

**Fairfield LEP 2013 – Bonnyrigg Town Centre Deferred Matter**

**Proposal Title :** Fairfield LEP 2013 – Bonnyrigg Town Centre Deferred Matter

**Proposal Summary :**

Fairfield LEP 2013 – To implement the Standard LEP provisions under the Fairfield Local Environmental Plan 2013 to the Bonnyrigg Town Centre “Deferred Matter”. The precinct is currently governed by the Fairfield Local Environmental Plan 1994.

The planning proposal seeks to amend Fairfield LEP 2013 to include new zones and planning controls for the entire precinct identified as the Bonnyrigg Deferred Matter.

The planning proposal also proposes to identify rear sections of some privately owned properties along Smithfield Road (directly adjoining the Deferred Matter) affected by land acquisition provisions as a result of the existing zoning of part of these sites SP2 Infrastructure (associated with the Parramatta – Liverpool Bus Transitway) under the Fairfield Local Environmental Plan (LEP) 2013.

To achieve these outcomes, the following key changes are proposed:

- Remove mapping notations appearing on the Fairfield LEP 2013 Land Application Map that currently designate the Bonnyrigg Town Centre as a ‘Deferred Matter’;
- Include a reference to “Bonnyrigg” in the third objective for the B4 zone that currently only refers to Prairiewood, Fairfield and Cabramatta Town Centres;
- Apply the B4 Mixed Use zone to the Bonnyrigg Plaza (100 Bonnyrigg Avenue) and 685-707 Smithfield Road with these sites to become the major focus for retail development in the Centre;
- Apply zones, B1 Neighbourhood Centre, B6 Enterprise Corridor, R4 Residential High Density, RE1 Existing and Proposed Recreation and RE2 – Private Recreation to remaining land in the deferred matter;
- A variable height limit to be applied across the centre, with potential for up to eight (8) storeys (inclusive of 2 storeys of commercial) buildings on certain large sites;
- Amend Schedule 1 of Fairfield LEP 2013 to allow for the development of ‘residential flat buildings’, ‘café and restaurant’ and ‘small bar’ as an additional permitted use on certain land zoned B6 Enterprise Corridor;
- Apply a new local clause to establish height incentives for future residential development of Bonnyrigg Plaza as long as this results in an active street frontage along Bonnyrigg Avenue; and
- Identify sections of properties already zoned SP2 – Infrastructure (Classified Road) adjoining the Deferred Matter that are to be included on the Fairfield LEP (2013) Land Reservation Acquisition Map.

**PP Number :** PP\_2016\_FAIRF\_004\_00

**Dop File No :**

**16/05220**

**Proposal Details**

|                                   |                      |                      |                               |
|-----------------------------------|----------------------|----------------------|-------------------------------|
| Date Planning Proposal Received : | <b>10-May-2016</b>   | LGA covered :        | <b>Fairfield</b>              |
| Region :                          | <b>Metro(Parra)</b>  | RPA :                | <b>Fairfield City Council</b> |
| State Electorate :                | <b>CABRAMATTA</b>    | Section of the Act : | <b>55 - Planning Proposal</b> |
| LEP Type :                        | <b>Spot Rezoning</b> |                      |                               |

**Location Details**

|               |                                                                                                         |            |                  |
|---------------|---------------------------------------------------------------------------------------------------------|------------|------------------|
| Street :      | <b>Bonnyrigg Town Centre</b>                                                                            |            |                  |
| Suburb :      | <b>Bonnyrigg</b>                                                                                        | City :     | <b>Fairfield</b> |
|               |                                                                                                         | Postcode : | <b>2177</b>      |
| Land Parcel : | <b>Various (See Appendix C in Documents for detail schedule of land that is proposed to be rezoned)</b> |            |                  |

