

Reclassification of Council-owned Land throughout Fairfield LGA

Proposal Title : **Reclassification of Council-owned Land throughout Fairfield LGA**

Proposal Summary : **The purpose of the proposal is to confirm the classification of a number of Council-owned properties in various locations as Operational and reclassify one site in Edensor Park from Community to Operational.**

PP Number : **PP_2014_FAIRF_002_00** Dop File No : **14/05307**

Proposal Details

Date Planning Proposal Received : **28-Feb-2014** LGA covered : **Fairfield**

Region : **Sydney Region West** RPA : **Fairfield City Council**

State Electorate : **FAIRFIELD** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street :	10A Ascot St		
Suburb :	Canley Heights	City :	NSW
Land Parcel :	Lot 12 DP 207584		Postcode : 2166
Street :	28 Beelar St		
Suburb :	Canley Heights	City :	NSW
Land Parcel :	Lot 2 DP 584446		Postcode : 2166
Street :	64 Bareena St		
Suburb :	Canley Vale	City :	NSW
Land Parcel :	Lot 1 DP 564576		Postcode : 2166
Street :	64A Bareena St		
Suburb :	Canley Vale	City :	NSW
Land Parcel :	Lot 2 DP 564576		Postcode : 2166
Street :	64B Bareena St		
Suburb :	Canley Vale	City :	NSW
Land Parcel :	Lot 3 DP 564576		Postcode : 2166
Street :	Part of 25 Canley Vale Rd		
Suburb :	Canley Vale	City :	NSW
Land Parcel :	Part of Lot 5 DP 202980		Postcode : 2166
Street :	Part of 25 Canley Vale Rd		
Suburb :	Canley Vale	City :	NSW
Land Parcel :	Part of Lot B DP 414988		Postcode : 2166

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Street :	25D Canley Vale Rd	City :	NSW	Postcode :	2166
Suburb :	Canley Vale				
Land Parcel :	Lot B DP 35534				
Street :	1 Pevensey St	City :	NSW	Postcode :	2166
Suburb :	Canley Vale				
Land Parcel :	Lot C DP 348882				
Street :	6 Hughes St	City :	NSW	Postcode :	2166
Suburb :	Cabramatta				
Land Parcel :	Lot 2 DP 565436				
Street :	68 Fitzgerald Ave	City :	NSW	Postcode :	2176
Suburb :	Edensor Park				
Land Parcel :	Lot 1 DP 852647				
Street :	21 Railway Parade	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 1 DP 951311				
Street :	5 York St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 2 DP 1015540				
Street :	17-19 York St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lots 3 and 4 DP 12161				
Street :	25A Barbara St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 2 DP 20333				
Street :	25B Barbara St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 3 DP 20333				
Street :	36A Harris St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 1 DP 216678				
Street :	36C Harris St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 2 DP 216678				
Street :	11 Kenyon St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 2 DP 202875				
Street :	11A Kenyon St	City :	NSW	Postcode :	2165
Suburb :	Fairfield				
Land Parcel :	Lot 2 DP 548510				

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Street :	7A Nelson St			
Suburb :	Fairfield	City :	NSW	Postcode : 2165
Land Parcel :	Lot 1 DP 228772			
Street :	7B Nelson St			
Suburb :	Fairfield	City :	NSW	Postcode : 2165
Land Parcel :	Lot 1 DP 249961			
Street :	7C Nelson St			
Suburb :	Fairfield	City :	NSW	Postcode : 2165
Land Parcel :	Lot 1 583176			
Street :	7D Nelson St			
Suburb :	Fairfield	City :	NSW	Postcode : 2165
Land Parcel :	Lot 2 DP 249961			
Street :	11A Landon St			
Suburb :	Fairfield East	City :	NSW	Postcode : 2165
Land Parcel :	Lot 1 DP 43729			
Street :	50A Marlborough St			
Suburb :	Fairfield Heights	City :	NSW	Postcode : 2165
Land Parcel :	Lot 1 DP 803139			
Street :	146 Polding St			
Suburb :	Fairfield Heights	City :	NSW	Postcode : 2165
Land Parcel :	Lot 6 DP 25299			
Street :	2A Hartog Ave			
Suburb :	Fairfield West	City :	NSW	Postcode : 2165
Land Parcel :	Lot 263 DP 227657			
Street :	29 Knight St			
Suburb :	Lansvale	City :	NSW	Postcode : 2166
Land Parcel :	Lot F DP 16606			
Street :	295 Victoria St			
Suburb :	Wetherill Park	City :	NSW	Postcode : 2164
Land Parcel :	Lot 8 DP 230076			

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DoP Planning Officer Contact Details

Contact Name : Georgina Ballantine
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RPA Contact Details

Contact Name : Chris Shinn
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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment : To the best of the Regional Team's knowledge there have been no meetings or communications with registered lobbyists in relation to this planning proposal.

