

FAIRFIELD LOCAL PLANNING PANEL

Meeting Date 18 September 2019

Item Number. 20

SUBJECT: Fairfield Accelerated LEP Review - Stage 1 Planning Proposal
(CLOSED BRIEFING SESSION)
Premises: Fairfield City LGA
Applicant/Owner: Fairfield City Council
Zoning: All zones under Fairfield LEP 2013

FILE NUMBER: 19/19838

REPORT BY: Andrew Mooney, Executive Strategic Planner

RECOMMENDATION:

1. That the Fairfield Local Planning Panel provide advice on the proposed draft Planning Proposal to implement a number of priority actions of the Fairfield Local Strategic Planning Statement as well as housekeeping amendments to the Fairfield LEP 2013.
 2. Following receipt of the advice from the Fairfield Local Planning Panel, the Planning Proposal be reported to Council to formally consider the matter.
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SUPPORTING DOCUMENTS:

AT-A	Housekeeping amendments to Fairfield LEP 2013	1 Page
AT-B	Amendments to Heritage Schedule - Property details	1 Page
AT-C	Fairfield draft LSPS - Shaping a Diverse City	81 Pages

CITY PLAN

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

SUMMARY

The following report provides background on preparation of a planning proposal to amend relevant provisions of the Fairfield Local Environmental Plan (FLEP) 2013.

The planning proposal is being prepared to address a grant funding milestone requirement under the NSW Government Accelerated LEP Review Program, to update the FLEP 2013 in line with a number of planning priorities contained in Council's draft Local Strategic Planning Statement (LSPS).

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The current planning proposal represents Stage 1 of amendments to Fairfield LEP 2013 having regard to the status of various priorities actions identified in the Fairfield LSPS 2040 – Shaping a Diverse City (**Attachment C** to this report)

In addition, the planning proposal also deals with a number of housekeeping amendments to Fairfield LEP 2013, associated with zoning anomalies relevant to three properties (**Attachment A**) and updates to property descriptions for heritage listed sites (**Attachment B**) aimed at promoting greater certainty for future development of these sites.

FAIRFIELD LOCAL PLANNING PANEL (FLPP) REFERRAL CRITERIA

The planning proposal is required to be referred to the Local Planning Panel for advice as set out by the Local Planning Panels Direction – Planning Proposals under section 9.1 of the Environmental Planning and Assessment Act 1979.

BACKGROUND - ACCELERATED LEP PROGRAM:

The NSW Accelerated LEP Program is subject to a number of critical components and milestones as summarised below;

Initial LEP Review (“Health Check”): In accordance with guidelines issued by the NSW Greater Sydney Commission (GSC) Council completed its LEP health check in October 2018. The Health Check involved a review of critical strategic planning issues relevant to the City and provided a broad overview of strategic investigations required to respond to the Western City District Plan Objectives and Actions. Council’s Health Check received endorsed from the GSC who also provided authorisation for Council to proceed to preparation of it draft LSPS (below)

Preparation of a draft Local Strategic Planning Statement (LSPS): Following a GSC assurance meeting, Council received a green light to prepare the Fairfield City draft LSPS “*Shaping a Diverse City*” that sets out a strategic land use vision for Fairfield City reaching out to 2040. The draft LSPS was endorsed by Council in June 2019, with exhibition being completed in August 2019.

Preparation of a planning proposal(s): Under the Accelerated LEP Review Program Council is required to prepare a planning proposal by October/November 2019 that amends the Fairfield LEP 2013 in light of the priorities and actions contained in the Fairfield City LSPS. This requirement has provided the trigger for the amendments to the Fairfield LEP 2013 detailed further in this report.

CONTENTS OF DRAFT PLANNING PROPOSAL

The planning proposal comprises amendments relating to:

1. Introduction of new or amended local clauses and additional objectives under existing FSR & Height clauses to address priorities and actions contained in Council’s draft LSPS.

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2. Amendment to Schedule 2 (Exempt Development) – increase the maximum period of temporary uses on Council land from 52 to 104 days, permit storage of goods on Council owned footpaths without the need for development consent and allowance for emergency works on Council owned or managed land.
3. Amendments to the zoning of various parcels of land addressing zoning anomalies to promote greater certainty for future development of the relevant sites.
4. Updating of existing property/site details appearing in Schedule 5 Environmental Heritage to clarify planning considerations relevant to these sites.

RELATIONSHIP OF PLANNING PROPOSAL WITH DRAFT LSPS

The following table provides an overview of the proposed amendments to Fairfield LEP and their relationship with relevant planning priorities of the Fairfield draft LSPS.

