



Planning Proposal

Housekeeping Matters

***Fairfield Local Environmental Plan 2013 Draft
Amendment***

TABLE OF CONTENTS

1 INTRODUCTION

2 PART 1 - OBJECTIVES

3 PART 2 - EXPLANATION OF PROVISIONS

4 PART 3 - JUSTIFICATION

Section A – Need for a Planning Proposal

Table A – Net Community benefit Test Assessment

Section B – Relationship to Strategic Planning Framework

Table B – Relationship to Strategic Planning Framework

Table C – Relationship to the Fairfield City Plan 2010-2020

Table D – Consistency with State Environmental Planning Policies

Table E – Consistency with Section 117 Directions

Section C – Environmental, Social & Economic Impact

Section D – State and Commonwealth Interests

5 PART 4 -COMMUNITY CONSULTATION

6 APPENDICES

Appendix A – Maps

Appendix B – Table of Changes – Development Standards

INTRODUCTION

At its Ordinary Meeting of the 24 April 2012, Council under its endorsement of the Fairfield Local Environmental Plan (LEP) 2013 also resolved to defer a range of rezoning requests/issues associated with public exhibition of the draft LEP to be considered under a separate 'housekeeping' planning proposal.

This approach was taken to allow further information to be lodged by various landowners or investigations to be undertaken by Council officers into issues raised in the submissions. It also provides the opportunity for public exhibition and further notification to adjoining land owners adjoining the sites where the zoning changes are proposed.

A further report on the above was considered by Council on the 10 July 2012, where Council resolved to include a total of nine sites in this planning proposal which involve various amendments to the Fairfield LEP 2013.

Of the nine sites, four zoning amendments are directly linked to submissions lodged to public exhibition of the draft Fairfield LEP 2013 which Council considers have sufficient consistency with local and State planning issues to be included in this planning proposal.

A further five amendments are associated with inconsequential LEP amendments identified by Council officers to achieve consistency with LEP provisions applying to these sites under the Fairfield LEP 1994 and facilitate transition to the new standardised provisions of the Fairfield LEP 2013.

At Council's Ordinary Meeting of the 27 July 2013, Council considered a Post Exhibition report where Council resolved to proceed with the planning proposal as exhibited and submit to the Department of Planning and Infrastructure for finalisation. Council, also resolved to defer the property located at 620 Elizabeth Drive, Bonnyrigg (site no.3) from the planning proposal.

This property was deferred from the planning proposal to acquire further advice from the land owners regarding the intended development for the site and arrangements for access (having regard to the advice received from the Roads and Maritime Services) and services. As a result, this site is shown as being deleted from this planning proposal.

In addition to the above, under the making of the Fairfield LEP 2013, the NSW Department of Planning and Infrastructure dealt with a zoning anomaly relating to the Council owned park at 34 Homebush St, St Johns Park by rezoning the site from R2 – Low Density Residential to RE1 – Public Recreation. In this regard, the rezoning of this site to RE1 is no longer relevant under this planning proposal, however, FSR and Height provisions relating to this site still need to be removed from the relevant maps associated with the Fairfield LEP 2013.

The following sections of this planning proposal provide further details and information in relation to the above.

Part 1 – Objectives

The aim of this Planning Proposal is to make various amendments to the Fairfield Local Environmental Plan 2013 and in doing so achieve the following objectives;

- 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.
- Ensure transition of current zoning provisions applying under Fairfield LEP 1994 to the equivalent Standard LEP zoning provisions.

The planning proposal applies to the following sites;

A. REZONING OF SITES – ASSOCIATED WITH SUBMISSIONS TO PUBLIC EXHIBITION OF THE FAIRFIELD LEP 2013

The following sites have been included in this housekeeping LEP as a result of Council's consideration of submissions to the (Comprehensive) Fairfield LEP 2013 on 24 April 2012 and further report to Council on the 10 July 2012 to commence preparation of this planning proposal.