**DoP Planning Officer Contact Details**

|                  |                                       |
|------------------|---------------------------------------|
| Contact Name :   | <b>Amar Saini</b>                     |
| Contact Number : | <b>0298601531</b>                     |
| Contact Email :  | <b>amar.saini@planning.nsw.gov.au</b> |

**RPA Contact Details**

|                  |                                       |
|------------------|---------------------------------------|
| Contact Name :   | <b>Harumi Watanabe</b>                |
| Contact Number : | <b>0297250103</b>                     |
| Contact Email :  | <b>hwatanabe@fairfield.nsw.gov.au</b> |

**DoP Project Manager Contact Details**

|                  |                                        |
|------------------|----------------------------------------|
| Contact Name :   | <b>Derryn John</b>                     |
| Contact Number : | <b>0298601505</b>                      |
| Contact Email :  | <b>derryn.john@planning.nsw.gov.au</b> |

**Land Release Data**

|                                    |                            |
|------------------------------------|----------------------------|
| Growth Centre :                    | Release Area Name :        |
| Regional / Sub Regional Strategy : | Consistent with Strategy : |

## Fairfield LEP 2013 – Bonnyrigg Town Centre Deferred Matter

|                      |   |                                                      |       |
|----------------------|---|------------------------------------------------------|-------|
| MDP Number :         |   | Date of Release :                                    |       |
| Area of Release (Ha) |   | Type of Release (eg Residential / Employment land) : |       |
| No. of Lots :        | 0 | No. of Dwellings (where relevant) :                  | 1,159 |
| 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? :

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 2 June 2016, and there are no records on the Department's Lobbyist Contract Register regarding this matter.**

### Supporting notes

Internal Supporting Notes :

#### POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

External Supporting Notes :

### Adequacy Assessment

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

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

Comment :

The objectives of the planning proposal are to:

- Promote the economic viability and vibrancy of Bonnyrigg Town Centre;
- Improve the visual and aesthetic qualities, amenity, liveability and attractiveness of Bonnyrigg Town Centre;
- Ensure that building envelopes respect the height, scale and massing of surrounding buildings;

- Highlight cultural diversity and development within Bonnyrigg Town Centre; and
- Ensure certainty for development of land by applying appropriate Standard LEP Zones, associated development standards and provisions relating to acquisition of land that is zoned SP2 – Infrastructure (Classified Road).

**Intended Outcomes**

- To encourage accessibility through pedestrian links throughout Bonnyrigg Town Centre;
- To ensure improved built form outcomes by increasing the maximum permitted height limit across the centre;
- To minimise opportunities for overshadowing of private and public land within and surrounding the centre;
- To encourage the provision of through site links and connections; and
- To retain existing heritage items located within the centre.

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

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

Comment :

In brief, the objectives of the planning proposal will be achieved by amending the Fairfield Local Environmental Plan 2013 to apply the following provisions to the Bonnyrigg 'deferred matter':

- Removing reference to the 'Deferred Matter' from the Land Application Map' of Fairfield LEP 2013;
- Including a reference to 'Bonnyrigg' in the third objective relevant to the B4 Mixed Use Business Zone;
- Applying the Standard LEP zones to various parcels in the Bonnyrigg Town Centre 'Deferred Matter' as shown on the accompanying LEP zoning maps;
- Applying relevant height control, key site, heritage, riparian land and watercourse maps to the deferred matter contained in Appendix A;
- Including proposed new local clauses under Part 7 of the Fairfield LEP 2013 applying to street activation and additional height for development on the Bonnyrigg Plaza site, Bonnyrigg Avenue; and
- Identifying sections of privately and Council owned property affected by Zone SP2 – Classified Road for inclusion on the Fairfield LEP 2013 Land Reservation Acquisition Map to be subject of the provisions of Cl.5.1 of Fairfield LEP 2013.

Appendix C of this planning proposal includes a schedule for Lot and DPs affected by the above proposals. The attachment indicates proposed zoning and height of building for each lot and DP.

For detailed explanation of provisions is at page 14 and 15 of the planning proposal (copy in Documents).

