



Planning Proposal

Proposed amendment to Fairfield Local Environmental Plan 2013

Abbotsbury: Amendment to Fairfield LEP 2013, Lot Size for Dual Occupancy Development Map in northwest and southwest Abbotsbury from 900m² to 4000m² to correct an anomaly.

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1. Introduction

1.1 Executive summary

This planning proposal contains an explanation of the intended effect and justification for a proposed amendment to the *Fairfield Local Environmental Plan 2013*. The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the relevant Department of Planning and Environment (DP&E) guidelines including ‘*A Guide to Preparing Local Environmental Plans*’ and ‘*A Guide to Preparing Planning Proposals*’.

During the rollover of *Fairfield Local Environmental Plan (FLEP) 1994* to *Fairfield Local Environmental Plan (FLEP) 2013*, the Minimum Lot Size provision for the subject area from *FLEP 1994*, Clause 22A (1A) – Minimum Lot Size of 2000m² for the northwest and southwest Abbotsbury was included within the new Lot Size Maps.

However, the *FLEP 2013* also introduced a new Lot Size for Dual Occupancy Development Map, which has provisions of 900m² on the subject area. This provision has created a discrepancy of application between the Minimum Lot Size Map and Lot Size for Dual Occupancy Map on the subject area.

This discrepancy is seen as an anomaly within the *FLEP 2013* and it can only be corrected by giving a Lot Size for Dual Occupancy Development of 4000m² in the subject area.

Council would like to carry forward the intention of Amendment 88 of *FLEP 1994* to *FLEP 2013* to ensure that:

- Subdivision reflects and reinforces the predominant subdivision pattern of the area;
- To minimise any likely impact of subdivision and development on the amenity of neighbouring properties;
- To ensure that subdivision does not exacerbate land fragmentation;
- To protect the subject area as it is affected by landslide risk; and
- To protect the subject area as it is affected by terrestrial biodiversity.

Therefore, this planning proposal seeks an amendment to the *Fairfield Local Environmental Plan (FLEP) 2013*, Lot Size for Dual Occupancy Development Map in northwest and southwest Abbotsbury as shown heavy edged black in map from 900m² to 4000m².

1.2 Purpose of this Planning Proposal

This planning proposal has been prepared to correct an anomaly identified within the *FLEP 2013*, Lot Size for Dual Occupancy Development Map in northwest and southwest Abbotsbury.

The Lot Size for Dual Occupancy Development for the subject area allows the lot size of 900m², which is not consistent with the provisions of the Minimum Lot Size map. The Minimum Lot Size Map has provision of 2000m² lots for the subject area.

There is a discrepancy in the application of the Minimum Lot Size Map and Lot Size for Dual Occupancy Map on the subject area.

To rectify this discrepancy, it will be practical to have a lot size of 4000m² to control dual occupancy developments within the area. The reason being, the intention of Amendment 88 of *FLEP 1994* will be carried forward and the subject area is affected by landslide risk and terrestrial biodiversity.

1.3 Background

Background in chronological order	
12 Feb 2002	Report to Council seeking approval to prepare and exhibit a draft Local Environmental Plan to amend clause 22A to <i>FLEP 1994</i> (Amendment 83). Section 22A of <i>FLEP 1994</i> regulated the type and size of allotments permissible for residential subdivisions. Under this section Council could approve the subdivision of land within the residential 2(a) zone if each allotment created was no less than 450m². However, the application of Section 22A of <i>FLEP 1994</i> was not viable for the subject area. Therefore, it was recommended that Council exclude the subject area in Abbotsbury from the allotment provisions by requiring larger allotment sizes.
9 July 2002	A report was presented to Council seeking approval to prepare draft LEP Amendment 83. The Amendment sought an increase in the minimum lot size from 450m² to 2000m². However, prior to <i>FLEP 1994</i>; under <i>LEP 43</i>, a blanket provision of minimum lot size requirement of 2000m² was in force for the subject area.
10 September 2002	Council considered a report relating to draft Amendment 83 and subsequently rescinded it and resolved to commence preparation of a new draft LEP Amendment 88.
9 May 2003	Amendment 88 of <i>FLEP 1994</i> was gazetted. The <i>FLEP 1994</i> was amended and clause 22A (1A) was inserted. The clause read: <i>(1A) Despite subclause (1), the Council must not grant consent to the subdivision of land in northwest and southwest Abbotsbury, as shown edged heavy black on Sheets 1 and 2 of the map marked "Fairfield Local Environmental Plan 1994 (Amendment No 88)" unless each allotment to be created will have an area of not less than 2,000 square meters. The area of an access handle serving an internal allotment is not to be taken into account for the purpose of this subclause.</i>

31 May 2013

Fairfield Local Environmental Plan 2013 came into effect on this date. The *FLEP 2013* also introduced a new Lot Size for Dual Occupancy Development Map, which has provisions of 900m² on the subject area. This is seen as an anomaly within the *FLEP 2013* and it can only be corrected by giving a Lot Size for Dual Occupancy Development of 4000m² in the subject area.

2. Existing situation

2.1 Land to which the planning proposal applies

The planning proposal applies to certain land at northwest and southwest Abbotsbury. The affected property addresses, property description and ownership details are listed in Table 1 below.