Site	Address/Aerial	LEP 2013	Housekeeping Planning Proposal
1	21 Phelps St, Canley Vale (lot 5 DP 22203)	R3 Medium Density Residential	B2 Local Business Apply FSR and Height controls relevant to the surrounding B2 Zone.
2	80-84 Brisbane Road, (Triglav Club), St Johns Park (lot 1 DP 1079685)	RE 2 Private Recreation	<u>Part:</u> RE 2 Private Recreation & <u>Part:</u> R2 Low Density Residential Apply relevant FSR and Height Controls relevant to the surrounding R2 zone.
3	620 Elizabeth Drive, Bonnyrigg (lot 1 DP 781418)	RE2 Private Recreation	R2 Low Density Residential Apply relevant FSR and Height Controls relevant to the surrounding R2 zone.
4	99 (lot 10 DP515019) & 115 Meadows Road (lot3 DP 210350) Mt Pritchard	R2 Low Density Residential	RE 2 Private Recreation Amend Fairfield LEP 2013 by removing FSR and Height Controls applying to the R2 zone.

B. MINOR AMENDMENTS

As part of on-going review of the LEP 2013, Council at its meeting of 10 July 2012 endorsed a number of 'inconsequential' amendments required to address anomalies in the Fairfield LEP 2013. These amendments are required to ensure consistency with existing LEP arrangements or provisions applying under Fairfield LEP 1994 as they are converted or transitioned to the standardised provisions of the Fairfield LEP 2013.

The objectives of this Planning Proposal for these sites are listed in the following table;

Site	Address/Aerial	Planning Proposal - amendment to Fairfield LEP 2013
5	400 Cabramatta Road West, Cabramatta (Lot 1 in DP 29449)	Change Site 3* of Key Sites Map to include lot 1 in DP 29449 Update schedule 1 of LEP 2013 – Key Site 3 by including reference to lot 1 in DP 29449 *Note: In February 2014 Council endorsed an amendment to the Housekeeping Planning Proposal to change the reference on the Key Site Map to site 3 as applicable to 400 Cabramatta Rd West, to be consistent with the reference for this site under Schedule 1 of the Fairfield LEP 2013
6	Southern side of Smithfield Road, between Polding St and Prospect Creek	Assign correct label "Strategic Bus Corridor" to zone map associated with Fairfield LEP 2013
7	34 Homebush St, St Johns Park (part lot 129 DP 259188)	*Change colour on LEP map to that applicable to RE1 - Public Recreation zone under LEP 2013. - Remove FSR and Height Controls applied to the site. *Note: the zone change is no longer required as the required RE1 zone was applied to the site by the Dept of Planning and Infrastructure when the Fairfield LEP 2013 was made.
8	Villawood Railway Station Group, Villawood	Amend draft LEP Heritage Map to show curtilage of Villawood Station Precinct
9	Smithfield Library 51-57 Oxford Street, Smithfield	Change colour on LEP Map 2013 to applicable colour for RE1 zone. Remove site from height, and FSR maps

Part 2 – Explanation of Provisions

To achieve the abovementioned objectives, the Planning Proposal will need to amend the Fairfield Local Environmental Plan 2013. The proposed amendments to the Fairfield Local Environmental Plan 2013 are outlined below:

A: SITES SUBJECT OF SUBMISSIONS TO FAIRFIELD LEP 2013

SITE 1:	21 Phelps Street, Canley Vale
----------------	--------------------------------------

Objective:

Rezone site from R3 Medium Density Residential (as exhibited under the Fairfield LEP 2013) to B2 Local Centre (Attachment B) to allow for future commercial and mixed use development on the site.

Explanation/justification:

Council at its meeting of the 24 April 12 considered there were sufficient merits in the submission from the owners of the 21 Phelps St to support rezoning of the parcel from R3 Medium Density to B2 – Local Centre having regard to the following;

- Under Fairfield LEP 1994 the site benefits from clause 20C(1) Development near zone boundaries that allowed Council in 2005 to approve development application no. 807/2005 for a mixed use commercial/residential development on the site. At this stage the development has not yet commenced.
- The above clause no longer applies under the Fairfield LEP 2013
- Under this DA the economic and other impacts associated with the lot being utilised for commercial/residential uses were assessed and site deemed appropriate for future mixed use development.
- The adjoining properties to the north and west of the site are to be zoned B2 Local Business Centre and are in the same ownership.
- The proposed rezoning also ensures better integration of the site with the adjoining northern and western properties which are also zoned B2 Local Centre.
- Under the draft LEP, relevant FSR and Height controls for the B2 zone will also apply to the site as shown on Attachment C.

