



Planning Proposal

Draft Fairfield Local Environmental Plan 1994 Amendment No.130

Rezoning of 190 Canley Vale Road, Canley Heights from 2(a1) Residential to 3(c) Local Business Centre.

Background

Council received a rezoning application for *190 Canley Vale Road, Canley Heights (Lots A&B DP 344784)* to rezone the land from 2(a1) Residential A to 3 (c) Local Business Centre. The subject site immediately adjoins the 3(c) zone fronting Canley Vale Road to the west, 2(a1) Residential zoned land to the east (across Salisbury Road) and south (to be separated by a future laneway). Refer to Location Map – Appendix A.

Council's at its meeting held on 14 October 2008 resolved that before Council considers the public exhibition of a Draft LEP, a draft Development Control Plan would need to be prepared demonstrating how the subject site can be developed in a manner consistent with the objectives of the Canley Corridor DCP and taking into account the potential development of 192 Canley Vale Road. A draft DCP was submitted by the applicant providing controls for access, building height and setbacks.

Council's at its meeting held on 23 November 2010 resolved:

- 1. That the rezoning application for 190 Canley Vale Road, Canley Heights (Lots A&B DP 344784) seeking to rezone land from Zone 2(a1) Residential to 3(c) Local Business Centre be supported in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended, and be considered as a planning proposal.*
- 2. That Council make a request to the Department of Planning to convert the current draft LEP amendment for the subject site to a Gateway LEP process under the Environmental Planning and Assessment Act.*
- 3. That Council request that the Department of Planning take into consideration the work undertaken to date to progress the draft LEP under Section 62.*
- 4. That if the Department of Planning does not agree to Council's request to convert the draft LEP to the Gateway LEP process, Council prepare a draft LEP to rezone 190 Canley Vale Road, Canley Heights (Lots A&B DP 344784) from Zone 2(a1) Residential to 3(c) Local Business Centre and submit a Section 64 Submission to the Department requesting that it issue a Section 65 Certificate under the EP&A Act to allow public exhibition of the draft LEP.*
- 5. That draft Site Specific DCP (attached to the supplementary report submitted to Council's November 2010 Council Meeting) for Masterplan Site No.5 under the Canley Corridor DCP be endorsed for public exhibition concurrently with the exhibition of a draft Local Environment Plan for 190 Canley Vale Road, Canley Heights.*

The land to which this Planning Proposal applies is shown in Appendix A.

Part 1 – Objectives

To rezone land from 2(a1) Residential to 3(c) Local Business Centre at 190 Canley Vale Road, Canley Heights (Lots A & B, DP 344784) under Fairfield Local Environmental Plan (LEP) 1994.

Part 2 – Explanation of provisions

Amendment of the FLEP 1994 by:

Rezoning from 2(a1) Residential to 3(c) Local Business Centre land to which this amendment applies is shown in **Appendix A**.

Part 3 – Justification

Section A – Need for a planning proposal.

Is the planning proposal a result of any strategic study or report?	No. This planning proposal is a result of a rezoning application.
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Yes. The planning proposal to rezone land from Rezoning from 2(a1) Residential to 3(c) Local Business Centre is considered to be the best means for achieving the intended outcomes. The approval of the Planning Proposal by the DoP will enable a natural zoning boundary to be extended for the Local Business Centre of Canley Heights and create a consistent land use/built form for development between Ascot and Salisbury Street along Canley Vale Road.
Is there a net community benefit?	Yes. The rezoning of the site will allow the redevelopment of a former service station for commercial and residential uses. The community will benefit from additional housing mix (apartments) and commercial floor space at an appropriate scale for the town centre. The proposal will also provide for the staged implementation of a rear laneway which will improve access arrangements for the development along the southern side of Canley Vale Road.

Section B – Relationship to strategic planning framework.

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)?	Yes. The planning proposal is consistent with the objectives of the Sydney Metropolitan Strategy and draft West Central Sub Regional Planning Strategy. The vision for housing within the Metro Strategy is for over three-quarters of new housing located in strategic centres, smaller centres and corridors within walking distance of shops, jobs and other services concentrated around public transport nodes. The planning proposal also supports the following objectives and initiatives within the Metro Strategy: ▪ A3 Improve Opportunities and Access to Jobs for Disadvantaged Communities :A3.2 Increase integration of employment and housing markets. ▪ B2 Increase densities in centres whilst improving liveability: B2.1 Plan for housing in centres consistent with their employment role. B4 Concentrate activities near public transport: B4.1 Concentrate retail activity in centres, Business development zones and enterprise corridors. B4.2 Support centres with transport infrastructure and services. ▪ C3. Renew Local Centres: C3.1 Renew local centres to improve economic viability and amenity. Within the Draft West Central Subregional Strategy, the planning proposal supports the following specific key directions; ▪ For Housing: Increasing housing densities in centres where access to employment, services and public transport are provided or can be provided. ▪ For Centres and Corridors: Increase housing densities in all centres with access to employment, services and public transport.
Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?	Yes. The site is identified as a Masterplan Site within the Canley Corridor DCP which applies to the Canley Heights town centre. The site creates a natural zoning boundary and promotes the redevelopment of a former service station site.