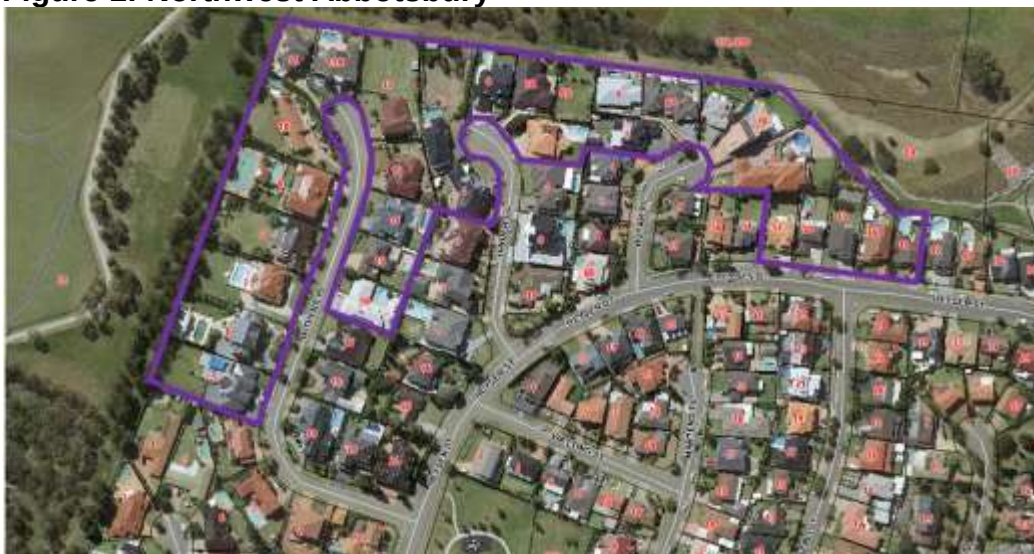
Table 1: Property and ownership details

Ownership	Property Description	Property Address	Property Suburb
Private	Lot: 2 DP: 881791	6A Rutar Place	ABBOTSBURY
Private	Lot: 1 DP: 881791	6 Rutar Place	ABBOTSBURY
Private	Lot: 3 DP: 881791	7 Rutar Place	ABBOTSBURY
Private	Lot: 4 DP: 881791	7A Rutar Place	ABBOTSBURY
Private	Lot: 2317 DP: 787466	5 Withers Place	ABBOTSBURY
Private	Lot: 2318 DP: 787466	6 Withers Place	ABBOTSBURY
Private	Lot: 2319 DP: 787466	7 Withers Place	ABBOTSBURY
Private	Lot: 2320 DP: 787466	8 Withers Place	ABBOTSBURY
Private	Lot: 2321 DP: 787466	9 Withers Place	ABBOTSBURY
Private	Lot: 2324 DP: 787466	12 Withers Place	ABBOTSBURY
Private	Lot: 2325 DP: 787466	13 Withers Place	ABBOTSBURY
Private	Lot: 2326 DP: 787466	14 Withers Place	ABBOTSBURY
Private	Lot: 2327 DP: 787466	15 Withers Place	ABBOTSBURY
Private	Lot: 2328 DP: 787466	16 Withers Place	ABBOTSBURY
Company	Lot: 2339 DP: 787466	4 Hinder Close	ABBOTSBURY
Private	Lot: 2340 DP: 787466	5 Hinder Close	ABBOTSBURY
Company	Lot: 2342 DP: 787466	7 Hinder Close	ABBOTSBURY
Private	Lot: 1 DP: 829291	11A Withers Place	ABBOTSBURY
Private	Lot: 4 DP: 790906	44 Heysen Street	ABBOTSBURY
Private	Lot: 5 DP: 790906	46 Heysen Street	ABBOTSBURY
Private	Lot: 6 DP: 790906	48 Heysen Street	ABBOTSBURY
Private	Lot: 7 DP: 790906	50 Heysen Street	ABBOTSBURY
Private	Lot: 8 DP: 790906	52 Heysen Street	ABBOTSBURY
Private	Lot: 13 DP: 790906	8 Rutar Place	ABBOTSBURY
Private	Lot: 16 DP: 790906	5 Rutar Place	ABBOTSBURY
Private	Lot: 21 DP: 861866	11 Withers Place	ABBOTSBURY
Private	Lot: 22 DP: 861866	10 Withers Place	ABBOTSBURY
Private	Lot: 1 DP: 1011701	6 Hinder Close	ABBOTSBURY
Company	Lot: 2 DP: 1011701	6A Hinder Close	ABBOTSBURY

Ownership	Property Description	Property Address	Property Suburb
Private	Lot: 3 DP: 1011701	6B Hinder Close	ABBOTSBURY
Private	Lot: 317 DP: 733200	69 Begovich Crescent	ABBOTSBURY
Private	Lot: 318 DP: 733200	71 Begovich Crescent	ABBOTSBURY
Private	Lot: 319 DP: 733200	73 Begovich Crescent	ABBOTSBURY
Private	Lot: 322 DP: 733200	79 Begovich Crescent	ABBOTSBURY
Private	Lot: 97 DP: 717620	65 Begovich Crescent	ABBOTSBURY
Private	Lot: 96 DP: 717620	67 Begovich Crescent	ABBOTSBURY
Private	Lot: 632 DP: 748199	3 Lewers Close	ABBOTSBURY
Private	Lot: 633 DP: 748199	2 Lewers Close	ABBOTSBURY
Private	Lot: 634 DP: 748199	60 Province Street	ABBOTSBURY
Private	Lot: 637 DP: 748199	7 Balson Close	ABBOTSBURY
Private	Lot: 638 DP: 748199	6 Balson Close	ABBOTSBURY
Private	Lot: 639 DP: 748199	5 Balson Close	ABBOTSBURY
Private	Lot: 640 DP: 748199	4 Balson Close	ABBOTSBURY
Private	Lot: 641 DP: 748199	3 Balson Close	ABBOTSBURY
Private	Lot: 642 DP: 748199	2 Balson Close	ABBOTSBURY
Private	Lot: 643 DP: 748199	66 Province Street	ABBOTSBURY
Private	Lot: 635 DP: 748199	62 Province Street	ABBOTSBURY
Private	Lot: 2 DP: 851317	8 Balson Close	ABBOTSBURY
Private	Lot: 1 DP: 851317	64 Province Street	ABBOTSBURY
Private	Lot: 981 DP: 1076679	63A Begovich Crescent	ABBOTSBURY
Private	Lot: 982 DP: 1076679	63 Begovich Crescent	ABBOTSBURY
Private	Lot: 1 DP: 1207738	75A Begovich Crescent	ABBOTSBURY
Private	Lot: 2 DP: 1207738	75 Begovich Crescent	ABBOTSBURY

Figure 1 and 2 shows aerial images of the subject area (Northwest Abbotsbury and Southwest Abbotsbury).