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.1 Business and Industrial Zones**

**2.3 Heritage Conservation**

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.3 Flood Prone Land**

**6.2 Reserving Land for Public Purposes**

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 19—Bushland in Urban Areas**

**SEPP No 55—Remediation of Land**

**SEPP No 65—Design Quality of Residential Flat Development**

**SEPP (Building Sustainability Index: BASIX) 2004  
SREP No. 18 - Public Transport Corridor**

e) List any other matters that need to be considered :

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

If No, explain :

**SEPPs/SREPS**

**STATE ENVIRONMENTAL PLANNING POLICY No.19 - BUSHLAND IN URBAN AREAS**

The aim of this SEPP is to protect bushland within urban areas with specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.

Council has advised that there are small remnant pockets of Cumberland Plain Woodland scattered along Clear Paddock Creek (location map in Documents), which are proposed to be zoned RE1 Public Recreation and Bus T Way Corridor (currently zoned SP2 Infrastructure). These areas are also covered by the provisions of clause 6.6 Riparian land and watercourses which aims to protect the ecological values of these areas.

Comment: The proposal is considered to be consistent with the provisions of the SEPP as Cumberland Plain Woodland areas are already protected by the provisions of Fairfield LEP 2013.

**STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND**

Clause 6.1 of the SEPP states that a change of zone cannot be permitted unless the planning proposal has considered whether the land is contaminated and if it is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be after remediation) or the land is remediated before the land is used for that purpose.

Council has advised that a desktop review does not indicate there are any existing or previous uses in the site that would give rise to detailed investigations into possible site contamination in the area under this planning proposal. Council however intend to deal this issue on a site by site basis under future development applications.

Comment: Given that there are no known past uses that point to contamination and the fact that Council will consider this issue on a site by site basis at development applications stage, it is considered that the proposal is generally consistent with the SEPP.

**STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

The planning proposal is informed by the Urban Design study which included consideration of the Design quality principles contained within SEPP 65 and the associated Apartment Design Guide. In order to achieve better amenity and adhere to SEPP 65 controls, the planning proposal proposes to increase the permitted height limit from 6 storeys to 8 storeys on certain large sites in Bonnyrigg Town Centre.

This will ensure better outcomes are achieved in relation to design and amenity.

Comment: The proposal is generally consistent with the SEPP as Council has adopted the design quality principles of the SEPP.

**SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 18 – PUBLIC TRANSPORT CORRIDORS**

Liverpool – Parramatta Bus Transitway adjoins the subject site. The planning proposal amends the Fairfield LEP 2013 Land Reservation Acquisition Map to include rear sections of privately and Council owned properties associated with the Transitway which are already zoned SP2 Infrastructure (Classified Road). Council has advised that under preparation of the Fairfield LEP 2013, although land associated with the Bus Transitway Corridor was zoned SP2 Infrastructure, it was not identified on the accompanying Land Reservation Acquisition Map. The proposed reservation removes uncertainty for affected land owners in the case they would seek to serve a land acquisition notice on the NSW Roads and Maritime Services.

Comments: In light of above, the proposal is considered to be consistent with this SREP.

#### **S117 DIRECTIONS**

##### **1.1 BUSINESS AND INDUSTRIAL ZONES**

This direction applies as the planning proposal involves existing industrial zoned land. Council has advised that the proposal is the result of findings and recommendations of the Fairfield employment and retail strategies. The planning proposal proposes a transition towards residential development and B6 Enterprise Corridor on certain land currently zoned 4(c) Special Industrial.

It is considered that the inconsistency is justified as the planning proposal:

- is justified by a Study (Fairfield Employment Lands Strategy – February 2008) that gives consideration to the employment objectives of the direction; and
- will encourage employment growth in suitable locations and retain some areas as employment land by rezoning to B6 Enterprise Corridor zoned land.