Is the planning proposal consistent with the applicable state environmental policies?	Not applicable. No relevant State Environmental Planning Policies apply.
Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)	Yes. The planning proposal is consistent with the applicable s117 Ministerial Directions, it being noted that the following Directions are relevant: Ministerial Direction 1.1 – Business and Industrial Zones Ministerial Direction 3.1 – Residential Zones Ministerial Direction 3.4 – Integrating Land Use and Transport Ministerial Direction 7.1 – Implementation of the Metropolitan Strategy See Appendix B for details.

Section C – Environmental, social and economic impact

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?	There is no likelihood of critical habitat, with associated flora and fauna, being adversely affected. The site has been developed and has been cleared of vegetation.
Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. Any proposal for a mixed commercial and residential will require a development application and accompanying Statement of Environmental Effects that will detail any environmental impacts generated by the proposal including mitigation measures.
How has the planning proposal adequately addressed any social and economic effects?	The proposal supports existing commercially zoned land by creating a natural zoning boundary and promoting redevelopment of an existing site. Employment generation arising from the development of the site will produce positive social (employment) and economic (activity) benefits. Additional housing mix within the locality, in the form of apartments, will provide for housing within a town centre environment and close to public transport.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?	Yes. The site is serviced and there is a bus route in close proximity.
What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Government Authorities and agencies were consulted as part of the Section 62 consultation for LEP 121. No comments about the proposal were received.

Part 4 – Community Consultation

“A guide to preparing local environmental plans” has been prepared by the DoP (2009) to assist Councils in preparing planning proposals and LEPs. In accordance with the guidelines, it is not considered that the planning proposal is ‘low impact’ and accordingly will require the full exhibition period of 28 days.

Notice of the planning proposal would be by:

- inclusion of an advertisement in a local newspaper advising of the public exhibition
- advertising on the Council website for the duration of the exhibition period
- notifying adjoining property owners.

Written notice and display material will be in accordance with the document “A guide to preparing local environmental plans” (DoP 2009). A report on submissions will be presented to Council for its consideration following the exhibition period.

