Private Recreation to R2 Low Density Residential.

OUTCOMES COMMITTEE

Meeting Date 9 July 2013

Item Number. 89

PUBLIC EXHIBITION

Following receipt of the Gateway Determination from the DP&I, Council was required to place the Planning Proposal on public exhibition. The Planning Proposal went on public exhibition from 22 May 2013 to 19 June 2013, in accordance with the consultation strategy adopted by Council. This included letters being sent to properties adjoin sites where zone changes were proposed.

During this period no submissions were received.

RECOMMENDATION

As a result of the Public Exhibition, it is recommended that Council forward the Planning Proposal as exhibited to the Department of Planning and Infrastructure for finalisation.

Anjele Vu
Strategic Land Use Planner

Authorisation:
Acting Manager Strategic Planning
Group Manager City Development

Outcomes Committee - 9 July 2013

File Name: **OUT090713_6.DOC**

***** END OF ITEM 89 *****