Figure 1: Northwest Abbotsbury



Source: Enlighten

Figure 2: Southwest Abbotsbury

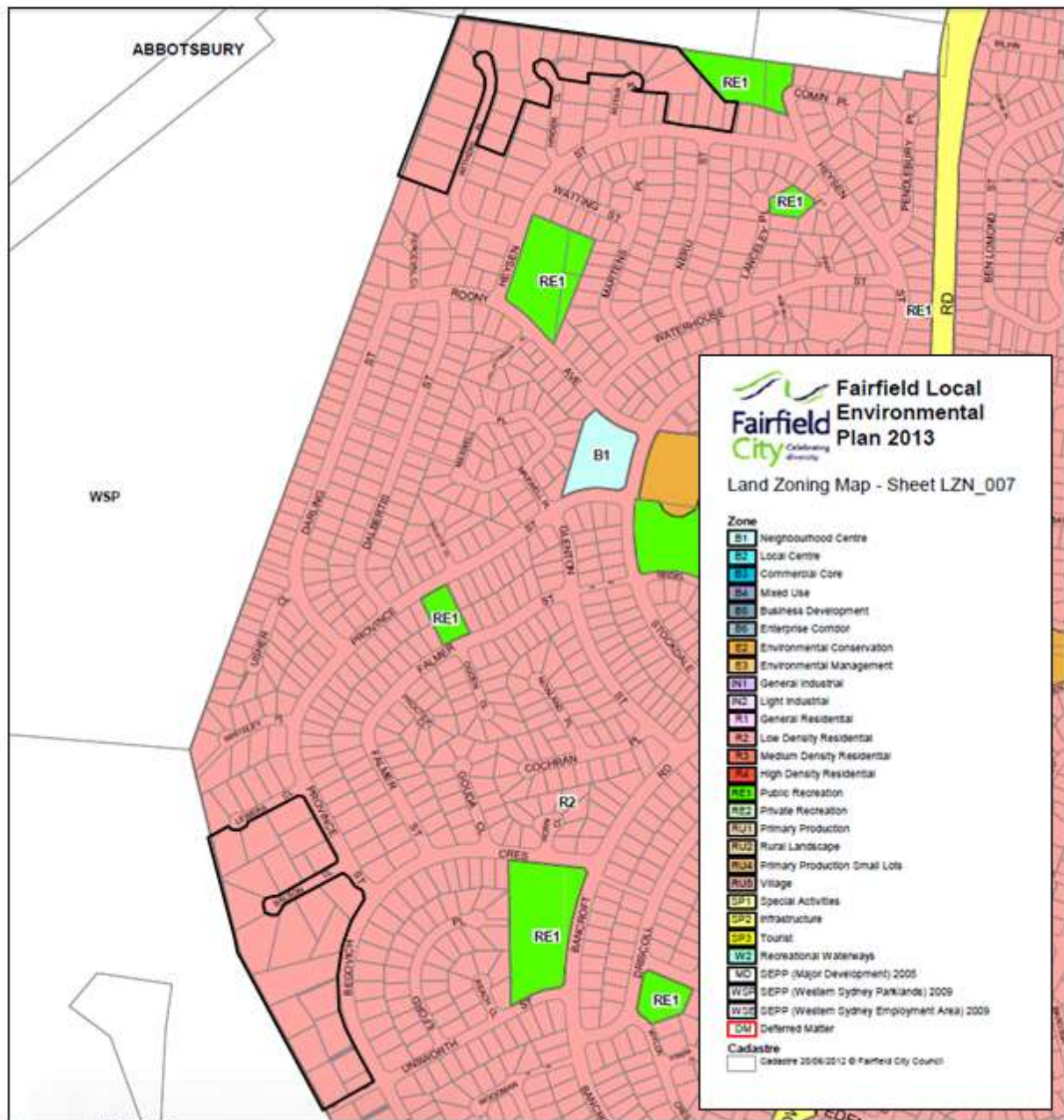


Source: Enlighten

2.2 Subject area description

The subject area is zoned R2 Low Density Residential under the *FLEP 2013*. The area is characterised by large allotments on steep slopes ranging on average between 2000m² and 3000m² that abut the Western Sydney Regional Park. The character of the subject area lends itself to a fringe residential/rural environment based on large lots and its relationship to the adjoining the City Farm and Regional Park.

Figure 3: Map showing the subject area including the existing zoning



Source: FLEP 2013

Development within the subject area consists of single and double storey large bulked and scaled brick houses. The houses are well maintained and vegetation in the area keeps the amenity of the neighbouring properties.

Figure 4: Photographs of developments within the subject area





The subject area includes and adjoins remnant Cumberland Plain Woodland. Future developments will need to consider vegetation protection legislated by *Threatened Species Conservation Act 1995* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act*.

There are generally two main soil groups in the Abbotsbury area according to Councils' *Soil Landscape Map*:

- the residual soil which is formed from or rests on consolidated rock of the same kind as that from which it was formed; and
- the erosional soil.

The southwest area of Abbotsbury primarily consists of erosional soil i.e. the soil is prone to erosional impacts from rain and wind activity based on its soil make-up particularly on crests that have moderate shrink-swell capacity.

This information suggests that land stability issues are important with respect to future developments within the area. The lot layout confirms this with allotments large in size located in an area of ridges and mid-sloping valleys as a means of ensuring siting of dwellings on lower slopes to confirm with stringent structural requirement.

2.3 Local context

The subject area adjoins the Western Sydney Regional Park to the north and Calmsley Hill City Farm to the west.

The park is the main regional hub for passive recreation and also has terrestrial biodiversity within, which is protected. Surrounding the subject area is all R2 Low Density Residential zoned land which consists of similar style of development as within the subject area. The surrounding residential development consists of large single and double story dwellings.

A neighbourhood centre sits along the Stockdale Crescent in Abbotsbury which provides small scale shopping and services to the neighbourhood. The centre consists of a café, hairdresser, grocer, pizzeria and a pet shop. The centre seems not to be very active. However, it provides the day to day services to the locality.

Figure 5: Photographs of the local context and neighbourhood centre



2.4 Existing Planning Controls

The existing *FLEP 2013* planning controls for the study area are summarised in Table 2 below.

Table 2: Existing planning controls

<i>FLEP 2013</i> Planning Controls	Affected or Not affected
Zone	R2 Low Density Residential
Height of Buildings	9m
Minimum Lot size Map	2000 sqm
Lot Size for Dual Occupancy	900sqm
Flood Planning	Not affected
Heritage	Not applicable
Acid Sulfate Soil	Affected of Landslide Risk
Foreshore Building Line	Not affected
Floor Space Ratio	0.45:1
Land Reservation Acquisition	Not affected
Riparian Lands and Watercourses	Not affected
Terrestrial Biodiversity	Affected

Source: *FLEP 2013*

The subject area is zoned R2 Low Density Residential and has a Height of Buildings provision of 9m. The minimum lot size for the subject area is 2000m² basically due to the land being unstable based on its soil type.