SITE 2:	80-84 Brisbane Road (Triglav Club), St Johns Park
----------------	--

Objective:

Rezone part (rear section) of the site from RE2 Private Recreation (as exhibited under the Fairfield LEP 2013) to R2 Low Density Residential (Attachment B) to allow for future residential development on the area zone R2.

Explanation/justification:

The Fairfield LEP 2013 as placed on public exhibition proposed to rezone the whole of the site from residential 2(a) under Fairfield LEP 1994 to the new Standard LEP zone RE2 – Private Recreation.

This approach is in line with advice from the Dept of Planning and Infrastructure (DP&I) regarding the appropriate zoning of club sites in the City.

Following consideration of a submission from the Club to the draft LEP, Council supported rezoning of surplus Club land the rear of the site (fronting Runcorn St) from RE1 to R2 Low Density Residential.

A subdivision application relating to rear of the site for the creation of 6 individual residential allotments (fronting Runcorn St) was submitted and subsequently approved by Council. A number of issues in relation to provision of stormwater drainage, services, vehicular access and provision of fencing to the new residential allotments were also resolved under consideration of the DA.

Public exhibition of the DA attracted 5 submissions from surrounding residential properties raising concerns in relation to the following issues;

- Traffic generation on local streets
- Suitability of access for new lots
- Acoustic impacts from the existing Club on the new residential allotments.

The above concerns were dealt with under assessment of the proposal and conditions of consent which;

- Preclude access to the Club facility from Runcorn St
- Design and construction of new driveways for the residential lots in accordance with Council specifications
- Provision of an acoustic fence between the new residential allotments and existing club facility.

Accordingly based on the approved residential subdivision a new RE1 and R2 zone boundary line can be determined for 80-84 Brisbane Road, St Johns Park as shown in Attachment B.

Under the rezoning the front portion of the site containing the Club building and car parking area will be retained.

Under the planning proposal, relevant FSR, Height and Minimum Lot requirements (detailed in Attachment C) relevant to the R2 zone will also apply.

SITE 3: 620 Elizabeth Drive, Bonnyrigg

In July 2013, following public exhibition Council resolved to remove this site from consideration of the Housekeeping LEP until such time as the owners of the land have provided further clarification to Council in relation to the future use of the site and addressed issues raised by the NSW RMS in relation to access arrangements having regard to the site having frontage to the State Arterial Rd – Elizabeth.

As a result previous provisions (below) have been removed from this planning proposal;

Objective:

~~Rezone the site from RE2 Private Recreation (as exhibited under the Fairfield LEP 2013) to R2 Low Density Residential (Attachment B) to allow for future residential development on the site.~~

Explanation/justification:

~~The subject site is currently a large vacant parcel of land (approximately 1ha in area) owned by the Bonnyrigg Sports Club and is zoned 2(a) Residential under Fairfield LEP 1994.~~

~~The Fairfield LEP 2013 as placed on public exhibition proposed to rezone the site from residential 2(a) under Fairfield LEP 1994 to the new Standard LEP zone RE2 – Private Recreation. This approach is in line with advice from the Dept of Planning and Infrastructure (DP&I) regarding the appropriate zoning of club sites in the City~~

~~However, the Club has indicated that it is not currently their intention to utilise the land for club uses and requested that the residential zoning of the parcel be reinstated. The Club has also requested that the residential zone be provided as an ‘interim position’ with potential future uses on the site such as a service station/convenience store to be explored.~~

~~Rezoning of the site for Residential purposes is supported by Council as this is consistent with the zoning of a large proportion of the surrounding neighbourhood. In addition, there is adequate land remaining on the other Club lands to accommodate current activities of the Club. In addition, the land has been zoned for residential purposes for many years.~~

