

Fairfield LEP 2013
Planning Proposal (Stage 2)



Planning Proposal

Proposed amendments to
Fairfield Local Environmental Plan 2013

Accelerated LEP Review Program – Planning Proposal (Stage 2)

In relation to:

- Rezoning of land and/or changes to development standards in Fairfield, Cabramatta, Canley Vale and Carramar Town Centres and adjoining residential areas in Canley Vale and Carramar
- R3 Medium Density Residential Zone - Amendments to FSR and Height controls
- Rezoning of residential land in Carramar to RE1 Public Recreation
- Amendment to Flood Clause – Floodplain Risk Management
- Amendment to Schedule 5 – Environmental Heritage - Inclusion of 4 sites as local heritage items

June 2022

Table of Contents

Introduction

Executive Summary.....	3
Background.....	3

Part 1 – Objectives

1.1 Objectives.....	14
1.2 Intended Outcomes.....	14

Part 2 – Explanation of Provisions

2.1 Proposed new LEP clauses – FSR & height	16
2.2 Proposed amended LEP clauses – FSR & height	18
2.3 Proposed amended LEP clause – flood risk management	23
2.4 Proposed amended LEP Schedules	27
2.5 Proposed amended LEP Maps	29

Part 3 – Justification

3.1 Need for a Planning Proposal (Section A).....	36
3.2 Relationship to strategic planning framework (Section B)	37
3.3 Environmental, social and economic impacts (Section C).....	56
3.4 State and Commonwealth interests (Section D).....	57

Part 4 – Mapping.....58

Part 5 – Community Consultation..... 58

Part 6 – Project Timeline59

Attachments (Included separately)

Attachment A: DPIE Gateway Determination and Cover Letter	
Attachment B: Fairfield draft Local Housing Strategy 2021	
Attachment C: Medium Density Housing Study and recommended amendments to LEP clauses and maps	
Attachment D: Urban Design Studies (UDS) for Fairfield, Cabramatta, Canley Vale & Carramar with proposed amendments to associated LEP Clauses & Maps	
Attachment E: Heritage Studies	
Attachment F: Economic Demand and Impact Analysis	
Attachment G: Fairfield City Traffic Study 2021	

Introduction

Executive Summary

This Planning Proposal represents Stage 2 of amendments to the Fairfield Local Environmental Plan (LEP) 2013 prepared under the NSW Accelerated LEP Program.

Under the Program, Council received grant funding from the NSW State Government to undertake a review of the Fairfield LEP 2013 informed by a number of major strategic land use planning studies linked to Priorities and Actions contained in the Fairfield Local Strategic Planning Statement (LSPS) 2040.

The LSPS came into force on the 30 March 2020 and Council referred the Accelerated LEP Planning Proposal (Stage 1) to the NSW Department of Planning Infrastructure and Environment (DPIE) in June 2020 in accordance with grant funding requirements of the NSW Accelerated LEP Program.

This Planning Proposal (Stage 2) comprises amendments identified in strategic studies (refer Figure 1) relating to:

1. Recommendations from the review of FSR, height and lot amalgamation controls applying to the R3 Medium Density Housing Zones in the City.
2. Recommendations of urban design studies relating to rezoning of land and changes to height and floor space ratio (FSR) controls in and around Fairfield, Cabramatta, Canley Vale and Carramar Town Centres.
3. Heritage listing of 4 sites in the City at 32 Albert St, Cabramatta, Cabravale Park, Cabramatta, 4-8 Canley Vale Rd, Canley Vale, and a Railway viaduct over Stimson's Creek in Fairfield .
4. Implementation of a proposed new draft model LEP clauses relating to floodplain risk management for areas of the City affected by flooding above the flood planning area (FPA = 1 in 100 year + 500mm freeboard) up to the probable maximum flood level (PMF).

Further details in relation to the above are included under the Background section of this Planning Proposal (below).

Background

In June 2018 Council endorsed participation in the NSW Governments Accelerated Local Environmental Plan (LEP) Review Program to undertake a comprehensive review (within a required timeframe) of the strategic and regulatory planning frameworks covering land use planning directions for Fairfield City.

The LEP review is linked to grant funding provided by the State Government and preparation of a Local Strategic Planning Statement (LSPS) and Local Housing Strategy for the City as well as a number of strategic land use studies, strategies and plans.

The Planning Proposal (Stage 1), was implemented on the 27 November 2020 (LEP Amendment No. 37) and made the following amendments to the Fairfield LEP 2013:

1. New local clauses and additional objectives under existing clauses to address priorities and actions contained in Council's LSPS

Fairfield LEP 2013
Planning Proposal (Stage 2)

2. Amendments to Schedule 2 (Exempt Development) - increase the maximum period of temporary uses on at the Fairfield Showground from 52 to 104 days, permit storage of goods on Council owned footpaths without the need for development consent, new category of 'emergency works' on Council owned/managed land
3. Updating of existing property/site details of a number of properties appearing in Schedule 5 Environmental Heritage to clarify planning considerations relevant to these sites
4. Amendments to the land use zoning of various parcels of land that addresses zoning anomalies to promote greater certainty for future development of the relevant sites

Council at its meeting of the 1 December 2020 endorsed this Planning Proposal (Stage 2) for referral to the DPIE for a Gateway approval and Gateway Determination was issued on 26 May 2021 (Attachment A). The Planning Proposal (Stage 2) includes important initiatives identified under the draft Fairfield Local Housing Strategy 2021 (Attachment B) in delivering additional housing for Fairfield City over the next 20 years

In time, additional planning proposal(s) will be prepared once the review of various strategic land use planning studies (refer Figure 1) has been completed in accordance with the priorities and actions of the Fairfield LSPS.

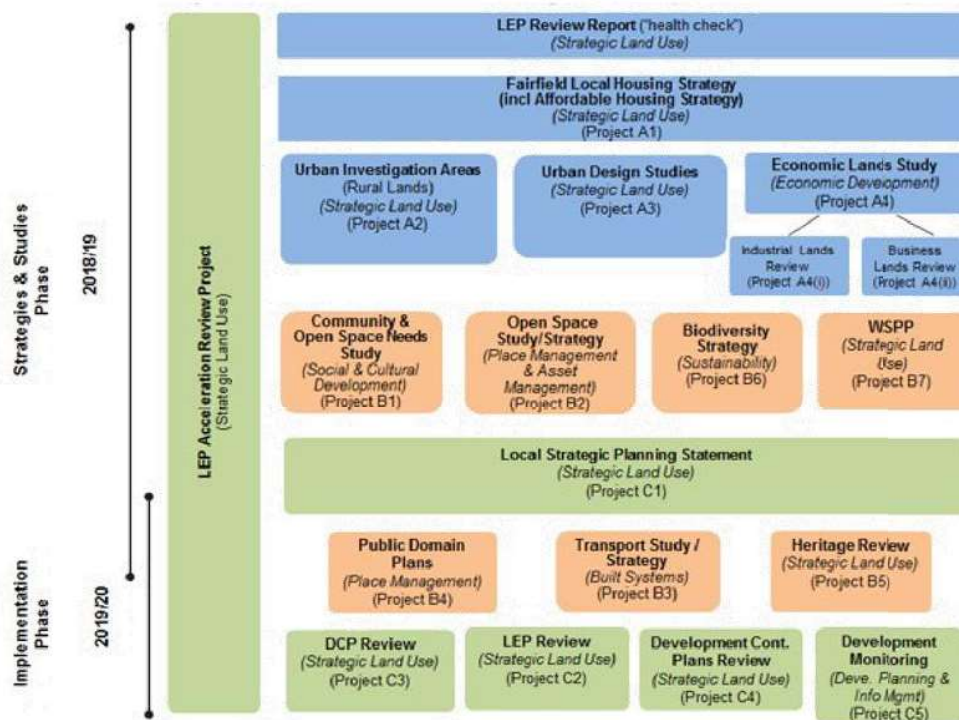


Figure 1: Accelerated LEP Review Program – Projects

Fairfield Local Strategic Planning Statement (2040)

In March 2018, the NSW State Government introduced a major amendment to the NSW *Environmental Planning and Assessment Act 1979 (EP&A)* requiring all councils in NSW to prepare a local strategic planning statement (LSPS).