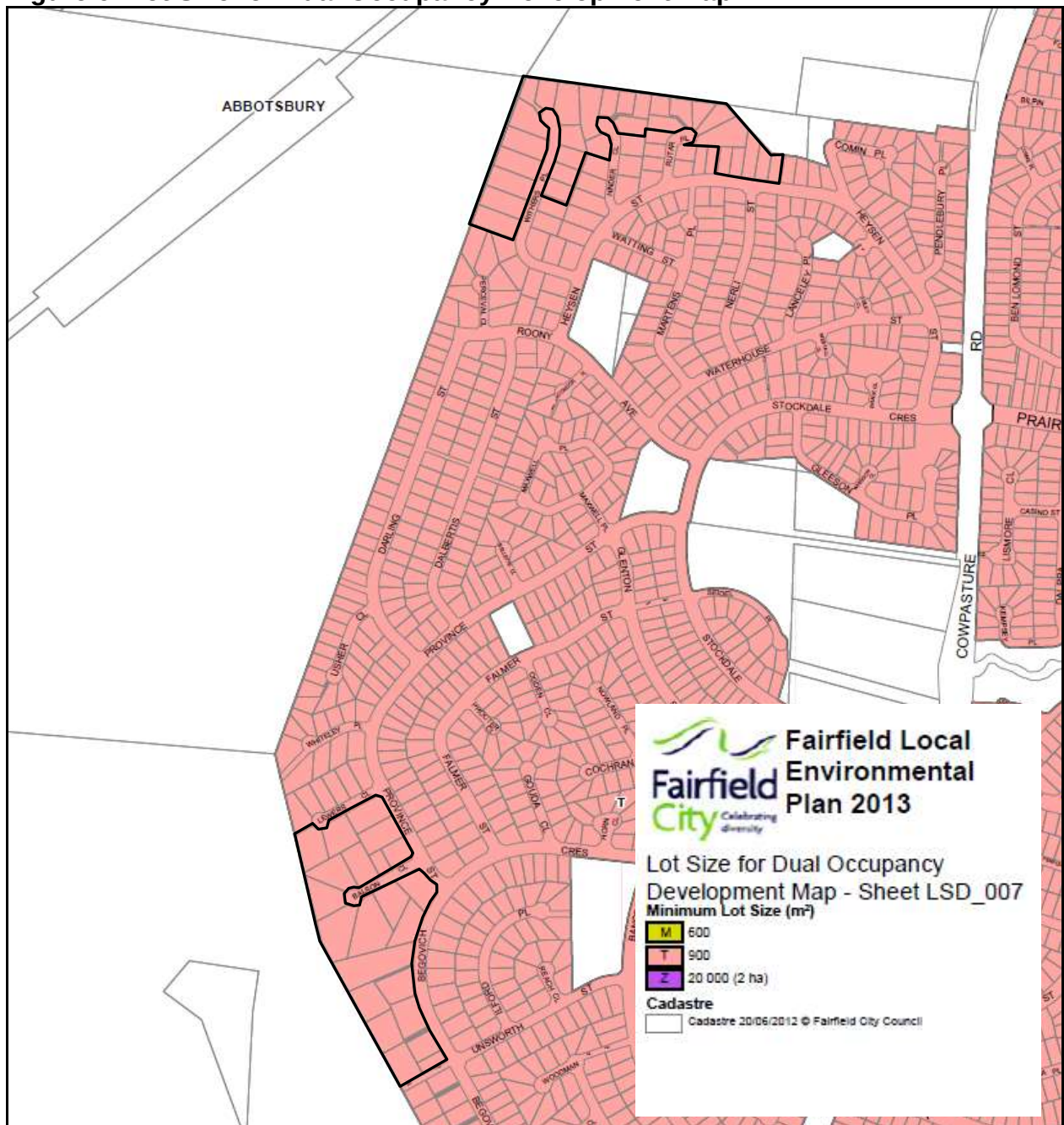
The subject area is affected by landslide risk and terrestrial biodiversity. A minimum lot size of 2000m² (was also provided historically under *FLEP 43* and *FLEP 1994*) to ensure sufficient lot sizes were created to enable various options to be considered in siting dwellings based on the topography of the land, slope stability and existing vegetation.

The Lot Size for Dual Occupancy Development for the subject area allows the lot size of 900m², which is not consistent with the provisions of the Minimum Lot Size map.

There is a discrepancy in the application of the Minimum Lot Size Map and Lot Size for Dual Occupancy Map on the subject area. To rectify this discrepancy, it will be practical to have a lot size of 4000m² to control dual occupancy developments within the area