~~As the site is not utilised for Club activities, there is currently no strong planning reason to retain the RE2 Private Recreation Zone. However, in supporting rezoning of the land from RE2 Private Recreation to R2 Low Density Residential, Council does not endorse this as an ‘interim position’ as requested by the Club.~~

~~Any future alternative uses on the site (e.g. service station/convenience store) would required a future (separate) planning proposal and need to be considered on its merits having regard to its relationship and potential impacts on surrounding land.~~

SITE 4:	99 And 115 Meadows Road (Mounties Club), Mount Pritchard
----------------	---

Objective:

Rezone 99 and 115 Meadows Road, Mt Pritchard (as exhibited under the Fairfield LEP 2013) from R2 Low Density Residential to RE2 – Private Recreation (see Attachment B) adjoining the Mounties Club to allow for future Club uses (including car parking) on these sites.

Explanation/justification:

Under the Fairfield LEP 2013, based on advice from the DP&I various Club sites in the City zoned residential under Fairfield LEP 1994 (includes the Mounties Club) are proposed to be zoned RE2 – Private Recreation. In addition under the Fairfield LEP 2013 Clubs will no longer be listed as a permissible use in the residential zones.

In light of these new arrangements, as a transitional measure, under the Fairfield LEP 2013 Council is also proposing to zone residential properties in Club ownership (whether or not it is being utilised for club facilities) and directly adjoining a club site to RE2 Private Recreation. This provides greater certainty regarding the intended use of Club owned lands adjoining the Club site.

It is noted that any future proposal to establish a use on Club owned land zoned RE2 would still be subject of a development application and require notification to surrounding land owners.

Amend FSR, Height and minimum lot size maps by removing controls applying under R2 Zone (Attachment C).

The above arrangements/issues apply to both 99 and 115 Meadows Road (owned by the Mounties Club) which are zoned Residential under Fairfield LEP 1994 and proposed to be rezoned RE 2 – Private Recreation under this Planning Proposal. In following the above approach, Council has also adopted the following policy;

- Council will not support rezoning of residential land to RE2 – Private Recreation where this has the potential for a residentially zoned property becoming isolated from the surrounding residential land by the RE2 zone, and
- Any further requests for rezoning of club land (directly adjoining an RE2 zone) under the housekeeping LEP will only be considered against the above criteria until such time as the new Fairfield LEP 2013 comes into force.
- Once the Fairfield LEP 2013 comes into force any changes to the RE2 zone will need to be initiated by the landowner (Club) via lodgement of a formal planning proposal.

B: MINOR AMENDMENTS

The following table outlines the background and basis for other amendments associated with this 'Housekeeping' Planning Proposal.

Site	Site	Background - provisions applying under Fairfield LEP 1994	Planning Proposal Explanation/justification
5	400 Cabramatta Road West (Lot 1 in DP 29449), Cabramatta	- Fairfield LEP 1994 permitted the additional use of multi unit housing on the site comprising 6 different land parcels located on the corner of Cabramatta Road West and The Cumberland Hwy. - One parcel of land (lot 1 in DP 29449) inadvertently omitted from Schedule 1 (Site 6) and on Key Sites Map sheet of LEP 2013 - A development application (no. 232/98) has been approved and partial commenced for construction of multi dwelling housing on the whole site. - The site is now predominantly vacant. The inclusion of the site on the schedule provides greater planning certainty and classification for future development of the site for Multi unit housing.	- Inclusion of Lot 1 in DP 29449 in Schedule 1 achieves consistency with LEP provisions, planning issues (including the approved development application) associated with the remainder of the site. Under this planning proposal the following steps are proposed; - Change Site 3 on Key Sites Map to include lot 1 in DP 29449 - Update schedule 1 of LEP 2013 - Key Site 3 by including reference to lot 1 in DP 29449