The approval of the Secretary's delegate is recommended.

##### **2.3 HERITAGE CONSERVATION**

The direction requires the planning proposal to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. As the planning proposal facilitates transfer of existing heritage listed items from Schedule 4 of Fairfield LEP 1994 to Schedule 5 of Fairfield LEP 2013, this direction applies in this instance.

However, as this planning proposal contains no additional provisions in relation to the heritage item and the significance of the item is protected by Fairfield Local Environmental Plan 2013, the planning proposal is not inconsistent with the direction.

##### **3.1 RESIDENTIAL ZONES**

This direction applies when a planning proposal affects an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary of the Department of Planning and Environment is required if the reduction in density is involved.

This direction applies as the planning proposal proposes to rezone certain areas within the planning proposal from 4(c) Special Industrial and 3 (b) District Business Centre to R4 High Density Residential zone. The planning proposal also proposes to rezone 1(a) Residential zoned land to B4 Mixed Use and B6 Enterprise Corridor and R4 High Density Residential.

The planning proposal is considered to be justifiably inconsistent with this direction as it:

- proposes to implement the objectives of the direction;
- implement the outcomes of the various studies undertaken by Council;

- will facilitate residential development in proximity to public transport;
- rationalises residential zones and proposes to concentrate housing densities around centres and transport nodes to make better use of existing infrastructure and services in those centres;
- broadens housing choice and flexibility by providing new opportunities for residential flat buildings around larger local centres and affordable villa home development alternatives;
- increases mix in the type and size of housing across Fairfield ; and
- will attract a diverse workforce to access the different employment areas.

The approval of the Secretary is recommended in this report.

### **3.4 INTEGRATED LAND USE AND TRANSPORT**

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The proposal is considered to be consistent with the direction as the site is well situated along major roads with access to high frequency public transport – Liverpool – Parramatta transitway.

### **4.3 FLOOD PRONE LAND**

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

Bonnyrigg Deferred Area is affected by mainstream flooding and overland flooding (Flooding map at page 12 of the planning proposal). There are properties along Smithfield Road that are affected by the 1 in 100 year flood event.

It is acknowledged that two of the existing lots toward the south end of Smithfield Road adjoining proposed RE1 Public Recreation zoned land are proposed to be rezoned R4 High Density Residential consistent with the adjoining land along the Smithfield Road. It is noted that these blocks are subject to Medium Risk Flooding (defined in Council's Flood Risk Management Plan and DCP as land below the 100 year flood that is not in a High Flood Risk Precinct. It is not subject to a high hydraulic hazard or where there are no significant evacuation difficulties). Council has advised that one of the lots incorporates two places of worship, one of which is now a heritage item. It is noted that residential flat development, mixed use buildings and multi-unit housing are currently permissible on these Smithfield Road properties., through clause 35H of Fairfield LEP 1994.

The current planning proposal seeks an increase in residential capacity to this land by increasing from six to eight storeys and by rezoning the two lots to R4 High Density Residential zoning.

Council officers advise that there is no significant evacuation constraints for these Smithfield Road properties, and it is considered that design features of new buildings, as required by Council's DCP, will minimise the risk of property damage due to flooding.

In spite of the flood risk mentioned above, the planning proposal is considered to be consistent with the 117 direction as existing clauses 6.3 – Flood Planning and 6.4 - Floodplain Risk Management of the Fairfield LEP 2013 require future development on flood liable land to take into consideration the impacts of flooding and incorporate appropriate design measures to ensure the safe occupation and evacuation of buildings in the event of flooding. These requirements are supplemented by detailed provisions of Chapter 11 of the Fairfield City Wide DCP that already apply to the Bonnyrigg Town Centre.

Council has advised that the areas subject of flooding within the town centre has been subject to extensive flood studies by both Council and proponent. Existing and future development in this area will also need to comply with a range of performance and prescriptive based flood controls contained in Chapter 11 – Flood Planning of the Fairfield City Wide DCP.