Following public exhibition and Greater Sydney Commission (GSC) Assurance/approval, the Fairfield LSPS 2040 came into effect on the 30 March 2020 and is now the main overarching local planning document that will guide and inform decisions made by Council in relation to strategic land use planning directions for Fairfield City.

The LSPS gives effect to the Western City District Plan 2018 implementing the Directions, Planning Priorities and Actions at a local level. It is also informed by other State-wide and regional policies including A Metropolis of Three Cities (Greater Sydney Region Plan), 2018 (see link to Council's website included under public exhibition of the Planning Proposal (Stage 2)). The LSPS outlines how these plans will result in changes at the local level, principally through new infrastructure including new or improved transport corridors.

The LSPS works with the Fairfield City Plan 2016-2026, which has a focus beyond land use and transport planning, on how Council will work to meet the community's needs. The LSPS's planning priorities and actions provide the rationale for how land use decisions will be made to achieve the community's broader goals.

The LSPS includes a Structure Plan (Figure 2) that identifies critical land use planning strategies and outcomes for the City. The Structure Plan highlights how investigations into new housing areas are currently focussed on the eastern area of the City that compared to other areas of the City, have superior access to public transport (heavy rail).

The Planning Proposal (Stage 2) makes various amendments to the *Fairfield Local Environmental Plan 2013* addressing the following Themes and Planning Priorities of the **Fairfield LSPS 2040**:

LSPS Themes	LSPS Planning Priorities
Theme 1: Community well-being – healthy & liveable places	<p>Planning Priority 1 Provide housing that accommodates the needs of existing and future residents.</p> <p>Planning Priority 2 Deliver greater housing diversity and affordability to meet the changing needs of the community.</p> <p>Planning Priority 4 Provide attractive, healthy, accessible and safe places for the whole community.</p> <p>Planning Priority 5 Protect the City's heritage.</p>
Theme 2: Infrastructure & places – supporting growth & change	<p>Planning Priority 6 Ensure infrastructure is aligned to accommodate planned growth and community needs.</p>
Theme 3: Environmental Sustainability	<p>Planning Priority 8 Protect areas of high natural value and environmental significance and improve the health of catchments and waterways.</p> <p>Planning Priority 9 Realise the Parkland City Vision.</p>
Theme 4: Strong & resilient economy	<p>Planning Priority 11 Promote a robust economy which generates diverse services and job opportunities.</p>
Theme 5: Good governance – advocacy & consultation	<p>Planning Priority 13 Ensure a well-engaged and informed community.</p>

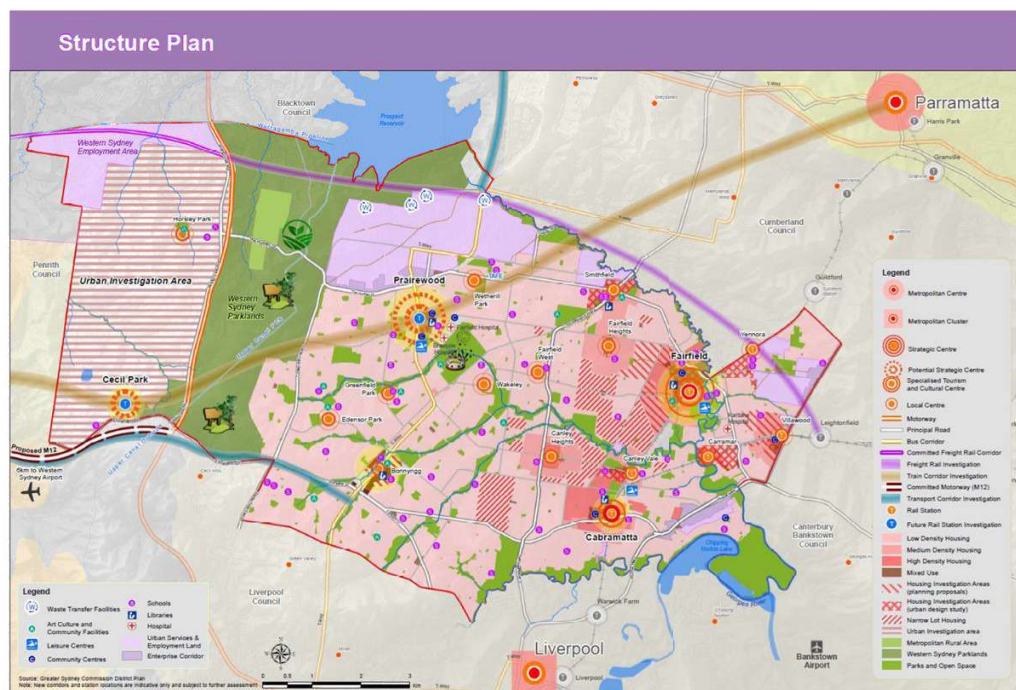


Figure 2: Fairfield LSPS Structure Plan

Accelerated LEP Review Program

This Planning Proposal (Stage 2) is the second planning proposal prepared under the Accelerated LEP Review Program and proposes changes to the Fairfield LEP 2013. These changes have been informed by the findings and recommendations of the following strategies and studies:

- Draft Local Housing Strategy 2021
- Medium Density Housing Study
- Urban Design Studies (Town Centres of Fairfield (sites under 2,500m²), Cabramatta, Canley Vale and Carramar)
- Heritage Review
- Economic Demand and Impact Analysis
- Transport Study
- Local Infrastructure & Delivery Mechanisms Analysis
- NSW DPIE Flood Prone Land Package

These studies and strategies form part of the community consultation for Planning Proposal (Stage 2) and are provided separately on Council's Website under Attachments B – G with public exhibition of the Planning Proposal (Stage 2). The following sections provide more specific information on the recommendations of the strategic studies that support proposed changes to the provisions of Fairfield LEP 2013 that have been incorporated into the Planning Proposal (Stage 2).

Fairfield Local Housing Strategy 2021

As part of the Accelerated LEP Program, Council has prepared a new Local Housing Strategy (LHS). The Strategy seeks to meet the aims of the Fairfield LSPS and has been prepared in line with the requirements of the Western City District Plan and effectively provides a 10-year review of the previous Fairfield Residential Development Strategy (2009) ("RDS") as considered in Part 3 below. The LHS provides a detailed breakdown of the increase in dwelling yields for the City based on both current and new zoning/planning controls included under this Planning Proposal.

Town Centre Urban Design Studies

As part of the Accelerated LEP Funding, Council commissioned urban design studies (UDS) for the following town centres, which have informed this Planning Proposal.

- Fairfield City Centre Urban Design Study (2020) (Sites under 2,500m²)
- Cabramatta Town Centre Urban Design Study (2020)
- Canley Vale Town Centre Urban Design Study (2020)
- Carramar Centre Urban Design Study (2020)

Each of the above studies had close regard to a range of existing constraints (e.g. flood liable land) and opportunities relevant to each town centre as well as the requirement for additional services and infrastructure to address the needs of the additional population identified for each centre as detailed under Part 2 of this Planning Proposal.

Council also commissioned a UDS for Smithfield and Yennora Town Centres. Further consideration of the findings and recommendations of these studies is pending the State Governments determination of the proposed corridor for the Western Sydney Freight Line (WSFL) as identified in the Western City District Plan.

Fairfield LEP 2013
Planning Proposal (Stage 2)

As referred to previously, under the Fairfield draft LHS, the proposed rezoning of land and changes to height and FSR controls identified in the various UDS represent an important component in meeting the objectives of the Fairfield LSPS in creating capacity for additional housing as well as promoting more liveable places in and around the relevant town centres.

