

OUTCOMES COMMITTEE

Meeting Date 8 August 2017

Item Number. 94

SUBJECT: Amend the Fairfield Local Environmental Plan 2013 by rezoning the subject site from R2 Low Density Residential to R3 Medium Density Residential
Premises: 10 Lasa Street Cabramatta
Applicant/Owner: Mr Lorenzo Biordi
Zoning: R2 Low Density Residential

FILE NUMBER: 16/11209

PREVIOUS ITEMS: 36 - Planning Proposal to Allow Multi-Dwelling Housing - Outcomes Committee - 11 April 2017
139 - Amend the Fairfield Local Environmental Plan 2013 to Allow 'additional permitted use of multi-dwelling housing' at 10 Lasa Street, Cabramatta under Fairfield Council's Large Lot Policy - Outcomes Committee - 6 December 2016

REPORT BY: Sunehla Bala, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council adopt the Planning Proposal as publicly exhibited (Attachment A of the report) to amend of the Fairfield Local Environmental Plan (FLEP) 2013 by rezoning 10 Lasa Street, Cabramatta from R2 Low Density Residential to R3 Medium Density Residential to allow 'multi-dwelling housing'.
2. Pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council proceed to finalise the Planning Proposal under delegated authority in accordance with the Guide to Preparing Local Environmental Plans (Department of Planning and Environment). The delegated functions will be undertaken by the Director Community Outcomes who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.

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

SUPPORTING DOCUMENTS:

AT-A	Planning Proposal - 10 Lasa Street Cabramatta	29 Pages
AT-B	Gateway Determination	2 Pages
AT-C	Gateway Determination - Amended	2 Pages

CITY PLAN

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

SUMMARY

This report relates to the public exhibition of the Planning Proposal (Attachment A) which seeks to amend the *Fairfield Local Environmental Plan (FLEP) 2013* by rezoning 10 Lasa Street, Cabramatta from R2 Low Density Residential to R3 Medium Density Residential.

The Planning Proposal was exhibited from Wednesday, 14 June 2017 to Tuesday, 11 July 2017 and at the conclusion of the exhibition period, Council had received one agency submission only. During this period Council also received no phone or counter enquiries regarding the Planning Proposal.

Council's adoption of the recommendations contained within this report will ensure the matter is referred to the Department of Planning and Environment (DP&E) for finalisation and gazettal.

REPORT**Background**

On 13 December 2016 Council considered a Planning Proposal to introduce an additional permitted use of 'multi dwelling housing' to the subject site. Council resolved to proceed with the Planning Proposal and submit to the DP&E for Gateway Determination.

On 17 February 2017, Council received the Gateway Determination (Attachment B) for the proposal. However, as a condition of the Gateway Determination the DP&E recommended that Council amend the Planning Proposal as follows:

- Remove reference from the Planning Proposal introducing an Additional Permitted Use through Schedule 1 of the FLEP 2013 to the subject site of 'Multi Dwelling Housing'
- Amend the Planning Proposal to rezone the site to R3 Medium Density Residential with an optional inclusion of a 'Local Clause'.

At its meeting on 11 April 2017, Council resolved to support the recommendation of the Department of Planning and Environment's (DP&E) Gateway Determination dated 16 February 2017, which required an amendment to the planning proposal. The amendment required a change from proposing an additional permitted use for 'multi dwelling housing' to rezoning the site to R3 Medium Density Residential.

OUTCOMES COMMITTEE

Meeting Date 8 August 2017

Item Number. 94

The Planning Proposal was amended as per the recommendation of the Gateway Determination without the option of the 'Local Clause' and sent to the DP&E with a request to amend the Gateway Determination by omitting the inclusion of the 'Local Clause'.

On 29 May 2017, an amended Gateway Determination (Attachment C) omitting the inclusion of 'Local Clause' was received.

Public Exhibition

The Planning Proposal was publicly exhibited from Wednesday, 14 June 2017 to Tuesday, 11 July 2017 for a period of 28 days under Section 56(2) (c) and 57 of the *Environmental Planning and Assessment Act 1979*.

The public exhibition was advertised in the local newspaper in accordance with Clause 18 of the *Environmental Planning and Assessment Regulation 2000* and the Council's Consultation Strategy as outlined in the December 2016 report.

In addition, the exhibition was placed on Council's website and a hard copy was available at the Administrative Building customer service counter for viewing.

During the public exhibition period Council received no written submissions and no phone or counter enquiries from the public regarding the proposal.

Public Agency

In accordance with the Gateway Determination, Sydney Water was consulted during the exhibition period for their comments on the Planning Proposal.

On 7 July 2017, Sydney Water commented (Attachment D) on the Planning Proposal as follows:

- Sydney Water has no objections to the Planning Proposal;
- Water services are available from the 100mm main in Lasa Street;
- Wastewater services are available from the 150mm main traversing the site;
- Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main;
- Amplifications and extensions to these mains may be required depending on the size and scale of development; and
- Detailed requirements will be provided at the Section 73 applications phase.

OUTCOMES COMMITTEE

Meeting Date 8 August 2017

Item Number. 94

CONCLUSION

As a result of the public exhibition of the Planning Proposal to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential, it is recommended that Council adopt the Planning Proposal as contained in Attachment A.

Upon adoption of the Planning Proposal, Council will formally seek drafting of the LEP by Parliamentary Counsel under Section 59(1) of the *Environmental Planning & Assessment Act 1979*. In addition, a formal request will also be forwarded to NSW DP&E to review and finalise the draft LEP map associated with the proposal.

Sunehla Bala
Senior Strategic Land Use Planner

Authorisation:

Coordinator Strategic Planning
Director Community Outcomes

Outcomes Committee - 8 August 2017

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***** END OF ITEM 94 *****