Supporting notes

Internal Supporting
Notes : Background
As a requirement of the Local Government Act 1993, Fairfield City Council classified as 'Operational' 276 Council-owned properties by resolution on 28 June 1994. In response to PWC Properties Pty Ltd v Bathurst City Council (5 July 1996) and the Department of Local Government's Circular 96/95 (2 December 1996), Fairfield Council obtained legal advice as to the certainty of whether the 276 classified properties were definitively classified as 'Operational'. Council subsequently resolved to remove any uncertainty surrounding the sites by resolving to reclassify the sites from Community to Operational through preparation of a number of draft LEPs.

The eighteen sites covered by this draft LEP form part of the 276 'Uncertain Operational' sites classified in 1994. Council previously reclassified 16 sites via Fairfield LEP 1994 Amendment 128 and anticipates the preparation of further draft LEPs to address the classification of any remaining sites defined as 'Uncertain Operational'.

Site Descriptions and Usage

Detailed descriptions of each site are provided in Part 2 of the planning proposal pgs 10-14. Many of the sites contain a number of lots bundled together to form one land parcel at each of the 18 locations. In addition, Council has grouped the sites into four categories indicating the purpose for reclassification, as follows:

Group 1 - Disposal

The sites listed below have been identified as potentially surplus to Council's needs and could be considered for future disposal. Three of the sites are defined as 'Uncertain Operational'.

68 Fitzgerald Ave, Edensor Park is classified as Community and does not form part of the 276 sites classified in June 1994. It comprises vacant land and Council has had discussions with an adjoining land owner seeking to purchase the site. The four sites must be classified as 'Operational' prior to future disposal or development:

- 10A Ascot St, Canley Heights
- 68 Fitzgerald Avenue, Edensor Park
- 5 York St, Fairfield
- 29 Knight St, Lansvale

Group 2 - Long-term lease agreements and potential future redevelopment

The sites listed below have long-term lease agreements in place:

- 64, 64A & 64B Bareena St, Canley Vale
- 25A & 25B Barbara St, 36A & 36C Harris St, 11 & 11A Kenyon St, Fairfield
- 146 Polding St, Fairfield Heights
- 50A Marlborough St, Smithfield

Group 3 - Operational issues

The sites listed below have been or are currently leased and reclassifying to 'Operational' will allow Council to enter into more flexible lease agreements with current and prospective tenants and permit operational issues such as access arrangements to be resolved.

- 7A, 7B, 7C & 7D Nelson St, Fairfield
- Part of 25 Canley Vale Rd and 25D Canley Vale Rd, Canley Vale
- 6 Hughes St, Cabramatta
- 11A Landon St, East Fairfield
- 21 Railway Parade, Fairfield
- 28 Beelar St, Canley Vale
- 295 Victoria St, Wetherill Park
- 17-19 York St, Fairfield

Group 4 - Resolving Land Classification Uncertainty

The sites listed below contain child care centres operated by Council and are required to be 'Operational'.

- 2A Hartog St, Fairfield West
- 1 Pevensy St, Cabramatta

Interests

Many of the sites are affected by interests (Planning Proposal pgs 7-9). Council is not seeking to extinguish any interests on the subject lands.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

- Enable Council to develop or dispose of a number of parcels of land that have been identified as surplus
- Enable Council to enter into longer term lease agreements and to allow for potential future redevelopment on a number of Council-owned properties
- Ensure Council owned sites can be managed operationally with greater flexibility
- Provide certainty with regards to the classification of a number of Council-owned properties

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :
Council is proposing eighteen amendments to the Fairfield Local Environmental Plan 2013 Schedule 4 Classification and Reclassification of Public Land - Part 2 Land Classified, or reclassified, as operational land - interests changed.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 1—Development Standards
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 19—Bushland in Urban Areas
SEPP No 22—Shops and Commercial Premises
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 53—Metropolitan Residential Development
SEPP No 55—Remediation of Land
SEPP No 60—Exempt and Complying Development
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007
SEPP (Affordable Rental Housing) 2009**