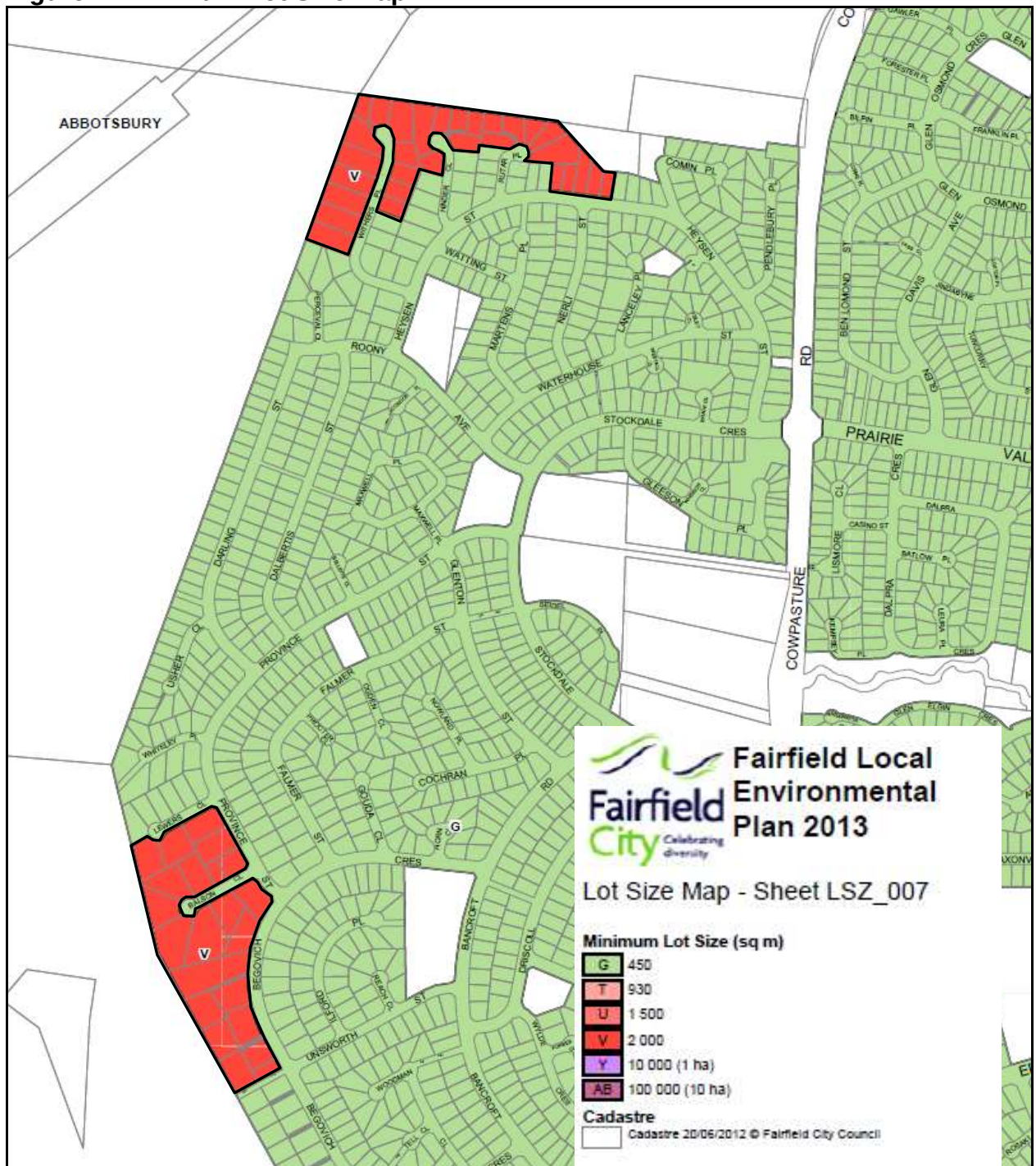
The subject area has a floor space ratio of 0.45:1. Figures 6, 7, 8 and 9 below show maps affecting the subject area under the current planning controls.