However, given the increase in residential capacity of flood prone land, it is recommended that Council formally consult with NSW State Emergency Service prior to exhibition and amend the planning proposal if required.

#### **6.2 RESERVING LAND FOR PUBLIC PURPOSES**

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment.

The planning proposal includes sections of privately and Council owned land zoned SP2 Infrastructure under the Fairfield LEP 2013 associated with the Parramatta – Liverpool Bus Transitway onto the Fairfield LEP 2013 Land Reservation Acquisition Map.

The proposal is not inconsistent with the direction as it does not create, alter or reduce existing zonings or reservation of land for public purposes. Roads and Maritime Services (RMS) will need to be consulted about the additional acquisition responsibility. This consultation should occur prior to exhibition.

The Secretary's delegate shall approve of the new reservations.

#### **Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**Council has provided the following maps applying to this planning proposal:**

- The land subject to the planning proposal
- Current and Proposed Land Application Map
- Current and proposed Land Use Zones
- Current and proposed Height of Buildings
- Current and proposed Heritage Map
- Current and Proposed Key Sites Map
- Proposed Minimum Site Area Town Centre Precinct Map
- Current and Proposed Riparian Land and Watercourses Map
- Proposed Land Reservation Acquisition Map
- Aerial map

- Map with zonings under Fairfield LEP 1994
- Flood Risk map

It is considered that the maps are adequate for consultation purposes.

### **Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council has advised that the planning proposal will be placed on public exhibition for a minimum of 28 days. This is supported.**

### **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 :

Comments in relation to Principal LEP : **Fairfield LEP 2013 is a Standard Instrument LEP. The planning proposal is to amend the Fairfield LEP 2013.**

### **Assessment Criteria**

Need for planning proposal :

The decision to prepare the planning proposal has been in response to a significant development application (DA) and strategic work carried out by Council. The current Fairfield Local Environmental Plan 2013 came into force in May 2013. Under the Fairfield LEP 2013, the Bonnyrigg Town Centre was designated as a "Deferred Matter". The matter was deferred due to the uncertainty in relation to a major retail development proposed at 685-707 Smithfield Road which is yet to be determined. Council has advised that the scope of the proposal at 685 Smithfield Road generates significant implications for the overall quantum of retail floor space in Bonnyrigg Town Centre.

Council has advised that the DA for 685 Smithfield Road has been taken into account the strategic review of the planning framework and proposed zonings for the deferred area. This process has also incorporated the findings of the Fairfield City Centres Study (endorsed by Council in February 2016) that included a review of retail floor space issues for both Bonnyrigg Town Centre and rest of the City.

Under the current strategic review, Council also appointed an Urban Design Consultant - Tim Williams Architect (specialists in urban design) to undertake an urban design review of the deferred area. This had regard to relevant State Legislation.

The review included a detailed analysis of built form issues, building separation, setback issues and overshadowing as well as pedestrian and traffic movements in the Town Centre. This process also involved preliminary consultation and meetings with landowners in the Town Centre.

The planning proposal was also informed by the Fairfield Retail Centres Study (February 2016) that establishes a target for the level of increase in retail floor space in the Town Centre, including both Bonnyrigg Plaza and 685-707 Smithfield Road. The Fairfield Employment Lands Study 2009 has also been an important planning document in informing decisions about the rezoning of land in the deferred matter area.

The Urban design consultant recommendations have guided preparation of Bonnyrigg Strategic Review, proposed LEP height controls and local clauses covering active street frontages as well as detailed amendments to the Bonnyrigg Town Centre Development Control Plan.

Consistency with strategic planning framework :

**CONSISTENCY WITH STRATEGIC PLANNING FRAMEWORK**

The planning proposal is a result of a number of studies conducted by Council including:

- Fairfield Employment Lands Study 2008;
- Fairfield Retail Centres Study 2015; and
- Strategic Review – Bonnyrigg Town Centre Deferred Matter Area.

