

**ORDINARY COUNCIL**

**ITEM 147**

**PATRICK WARREN - STRATEGIC PLANNER**

**FOR ACTION**

**Subject:** Post Exhibition Report - Planning Proposal 682 Cabramatta Road  
West Bonnyrigg  
**File Reference** 17/06780  
**Meeting Date:** 12/12/2017  
**Target Date:** 29/01/2018  
**Notes:**

**147: SUBJECT:** Post Exhibition Report - Planning Proposal 682 Cabramatta Road West Bonnyrigg  
**Premises:** 682 Cabramatta Road West Bonnyrigg (Lot 11 DP 611520)  
**Applicant/Owner:** Armenian Cultural Centre Inc (Directors - Joseph Chnorhokian, Vrege Kolokossian & Ara Boyajian)  
**Zoning:** R2 Low Density Residential  
**File Number:** 17/06780

**MOTION:** (Wong/Azzo)

That:

1. Council adopt the Planning Proposal as publicly exhibited (Attachment B of the report) to amend the Land Zoning Map from R2 Low Density Residential to R3 Medium Density Residential and to remove the development standards shown on the Minimum Lot Size for Dual Occupancy Development Map and the Minimum Lot Size Map.
2. Pursuant to Section 59 of the Environmental Planning and Assessment (EP&A) 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 Infrastructure 2013). The delegated functions will be undertaken by the Manager Strategic Land Use Planning who has delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
3. The proposed amendments to Fairfield Local Environmental Plan 2013 (FLEP) 2013 come into effect when the associated Planning Proposal Local Environmental Plan is gazetted.

**CARRIED UNANIMOUSLY**


**ACTION TAKEN BY OFFICER**

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Please update any action taken, or the finalisation of this Item, in InfoCouncil by clicking on  in the Add-Ins Toolbar, to Add/Edit Notes.



## OUTCOMES COMMITTEE

Meeting Date 28 November 2017

Item Number. 147

**SUBJECT:** Post Exhibition Report - Planning Proposal 682 Cabramatta Road  
West Bonnyrigg  
**Premises:** 682 Cabramatta Road West Bonnyrigg (Lot 11 DP 611520)  
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**FILE NUMBER:** 17/06780

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**PREVIOUS ITEMS:** 95 - Planning Proposal seeking to rezone the subject site from R2 Low Density Residential to R3 Medium Density Residential - Outcomes Committee - 8 August 2017

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**REPORT BY:** Patrick Warren, Strategic Planner

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### RECOMMENDATION:

That:

1. Council adopt the Planning Proposal as publicly exhibited (Attachment B of the report) to amend the Land Zoning Map from R2 Low Density Residential to R3 Medium Density Residential and to remove the development standards shown on the Minimum Lot Size for Dual Occupancy Development Map and the Minimum Lot Size Map.
2. Pursuant to Section 59 of the Environmental Planning and Assessment (EP&A) 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 Infrastructure 2013). The delegated functions will be undertaken by the Manager Strategic Land Use Planning who has delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
3. The proposed amendments to Fairfield Local Environmental Plan 2013 (FLEP) 2013 come into effect when the associated Planning Proposal Local Environmental Plan is gazetted.

**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.

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### SUPPORTING DOCUMENTS:

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## OUTCOMES COMMITTEE

Meeting Date 28 November 2017

Item Number. 147

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|-------------|---|----------|
| <b>AT-A</b> | Gateway determination for 682 Cabramatta Road West, Bonnyrigg   | 2 Pages  |
| <b>AT-B</b> | Planning Proposal Cabramatta Road West - Public exhibition copy   | 35 Pages |
| <b>AT-C</b> | Transport for New South Wales (TfNSW) Comments for the Planning Proposal at 682 Cabramatta Road West, Bonnyrigg | 2 Pages  |

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### CITY PLAN

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

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### SUMMARY

Council, at its meeting held on 8 August 2017, resolved to endorse a Planning Proposal to rezone the subject site 682 Cabramatta Road West, Bonnyrigg from R2 Low Density Residential to R3 Medium Density Residential. It is also proposed to remove the Minimum Lot Size for Subdivision and the Minimum Lot Size Dual Occupancy development standards currently applying to the subject site. This is to ensure consistency with the other R3 Medium Density Residential Zoned Land throughout the city.

The rezoning of this site is the result of an applicant initiated Planning Proposal lodged in April 2017.

In accordance with the conditions of the Gateway Determination (Attachment A) issued by the Department of Planning and Environment (DP&E) and resolutions of Council, the proposal was placed on public exhibition for a period of 28 days between 18 October 2017 and 15 November 2017.

No formal submissions requiring further comment or investigation were received during the public exhibition period.

The purpose of this report is to seek further endorsement from Council to facilitate the finalisation of the Planning Proposal.