In addition, a summary of the proposed changes to zoning of land, height and FSR controls in and adjoining the relevant town centres is summarised in the following table:

Town Centre	Zone Changes	Height	FSR/Min Site Area
Fairfield	- None applicable	- Increase height allowances to reflect proposed built form reflected in the UDS - Height increases range from 1 to 32 metres	- Increase FSR allowances to reflect increase in permitted heights - Amend min lot amalgamation requirements to be consistent with desired built form outcomes of UDS
Cabramatta	- Rezone Town Centre 'Core' from B4 Mixed Use to B3 Commercial Core - Peripheral areas of Town Centre retained as B4 Mixed Use	- Restrict height of buildings in B3 Zone to 4 storeys (14 metres) - Height of buildings range in B4 Zone	- Increase FSR allowances to reflect increase in permitted height in remaining B4 zone on periphery of Town Centre - Amend min lot amalgamation requirements to be consistent with desired built form outcomes of UDS
Canley Vale	- Rezone the existing R3 Medium Density Residential precinct west of Canley Vale Town Centre to R4 High Density. - Rezone 3 properties adjoining the southeast corner of the intersection between Phelps St and Canley Vale Rd from R4 High Density to B2 Local Centre - Rezone part of B2 Land (north of Westacott Lane) in Council ownership and currently utilised for open space purposes to RE1 Public Recreation	- Increase max building heights in B2 zone from 2-8 Storeys to 6-12 storeys - Allow max building height for R4 zone to 6 storeys & FSR of 2:1 if site has minimum frontage of 45m & depth of 40metres (consistent with existing development standards applying under cl.4.4A of FLEP 2013)	- Amend min lot amalgamation requirements to be consistent with desired built form outcomes of UDS
Carramar	- Rezone R2 Low Density land in close proximity (east and southeast) within 400m of the town centre to R4 High Density Residential - Rezone R2 Low Density (east and southeast) within 800m of town centre to R3 Medium Density Residential	- R4 Zone - Maximum height of 6 storeys if site has minimum frontage of 45m & depth of 40metres - R3 Zone - Maximum height of 2 storeys in general. Max 3 storeys on corners sites covered by a new clause under this Planning Proposal (see below)	- R4 Zone - Maximum height of 6 storeys & FSR of 2:1 if site has minimum frontage of 45m & depth of 40metres - R3 Zone - FSR of 0.50:1 where lot width is between 7m and 22m. 0.65:1 where lot width is 22m to 45m+

Fairfield LEP 2013
Planning Proposal (Stage 2)

Town Centre	Zone Changes	Height	FSR/Min Site Area
	- Rezone 4 Precincts located within 400-800m of the town centre from R2 low Density to RE1 Public Recreation to address open space needs	- RE1 Zone – remove maximum building height controls from land to be rezoned RE1 to ensure consistency with all other RE1 land within the City.	- RE1 Zone – remove minimum lot size requirements and FSR controls to land to be rezoned to RE1 to ensure consistency with all other RE1 zoned land within the City.

In addition to the above, subject to feedback to public exhibition of this Planning Proposal, relevant DCP controls will eventually be updated to be consistent with the above amendments to provisions of the Fairfield LEP 2013.

R3 Medium Density Zone - Amendments to Height and FSR Controls

The review recommends the following amendments to FSR controls applying to the R3 Zone that form part of the Planning Proposal (Stage 2):

FSR – proposed amendments	Objectives						
FSR plans across the LGA should be reviewed with additional R3 Medium Density Residential areas identified to support local centres (i.e. Carramar)	To support local centres identified in the Local Strategic Planning Statement and centres studies, providing greater dwelling diversity and choice.						
FSR for the R3 Medium Density Residential zone should be simplified and guided by lot width, as indicated by the table below: <table border="1" data-bbox="295 1093 785 1182"> <tr> <th>Lot width</th><th>FSR</th></tr> <tr> <td>Less than 22m</td><td>0.5:</td></tr> <tr> <td>22m or greater</td><td>0.65:1</td></tr> </table>	Lot width	FSR	Less than 22m	0.5:	22m or greater	0.65:1	Current FSR controls are suitable for low scale medium density development but need to be increased proportionally to accommodate the greater FSR and more urban typologies. DCP controls will need to be reviewed to reflect the proposed FSR increase.
Lot width	FSR						
Less than 22m	0.5:						
22m or greater	0.65:1						
If basement parking is provided, a bonus FSR of up to 0.15:1 may be supported.	Car parking has the greatest impact on the public domain and on the quality of the environment at ground floor level. Incentivising basement car parking provisions helps address affordability issues and has a positive impact on amenity.						

In addition to the above, the Medium Density Zone Study recommends consideration of a new 3 storey terraces and town house development in the R3 Zones of the City, to provide opportunities for housing diversity as well as promoting urban design outcomes (e.g. landmark buildings) and improved site development outcomes (e.g. increased landscaped areas and improved site access).

Under this Planning Proposal (Stage 2) it is proposed to restrict the permissibility of 3 storey medium density housing to corner sites in the R3 zone to deliver the following outcomes:

- Provide an opportunity for greater housing diversity
- Enhance urban design outcomes through provision of landmark buildings and a new building typology
- Improve opportunities for site access to 3 storey medium density housing through provision of dual street frontages

To promote the above outcomes, it is also proposed to restrict the permissibility of 3 storey medium density housing to areas of the City that are not affected by overland and mainstream flooding.

Fairfield LEP 2013
Planning Proposal (Stage 2)

The proposed LEP Clauses relating to the above changes are detailed under Part 2 – Explanation of Provisions of this Planning Proposal. The LEP controls will also be supported by new DCP guidelines (to be reported to Council in future) based on the recommended built form and site development outcomes included in the Medium Density Housing Study.

Heritage Review

As part of the Accelerated LEP grant funding, a review of potential new heritage items in the City was undertaken and resulted in the following sites being recommended for listing as local heritage items under Schedule 5 – Environment Heritage of the Fairfield LEP 2013.

32 Albert Street, Cabramatta – (former Whitlam Residence)

32 Albert Street, Cabramatta is the former residence (Figure 3) of the 21st Prime Minister of Australia Gough Whitlam (serving from 1972 to 1975) and his family. The Whitlam's commissioned design and construction of the dwelling in 1957.



Figure 3: Photo of Whitlam house soon after construction

The site has major social and political significance due to the direct linkages to Gough Whitlam who lived in the house during formative and influential years of his political career. The Heritage Study of the site also indicates the buildings is an example of a modernist design and example of a rare post war international design.

Cabravale Park – World War 1, Trophy Gun

The WW1 'Trophy Gun' is located (Figure 4) within the Cabravale Park War memorial precinct. The precinct contains an existing Bandstand (constructed in 1919) already listed as a local heritage item, that commemorates soldiers from the Fairfield – Liverpool area who served/died in WW1.



Figure 4: Aerial photo showing location of Trophy Gun

The precinct is an important focal point for ANZAC commemorations (Figure 5). Research undertaken for the heritage listing indicates that the trophy gun was captured by the Fairfield-Liverpool Battalion in August 1918 in a battle on the Western Front that led to the end of WW1.



Figure 5: Photograph of Trophy Gun and War Memorial Precinct

4, 6 & 8 Canley Vale Rd, Canley Vale – Shop frontages

The shops at the corner of Canley Vale Rd and Railway Parade were originally constructed in 1919 (Figure 6), with the shop frontage being representative of Federation Style Architecture. Under the Fairfield Stage 1 Accelerated LEP all of the shops were listed as a heritage item under Schedule 5 of Fairfield LEP 2013 but this is not reflected on the accompanying Heritage Map.



Figure 6: Photograph of 4, 6 & 8 Canley Vale Road Shopfronts (circa 1920s)

The shop frontage comprising 4-8 Canley Vale Rd was originally listed as a heritage item under Fairfield LEP 1994 but this listing was not fully transferred to Schedule 5 of Fairfield LEP 2013. In this regard the mapping of the whole of the shop frontage corrects an anomaly in the intended heritage listing for the affected properties.

Railway Viaduct – Stimson's Creek

The existing railway viaduct (Figure 7) over Stimson's Creek in Fairfield is located to the north east of a similar railway viaduct already listed as a heritage item (Item 45) under Schedule 5 of Fairfield LEP 2013.