Figure 6: Lot Size for Dual Occupancy Development Map



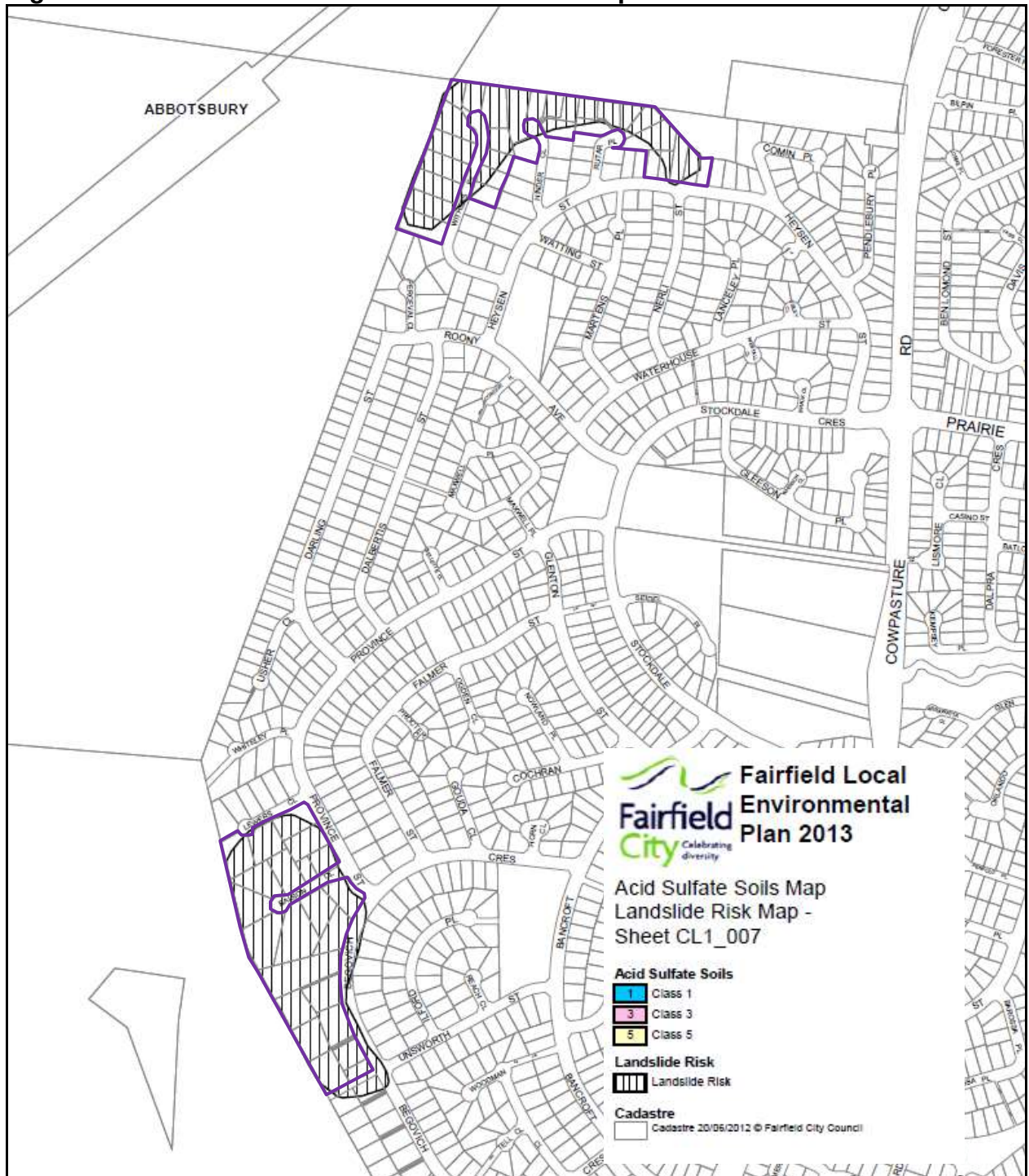
Source: FLEP 2013

Figure 7: Minimum Lot Size Map



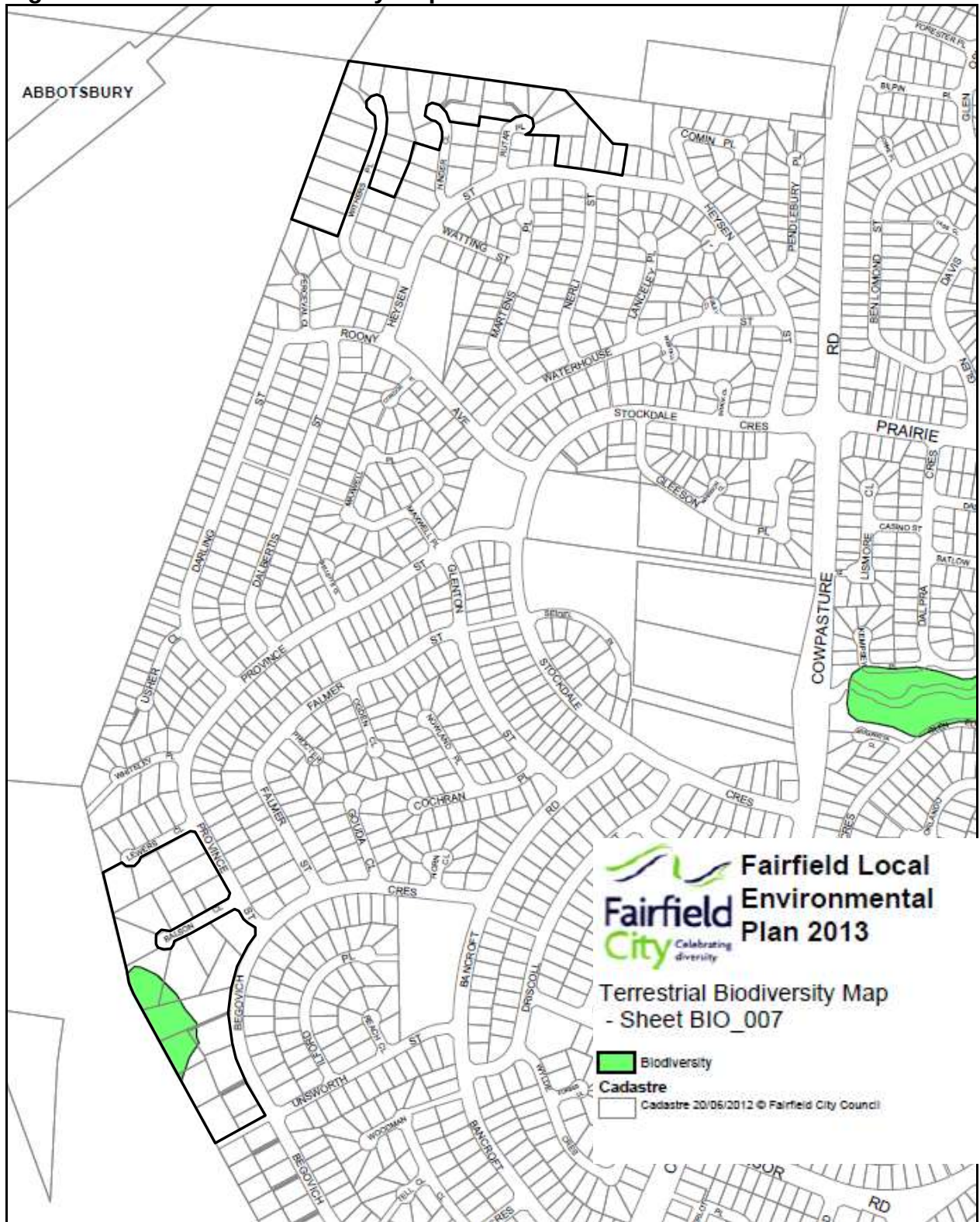
Source: FLEP 2013

Figure 8: Acid Sulfate Soil and Landslide Risk Map



Source: FLEP 2013

Figure 9: Terrestrial Biodiversity Map



Source: FLEP 2013

3. Part 1 – Objectives and Intended Outcomes

The objectives and intended outcomes of the planning proposal are:

- To correct an anomaly identified within the *FLEP 2013*, Lot Size for Dual Occupancy Development Map in northwest and southwest Abbotsbury from 900m² to 4000m²; and
- To ensure that the intention of clause 22(A) of *FLEP 1994* is rolled over to *FLEP 2013* and reflects on the Lot Size for Dual Occupancy Development Map affecting the subject area.

4. Part 2 – Explanation of Provisions

The planning proposal seeks to correct an anomaly identified within the *FLEP 2013*, Lot Size for Dual Occupancy Development Map in northwest and southwest Abbotsbury from 900m² to 4000m².

The Lot Size for Dual Occupancy Development for the subject area allows the lot size of 900m², which is not consistent with the provisions of the Minimum Lot Size map. The Minimum Lot Size Map has provision of 2000m² lots for the subject area.

There is a discrepancy in the application of the Minimum Lot Size Map and Lot Size for Dual Occupancy Map on the subject area.

To rectify this discrepancy, it will be practical to have a lot size of 4000m² to control dual occupancy developments within the area. The reason being, the intention of Amendment 88 of *FLEP 1994* will be carried forward and the subject area is affected by landslide risk and terrestrial biodiversity.

Table 3 below summarises the current Lot Size, Lot Size for Dual Occupancy maps and proposed Lot Size for Dual Occupancy controls.

Table 3: Current and Proposed Lot Size controls

Subject Area	Lot Size	Proposed Lot Size	Lot Size for Dual Occupancy Development	Proposed Lot Size for Dual Occupancy development
Northwest Abbotsbury	2000m ²	No change	900m ²	4000m ²
Southwest Abbotsbury	2000m ²	No change	900m ²	4000m ²

5. Part 3 - Justification

5.1 Section A – Need for a planning proposal

This section sets out the reasons for the proposed outcomes and development standards in the planning proposal. The following questions are set in the Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' and addresses the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies.

Is the planning proposal a result of any strategic study or report?

The planning proposal is initiated in response to an anomaly identified within the *FLEP 2013* Lot Size for Dual Occupancy Map affecting the area being northwest and southwest Abbotsbury.