Appendix A

Land to which this Planning Proposal applies

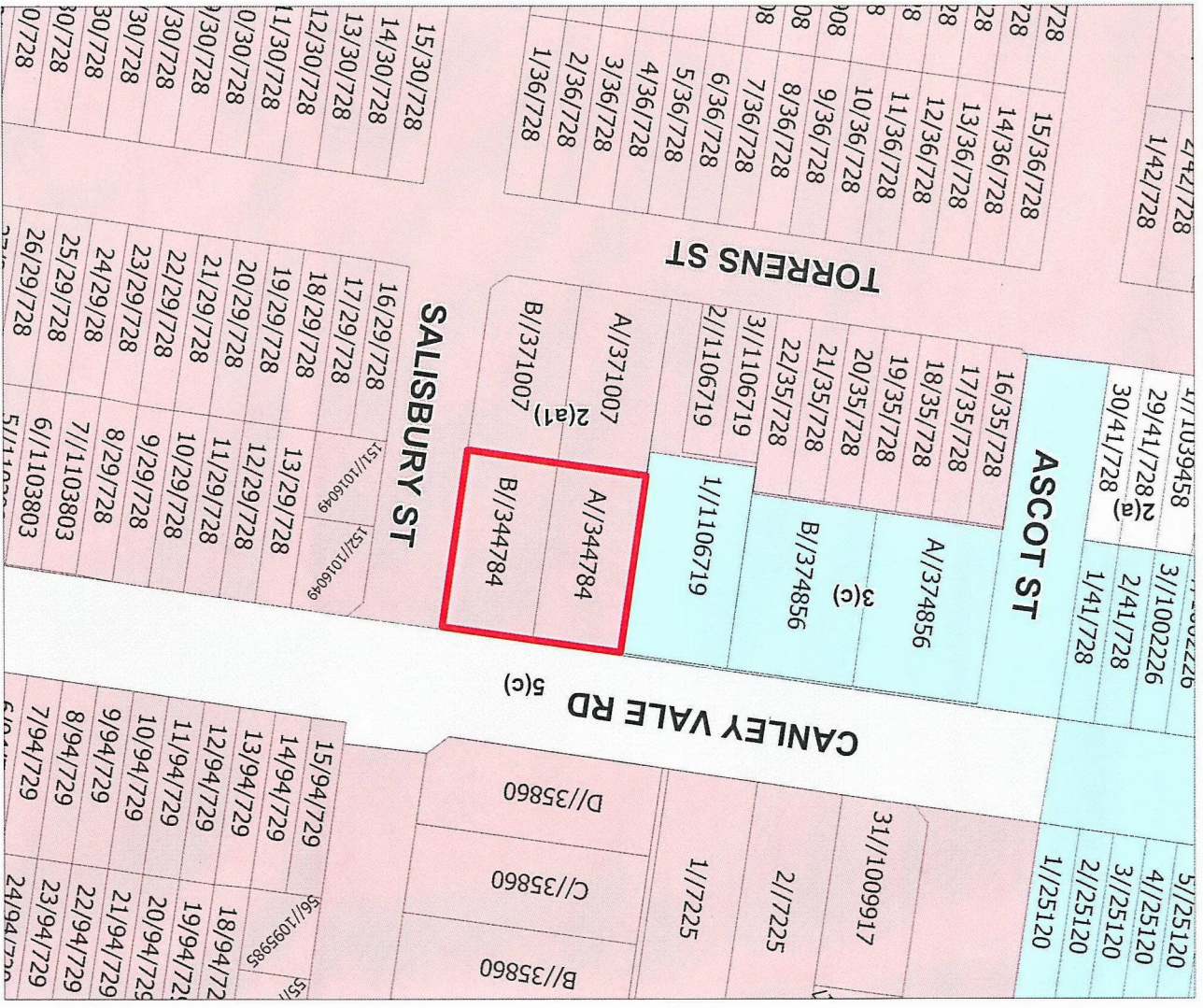
190 Canley Vale Road, Canley Heights (Lots A&B DP 344784)

LOCATION MAP
190 CANLEY VALE ROAD, CANLEY HEIGHTS

SCALE 1:600



- 2(a) Residential A
- 2(a1) Residential A1
- 3(c) Local Business Centre
- 5(c) Special Uses - Sub Arterial Road and Sub Arterial Road Widening
- Subject Site



Appendix B

Section 117 Ministerial Directions

Assessment of consistency with Ministerial Directions

under Section 117(2) of the EP&A Act 1979.

Draft Fairfield Local Environmental Plan 1994 (Amendment No. 130)

This plan aims to rezone 1127.42 sq m of land from 2(a1) Residential A to 3(c) Local Business Centre.

LOCAL PLANNING DIRECTIONS

Section 117(2) of the Environmental Planning and Assessment Act 1979

Draft Fairfield Local Environmental Plan 1994 (Amendment No.130)

#	Section 117 Direction	Applicable
1.1	Business and Industrial Zones	Yes
1.2	Rural Zones	No
1.3	Mining, Petroleum Production and Extractive Resources	No
1.4	Oyster Aquaculture	No
1.5	Rural Lands	No
2.1	Environmental Protection Zones	No
2.2	Coastal Protection	No
2.3	Heritage Conservation	No
2.4	Recreation Vehicle Areas	No
3.1	Residential Zones	Yes
3.2	Caravan Parks and Manufactured Home Estates	No
3.3	Home Occupations	No
3.4	Integrating Land Use and Transport	Yes
3.5	Development near Licensed Aerodromes	No
4.1	Acid sulphate soils	No
4.2	Mine Subsidence and Unstable Land	No
4.3	Flood Prone Land	No
4.4	Planning for Bushfire Protection	No
5.1	Implementation of Regional Strategies	No
5.2	Sydney Drinking Water Catchments	No
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No
5.4	Commercial and Regional Significance on the NSW Far North Coast	No
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock)</i>	Revoked
5.6	<i>Sydney to Canberra Corridor</i>	Revoked
5.7	<i>Central Coast</i>	Revoked
5.8	Second Sydney Airport: Badgerys Creek	No
6.1	Approval and Referral Requirements	No
6.2	Reserving Land for Public Purposes	No
6.3	Site Specific Provisions	No
7.1	Implementation of the Metro Strategy	Yes

LOCAL PLANNING DIRECTIONS

Section 117(2) of the Environmental Planning and Assessment Act 1979
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1. Employment and Resources

Direction 1.1 Business and Industrial Zones – issued 1 July 2009

Objectives

The objectives of this Direction are to:

- encourage employment growth in suitable locations,
- protect employment land in business and industrial zones, and
- support the viability of identified strategic centres.