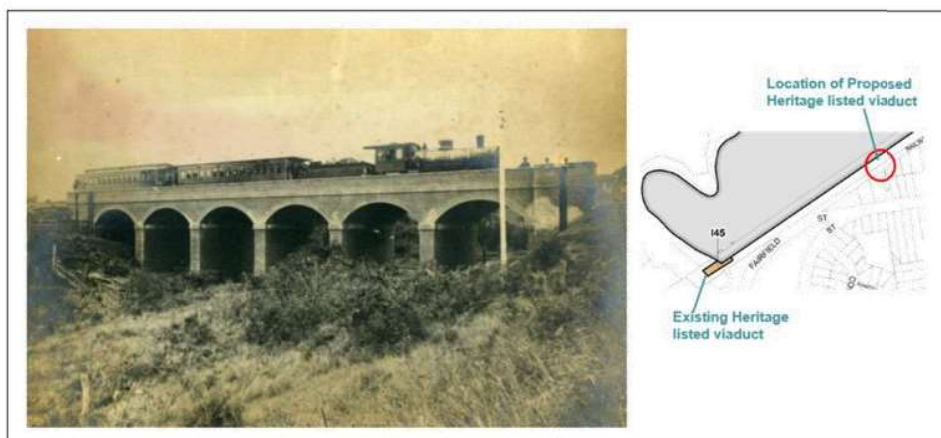


Figure 7: Photograph and site location map – Railway Viaduct – Stimson's Creek

Fairfield LEP 2013
Planning Proposal (Stage 2)

The railway viaduct over Stimson's Creek was originally a heritage listed item under Fairfield LEP 1994, but not included in the list of local heritage items appearing under Fairfield LEP 2013. It is noted that a number of other similar railway viaducts in the eastern area of Fairfield City are also heritage listed under Fairfield LEP 2013.

Clause 6.4 – Floodplain Risk Management

Council has previously prepared and exhibited a planning proposal that aimed to amend floodplain risk management controls within the City to achieve the following:

1. Remove additional flood controls from general residential, commercial and industrial land uses on land above the Flood Planning Area (FPA) up to the Probable Maximum Flood (PMF) and apply special flood considerations to only land uses that are considered critical, vulnerable or sensitive; and
2. Include provisions to identify and map areas where low probability events have the potential for high consequences, where additional flood controls should apply.

The Planning Proposal did not proceed to finalisation due to an unresolved objection from a Government Authority.

In June 2020, the NSW DPIE exhibited the draft Flood Prone Land Package that included standardised floodplain risk management controls, the aim of which is to recognise the consequence of extreme flood events and the need to consider the management of flood risk for the full range of flooding up to the PMF. Council forwarded a submission to the DPIE in response to the public exhibition that indicated support for a mandatory standardised approach to flood controls across the State.

As part of the Accelerated LEP Review Program Planning Proposal (Stage 2), Council is seeking inclusion of the Department's standardised Floodplain Risk Management controls within Fairfield LEP 2013 in order to align Council's flood controls with the remainder of NSW in a timely manner.

Following public exhibition of this planning proposal (during June 2021), in July 2021 the NSW DPIE amended the NSW Standard LEP by implementing the new standardised clause 5.21 Flood Planning in all NSW LEPs, that established a new regime of assessment criteria applying to development located below the flood planning area.

In Fairfield City, this includes development on land located below the 1 in 100 year ARI plus 500mm freeboard. At the same time, DPIE repealed a similar model clause 6.3 Flood Planning from the Fairfield LEP 2013. This planning proposal has been updated to reflect the above step that now only deals with the repeal of Fairfield LEP Clause 6.4 and replacing it with the similar Standard LEP Clause 5.22 Special Flood Considerations.

Standard Clause 5.22 Special Flood Considerations aims to enable the safe occupation and evacuation of the land and ensure that land use is compatible with identified flood hazard. The clause will apply to land between the FPA and the PMF with specific consideration of the following:

1. sensitive, vulnerable and critical land uses;
2. hazardous industry or hazardous storage establishments; and
3. any other land uses requiring controls in relation to risk to life considerations.

Due to the prolonged uncertainty surrounding future floodplain development controls within the City, Council's program of Flood Studies has been significantly delayed, however inclusion of the new standardised flood clause within the Planning Proposal will allow this work to resume.

Once new clause 5.22 is introduced Council will then, under the framework of the NSW Government's Floodplain Risk Management Process, complete required Floodplain Risk Management Studies & Plans for each catchment to identify specific areas that require additional measures to manage the risk to life from extreme flood events.

Inclusion of the new Standard LEP clause will also allow Council to consider sensitive, vulnerable and critical land uses and the safe occupation and evacuation from land above the flood planning area.

Part 1 – Objectives

1.1 Objectives

The objectives of the Planning Proposal are to:

- Review the Fairfield LEP 2013 to update planning controls to implement the recommendations and directions of the Fairfield Local Strategic Planning Statement and the draft Fairfield Local Housing Strategy.
- Provide housing supply with access to jobs, services and public transport to meet the existing and future demand of the community.
- Provide a range of housing types to meet the needs of the existing and future community.
- Provide high quality residential development in suitable locations with supported infrastructure that will improve the local character of the area.
- Encourage walking and cycling through a place-based approach in planning for local centres.
- Support heritage conservation in Fairfield City through listing of additional heritage sites.
- Ensure that the future traffic and transport infrastructure needs are addressed.
- Promote a robust economy, maximise job opportunities and activity in the town centres.
- Promote employment and housing opportunities in close proximity to railway stations to promote the 30-minute city.
- Update flood planning controls to ensure consistency with Standard LEP model clauses and to recognise the consequence of extreme flood events and the need to consider the management of flood risk for the full range of flooding up to the PMF.
- Actively consult and engage the community on strategic land use plans and policies to ensure that the community's views are considered in decision making and planning.

1.2 Intended Outcomes

As noted above, this Planning Proposal (Stage 2) is the second planning proposal prepared under the Accelerated LEP Review Program and proposes changes to the Fairfield LEP 2013 which are informed by the outcomes and recommendations of a number of studies and strategies. The intended outcomes of Planning Proposal (Stage 2) are:

Housing:

- To enliven the existing town centres of Fairfield, Cabramatta, Canley Vale and Carramar through providing for additional housing opportunities (shop top housing and residential flat buildings) in the existing B4 Mixed Use zone through changes to the maximum building height and maximum FSR development standards.
- To create opportunities for new housing options in proximity to the B2 Local Business Centres of Canley Vale and Carramar by rezoning existing residential areas to R3 Medium Density Residential and R4 High Density Residential.
- To enhance the provision of public open space and promote opportunities for active and passive recreational activities within and adjoining town centres in the eastern area of the City by acquiring land that is rezoned as RE1 Public Recreation.
- To promote the potential for urban renewal and additional housing in designated areas of the R3 Medium Density zones of the City through changes to the maximum building height and maximum floor space ratio (FSR) development standards.

Heritage

- Conserve the environmental heritage of Fairfield through the inclusion of four (4) additional properties as heritage items in Schedule 5 Environmental Heritage and associated Heritage Map as recommended by the Heritage Review

Flood Risk Management

- Adopt the Model LEP Clause 5.22 Special flood considerations to replace existing flood clause 6.4 – Flood Risk Management contained in Fairfield LEP 2013.

The proposed changes are detailed in Part 2 below in relation to:

- New and amended LEP clauses
- Amended LEP Maps (e.g. land zoning, height of buildings, floor space ratio, heritage, Active Street Frontage)
- Amended LEP Schedules (Schedule 5 Environmental heritage).

IMPORTANT NOTES IN RELATION TO THE PROPOSED LEP AMENDMENTS

1. *Clause 1.8A Savings provision relating to development applications clause is included in Fairfield LEP 2013 to ensure that proposed amendments do not affect any lodged development applications. The Clause states that:*

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced".

2. *The draft proposed clauses in this Planning Proposal are indicative only, final drafting will be subject review by the NSW Parliamentary Counsel's Office and may be altered under this process.*

Part 2 – Explanation of Provisions

Proposed amendments to Fairfield Local Environmental Plan 2013

2.1 Proposed new LEP clauses – FSR and Height

This Planning Proposal (Stage 2) includes a number of amended LEP clauses that facilitate the following:

- Review of the development standards (maximum height and FSR controls) for the R3 Medium Density Zone.
- Findings and recommendations of Urban Design Studies for Fairfield, Cabramatta, Canley Vale and Carramar Town Centres.