The planning proposal seeks to correct the anomaly and rollover the intention of Clause 22A (1A) from *FLEP 1994* to *FLEP 2013* and reflect it on the Lot Size for Dual Occupancy Map.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

FLEP 2013 is Council's principle planning instrument. This planning proposal seeks to correct an anomaly identified within the Lot Size for Dual Occupancy Map for northwest and southwest Abbotsbury from 900m² to 4000m².

A planning proposal is the most appropriate means to achieve this outcome and the objectives and intended outcomes of the planning proposal.

5.2 Section B – Relationship to strategic 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)?

The planning proposal has no implications for any strategic planning framework. However, it is consistent with the following strategic frameworks:

- A Plan for Growing Sydney
- Draft South West District Plan

Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

The planning proposal is not inconsistent with the Fairfield City Council's Community Strategic Plan 2012-2022 or other strategic plans.

Is the planning proposal consistent with the applicable state environmental policies?

The relevant State Environmental Planning Policies are outlined in the table below:

Table 4. Relevant State Environmental Planning Policies

No.	Title	Summary	PP application's consistency with the SEPP
19	Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	Applies to State Consistent. The planning proposal ensures that the bush land adjoining the subject area is protected.
21	Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	Applies to State except land to which SEPP (Western Sydney Parklands) applies. Consistent
29	Western Sydney Recreation Area	Aims to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	Applies to Fairfield LGA Consistent (Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park) The planning proposal ensures that the development on the subject area is controlled and does not affect the Western Sydney Recreation Area.
30	Intensive Agriculture	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	Applies to State Consistent

32	Urban Consolidation	Aims to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	Applies to State Applies to all urban land, except Western Sydney Parklands under that SEPP Consistent
33	Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	Applies to State Consistent
50	Canal Estate Development	Prohibits canal estate development	Applies to State, except Penrith Lakes Consistent
55	Remediation of Land	Provides a State wide planning approach for the remediation of contaminated land.	Applies to State Consistent The planning proposal seeks to correct an anomaly within the <i>FLEP 2013</i> Lot Size for Dual Occupancy Map from 900m ² to 4000m ² . The lands within the subject site are currently not affected by site contamination. However, any subsequent DAs lodged may need to undertake a phase 1 contamination assessment to fulfil Clause 6 requirements of the SEPP if the proposal proceeds to s.56 Gateway Determination and notification (gazettal).
62	Sustainable Aquaculture	Aims to encourage and regulate sustainable aquaculture development	Applies to State Consistent
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to State Consistent
65	Design Quality of Residential Flat Development	Aims to improve the design qualities of residential flat building development in New South Wales.	Applies to State, except Kosciusko SEPP area Consistent The proposed controls, which would work in conjunction with Council's Development Control Plan framework, would be consistent with SEPP 65.

			Any subsequent DAs would need to comply with the SEPP.
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to State Consistent. To be considered at DA stage if required.
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State Consistent. To be considered at DA stage if required.
	Major Development 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	Applies to State Consistent
	Mining, Petroleum and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to State Consistent
	Miscellaneous Concerns Provisions 2007	Aims to provide that the erection of temporary structures is permissible with consent across the State, development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Applies to State Consistent
	Infrastructure 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types	Applies to State Is not applicable to this PP.

		listed in the SEPP.	
	Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Apply to Fairfield LGA Consistent
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State Consistent To be considered at DA stage if required.
	Western Sydney Parklands 2009	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	Applies to Fairfield LGA Consistent Applies to land within the Blacktown, Fairfield and Holroyd LGAs (Quakers Hill to West Hoxton)
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Applies to State Consistent. To be considered at DA stage if required.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to State Consistent

The relevant Sydney Regional Environmental Plans are outlined in the table below:

Table 5. Relevant Sydney Regional Environmental Plans

No	Title	Summary	Application
18	Public transport corridors	Aims to protect provision for future public transport facilities.	Applies to Fairfield LGA. Applies to the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs. Consistent. However, the planning proposal does not

20	Hawkesbury Nepean	Aims to protect the Hawkesbury-Nepean River System.	affect the facilities for future transport provision.
			Applies to Fairfield LGA. Applies to certain LGAs within Greater Metropolitan Region. Consistent. However, the planning proposal does not affect the Hawkesbury- Nepean River System.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 is outlined in the table below:

Table 6. Relevant Section 117 Directions

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
1. Employment and Resources			
1.1 Business and Industrial Zones	- Encourage employment growth in suitable locations - Protect employment land in business and industrial zones - Support the viability of identified strategic centres.	The planning proposal aims to correct an anomaly within the <i>FLEP 2013</i> by amending the Lot Size for Dual Occupancy map for northwest and southwest Abbotsbury area. However, the changes to the <i>FLEP 2013</i> map will not provide any increment in the business opportunities within the area.	N/A
1.2 Rural Zones	Protect agricultural production value of rural land.	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	N/A
1.4 Oyster Aquaculture	Protect oyster aquaculture areas.	N/A	N/A
1.5 Rural Lands	Protect agricultural	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
	production value of rural land and facilitate orderly and economic development of rural lands and related purposes.		
2. Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	The planning proposal is consistent with this direction. This planning proposal does not affect environmentally sensitive areas. [Direction 2.1 (1)]	YES
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The planning proposal is consistent with this direction. There are no heritage significant items within the subject site. This planning proposal does not affect heritage items. [Direction 2.3 (1)]	YES
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	- Encourage a variety and choice of housing types to provide for existing and future housing needs - Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services - Minimise the impact of residential development on the environment and resource lands.	The planning proposal is consistent with the direction. The planning proposal aims to correct an anomaly within the <i>FLEP 2013</i> by amending the Lot Size for Dual Occupancy map for northwest and southwest Abbotsbury area. The subject area is almost fully developed with very small capacity for any further developments. The amendment to the <i>FLEP 2013</i> will further restrict the area from any major developments. The existing infrastructure and services are meeting the needs of the area. [Direction 3.1 (1) (b)]. Finally, sustainable development principles adopted from SEPP 65 will	YES