Does this Direction apply? Yes, this Direction applies.

If yes, is the draft LEP consistent with the Direction? The rezoning of the site will allow a mixed commercial and residential development in keeping with the adjoining land use zone and built form which will encourage further economic vitality and provide for housing and employment opportunities.

Direction 1.2 Rural Zones – issued 1 July 2009

Objective

The objective of this Direction is to protect the agricultural production value of rural land.

Does this Direction apply? No, this Direction does not apply.

Direction 1.3 Mining, Petroleum Production and Extractive Industries – issued 1 July 2009

Objective

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Does this Direction apply? No, this Direction does not apply.

Direction 1.4 Oyster Aquaculture – issued 1 July 2009

Objectives

The objectives of this Direction are:

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- to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,
- to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

Does this Direction apply? No, this Direction does not apply.

Direction 1.5 Rural Lands – issued 1 July 2009

Objectives

The objectives of this Direction are to:

- protect the agricultural production value of rural land,
- facilitate the orderly and economic development of rural lands for rural and related purposes.

Does this Direction apply? No, this Direction does not apply.

2. Environment and Heritage

Direction 2.1 Environment Protection Zones – issued 1 July 2009

Objective

The objective of this Direction is to protect and conserve environmentally sensitive areas.

Does this Direction apply? No, this Direction does not apply.

Direction 2.2 Coastal Protection – issued 1 July 2009

Objective

The objective of this Direction is to implement the principles in the NSW Coastal Policy.

Does this Direction apply? No, this Direction does not apply.

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Direction 2.3 Heritage Conservation – issued 1 July 2009

Objective

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Does this Direction apply? No, this Direction does not apply.

Direction 2.4 Recreation Vehicle Areas – issued 1 July 2009

Objective

The objective of this Direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Does this Direction apply? No, this Direction does not apply.

3. Housing, Infrastructure and Urban Development

Direction 3.1 Residential Zones - issued 1 July 2009

Objectives

The objectives of this Direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

Does this Direction apply? Yes, this Direction does apply.

If yes, is the draft LEP consistent with the Direction? Despite the Direction referring to Residential zones and the planning proposal seeking a 3(c) Local Business Centre zoning, the planning proposal will permit a mix use development providing for apartment style living that will meet local diverse housing needs, as well as be located within a town centre containing existing infrastructure and services.

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Direction 3.2 Caravan Parks and Manufactured Home Estates – issued 1 July 2009

Objectives

The objectives of this Direction are:

- to provide for a variety of housing types, and
- to provide opportunities for caravan parks and manufactured home estates.

Does this Direction apply? No, this Direction does not apply.

Direction 3.3 Home Occupations – issued 1 July 2009

Objective

The objective of this Direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

Does this Direction apply? No, this Direction does not apply.

Direction 3.4 Integrating Land Use and Transport – issued 1 July 2009

Objective

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport, and
- increasing the choice of available transport and reducing dependence on cars, and
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- supporting the efficient and viable operation of public transport services, and
- providing for the efficient movement of freight.

Does this Direction apply? Yes, this Direction applies.

If yes, is the draft LEP consistent with the Direction? The site is on a bus route - Route 817 Fairfield – Prairiewood-Bonnyrigg and Cabramatta town centres (including Canley Vale, Cabramatta and Fairfield railway stations as well as the Liverpool to Parramatta T-way stations at Prairiewood and Bonnyrigg. The site is also within 500metres walking distance to other strategic bus routes - Route 805 Bonnyrigg – Liverpool (via Liverpool to Parramatta T-way station at Bonnyrigg) and Route 819

LOCAL PLANNING DIRECTIONS

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Prairiewood to Liverpool (via Liverpool to Parramatta T-way stations at Bonnyrigg and St Johns Park).

Direction 3.5 Development Near Licensed Aerodromes – issued 1 July 2009

Objectives

The objectives of this Direction are:

- to ensure the effective and safe operation of aerodromes, and
- to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
- to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Does this Direction apply? No, this Direction does not apply.

4. Hazard and Risk

Direction 4.1 Acid Sulphate Soils – issued 1 July 2009

Objective

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

Does this Direction apply? No, this Direction does not apply.