2.1.1 R3 Medium Density Residential – Floor Space Ratio (FSR)

Background

The current floor space ratio (FSR) for medium density within the R3 Medium Density Residential zone is 0.45:1. This FSR is the same as the FSR for the R2 Low Density Residential zone, which means that in certain areas there has been little incentive to develop medium density development.

To address the need for 'missing middle' development and to provide greater housing choice and dwelling diversity, an independent review (Attachment C – Medium Density Housing Study), was undertaken of the R3 Medium Density Residential zone FSR as part of the Accelerated LEP Review Program.

The review recommended a 'sliding scale' FSR in the R3 Medium Density Residential zone (0.5:1 to 0.65:1) to encourage amalgamation and amenity of existing and future residents. The 'sliding scale' of FSR is determined by the width of the street frontage, with an additional bonus FSR (0.15:1) also if basement car parking is provided.

Pursuant to Planning Priorities and Actions of the Fairfield LSPS and draft Local Housing Strategy it is proposed to restrict the above increased FSR allowances to the eastern areas of the City that has a higher level of access to public transport services. In addition, land zoned R3 Medium Density located below the flood planning level (1 in 100 year flood + 500mm freeboard) has been excluded from the provisions of the clause as shown in (Attachment C LEP Map Amendments).

Proposed Clause

Council is proposing to adopt an existing model clause 4.4B as follows:

4.4B Exceptions to maximum floor space ratio in Zone R3 Medium Density Residential

- (1) This clause applies to land in Zone R3 Medium Density Residential (shown as Area B on the floor space ratio map).
- (2) Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is as follows—
 - (a) if the building has a street frontage of less than 22 metres—0.5:1,
or
 - (b) if the building has a street frontage of at least 22 metres—0.65:1.

- (3) Despite clause 4.4, a floor space ratio bonus of up to 0.15:1 may be permitted if all car parking for the development is provided in a basement.

Associated Map Changes

To reflect the changes in the proposed new Clause 4.4B, map amendments are required on the Floor Space Ratio Map, with an additional "Area B" identified areas zoned R3 Medium Density Residential (Attachment C - Medium Density LEP Map Amendments).

2.1.2 R3 Medium Density Residential – Maximum Building Height

Background

To support the above medium density FSR controls, Council is proposing to permit a 10 metre maximum building height limit (which equates to approx. three (3) storeys) for development on corner sites in certain areas zoned R3 Medium Density Residential. This will allow for better place making in these locations and development of more diverse dwelling form.

As with the proposed floor space concessions, the proposed additional height allowance on corner sites in the R3 zone are restricted to the eastern areas of the City and will not apply in R3 areas located below the flood planning level.

Proposed Clause

Council is proposing to adopt an existing model LEP clause 4.3A as follows:

4.3A Exceptions to maximum height of building in Zone R3 Medium Density Residential

- (1) This clause applies to land in Zone R3 Medium Density Residential (shown as Area A on the height of building map).
- (2) Despite clause 4.3, the maximum height for a building on land to which this clause applies is 10 metres (3 storeys) if—
 - (a) the building is located on a corner site that consists of at least 2 street frontages; and
 - (b) the primary and secondary street frontages for the site are at least 22 metres; and
 - (c) all car parking for the development is provided in a basement.

Associated Map Changes

To reflect the changes in the proposed new Clause 4.3A, map amendments are required to the Height of Buildings Map, with an additional "Area B" identified for certain areas zoned R3 Medium Density Residential (Attachment C Medium Density LEP Map Amendments).

2.2 Proposed amended LEP clauses – FSR and Height

This Planning Proposal also includes a number of amendments to existing clauses, which facilitate the findings, and recommendations of the Urban Design Studies for the town centres as detailed below. Proposed LEP Map changes are considered later in this Section.

2.2.1 R4 High Density Residential – Floor Space Ratio (FSR)

A consequential amendment from the proposed rezoning of areas in Carramar to R4 High Density is that these areas will need to be incorporated under the provisions of Cl. 4.4A (below) of Fairfield LEP 2013. To achieve this it is proposed to amend the provisions of the existing clause by removing the reference to various suburbs and replacing this with a new Area A Map.

Proposed Amended Clause

The existing model clause 4.4A is proposed to be amended as follows:

4.4A Exceptions to maximum floor space ratio in Zone R4

- (1) This clause applies to land in Zone R4 High Density Residential ~~excluding areas shown as Area A on the floor space ratio map~~ **excluding any land in Bonnyrigg, Cabramatta, Canley Vale and Fairfield Heights**.
- (2) Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is as follows—
 - (a) if the building has a street frontage of less than 30 metres—0.8:1,
 - (b) if the building has a street frontage of at least 30 metres, but less than 45 metres—
 - (i) 1.25:1 if the site has a depth of less than 40 metres, or
 - (ii) 1.5:1 if the site has a depth of at least 40 metres,
 - (c) if the building has a street frontage of at least 45 metres—
 - (i) 1.5:1 if the site has a depth of less than 40 metres, or
 - (ii) 2:1 if the site has a depth of at least 40 metres.

Associated Map Changes

To reflect the changes in the proposed new Clause 4.4A, map amendments are required on the Floor Space Ratio Map, with an additional "Area A" identified for certain areas zoned R3 Medium Density Residential (Attachment D – Carramar LEP Map Amendments).

2.2.2 Local clauses – Town Centres

The Fairfield LEP 2013 includes in Part 7 (clauses 7.1 – 7.11) a number of clauses which apply to the town centres and relate to FSR and height development standards. A number of changes to these existing clauses are proposed to reflect the recommendations of the town centre Urban Design Studies.

Proposed Amended Clause (7.1)

The existing model clause 7.1 (Objectives of Part) is proposed to be amended as follows by adding Carramar to the list of areas to which the Part 7 applies:

7.1 Objectives of Part

- (1) The objectives of this Part are as follows—
 - (a) to establish exceptions to the maximum height of buildings in Bonnyrigg, Cabramatta, Canley Heights, Canley Vale, Carramar, Fairfield, Villawood and Fairfield Heights,
 - (b) to establish exceptions to the maximum floor space ratio for buildings in Cabramatta and Fairfield.
- (2) A provision in this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Associated Map Changes

There are no map changes required to reflect the proposed amendment to clause 7.1.

Proposed Amended Clause (7.2)

This existing clause 7.2 (Cabramatta – floor space ratio) is proposed to be amended as follows:

7.2 Cabramatta—floor space ratio

- (1) This clause has effect despite clause 4.4.
- (2) The floor space ratio of a building on land identified as “Cabramatta Town Centre” on the Town Centre Precinct Map must not exceed 2:1 unless the site area of the building is to be at least the minimum site area shown for the land on the Minimum Site Area Map.
- (3) The floor space ratio of a building on land identified as “Cabramatta Town Centre South” on the Town Centre Precinct Map must not exceed 1:1 unless the site area of the building is to be at least the minimum site area shown for the land on the Minimum Site Area Map.
- (4) Despite subclause (2), the maximum floor space ratio for a building on land identified as “Cabramatta—Area A” on the Town Centre Precinct Map is—
 - (a) if the building is not used for the purpose of residential accommodation—1.5:1, or
 - (b) if less than 10% of the floor space is used for the purpose of residential accommodation—2:1, or
 - (c) if 10% to 50% of the floor space is used for the purpose of residential accommodation—2.2:1, or
 - (d) if more than 50% of the floor space is used for the purpose of the residential accommodation—FSR identified on the floor space ratio map applies
- (5) The maximum floor space ratio for a building on land identified as “Cabramatta—Area B” on the Town Centre Precinct Map is—
 - (a) if the building is not used for the purpose of residential accommodation—1.5:1, or
 - (b) if less than 10% of the floor space is used for the purpose of residential accommodation—1.6:1, or
 - (c) if 10% to 50% of the floor space is used for the purpose of residential accommodation—1.7:1.