AMENDMENT	PURPOSE	RELATIONSHIP TO LSPS
<p>1. Aims of Plan</p> <p>New Aim: <i>to ensure the provisions of this Plan are updated and amended to reflect relevant priorities and actions of Council's Local Strategic Planning Statement in delivering desired strategic land use planning directions for the City of Fairfield.</i></p>	<ul style="list-style-type: none"> • To create a direct link between the provisions of Fairfield LEP 2013 & planning priorities of Council's draft LSPS • Ensure the LEP is updated to reflect completion of planning priorities and actions of the LSPS including new or updated strategic studies, masterplans and policies. 	<ul style="list-style-type: none"> • Clarifies the status & role of the LSPS, as the principle strategic planning document underpinning and providing strategic justification for current and future amendments to the Fairfield LEP 2013.
<p>2. Local Clauses</p> <p>2.1 Active street frontages</p> <p>Proposed new clause the same as a Standard Model Clause already in use in a number of other Council LEPs</p>	<ul style="list-style-type: none"> • Will apply to larger & medium sized town centres zoned B2 Local Centre, B3 Commercial Core & B4 Mixed Use • Aimed at promoting uses that attract pedestrian traffic along certain ground floor street frontages in town centres • A number of desired active street frontages are identified in town Centre DCPs. Additional areas to be identified in urban design studies • Relevant streets will be shown on maps accompanying Fairfield LEP 2013. 	<ul style="list-style-type: none"> • Linked to a number of desired outcomes identified in LSPS including promoting activity and amenity in the town centres of the City • Also relates to the LSPS planning priority 4.6 - <i>Council will encourage design excellence, and ensure that design recommendations in the Urban Design Studies are reflected in the LEP and DCP controls.</i>

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AMENDMENT	PURPOSE	RELATIONSHIP TO LSPS
<p>2.2 Design Excellence</p> <p>Proposed new clause the same as a Standard Model Clause already in use in a number of other Council LEPs.</p>	<ul style="list-style-type: none"> • Will apply to larger & medium sized town centres zoned B2 Local Centre, B3 Commercial Core & B4 Mixed Use and Zone R4 High Density Residential • Will require assessment of principles associated with 'design excellence' in DA's for apartments/higher rise buildings in the above zones. Includes consideration of <i>whether the form & external appearance of the development will improve the quality and amenity of the public domain.</i> 	<ul style="list-style-type: none"> • Linked to urban design studies currently being undertaken for a number of town centres in the eastern area of the City, including Fairfield, Cabramatta, Villawood and Fairfield Heights • Relates directly to LSPS planning priority 4.6 - <i>Council will encourage design excellence, and ensure that design recommendations in the Urban Design Studies are reflected in the LEP and DCP controls.</i>
<p>2.3 Floodplain Risk Management</p> <p>Proposed amendment to existing clause 6.4 – Floodplain Risk Management – Applies to land located above the flood planning level (1in100 year+500mm freeboard) up to the probable max flood (PMF) level.</p> <p>Scope of current LEP clause only applies to Fairfield City.</p>	<ul style="list-style-type: none"> • Proposed to remove application of controls (that require preparation of evacuation plans) for residential accommodation, industries and commercial development. • Achieve consistency with scope of flood related LEP provisions that apply to development in other Western Sydney Councils. 	<ul style="list-style-type: none"> • Linked to LSPS planning priority 10.1 - <i>Council will align its flood risk planning controls in the LEP and DCP so that the planning provisions are consistent with the planning controls in the upstream and downstream local government areas.</i>
<p>2.4 Hospital helicopter airspace</p> <p>Proposed new clause. Based on similar clause in Liverpool City LEP 2008 applying to adjoining land in Liverpool City affected by the Liverpool hospital helicopter flight path.</p>	<ul style="list-style-type: none"> • Ensure that future development in Fairfield City under the helicopter flight path has regard to this matter • The implications for development in Fairfield City are minor, however inclusion of the clause in Fairfield LEP 2013 will promote awareness and improve transparency regarding this matter. 	<ul style="list-style-type: none"> • Although not directly linked to an LSPS planning priority, the proposed clause addresses a general theme of the LSPS of addressing 'natural and man-made hazards'.