Site	Site	Background - provisions applying under Fairfield LEP 1994	Planning Proposal Explanation/justification
6	Southern side of Smithfield Road, between Polding St and Prospect Creek	- Fairfield LEP 1994 land is part of an existing public transport corridor zoned 5(a) Special Uses - Public transport corridor - Incorrect map label "Classified Road" assigned to this part of the corridor	- The planning proposal corrects an anomaly in the Fairfield LEP 2013. Under this planning proposal the following steps are proposed; - Assign correct label "Strategic Bus Corridor" to zone map associated with Fairfield LEP 2013
7	34 Homebush St, St Johns Park (part lot 129 DP 259188)	- Site currently zoned 6(a) under Fairfield LEP 1994 and utilised as a Council playground. - RE1 – Public Recreation label appears on the draft LEP map but incorrect colour (associated with the R2 - Low Density zone) was applied	- The anomaly appearing on LEP Zone Map was corrected by the Dept of Planning and Infrastructure when it made the Fairfield LEP 2013. Under this planning proposal the following steps are proposed; - Remove the FSR and Height controls applicable to site under the relevant maps applying to the site under Fairfield LEP 2013.
8	Villawood Railway Station Group, Villawood	- Station is a State Listed item under Fairfield LEP 1994 - Site is listed in Schedule 5 of LEP 2013 but the curtilage of the Station precinct is not shown on the accompanying LEP Heritage Map.	- The planning proposal corrects an anomaly in the Fairfield LEP 2013. Under this planning proposal the following steps are proposed; - Amend draft LEP Heritage Map to show cartilage of Villawood Station Precinct.
9	Smithfield Library 51-57 Oxford Street, Smithfield	- Library currently zoned 6(a) Open Space under Fairfield LEP 1994 - RE1 Public Recreation label appears on LEP map but incorrect zone colour (R3 Medium Density) applied - FSR and heights controls also applied but not relevant to RE1 Zone	- The planning proposal corrects an anomaly in the Fairfield LEP 2013. Under this planning proposal the following steps are proposed; - Change colour on draft LEP Map to applicable colour for RE1 zone. - Remove site from height, and FSR maps

STATEMENT OF COUNCILS INTERESTS

Sites 7 (34 Homebush Street, St Johns Park) and 9 (51-57 Oxford Street, Smithfield) above, are both in Council ownership and are classified community land under the NSW Local Government Act 1993.

Under this planning proposal there is no proposal to reclassify or dispose either of these sites which will be retained as a Council play ground (34 Homebush St) and library (51-57 Oxford Street, Smithfield), respectively.

Rather, the primary intention of this planning proposal is to address anomalies existing in the Fairfield LEP 2013 relating to these sites by applying relevant (comparable) standardised zoning provisions of the NSW Standard LEP Order to each parcel.

In this regard this planning proposal provides greater certainty and clarity of retaining these sites for community purposes in the long term.

Part 3 – Justification

Section A – Need for a Planning Proposal.

The justifications provided in this section is applicable to all sites that form part of this planning proposal except for where it is specifically state for a particular site.

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

No, there are no specific strategic studies or reports relating to preparation of this planning proposal and the planning proposal does not generate any significant implications in terms of the findings and recommendations of major strategic planning studies (e.g. Biodiversity Strategy, draft Residential Development Strategy) underpinning preparation of the Fairfield LEP 2013.

The planning proposal stems from the recommendations adopted by Council at its meeting of the 24 April 2012 and 24 July 2012 in relation to the Fairfield LEP 2013.

In summary it relates to;

- Issues arising from four submissions to the Comprehensive LEP which have sufficient planning merit supporting rezoning of sites 1 to 4 to various Standard LEP zones. This step will ensure greater certainty for these sites in terms of their future use and integration with surrounding land uses.
- Addresses anomalies with the Fairfield LEP 2013 for sites 5 to 9 by facilitating transition of existing provisions contained in Fairfield LEP 1994 to Councils standardised provision of the NSW Standard LEP.

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.

All the matters covered by the planning proposal relate to statutory issues under Part 3 of the Environmental Planning and Assessment Act. In this regard, the planning proposal is the only mechanism for achieving the objectives and intended outcomes relating to the sites covered by the planning proposal.

3. Is there a Net Community Benefit?

A Net Community Benefit Test has been undertaken to determine the net community benefit of the planning proposal. Table A demonstrates the net community benefit of the proposal assessed against the Department of Planning & Infrastructure criteria set out in the draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the amendments contained in this planning proposal.