Key issues and recommendations of these studies relevant to Bonnyrigg Town Centre are as follows:

**FAIRFIELD EMPLOYMENT LANDS STUDY 2008 (copy in Documents)**

The Fairfield Employment Lands Study included an analysis of land previously zoned for employment uses i.e. 4(c) Special Industrial Uses (located along Bonnyrigg Avenue) in the Town Centre including the subject sites.

In summary the Study reached the following recommendations in relation to strategic directions for employment lands in the Town Centre:

- The viability of the area as purely an industrial precinct is questionable. The 4(c) Special Industrial lands in Bonnyrigg are likely to undergo transition in future years toward residential and mixed use developments, as a result of current and future LEP/DCP provisions.
- One option may be to establish a B6 - Enterprise Corridor on the industrial lands. However, this needs to be assessed in light of the demand for additional retail/commercial development in the town centre as a result of urban renewal in the surrounding area.
- Under this enterprise zone Council allows residential uses and restricts both commercial and retail development by: allowing only non-food and non-clothing retail (i.e. permit bulky goods retailing); and permitting a restricted degree of commercial development/businesses. These controls will ensure that the viability of the existing commercial centres in the LGA are protected.

**FAIRFIELD RETAIL CENTRES STUDY 2015 (copy in Documents)**

Council has advised that the Fairfield Retail and Commercial Centres Strategy 2015 has played a critical role in clarifying directions and rezoning of land for retail and commercial development in the town centre.

In brief the key findings and recommendations of the strategy in relation to Bonnyrigg were:

- Allow for the development of two full-line supermarkets (including the current Woolworths at Bonnyrigg Plaza and proposed second supermarket at 685 Smithfield Avenue);
- Allow for second discount department store; and
- Promote the degree of connectivity (which can be in the form of pedestrian connections) between Bonnyrigg Plaza and 685 Smithfield Road.

**BONNYRIGG STRATEGIC REVIEW 2016 (copy in Documents)**

The Bonnyrigg Strategic Review included an Urban Design analysis having regard to a broad range of objectives for the area (such as improving connectivity and urban design outcomes) and took into account relevant environmental constraints (in particular flooding) and design requirements of SEPP 65 (Design Quality of Residential Apartment Development) including the associated guidelines to the SEPP – Apartment Design Guide.

Following are the key recommendations directly relevant to this planning proposal:

**Protecting Heritage**

Retaining the existing heritage items identified under Schedule 4 of the Fairfield LEP 1994 by including them under Schedule 5 of Fairfield LEP 2013. This will ensure that Bonnyrigg's cultural and religious community and built forms are protected.

**Protecting the District Park**

The Bonnyrigg Town Centre Park is to be zoned as RE1 Public recreation in order to maintain sufficient open space for the increased densities within the town centre.

**B6 Enterprise Corridor zone – additional permitted uses**

In order to increase pedestrian patronage and achieve the objective of a 'walkable town centre' with interesting streetscapes, it is proposed that certain land proposed to be zoned B6 Enterprise Corridor have additional permitted uses for 'Restaurants and Café' and 'Small Bar' and 'Residential Flat Buildings'. This will help promote active street frontages on ground level as well as allowing increased densities near transport nodes.

The proposed zoning of these lands is also consistent with the findings and recommendations of the Fairfield Retail Centres Study 2015 and Fairfield Employment Lands Study 2016 in regard to the zoning of land for a range of commercial uses (including bulky goods). The B6 zone also allows for a transition of current uses on these lands (e.g. Bunnings Warehouse site) and future redevelopment for residential apartments. In this regard the B6 zoning establishes certainty for existing and future development of these lands.

**Building height & Incentives**

The proposal increases maximum height allowances from 6 to 8 storeys. On larger sites, additional building height is appropriate as there will be no adverse impacts on bulk and scale of development, privacy and overshadowing. An incentive clause for height of buildings (Clause 7.9) is included for Bonnyrigg Plaza proposed to be zoned B4 Mixed Use Residential.