- (6) **Despite subclause (2),** the maximum floor space ratio for a building on land identified as “Cabramatta—Area C **B**” on the Town Centre Precinct Map is—
- (a) if the building is not used for the purpose of residential accommodation—2:1, or
 - (b) if less than 10% of the floor space is used for the purpose of residential accommodation—2:1, or
 - (c) if 10% to 50% of the floor space is used for the purpose of residential accommodation—2.2:1, **or**
 - (d) **if more than 50% of the floor space is used for the purpose of the residential accommodation—FSR identified on the floor space ratio map applies**
- (7) **Despite subclause (2),** the maximum floor space ratio of any air space development on land identified as “~~Cabramatta—East~~ **Area C**” on the Town Centre Precinct Map that enhances pedestrian connectivity across the railway line is—
- (a) if at least 30% of the floor space is used for the purpose of residential accommodation—4:1, or
 - (b) in any other case—2.5:1.
- (8) In this clause, **air space development** includes development of the air space above the railway line for commercial, entertainment, retail, residential, tourist and visitor accommodation, parking and related purposes.

Associated Map Changes

To reflect the changes in the amended Clause 7.2, map amendments are required on Town Centre Precinct map (Attachment D - Cabramatta Town Centre LEP Map Amendments). The changes involve deleting “Area B” on the Town Centre Precinct Map. There are also other minor map amendments relating to “Area A” and “Area Cabramatta Town Centre East” to rename and to amend where the areas apply.

Proposed Amended Clause (7.3)

This existing clause 7.3 (Cabramatta – height of building) is proposed to be amended as follows:

7.3 Cabramatta—height of buildings

- (1) The objective of this clause is to allow development to be built to the maximum permissible building height only if certain development standards are met.
- (2) This clause has effect despite clause 4.3.
- (3) **The height of a building on land identified as “Cabramatta Town Centre” on the Town Centre Precinct Map must not exceed 14 metres unless the site area of the building is to be at least the minimum site area shown for the land on the Minimum Site Area Map.**
- (4) **The height of a building on land identified as “Cabramatta Town Centre South” on the Town Centre Precinct Map must not exceed 14 metres unless the site area of the building is to be at least the minimum site area shown for the land on the Minimum Site Area Map.**
- (5) The height of a building on land identified as “Cabramatta—Area A” on the Town Centre Precinct Map must not exceed 10 metres unless at least 50% of the building will be used for a residential purpose.

Fairfield LEP 2013
Planning Proposal (Stage 2)

- (6) The height of a building on land identified as "Cabramatta—Area B" on the Town Centre Precinct Map must not exceed 8.5 metres unless the building will include development for the purpose of shop-top housing.
- (7) The height of a building on land identified as "Cabramatta—Area D" on the Town Centre Precinct Map must not exceed 10 metres unless the part of the building that exceeds a height of 10 metres is used for the purpose of public car parking.
- (8) Despite subclause (3 4), the maximum height of any air space development over the railway line on land identified as "Cabramatta—East Area C" on the Town Centre Precinct Map that enhances pedestrian connectivity across the railway line is 25 26 metres from the level of the existing railway track.
- (9) In this clause, **air space development** includes development of the air space above the railway line for commercial, entertainment, retail, residential, tourist and visitor accommodation, parking and related purposes.

Associated Map Changes

To reflect the changes in the amended Clause 7.3, map amendments are required on Town Centre Precinct map (Attachment D - Cabramatta Town Centre LEP Map Amendments). The changes involve deleting "Area B" and "Area D" on the Town Centre Precinct Map. There are also other minor map amendments relating to "Area A" and "Area Cabramatta Town Centre East" to rename and to amend where the areas apply.

Proposed Amended Clause (7.6)

The existing clause 7.6 (Fairfield – floor space ratio) is proposed to be amended by including additional Area G, Area H and Area I on the Town Centre Precinct Map and specifying in the clause a sliding scale for maximum building height determined by site area, lot size and lot width.

7.6 Fairfield—floor space ratio

- (1) This clause has effect despite clause 4.4.
- (2)-(5) No change
- (6) The floor space ratio of a building on a lot that is on land identified as "Fairfield—Area F" on the Town Centre Precinct Map must not exceed 2.75 2:1 unless the width area of the lot is at least 2,600 square metres.
- (7) The floor space ratio of a building on a lot that is on land identified as "Fairfield—Area G" on the Town Centre Precinct Map must not exceed 2:1 unless the:
 - a. area of the lot is at least 1,360 square metres.
 - b. width of the lot is at least 34 metres.
- (8) The floor space ratio of a building on a lot that is on land identified as "Fairfield—Area H" on the Town Centre Precinct Map must not exceed 2:1 unless the area of the lot is at least 1,800 square metres.
- (9) The floor space ratio of a building on a lot that is on land identified as "Fairfield—Area I" on the Town Centre Precinct Map must not exceed 2:1 unless the area of the lot is at least 3,600 square metres.

Associated Map Changes

To reflect the changes in the proposed to the existing clause 7.6, map amendments are required on the Town Centre Precinct Map (Attachment D - Fairfield City Centre LEP Map Amendments), with proposed amendments to "Area F" and additional "Area G", "Area H" and "Area I" identified in Fairfield City Centre.

Proposed Amended Clause (7.7)

The existing clause 7.7 (Fairfield – height of buildings) is proposed to be amended by including additional Area G, Area H and Area I on the Town Centre Precinct Map and specifying in the clause a sliding scale for maximum building height determined by site area, lot size and lot width.

7.7 Fairfield—height of buildings

- (1) The objective of this clause is to allow development to be built to the maximum permissible building height if certain development standards are met.
- (2) This clause has effect despite clause 4.3.
- (3)-(7) No change
- (8) The height of a building on a lot that is on land identified as "Fairfield—Area F" on the Town Centre Precinct Map must not exceed 14 metres unless **the area of the lot is at least 2,600 square metres.**
 - ~~(a) the site area of the building is at least the minimum site area shown for the land on the Minimum Site Area Map, and~~
 - ~~(b) the width of the lot is at least 34 metres.~~
- (9) The height of a building on a lot that is on land identified as "Fairfield—Area G" on the Town Centre Precinct Map must not exceed 14 metres unless—
 - (a) the size of the lot is at least 1,360 square metres, and**
 - (b) the width of the lot is at least 34 metres.**
- (10) The height of a building on a lot that is on land identified as "Fairfield—Area H" on the Town Centre Precinct Map must not exceed 14 metres unless the size of the lot is at least 1,800 square metres.
- (11) The height of a building on a lot that is on land identified as "Fairfield—Area I" on the Town Centre Precinct Map must not exceed 14 metres unless the size of the lot is at least 3,600 square metres.

Associated Map Changes

To reflect the changes in the proposed to the existing clause 7.7, map amendments are required on the Town Centre Precinct Map (Attachment D - Fairfield City Centre LEP Map Amendments), with proposed amendments to "Area F" and additional "Area G", "Area H" and "Area I" identified in Fairfield City Centre.

Proposed new clause 7.12

The new clause 7.12 (Carramar – Height of Building) is proposed to ensure that Minimum Site Area Map has an enabling LEP clause.

7.12 Carramar-height of buildings

- (1) The objective of this clause is to allow development to be built to the maximum permissible building height if certain development standards are met.
- (2) This clause has effect despite clause 4.3.
- (3) The height of a building on land identified as "Carramar" on the Town Centre Precinct Map must not exceed 9 metres unless the site area of the building is at least the minimum site area shown for the land on the Minimum Site Area Map.

Associated Map Changes

To reflect the changes in the proposed new clause 7.12, maps (Attachment D - Carramar LEP Map Amendments) will be created to show the areas affected on the town centre precinct map and associated minimum site area map.

2.3 Proposed amended LEP clauses – Flood Risk ManagementBackground

To support Council's intention to remove additional flood controls on general residential, commercial and industrial land uses on land above the flood planning area (FPA), up to the probable maximum flood level (PMF), however retain appropriate controls on sensitive, vulnerable or critical land uses within this area.

The proposed amendment to repeal clause 6.4 and replace it with the new Standard LEP clause 5.22 will also allow Council to identify areas within the floodplain where it may be include additional areas where low probability events have the potential for high consequences.