Table A – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/x
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	The LEP does not generate any inconsistencies with State or regional strategic directions in relation to housing targets or employment densities in the City.	✓
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. None of the sites are located within a strategic centre or corridor nominated under a State Strategy.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The LEP promotes better integration of permissible land uses on various sites with that allowed in the surrounding zone. It addresses anomalies in the Fairfield LEP 2013 and ensures better transition from the current zoning provisions of the Fairfield LEP 1994 to comparable Standard LEP provisions/zones.	✓
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes, the key area for potential cumulative impacts relates to rezoning of land adjoining the Mounties Club (site 4) from R2 Low Density Residential to RE2 Private Recreation. In transitioning Club owned lands to the RE2 zone, Council has endorsed a policy to ensure the rezoning land to RE2 does not result in isolation of residentially zoned land from the surrounding residential area.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The LEP will not result in a loss of employment lands.	✓
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The rezoning of site 2 (80 -84 Brisbane Road) provides greater certainty for use of these sites for residential purposes. Site 4 (Mounties Club) results in the loss of two single dwelling lots, however these site are already in the Club ownership and intended for Club uses or carparking and will not significantly impact on the supply of residential lands in the City.	✓
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?	Yes, all of the subject sites are located in the existing urban area and have access to relevant infrastructure, pedestrian and cycling access.	✓
Is there good pedestrian and cycling access?	A number of the sites are also located in proximity to bus and rail services.	✓
Is public transport currently available or is there infrastructure capacity to support future public transport?	The scope of the rezonings has negligible implications for the provision of infrastructure and services in the City.	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The scope of the rezonings has negligible implications for the changes to car distances travelled, green house emissions, operating costs and road safety.	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Yes. The expected impact of the proposal is that there will be additional patronage on the Transitway that is a positive outcome for the significant Government investment.	✓
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts?	No. The planning proposal makes clear the intention to retain an existing strategic bus corridor along Smithfield Road.	✓

Evaluation Criteria	Assessment	✓/x
Will the LEP be compatible or complementary with surrounding land uses?	The proposal ensures greater consistency for various sites with surrounding land uses.	✓
What is the impact on amenity in the location and wider community?	There will be minimal impact on the amenity of the wider community and quality of the public domain.	✓
Will the public domain improve?		✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Yes, in relation to Site 1 (21 Phelps St) where the rezoning provides greater certainty for future commercial uses on the site which have been the subject of a previous approval.	✓
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No.	✓
What are the public interest reasons for preparing the draft plan?	The plan responds to issues raised during public exhibition of the Fairfield LEP 2013. Further consultation will be undertaken with landowners surrounding sites 1-4 which are proposed to be zoned alternative zones to that shown in the draft LEP	✓
What are the implications of not proceeding at that time?	Not proceeding would result in greater uncertainty regarding permissible development and future use of each site covered by the planning proposal.	✓

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)?*

Based on the above assessment it is considered that the planning proposal is consistent with the *Metropolitan Plan for Sydney 2036* and *Draft West Central Subregion Strategy*. The proposal will aid in the achieving the relevant objectives as set out in the Plan.

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

Fairfield City Plan 2010-2020 Community Strategic Plan sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. Of relevance to this proposal are those goals that deal specifically with open space.

Table C details how the planning proposal is consistent with the relevant goals contained within Fairfield City Plan 2010-2020.

Table C – Relationship to the Fairfield City Plan 2010-2020

Themes	Goals	Planning Proposal	Consistency
PLACES & INFRASTRUCTURE	Current most relevant provisions: Goal 2: Buildings and Infrastructure meet the changing standards, needs and growth of our community. Our City has activities, buildings and infrastructure to an agreed standard that cater to our diverse needs and future growth. Strategies – What we will do to achieve the goal - Implementing comprehensive strategic land use planning and regulatory framework for new development.	The planning proposal stems from submissions received to public exhibition of the Fairfield LEP 2013 and review of planning matters relevant to the draft LEP. It provides greater certainty for future development and decision making in relation to the sites covered by the planning proposal. This includes use of sites intended for community purposes (Sites 7 and 9)	YES

Based on the above assessment it is considered that the planning proposal is consistent with the Fairfield City Plan 2010-2020. The proposal will aid in the achieving the relevant goals as set out in the Plan.