**FSR Issues**

The planning proposal does not designate floor space ratios for future development. Rather Height of Building Controls, Street activation requirements in conjunction with a range of DCP controls (e.g. minimum open space, building footprint/envelope and site coverage requirements) will promote a desired built form. Under the relevant LEP Practice Note PN 08-001 there is no imperative for FSR controls to be applied to Bonnyrigg Town Centre under the new standard LEP provisions as it is not identified as a Strategic centre.

**METROPOLITAN STRATEGY**

**A PLAN FOR GROWING SYDNEY (the Plan)**

The proposal is considered to be consistent with the goals and actions of the Plan as explained below:

- Direction 2.1: Accelerate housing supply across Sydney. The planning proposal will provide additional housing within the Bonnyrigg Town Centre, particularly apartments, which will support an expected increase in population.
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs. The provisions of additional housing in close proximity to the Transitway Bus Service will provide housing closer to public transport and jobs.
- Direction 2.3: Improve housing choice to suit different needs and lifestyles. The proposal

will increase housing choice by providing additional apartments in an established area.

- **Direction 3.1: Revitalisation existing suburbs.** Additional housing will help revitalise Bonnyrigg Town Centre area with increase in people using existing commercial/retail facilities, community facilities, schools and seeking employment. The planning proposal is expected to create 1159 new dwellings.
- **Direction 3.3 – Create healthy built environments.** The new proposed housing will be located in close proximity to the Bonnyrigg District Park which provides for a range of active and passive recreation pursuits. The planning proposal also promotes active street frontages.
- **Direction 3.4 – Promote Sydney's heritage, arts and culture.** A number of heritage items that are currently listed under the Fairfield LEP 1994 have been retained and protected as part of the planning proposal.
- **Direction 4.1 – Protect our natural environment and biodiversity.** The planning proposal protects the land adjoining to Clear Paddock Creek by applying Riparian Land Watercourses clause of the Fairfield LEP 2013.

#### **FAIRFIELD CITY PLAN 2012-2022 (DECEMBER 2012)**

Fairfield City Plan 2012-2022 (the City Plan) contains the Community's vision, priorities and outcomes for Fairfield City over the next 10 years.

The planning proposal is consistent with the relevant goals contained within the City Plan as it has the potential to provide a range of additional housing types to meet the needs of the increased population.

#### **FAIRFIELD RESIDENTIAL DEVELOPMENT STRATEGY**

The Fairfield Residential Development Strategy (the Strategy) is a 20 year strategy that guides the location and type of future residential development within the eastern half of the Local Government Area (LGA). The Strategy has adopted a centres based planning approach to guide the location of new housing within the existing urban areas of the Fairfield LGA.

The planning proposal is consistent with the objectives of the Strategy as it will provide additional dwellings that will assist Council in meeting targets for the provision of housing within close proximity to the Parramatta-Liverpool Transitway corridor and within walking distance to various commercial and retail uses. Additionally, it is located within walking distance to the Bonnyrigg District Park, which has been embellished with a skatepark, playground and a Bush tucker trail.

Environmental social  
economic impacts :

#### **ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS**

The site does not contain threatened species.

Existing provisions of the Fairfield LEP 2013 require the potential impacts of development on remnant indigenous vegetation (e.g. along Clear Paddock Creek) to be taken into account. In addition, provisions of Fairfield City Wide DCP requires further detailed assessment of the impacts of development on threatened species, populations or ecological communities, or their habitats. The planning proposal therefore will not result in any adverse impacts to communities or habitats.

The planning proposal is not expected to result in negative environmental effects. Properties that back onto the Clear Paddock creek are flood affected. Likely environmental effects pertaining to flood risk planning are manageable and will be appropriately addressed and regulated by the development assessment process. The subject land affected by flooding issues is currently zoned and used for residential, community, commercial and bulky good purposes.