These additional areas may include areas where new floodways develop in flood events rarer than the 1:100 year event, or where there is a risk to life due to the unsafe occupation and/or evacuation of land above the FPA.

The proposed new clause 5.22 was incorporated into the NSW Standard LEP by DPIE in mid-2021 and is part of a broader reform of the flood planning framework across the State. Council has previously advised the Department of its support to introduction of the new flood clause across the State. In this respect, Council's principle intention for adopting the new model flood clauses is to achieve consistency with the flood controls applying in other LGAs in NSW.

Council has placed work on flood studies across the City on hold and implementation of the new model clause will allow work on the flood studies to recommence.

Repeal Clause (6.4) Floodplain risk management

Council proposes to repeal existing clause 6.4 – Floodplain risk management (below) and include the new Standard LEP clause 5.22 - Special flood considerations into Fairfield LEP 2013 clause issued by the NSW DPE.

6.4—Special Flood Considerations

1. ~~The objectives of this clause are as follows:~~
 - a) ~~in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level;~~
 - b) ~~to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.~~
2. ~~This clause applies to land between the flood planning level and the level of the probable maximum flood, but does not apply to land subject to discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.~~
3. ~~Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land:~~
4. ~~Sensitive, vulnerable and critical uses include:~~
 - a) ~~caravan parks;~~
 - b) ~~commercial premises~~
 - c) ~~correctional centres;~~
 - d) ~~emergency services facilities;~~
 - e) ~~group homes;~~
 - f) ~~hospitals;~~
 - g) ~~industries~~
 - h) ~~residential accommodation;~~
 - i) ~~residential care facilities;~~
 - j) ~~tourist and visitor accommodation.~~

- 5) ~~In this clause:~~

~~**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.~~

~~**probable maximum flood** has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.~~

~~Note—~~

~~The **probable maximum flood** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.~~

The new clause 5.22 (below) is similar to existing clause 6.4, with the exception of removing commercial premises, industries and residential accommodation for the list of sensitive, vulnerable and critical uses.

5.22 Special Flood Considerations

1. The objectives of this clause are:
 - a) to enable the safe occupation and evacuation of people subject to flooding,
 - b) to ensure development on land is compatible with the land's flood behaviour in the event of a flood,
 - c) to avoid adverse or cumulative impacts on flood behaviour,
 - d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,

Fairfield LEP 2013
Planning Proposal (Stage 2)

- e) to avoid adverse effects of hazardous development on the environment during flood events.
2. This clause applies to –
 - a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
 - b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.
 3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
 - a) will not affect the safe occupation of and evacuation from the land,
 - b) incorporates appropriate measures to manage risk to life from flood, and
 - c) will not adversely affect the environment during in the event of a flood.
 4. A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
 5. In this clause—

Considering Flooding in Land Use Planning Guideline—see clause 5.21(5).

flood planning area—see clause 5.21(5).

Floodplain Development Manual—see clause 5.21(5).

probable maximum flood has the same meaning as it has in the Floodplain Development Manual.

sensitive and hazardous development means development for the following purposes—

 - (a) boarding houses,
 - (b) caravan parks,
 - (c) correctional centres,
 - (d) early education and care facilities,
 - (e) eco-tourist facilities,
 - (f) educational establishments,
 - (g) emergency services facilities,
 - (h) group homes,
 - (i) hazardous industries,
 - (j) hazardous storage establishments,
 - (k) hospitals,
 - (l) hostels,
 - (m) information and education facilities,
 - (n) respite day care centres,
 - (o) seniors housing,
 - (p) sewerage systems,
 - (q) tourist and visitor accommodation,
 - (r) water supply systems.

2.4 Proposed amended LEP Schedules

2.4.1 Environmental Heritage (Schedule 5)

Background

Under the review of heritage matters, four sites have been recommended for heritage listing and inclusion on the Heritage Map described in Schedule 5 of the Fairfield LEP 2013. The changes to the Schedule 5 (highlighted in red) are shown in the following table:

Suburb	Item name	Address	Property description	Significance	Item no.
Cabramatta	Whitlam House	32 Albert Street	Lot 11, DP 26969	Local	I108
Cabramatta	Bandstand Memorial and Trophy Gun	Railway Parade (Cabravale Park)	Lots 13, 14 and 17, Section C, DP 2526	Local	I17
Yennora	Railway viaduct (underbridge) over Stimsons Creek, Fairfield	124-128 Railway Street	Lot 6, DP 1185514	Local	I109

Note: 6-8 Canley Vale Road, Canley Vale only requires a change to the LEP Map.

Associated LEP Map Changes

The LEP Map changes associated with inclusion of the four (4) properties on Schedule 5 are as follows:

Whitlam House – 32 Albert Street, Cabramatta

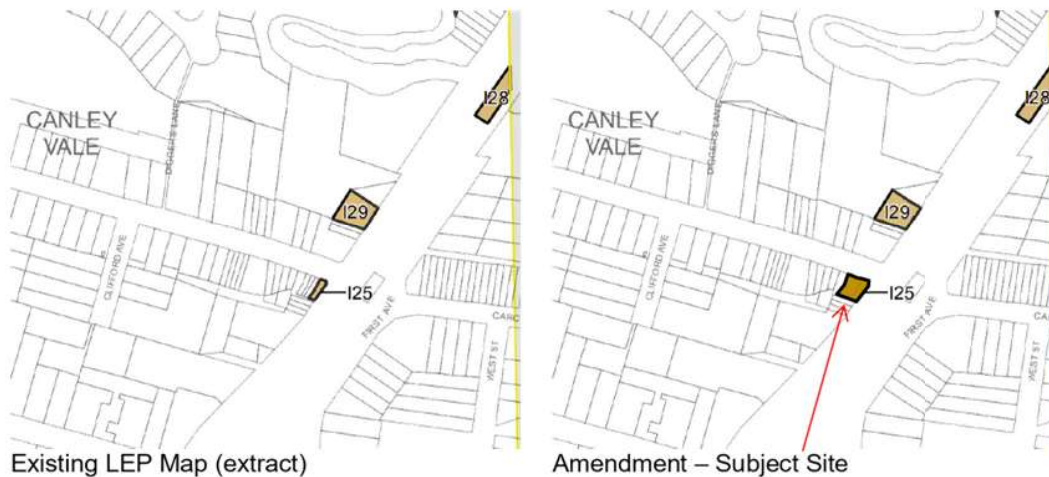
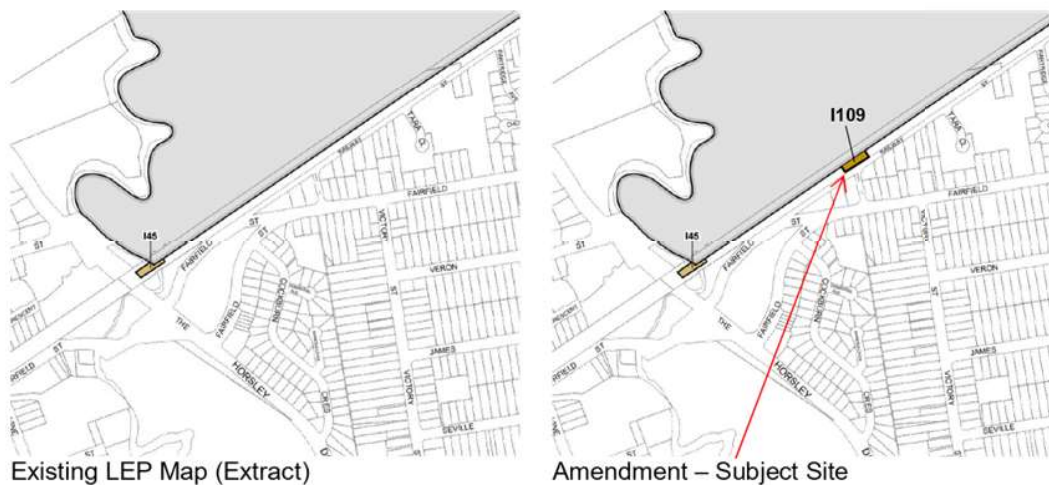


Existing LEP Map (extract)



Amendment – Subject Site

Figure 8: Heritage Map changes – 32 Albert Street, Cabramatta

Shop Frontage – 6-8 Canley Vale Rd, Canley Vale**Figure 9:** Heritage Map changes – 6-8 Canley Vale Road, Canley Vale**Railway Viaduct – Stimson's Creek, Yennora****Figure 10:** Heritage Map changes – Railway Viaduct – Stimson's Creek, Yennora

Note: The proposed inclusion of the Trophy Gun in Cabravale Park as a heritage item does not require an amendment to the corresponding LEP Heritage Map. This is due to the fact that the Trophy Gun is located is on land where there is an existing heritage item (Item 17 - Bandstand) as shown on the Fairfield Heritage Map.