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

Table D details how the planning proposal is consistent with the relevant State Environmental Planning Policies.

Table D – Consistency with State Environmental Planning Policies

SEPP Title	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	YES	This planning proposal does not contain 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	This planning proposal does not contain provisions that would affect the application of the SEPP.
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)	YES	This planning proposal does not significantly change the amount of residential land in the City available for urban consolidation. This planning proposal does not contain provisions that would affect the application of the SEPP.
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 Title	Consistency	Consistency of Planning Proposal
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	N/A	-
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	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	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
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	YES	This planning proposal does not contain provisions that would affect the application of the SEPP.
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	-
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)

Table E details how the planning proposal is consistent with the relevant Section 117 Directions.

Table E – Consistency with Section 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.	- Rezoning of Site 1 (21 Phelps St) provides for additional land to support employment growth - This direction is not relevant to any other sites included in the planning proposal	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.	The Planning Proposal relates to an existing heritage item (Villawood Station) identified under Fairfield LEP 1994 to be included in the Fairfield LEP 2013. The Planning Proposal provides greater clarification regarding the curtilage of the heritage precinct associated with the station buildings.	YES
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.	The Planning Proposal provides greater certainty in relation to future residential development at 80 – 84 Brisbane Road and 620 Elizabeth Drive for residential development. It does not have a significant impact on the overall amount of land in the City available for residential development.	YES
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	The rezoning of land at 21 Phelps St to B2 Local Centre provides for commercial development located in close proximity to public transport and other services. Other sites are also located in proximity to bus services.	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.	None of the sites affected by the planning proposal is affected by mainstream flooding. Existing urban area of Fairfield City are located within a floodplain (part of the Georges River Catchment). These areas are highly urbanised and have the potential to be exposed to different degrees of overland flooding associated with stormwater runoff. The potential for overland flooding is assessed on a case by case basis and having regard to Council flood maps and site investigations. Development is required to meet the provisions in Chapter 11 Flood Risk Management of Councils City Wide DCP as well as the NSW	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		Governments <i>Flood Planning Development Manual 2005</i> . Based on current information available to Council, none of the sites covered by this planning proposal is exposed to a significant risk from overland flooding and flooding does not represent a major constraint for rezoning or development of these sites in future.	
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 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	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

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
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	N/A	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.	The Planning Proposal applies the Standard LEP RE1 – Public Recreation zones to 34 Homebush St (Council Park) and 51-57 Oxford St (Council Library). In addition, the Planning Proposal also clarifies the application of an existing strategic bus corridor applying along a section of Smithfield Road. In this regard, the Planning Proposal enhances certainty regarding reservation of land for public purposes on the above sites.	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls	N/A	YES
7. Metropolitan Planning			
7.1 Implementation of the metropolitan Plan for Sydney 2036	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 consistent with the direction. Further details are provided earlier on in this proposal under Section B – Relationship to Strategic Planning Framework	YES

Section C – Environmental, social and economic impact

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?*

None of the subject sites are classified as critical habitat.

No threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

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

Key sites where these effects are relevant to are;

Site 1: 21 Phelps St, Canley Vale

- Proposed to be rezoned from R3 Medium Density Residential to B2 Local Business
- Previous approval has been granted for commercial development on the site where the impacts on the surrounding area were taken into account.
- In the case this development does not proceed a further development application for alternative development would need to be submitted with Council whereby relevant impacts on the surrounding area would need to be considered.
- Any future (alternate) development on the site would need to comply with relevant planning controls, including relevant provisions contained in Council's City Wide DCP in relation to car parking, urban design, overshadowing, privacy and amenity of surrounding properties.