The planning proposal will have positive social and economic benefits as it will enable higher and better use of the subject land by providing additional dwellings in close proximity to jobs, services and public transport.

## Fairfield LEP 2013 – Bonnyrigg Town Centre Deferred Matter

Identifying sections of privately owned land zoned SP2 – Infrastructure (Classified Road) on the Fairfield Land Reservation Acquisition Map will ensure greater economic certainty for relevant land owners in the event this land is required for road widening.

### Assessment Process

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

Timeframe to make LEP : **15 months** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**  
 Consultation - 56(2)(d) **Energy Australia**  
**Transport for NSW**  
**Transport for NSW - Roads and Maritime Services**  
**State Emergency Service**  
**Sydney Water**  
**Telstra**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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 :

### Documents

| Document File Name                                                        | DocumentType Name        | Is Public |
|---------------------------------------------------------------------------|--------------------------|-----------|
| Cover Letter.pdf                                                          | Proposal Covering Letter | Yes       |
| Planning Proposal Bonnyrigg Town Centre.pdf                               | Proposal                 | Yes       |
| Council Report and Minutes - April 2016 - Land Acquisition.pdf            | Study                    | Yes       |
| Appendix C - Schedule of land that is proposed to be rezoned.pdf          | Study                    | Yes       |
| Appendix B - Council Minutes & Report - Bonnyrigg_March_2016_Outcomes.pdf | Study                    | Yes       |
| Appendix D.1 - Bonnyrigg Town Centre Study Document Draft Final.pdf       | Study                    | Yes       |
| Appendix D.2 Fairfield City Centres Study 2015.pdf                        | Study                    | Yes       |
| Appendix D.3 - Fairfield Employment Lands Strategy 2008.pdf               | Study                    | Yes       |
| Location Map.pdf                                                          | Map                      | Yes       |

## Fairfield LEP 2013 – Bonnyrigg Town Centre Deferred Matter

|                                                                     |       |     |
|---------------------------------------------------------------------|-------|-----|
| Map showing current zonings under Fairfield LEP 1994.pdf            | Map   | Yes |
| Map showing the proposed Precincts within Bonnyrigg Town Centre.pdf | Map   | Yes |
| Fairfield Flood Planning Clauses .pdf                               | Study | 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**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.2 Reserving Land for Public Purposes**

Additional Information : **RECOMMENDATION**

**It is recommended that the planning proposal proceed subject to the following conditions:**

**1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:**

**(a) the planning proposal must be publicly exhibited for 28 days, and**

**(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).**

**2. In order to fully address the objectives of s.117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes, prior to exhibition of the planning proposal, Council is to consult with:**

- a) The State Emergency Service in terms of the increased residential capacity on flood prone land; and**
- b) Roads and Maritime Services in terms of the additional acquisition responsibility.**

**Council is to take into account comments received and amend the planning proposal if necessary.**

**3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**

**Endeavour Energy  
Roads and Maritime Services  
Office of Environment and Heritage (Flood Division)  
Sydney Water  
Telstra  
Transport for NSW  
NSW State Emergency Service**

**Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.**

**4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**

5. The timeframe for completing the local environmental plan is to be 15 months from the week following the date of the Gateway determination.

**DELEGATION OF GATEWAY DETERMINATION**

The proposal is considered to be consistent with State Strategy and of a local nature therefore it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan Region (Parramatta).

**DELEGATION TO COUNCIL**

Liverpool City Council has not requested plan making functions be delegated to Council in this instance. Given the nature of the planning proposal and the evaluation criteria supports the delegation, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

Supporting Reasons : The planning proposal is supported, as it will facilitate revitalisation of the area and will contribute towards creating additional jobs, housing and housing diversity along a key transport corridor.

Signature:



Printed Name:

DARREN JOHN

Date:

6 JUNE 2016