

Department of Planning, Housing and Infrastructure

Our ref: PP-2021-3029/IRF22/2023

Mr Bradley Cutts
General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Attention: Mr Andrew Mooney

Via email: mail@fairfieldcity.nsw.gov.au

15 May 2024

Subject: Fairfield Local Environmental Plan Amendment (Amendment No 46)

Dear Mr Cutts

I refer to the proposal to amend *Fairfield Local Environmental Plan (2013)* to increase development capacity in various town centres, allow for increased medium density development, insert heritage provisions and flooding provisions and implement the Fairfield Accelerated Review (Stage 2).

As the Minister for Planning and Public Space's delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*, and under section 3.24(5) it will take effect when published on the NSW Legislation website.

The Department has further amended the proposal to respond to the known evacuation risks in the Georges River catchment (which was identified by the NSW Flood Inquiry 2022 as a high-risk catchment) and to address the recommendations of the Flood Advisory Panel. Amongst other things, the Flood Advisory Panel recommended that evacuation modelling was required before additional development below the Probable Maximum Flood (PMF) was approved, to ensure there was capacity in the road network for people to evacuate in an emergency flood event. As evacuation modelling has not been provided at this time, the Department has decided to amend the planning proposal to exclude areas impacted by the PMF at this time.

Clause 5.22 Special Flood Consideration was not included as this clause has since been adopted into the Fairfield LEP 2023 through the State Environmental Planning Policy (Flood Planning) Amendment 2023, on 10 November 2023.

Given the importance of these town centres and residential areas to deliver additional housing potential, the Department is committed to supporting Council in working with the NSW Reconstruction Authority to identify any potential for a new planning proposal for the land subject

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to the PMF to be developed in parallel with the NSW Reconstruction Authority's strategic work for the broader catchment.

I also note that the Department's exhibited Low and Mid Rise Housing Reform is proposed to apply to areas zoned R3 Medium Density. In Fairfield, some R3 areas are below the PMF.

The EIE identifies that the application of this reform to areas impacted by high risk flood plains was a matter to be resolved in consultation with agencies and councils, and a workshop will be held with Council in May.

The Department has prepared a Frequently Asked Questions sheet to address potential concerns from the community and to support Council.

Should you have any enquiries about this matter, please contact Felicity No, at the Department on 9995 6852.

Yours sincerely

A handwritten signature in grey ink, appearing to read "Monica Gibson".

Monica Gibson
Deputy Secretary
Planning Land Use Strategy, Housing and Infrastructure

Enc: Frequently Asked Questions