Direction 4.2 Mine Subsidence and Unstable Land – issued 1 July 2009

Objective

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Does this Direction apply? No, this Direction does not apply.

LOCAL PLANNING DIRECTIONS

Section 117(2) of the Environmental Planning and Assessment Act 1979
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Direction 4.3 Flood Prone Land – issued 1 July 2009

Objectives

The objectives of this Direction are:

- to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Does this Direction apply? No, this Direction does not apply.

Direction 4.4 Planning for Bushfire Protection – issued 1 July 2009

Objectives

The objectives of this Direction are:

- to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- to encourage sound management of bush fire prone areas.

Does this Direction apply? No, this Direction does not apply.

5. Regional Planning

Direction 5.1 Implementation of Regional Strategies

Objective

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Does this Direction apply? Yes.

If yes, is the draft LEP consistent with the Direction? Within the Draft West Central Subregional Strategy, the planning proposal supports the following specific key directions;

- For Housing: Increasing housing densities in centres where access to employment, services and public transport are provided or can be provided.
- For Centres and Corridors: Increase housing densities in all centres with access to employment, services and public transport.

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Section 117(2) of the Environmental Planning and Assessment Act 1979
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Direction 5.2 Sydney Drinking Water Catchments

Objective

The objective of this Direction is to protect water quality in the hydrological catchment.

Does this Direction apply? No, this Direction does not apply.

Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Objectives

The objectives of this Direction are:

- to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
- to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and
- to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

Does this Direction apply? No, this Direction does not apply.

Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast – issued 29 November 2009

Objectives

The objectives for managing commercial and retail development along the Pacific Highway are:

- to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
- to prevent inappropriate development fronting the highway
- to protect public expenditure invested in the Pacific Highway,
- to protect and improve highway safety and highway efficiency,
- to provide for the food, vehicle service and rest needs of travellers on the highway, and
- to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Does this Direction apply? No, not applicable.

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Section 117(2) of the Environmental Planning and Assessment Act 1979
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Direction 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) – revoked 18 June 2010.

Direction 5.6 Sydney to Canberra Corridor – revoked 10 July 2008. See amended Direction 5.1

Direction 5.7 Central Coast – revoked 10 July 2008. See amended Direction 5.1.

Direction 5.8 Second Sydney Airport: Badgerys Creek – issued 1 July 2009

Objective

The objective of this Direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

Does this Direction apply? No, this Direction does not apply.

6. Local Plan Making

Direction 6.1 Approval and Referral Requirements – issued 1 July 2009

Objective

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Does this Direction apply? No, this Direction does not apply.

Direction 6.2 Reserving Land for Public Purposes – issued 1 July 2009

Objectives

The objectives of this Direction are:

- to facilitate the provision of public services and facilities by reserving land for public purposes, and
- to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Does this Direction apply? No, this Direction does not apply.

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Section 117(2) of the Environmental Planning and Assessment Act 1979
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Direction 6.3 Site Specific Provisions – issued 1 July 2009

Objective

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

Does this Direction apply? No, this Direction does not apply.

7. Metropolitan Planning

Direction 7.1 Implementation of the Metropolitan Strategy – issued 1 October 2009

Objective

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

Does this Direction apply? Yes, this Direction applies.

If yes, is the draft LEP consistent with the Direction?

The planning proposal is consistent with the objectives of the Sydney Metropolitan Strategy and draft West Central Sub Regional Planning Strategy.

The vision for housing within the Metro Strategy is for over three-quarters of new housing located in strategic centres, smaller centres and corridors within walking distance of shops, jobs and other services concentrated around public transport nodes.

The planning proposal also supports the following objectives and initiatives within the Metro Strategy:

- A3 Improve Opportunities and Access to Jobs for Disadvantaged Communities :A3.2 Increase integration of employment and housing markets.
- B2 Increase densities in centres whilst improving liveability: B2.1 Plan for housing in centres consistent with their employment role. B4 Concentrate activities near public transport: B4.1 Concentrate retail activity in centres, Business development zones and enterprise corridors. B4.2 Support centres with transport infrastructure and services.

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- C3. Renew Local Centres: C3.1 Renew local centres to improve economic viability and amenity.

Within the Draft West Central Subregional Strategy, the planning proposal supports the following specific key directions;

- For Housing: Increasing housing densities in centres where access to employment, services and public transport are provided or can be provided.
- For Centres and Corridors: Increase housing densities in all centres with access to employment, services and public transport.