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e) List any other matters that need to be considered : **None**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Council has identified a number of s.117 Directions and SEPPs as applying to the proposal. As the proposal seeks to confirm classification of 17 sites which have already been operating as if 'Operational', the current and potential usages on the sites will continue unaffected and, as such, the planning proposal is consistent with all the s.117 Directions and SEPPs listed by Council.**

68 Fitzgerald St, Edensor Park is currently classified as 'Community' but is proposed to be reclassified to 'Operational' for the purposes of future disposal. 68 Fitzgerald St is currently zoned R2 Low Density Residential and so Direction 3.1 Residential Zones applies. The proposal is considered to be consistent with Direction 3.1 as it does not alter the zoning or reduce the permissible residential density of the land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided Location Maps for the 18 sites. Prior to exhibition it is recommended that Council provide a list clearly detailing how each lot and DP number applies to each property address.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council is proposing an exhibition period of 28 days, direct correspondence to surrounding owners, publication within the local press and information on Fairfield City Council's website.
Council intends to hold a public hearing subject to Section 57(6) of the EPA Act 1979 and Section 29 of the LG Act 1993.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **May 2013**

Comments in relation to Principal LEP :

Fairfield Local Environmental Plan 2013 was made on 17 May 2013.

Assessment Criteria

Need for planning proposal :

This planning proposal is justified by the need for Fairfield City Council to confirm the classification of 17 sites as 'Operational', following PWC Properties Pty Ltd v Bathurst City Council (5 July 1996) which cast doubt upon the validity of reclassification of Council-owned land through resolution only.

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Council also requires the vacant 'Community' site at 68 Fitzgerald Ave, Edensor Park to be reclassified to 'Operational' to enable potential future disposal.

Consistency with strategic planning framework :

As the majority of sites have been used for 'Operational' purposes for the last 18 years, the confirmation of the classification of the sites does not have any specific link to strategic studies or use. Many of the sites will continue to support long-term lease agreements for existing businesses or organisations. Should Council decide to redevelop or dispose of any of the sites, this may assist Council in achieving residential dwelling targets for the area. The Metropolitan Strategy has identified a target of 24,000 new dwellings by 2031 for Fairfield LGA.

A number of the sites have been identified in Council's Master Plans and Council's Direct (Section 94) Development Contributions Plan 2011 as potential sites for future redevelopment, which may incorporate mixed use development along with community facilities.

Environmental social economic impacts :

As the planning proposal is concerned solely with reclassification of Council-owned land, there will be no significant environmental, social and economic impacts through the reclassification alone. The site at 11A Landon St, Fairfield East contains a small section of E2 Environmental Conservation zoned land. As the proposal does not alter the zoning the conservation land will continue to be protected.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The proposal seeks to confirm the reclassification of 17 Council-owned sites as 'Operational' and reclassify one site from 'Community' to 'Operational' for potential future disposal. The proposal will facilitate Council in continuing to use Council-owned sites for operational purposes, establish and/or confirm long-term lease agreements and enable disposal of surplus land. There are no strategic, social, environmental or economic reasons why the proposal should not proceed.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter 26 Feb 2014.pdf	Proposal Covering Letter	Yes
Planning Proposal - Reclassification of Council Owned Land - February 2014.pdf	Proposal	Yes
Location Maps - All Sites - February 2014.pdf	Map	Yes
Ordinary Council Resolution - Item 1 - 18 February 2014.pdf	Determination Document	Yes
Reclassification Council Meeting Minutes 11 Feb 2014.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

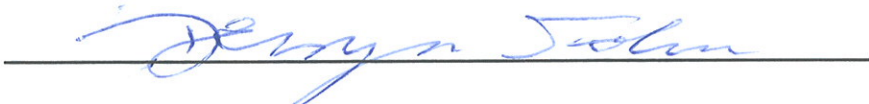
It is recommended that the Planning Proposal proceed subject to the following:

1. The Planning Proposal must be made publicly available for 28 days.
2. Consultation with public authorities is not required.
3. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the agency's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
4. The timeframe for the making of the LEP is to be 9 months from the week following the Gateway Determination.

Supporting Reasons :

This planning proposal will assist Council in continuing to operate Council-owned land for 'Operational' purposes, establish and/or confirm long-term lease agreements and enable potential future disposal of surplus land. The proposal is considered to have merit.

Signature:



Printed Name:

DERRYN JOHN

Date:

4 APRIL 2014