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AMENDMENT	PURPOSE	RELATIONSHIP TO LSPS
<p>3. Amended Clause Objectives</p> <p>3.1 Clause 4.3 Height of Buildings & 4.4 Floor Space Ratio</p> <p>It is proposed to include additional objectives under the above clauses that deal with the breadth of planning considerations relevant to development proposals not complying with height & FSR controls in the City.</p>	<ul style="list-style-type: none"> • New/additional objectives deal with solar access, visual privacy, separation between buildings, compatibility of development with existing and/or proposed future character of an area, built form issue • Additional objectives are the result of feedback from Council’s development assessment team that the existing clause objectives are deficient in being able to consider the merits of proposals not complying with relevant height and FSR standards • This relates particularly to development proposals seeking a variation under the Standard LEP Clause 4.6 – Exceptions to Development Standards. 	<ul style="list-style-type: none"> • The proposed amendments are generally linked to LSPS Planning Priority 4 of relating to improving the liveability of residential areas and town centres as well as promoting the quality of design in future development • As part of a separate process it is proposed to include or amend relevant planning priorities of the draft Fairfield LSPS to provide a more direct link to the current and potential future amendments to LEP/DCP clause objectives and controls that are linked to improving liveability and design of development in the City.
<p>4. Exempt Development</p> <p>4.1 Temporary Use of Council Land</p> <p>It is proposed to increase the maximum number of days for temporary uses on Council land from 52 days (whether or not consecutive days) to 104 days in any period of 12 months.</p>	<ul style="list-style-type: none"> • The extended provisions are particularly relevant to the Fairfield Showground Site which is undergoing redevelopment to become a major recreation, community facility for Fairfield City. 	<ul style="list-style-type: none"> • Under Council’s draft LSPS the showground site is identified as a major sports and cultural precinct • The amended provisions support the outcomes of LSPS Planning Priority 7.5 - Council will work with the State Government to ensure that evolving district facilities (including Western Sydney Parkland, Fairfield Showground, Cabravale Leisure Centre and Aquatopia) continue to provide for both the local and wider community needs with improved connectivity within Fairfield City.

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AMENDMENT	PURPOSE	RELATIONSHIP TO LSPS
<p>4.1 Display of Goods on footpaths</p> <p>Proposed new provision under exempt development to allow display of goods on footpaths in a number of the main town centres of City.</p>	<ul style="list-style-type: none"> • Remove the requirement for submission of a development application for applications to display goods on Council land • Applicants will only be required to submit an application for a permit with Council • Promote local business and economic activity in town centres. 	<ul style="list-style-type: none"> • The proposed amendment is linked to planning directions associated with Planning Priority 11 – Promote a robust economy which generates diverse services and job opportunities.
<p>4.1 Emergency works on Council land</p> <p>Proposed new provision under exempt development allowing Council to undertake emergency works on Council owned land, including works in response to a sudden natural event (e.g. storm, flood) accident, equipment failure or structural collapse, damage caused by vandalism, arson or a pollution incident.</p> <p>Provisions to be based on existing definition of emergency works under SEPP (Infrastructure)</p>	<ul style="list-style-type: none"> • Under SEPP (Infrastructure) Emergency works are identified as exempt development for a number of State infrastructure projects (e.g. electricity transmission, pipelines) but does not apply generally to Council owned land except for stormwater management systems • Broader exemption for emergency work on Council land is desirable to allow prompt implementation of emergency works on Council land. Particularly vandalism, pollution incidents (including dumping of asbestos materials) as a result of illegal dumping. 	<ul style="list-style-type: none"> • The proposed provision for emergency works supports planning directions associated with Planning Priority 10 – Adapt to natural hazards and environmental impacts.
<p>5. Schedule 5 – Environmental Heritage</p> <p>Update property details (lot and deposited plan numbers) of a total of 13 heritage listed properties in the City as a result of a change in property addresses/descriptions.</p>	<ul style="list-style-type: none"> • Clarify the property details for heritage listed properties • Provide greater certainty for development proposals on or adjoining heritage listed sites. 	<ul style="list-style-type: none"> • Linked to Planning Priority 5 – Protect the city’s heritage.

Zoning anomalies and update to heritage listed property details

Council maintains a list of anomalies in the zoning of land under Fairfield LEP 2013. These anomalies are the result of such issues as inconsistency between the zoning of land with cadastral boundaries or historic zoning arrangements that do not reflect the nature of development that has taken place on land and/or its relationship with surrounding development.

Since 2013, Council has undertaken two previous 'housekeeping' LEP amendments to Fairfield LEP 2013 that address similar anomalies. The current review provides an opportunity to incorporate the current list of sites (**Attachment A** – total of 3 sites) into Stage 1 of the Accelerated LEP Review.

In addition, the planning proposal provides an opportunity to update the property details of a number of heritage listed properties (**Attachment B**), that have changed as a result of subdivision of some of the properties or incidental changes to property details.

CONCLUSION

A draft planning proposal has been prepared to address a key grant funding milestone for Council under the NSW Accelerated LEP Program. The planning proposal represents Stage 1 of amendments to Fairfield LEP 2013 and includes a number of provisions that support proposed actions and planning themes of the Fairfield City draft LSPS – Shaping a Diverse City as well as addressing housekeeping amendments to the LEP.

Details of the planning proposal are set out in this report that is being referred to the Fairfield Local Planning Panel for advice in accordance with the provisions of section 9.1 of the EP&A Act 1979.