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
		ensure that the impact of residential development has minimal impact on the environment and resource lands.	
3.2 Caravan Parks and Manufactured Home Estates	▪ Provide for a variety of housing types ▪ Provide opportunities for caravan parks and manufactured home estates.	N/A	N/A
3.3 Home Occupations	▪ Encourage the carrying out of low-impact small businesses in dwelling houses.	No change	YES
3.4 Integrating Land Use and Transport	▪ Improve access to housing, jobs and services by walking, cycling and public transport. ▪ Increase choice of available transport and reducing car dependency. ▪ Reduce travel demand and distance (especially by car) ▪ Support the efficient and viable operation of public transport services ▪ Provide for the efficient movement of freight	The planning proposal is consistent with this direction. However, it does not affect the integrating land use and transport.	YES
3.5 Development Near Licensed Aerodromes	▪ Ensure effective and safe operation of aerodromes ▪ Ensure aerodrome operation is not compromised by development ▪ Ensure development for residential purposes or human occupation, if situated on land within the ANEF contours between 20 and 25, incorporate noise mitigation measures.	N/A	N/A
3.6 Shooting Ranges	▪ Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, ▪ Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land ▪ Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
4. Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject area covered by this planning proposal is affected by Landslide Risk. Due to the subject land being affected by landslide risk, the planning proposal is necessary to amend the Lot size for Dual Occupancy from 900m² to 4000m² to control developments in the area that can result in adverse environmental impacts.	Yes
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A	N/A
4.3 Flood Prone Land	- Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>. - Ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	N/A	N/A
4.4 Planning for Bushfire Protection	- Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. - Encourage sound management of bush fire prone areas.	The subject area covered by this planning proposal is affected by Terrestrial Biodiversity. Due to the subject land being affected by terrestrial biodiversity, the planning proposal is necessary to amend the Lot size for Dual Occupancy from 900m² to 4000m² to control developments in the area that can result in adverse bush fire hazards.	Yes

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
5. Regional Planning			
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	N/A	N/A
5.2 Sydney Drinking Water Catchments	To protect water quality in the hydrological catchment.	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	- Ensure that the best agricultural land will be available for current and future generations to grow food and fibre - Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning - Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	- Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route - Prevent inappropriate development fronting the highway - Protect public expenditure invested in the Pacific Highway - Protect and improve highway safety and efficiency - Provide for the food, vehicle service and rest needs of travellers on the highway - Reinforce the role of retail and commercial development in town centres, where they can best serve the population of the towns.	N/A	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A (Revoked)	N/A	N/A
5.6 Sydney to	N/A (Revoked – See amended	N/A	N/A

Section 117 Direction No. and Title	Contents of Section 117 Direction	Planning Proposal	Comply
Canberra Corridor	direction 5.1)		
5.7 Central Coast	N/A (Revoked – See amended direction 5.1)	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek	N/A	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal is consistent with this direction. <i>FLEP 2013</i> is Council's principle planning instrument. This planning proposal seeks to correct an anomaly identified within the Lot Size for Dual Occupancy Map for northwest and southwest Abbotsbury from 900m² to 4000m².	Yes
6.2 Reserving Land for Public Purposes	- Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes - Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls	The planning proposal is consistent with the direction.	YES
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Planning proposal shall give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney	The planning proposal is consistent with this direction. However, it has no implications for any strategic planning framework.	N/A

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?

The planning proposal does not pose any adverse impact on the critical habitat or threatened species, populations or ecological communities, or their habitats.

The intention of the planning proposal is in fact to protect the terrestrial biodiversity contained within the subject site by ensuring that the minimum lot size for dual occupancies development is 4000m².

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal does not pose any environmental impacts. The planning proposal in fact will assist in protecting any adverse impacts on the environment by limiting the minimum lot size for dual occupancy developments to 4000m².

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal proposes to correct an anomaly within the *FLEP 2013*, Lot Size for Dual Occupancy Developments map. Therefore, an assessment of social or economic effects is not required.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal does not require any public infrastructure as it is only seeking to correct an anomaly within the *FLEP 2013*, Lot Size for Dual Occupancy Development map.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The planning proposal does not require consultation with any State and Commonwealth public authorities with the exception of the Department of Planning and Environment.

6. Part 4 – Maps

This part of the Planning Proposal deals with the maps associated with the *Fairfield Local Environmental Plan 2013* that are to be amended to facilitate the necessary changes as described in this report.

To achieve the objectives of the Planning Proposal, Fairfield Local Environmental Plan 2013 will be amended as follows:

- Amend the relevant lot size for dual occupancy development map (LSD_007) to increase lot size from 900m² to 4000m² for the subject area.

7. Part 5 - Community Consultation

Community consultation is required under Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979.

The Act sets out the community consultation requirement for planning proposals and these are determined or confirmed at the Gateway process.

It is proposed that at minimum this involves the notification of the public exhibition of the planning proposal:

- In the Fairfield City Corporate news section of the local newspaper that circulates widely in the local government area;
- notifying affected landowners and adjoining land owners through letters;
- publication of all relevant information on Council's website; and
- any other consultation methods deemed appropriate for the proposal.

8. Part 6 – Project Timeline

The project timeline is intended to be used only as a guide and may be subject to changes such as changes to issues that may arise during the public consultation process and/or community submissions.

No.	Step	Process content	Timeframe
1	s.56 – request for Gateway Determination	Prepare and submit Planning Proposal to DP&E	December 2016
2	Gateway Determination	- Assessment by DP&E (including LEP Panel) - Advice to Council	February 2017
3	Completion of required technical information and report (if required) back to Council	- Prepare draft controls for Planning Proposal - Update report on Gateway requirements	March – April 2017
4	Public consultation for Planning Proposal	In accordance with Council resolution and conditions of the Gateway Determination.	May 2017
5	Government Agency consultation	Notification letters to Government Agencies as required by Gateway Determination	May 2017
6	Public Hearing (if required) following public consultation for Planning Proposal	Under the Gateway Determination issued by DP&E public hearing is not required.	May – June 2017
7	Consideration of submission	Assessment and consideration of submissions	1 month
8	Report to Council on submissions to public exhibition and public hearing	Includes assessment and preparation of report to Council	July 2017
9	Possible re-exhibition	Covering possible changes to draft Planning Proposal in light of community consultation	Minimum 1 month
10	Report back to Council	Includes assessment and preparation of report to Council	September 2017
11	Referral to PCO and notify DP&E	- Draft Planning Proposal assessed by PCO, legal instrument finalised - Copy of the draft Planning Proposal forwarded to DP&E.	October - November 2017
12	Plan is made	Notified on Legislation web site	1 month
Estimated Time Frame			12 months