Site 2: 80 Brisbane Road, Bonnyrigg

- The rear section of the site is proposed to be rezoned from RE2 Private Recreation to R2 Low Density Residential
- An application for subdivision of the rear section of the site (proposed to be zoned R2) to create 5 residential allotments was approved by Council on the 25 June 2012.
- Issues in relation to provision of drainage services, vehicular access and acoustic amenity for the new residential allotments were addressed under Council's assessment of the development application for the subdivision.
- Future construction of residential dwellings on the 5 residential allotments at the rear of the site would be the subject to submission of a further development application (with Council) or request for a complying development certificate (either with Council or private certifier) and would need to meet with relevant requirements of Council's City Wide DCP (for a development application) or standards of the SEPP – Exempt and Complying Codes relating to complying development.
- In the case of a development application being submitted to Council for a dwelling on the residential allotments assessment of the proposal would require notification to surrounding landowners and consideration of issues raised in submissions from adjoining owners.

Site 3: 620 Elizabeth Road, Bonnyrigg

In July 2013, following public exhibition Council resolved to remove this site from consideration of the Housekeeping LEP until such time as the owners of the land have provided further clarification to Council in relation to the future use of the site and addressed issues raised by the NSW RMS in relation to access arrangements having regard to the site having frontage to the State Arterial Rd – Elizabeth.

As a result previous provisions (below) have been removed from this planning proposal;

- ~~— The above property is proposed to be rezoned from RE2 Private Recreation to R2 Low Density Residential.~~
- ~~— Under the Fairfield LEP 1994 the site is zoned 2(a) Residential with the predominant form of residential development permitted in this zone being single dwelling houses.~~
- ~~— Any future applications for subdivision of the site would be subject to submission of the development application to Council. Issues relating to provisions of services, access and impact on surrounding properties would need to be considered at that stage.~~
- ~~— Similarly any proposal for additional uses (e.g. service station) would be subject to a separate planning proposal and require appropriate justification and assessment of impacts on the surrounding environment.~~

Site 4: 99 and 115 Meadows Road, Mt Pritchard
--

- The above properties are proposed to be rezoned from R2 Low Density Residential to RE2 Private Recreation.
- Both these parcels of land adjoin RE2 land (also in the ownership of the Mounties Club) currently utilised for car parking.
- Based on the current layout and configuration of the adjoining club facilities, both of the above sites have the potential to be utilised for carparking purposes for the Mounties Club.
- Any future use of these sites for club purposes (including car parking facilities) would be subject of further development applications with Council and require; notification to surrounding landowners, assessment of impacts and measures to mitigate any impacts on the amenity of surrounding residential properties.

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

The planning proposal will have minimal social and economic effects. The proposal seeks to provide for greater certainty in relation to the current and future use of the sites affected by this planning proposal having regard to current ownership, previous development approvals and intended use of the land parcels.

Section D – State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

The sites affecting the proposal have or are located in close proximity to public infrastructure including sewerage, water supply, power and telecommunication services.

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

In accordance with the Gateway Determination, the following public authorities were consulted:

- Office of Environment and Heritage (OEH)
- Transport for NSW
- Roads and Maritime Services (RMS)

RMS did not raise any objection to the proposal, However, RMS advised that they are not prepared to grant concurrence to any proposed driveway on a classified road for any future development fronting a major arterial road that has alternate vehicular access via the local network. On the grounds of this advice, in July 2013 Council resolved to remove 620 Elizabeth Drive, Bonnyrigg from consideration of the Housekeeping LEP until such time as the owners of the land have addressed issues raised by the NSW RMS in relation to access arrangements, having regard to the site having frontage to the State Arterial Rd – Elizabeth Drive.

No other submissions were received from public authorities.

Part 4 – Community Consultation

In accordance with the requirements of the Gateway Determination, the planning proposal was made publicly available for 28 days.

Council exhibited the proposal according to the consultation strategy adopted by Council. This included letters being sent to properties adjoining sites where zone changes were proposed.

No submissions were received during the exhibition period.

N.B. *It was not proposed to carry out notification (via individual letters) to properties owners adjoining or surrounding sites 5-9 as the nature of the proposed changes to the LEP provisions are inconsequential and reflect the 'status quo' of LEP provisions that have applied to these sites for many years under Fairfield LEP 1994.*