Andrew Mooney
Executive Strategic Planner

Authorisation:
Manager Strategic Land Use & Catchment Planning

Fairfield Local Planning Panel - 18 September 2019

File Name: **FLPP18092019_1.DOCX**

***** END OF ITEM 20 *****

**Fairfield LEP 2013 – Accelerated LEP Review
Stage 1 – Zoning Anomalies**

Site	Background & Proposed Amendment
<p>18 Butler Avenue, Bossley Park (Lot 2 596191)</p>	<p>18 Butler Avenue Lot 2 DP 596191 (90m²) was acquired by the owner of the adjacent lot 18 Butler Avenue Lot 12 DP 206149 in 1979. The lot is currently zoned RE1 Public recreation and was previously part of the adjacent council owner reserve. Lot 12 was not required as public open space and in 1979 the previous owner now purchased the land from council. The land was not rezoned to R2.</p> <p>Proposed Amendment</p> <p>The subject site (bottom right) has been incorporated into the private dwelling. It is not required as open space and proposed to be rezoned to R2_Low Density Residential</p> <div style="display: flex; justify-content: space-around;">   </div>
<p>Cabramatta 61 Hill Street 1/210323</p>	<p>Landlocked privately owned site adjoining a Council car park and adjoining privately owned land. Zoned R3 with land area of 524.8m². Requires R4 Zoning with same development standards as adjoining property.</p> <p>Proposed Amendment</p> <p>Rezoning subject site from R3 to R4, creating the option for amalgamation with adjoining R4 properties and redevelopment in future.</p> <div style="display: flex; justify-content: space-around;">   </div>
<p>Lot 1 DP 616457 No. 47 Brown Road Bonnyrigg</p>	<p>To rezone the portion of a privately owned not required as RE1 Public open space. The subject site was recently approved for re-subdivision and redevelopment. In addition, Council's City Wide DCP amendment (No. 11) was amended to remove the requirement for a 'through road connection' to Brown Road, for a cul-de-sac arrangement, the open space is now no longer required.</p> <p>Proposed Amendment</p> <p>Rezoning subject land from RE1 Public Open Space to R2 Low Density Residential. The public open space provision has now been removed from the requirements Council's section 94 expenditure plan.</p> <div style="display: flex; justify-content: space-around;">   </div>

ATTACHMENT B

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Amendments to Heritage Schedule - Property details

AMENDMENTS TO HERITAGE SCHEDULE	
SITE	AMENDMENT
Church 42 Cumberland Street, Cabramatta Lot 1, DP 842704	Amend Lot & DP to Lot 1, DP 1024742
Horse Water Trough Railway Parade (opposite Hughes Street)	Amend address to Railway Parade (opposite Cabramatta Road West) and include Lot 1 DP 865075.
Victoria Church 269 Canley Vale Road, Canley Heights Lot A, DP 373764	Amend Lot & DP to Lot 0, SP 91686
Corner Shop 2 Canley Vale Road, Canley Vale Lot 4, DP 23143	Amend address to 2-8 Canley Vale Road and amend Lot & DP to Lot 100, DP 1196908, Lot 2 DP 23143 and Lot 1 DP 23143
Victorian House – ‘Ettinger House’ 214 Sackville Street, Canley Vale Lot 1, DP 1138448	Amend Lot & DP to Lot 2, DP 506737
Temple 2 Second Avenue, Canley Vale Lot 1, DP 500480	Amend Lot & DP to Lot 1, DP 1138448
Inter-war Bungalow 452 The Horsley Drive, Fairfield Lot 15, Section 8, DP 977942	Amend Lot & DP to Lot 15, DP 977942
Church 7 Greenfield Road, Greenfield Park Lot 1, DP 832686	Amend address to 7-9 Greenfield Road
Horsley Complex 1900-1904 The Horsley Drive, Horsley Park Lots 60 and 61, DP 1081261	Amend Lot & DP to Lot 60 DP 1081261
Victorian Georgian Cottage 45 Chifley Street, Smithfield Lot 3, DP 300186	Amend Lot & DP to Lot 31 DP 1160188
Church 1 Justin Street, Smithfield Lot 101, DP 839545	Amend address to 1-11 Justin Street.
Victorian museum, building 632 The Horsley Drive, Smithfield Lot 100, DP 884001	Amend address to 634 The Horsley Drive
Federation House 4-8 Chalmer Close (also known as 91 Corinda Street) Lot 1, DP 1065983 Local I99	Amend address to 5 Chalmer Close (formally also known as 91 Corinda Street) and amend Lot & DP to Lot 2 DP 1202385
Victorian Georgian House 9-11 Melbourne Road, St Johns Park Lot B, DP 349645	Amend Lot & DP to Lot 11 DP 1147610