### BACKGROUND

Council, at its Outcomes Committee on 8 August 2017, considered a report regarding the proposed rezoning of the subject site for Medium Density Residential (town houses) purposes in response to the applicant initiated Planning Proposal received by Council in April 2017.

## OUTCOMES COMMITTEE

Meeting Date 28 November 2017

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During this meeting Council resolved to endorse the following recommendations:

*That:*

1. *Council endorse the Planning Proposal (Attachment A of the report) to amend Fairfield Local Environmental Plan (FLEP) 2013 in relation to the subject site 682 Cabramatta Road West Bonnyrigg (Lot 11 DP 611520) as follows:*
  - 1.1 *Amend the Land Zoning Map from R2 Low Density Residential to R3 Medium Density Residential.*
  - 1.2 *Remove the development standards shown on the Minimum Lot Size for Dual Occupancy Development Map and the Minimum Lot Size Map.*
2. *Council refer the Planning Proposal, included in Attachment A of the report, to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the Planning Proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report and the conditions set out in the gateway determination.*
3. *Council, in requesting the Gateway Determination, advise NSW DP&E that it seeks to utilise the delegated functions under Section 23 of the Environmental Planning and Assessment Act 1979 (EP&A) for the making of local environmental plans. 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 1992.*
4. *The outcome of the public exhibition of the Planning Proposal be reported back to Council following completion of the public exhibition period.*

### PUBLIC EXHIBITION

In accordance with the consultation strategy adopted by Council, and the conditions of the Gateway Determination, the Planning Proposal was placed on public exhibition for a minimum period of 28 days from 18 October 2017 until 15 November 2017.

Notice of the exhibition period was published in the local newspaper and notification letters were sent to the owners of the adjoining properties.

No submissions were received.

## **OUTCOMES COMMITTEE**

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### **STATE AGENCY CONSULTATION**

The Gateway Determination required the Roads and Maritime Service (RMS) and Transport for NSW (TfNSW) to be notified.

As per the Gateway Determination, the State agencies were given 21 days to submit written comments and the option to request additional time to comment.

#### **Transport for NSW**

Written comment was received from TfNSW (Attachment C). TfNSW stipulated that any future development should address the relevant matters contained in the Development near Rail Corridors and Busy Roads – Interim Guideline. Any future Development Application (DA) should be referred to the Roads and Maritime Services (RMS). TfNSW recommended that the cumulative impacts on traffic and infrastructure should be investigated further prior to the finalisation of the Planning Proposal.

#### **Officer Comment**

The TfNSW comments are noted. Council acknowledges further analysis on the impacts that greater dwelling yields would have on Fairfield's transport infrastructure and traffic network are required for large Planning Proposals. Given the small number of dwellings the Planning Proposal would facilitate (10-13 villas/townhouses), further investigation is not warranted in this instance of a spot rezoning.

The NSW Planning framework facilitates and encourages the Planning Proposal process. This proposal contributes to the dwelling targets set by the Draft South West District Plan. Further consultation with RMS and TfNSW will take place during the preparation of the Residential Development Strategy-West (RDS-West). Any future Development Application will have to address the cumulative impacts on the traffic and infrastructure network prior to approval through the provision of an appropriate traffic and transport study.

#### **Roads and Maritime Services**

A late submission was received from the Roads and Maritime Services (RMS) on 20 November 2017. In general the RMS have no issue with the proposal, however have requested that a site specific DCP be prepared for the site regarding vehicular access.

#### **Officer Comment**

The Fairfield City Wide DCP Chapter 6A Multi Dwelling Housing: Townhouses and Villas and Chapter 12 Car Parking, Vehicle Access and Management provide controls for access arrangements for medium density housing.

As a result it is not necessary that a Site Specific DCP be prepared in this instance given the small number of dwellings and on the basis that Council's City Wide DCP already provides control that appropriately manage vehicular access at the Development Application stage.

## OUTCOMES COMMITTEE

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### GATEWAY DETERMINATION PROCESS

The Gateway Determination permitted the Draft LEP amendment to proceed to public exhibition subject to a number of conditions which have now all been met.

The Gateway Determination has provided Council until 25 September 2018 to finalise this Planning Proposal. Council is therefore still on target to meet this deadline should it resolve to adopt the Planning Proposal post public exhibition.

### CONCLUSION

The public exhibition of the Planning Proposal resulted in no submissions from the general public and written comment from TfNSW and RMS that do not need to be considered any further by Council.

It is recommended that Council adopt the Planning Proposal as publicly exhibited and utilise its delegation to finalise the making of this amendment. This will ensure that the subject site is zoned R3 Medium Density Residential to reflect the intent for Medium Density Residential development on the land.

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Patrick Warren  
**Strategic Planner**

#### **Authorisation:**

Manager Strategic Land Use & Catchment Planning  
Acting Group Manager City Strategic Planning

Outcomes Committee - 28 November 2017

File Name: **OUT281117\_12.DOC**

\*\*\*\*\* END OF ITEM 147 \*\*\*\*\*