2.5 Proposed amended LEP Maps

Planning Priority 4 "Provide attractive, healthy, accessible and safe places for the whole community" and associated Action 4.1 of the Fairfield LSPS states as follows:

Council will undertake urban design studies for key town and neighbourhood centres that deliver attractive, healthy, accessible and safe places in Fairfield, Cabramatta, Smithfield, Canley Vale, Carramar and Yennora.

To this end, in 2020 Urban Design Studies (UDS) were completed for all of the above town centres located in the eastern area of the City. Action 4.1 reflects contents of the LSPS Structure Plan (Figure 2) as well as directions of the Fairfield draft LHS that aim to focus provision of additional housing in the City in the eastern area of the City where there is currently higher level of access to the main public transport systems (heavy rail) servicing the City. The above approach is also consistent with Planning Priority Action 4.5 (below) of the LSPS.

Council will encourage high-quality developments in suitable locations with supported infrastructure that improve the local character of the area with a focus on sustainability and technology.

The findings and recommendations of the Smithfield and Yennora UDS have not been included in this planning proposal until such time as there is greater certainty regarding the corridor of the proposed Western Sydney Freight Line (currently being investigated by TfNSW), through the northern areas of the Fairfield LGA.

The following sections of this Planning Proposal provide details of the proposed LEP amendments supporting the findings of the UDS for Fairfield, Cabramatta, Canley Vale and Cabramatta Town Centres.

2.5.1 Fairfield City Centre

Background

Under the Western City District Plan Fairfield City Centre is identified as a Strategic Centre and is subject to the following Key Directions:

- Investigating opportunities for feasible redevelopment and increased density close to the Fairfield Transport Interchange
- Enhancing the public realm and encourage new connected civic plazas and public open spaces, including better walking and cycling links to nearby Fairfield Park and Prospect Creek corridor
- Building on the emerging concentration of multicultural support services and support the current business and legal sector
- Increasing the liveability of the centre by activating the public realm, including developing the vision for an 'eat street' and growing the night-time economy
- Facilitating the attraction of office/commercial floor space and allow for innovation including smart work hubs.

An initial UDS adopted by Council for the Fairfield City Centre in 2018, as well as the current UDS 2020 the subject of this Planning Proposal, responds to the above Directions of the Western City District Plan. In particular, the UDS 2018 addressed the larger development sites (total of 12) in the town centre that have a site area greater than 2,500m².

An important objective of the UDS 2018 is to allow owners of these sites to submit planning proposals to Council for increased height/FSR controls subject to consistency with the principles of the UDS. As part of this process, applicants will need to address desired design, built form and civic space outcomes as well as undertaking traffic studies to identify any potential upgrades to the surrounding road network.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Since Council's adoption of the UDS 2018, an owner initiated PP has been submitted for the Fairfield Forum Site which received a Gateway Determination from the DPIE in Feb 2020. A Voluntary Planning Agreement is currently being finalised for the site prior to the planning proposal being placed on public exhibition.

The draft Fairfield City Centre UDS 2020, the subject of the current Planning Proposal, builds on the UDS 2018 and examines the remainder of sites in the town centre not covered by the previous study. In general, the current 2020 study focuses on the need to rationalise height and FSR controls on sites having regard to the initial urban design framework established by the 2018 Study.

The UDS 2020 (page 66) also recommends changing the B3 Commercial Core Zone (that prohibits all forms of residential development), applying to the Neeta City Shopping Centre and adjoining shopping strip on the western side of Smart Street to B4 Mixed Use. The objectives of the current Western City District Plan (above) do not specifically require retention of a B3 Commercial Core within Fairfield City Centre, moreover advice provided by Council's economic advisor (Norlings Consulting – see Attachment F) provides in principle support to the rezoning of the NEETA City site from B3 to B4.

However, the proposed change from B3 zoning to B4 zoning of the site does not form part of the Planning Proposal (Stage 2). Instead, the site is subject to the Fairfield City Centre UDS 2018 and requires submission of an owner initiated planning proposal. Currently there is ample supply of B3 commercial office space throughout the Town Centre and the fact that the proposed B4 zoning is more likely to create the potential for redevelopment/renewal of the Neeta City site including the provision of housing.

The Fairfield UDS 2020 recommends rezoning of 5 precincts (in private ownership) in the town centre (at the rear of Smart Street and corner of Alan Street), from B4 Mixed Use to RE1 Public Recreation aimed at promoting open space and accessibility outcomes in strategic locations of the town centre.

However, these proposed rezonings have been deferred from the Planning Proposal (Stage 2) for further consideration under the review of the Open Space Strategy currently being undertaken and whether civic/open space outcomes identified in the Fairfield UDS can be factored into owner initiated development proposals rather than being acquired by Council.

There is also a need for greater certainty regarding the provision of civic/open space identified on the larger development sites under the UDS 2018 and associated planning proposals (e.g. the current Planning Proposal for the Forum Site), that will influence the overall provision and location of open space areas in the town centre.

Under the UDS 2018 and UDS 2020, it is estimated the new planning controls for Fairfield City Centre will provide for up to an additional 3,625 and 2,390 dwellings (respectively), being primarily residential flat buildings (apartments).

Proposed LEP Amendments

In summary the proposed changes to maximum height, maximum FSR, minimum lot size requirements and Active Street frontage LEP Maps (Attachment B) recommended under the Fairfield UDS 2020 are as follows:

- Increase building heights to better reflect the intended number of levels for buildings under the UDS for various sites, e.g. height category of V2 represents an increase in height allowance from 38 to 39 metres to achieve 13 storeys
- On corner sites along Court Rd (between Spencer St and The Crescent) increased height allowances to X2 (45m = 15 storeys) and Y (52m = 17 storeys) to create landmark buildings and to create the desired built form of the centre

Fairfield LEP 2013
Planning Proposal (Stage 2)

- Remainder of height changes to provide a better transition in the built form across the town centre and create the opportunity for landmark buildings
- FSR changes that reflect the above changes to height controls
- Identification of streets where development is required to provide 'active' street frontages on the ground floor (e.g. retail shop front, café', restaurants, street awnings) to promote urban design outcomes and encourage pedestrian movement/activity.

The proposed changes to height, FSR, Minimum Lot and Active Street Frontage Maps recommended under the UDS are shown in Attachment D of this Planning Proposal.

2.5.2 Cabramatta Town Centre

Background

In order to retain the existing character of the centre and create space for growth, the Cabramatta Town Centre Urban Design Study has recommended rezoning the Town Centre Core from B4 Mixed Use to B3 Commercial Core (Figure 11), prohibiting residential development, to avoid the negative impacts of shop-top housing on the existing continuous and fine grain character of the centre.

The above outcomes for provision of a commercial core on the western side of the town centre is also consistent with the Fairfield LSPS 2040 Structure Plan that identifies the future role of Cabramatta Town Centre as a "Specialised Tourism and Cultural Centre".

It is estimated the amendments to the planning controls for Cabramatta Town Centre will deliver approximately 2,150 additional dwellings to the west of the town centre. It is noted that the B4 zone to the eastern side of the rail line is subject to a private planning proposal to increase height allowances up to a maximum of 19 storeys.

Proposed LEP Amendments



Existing LEP Zones

Proposed Rezoning to B3 Commercial Centre

Figure 11: Sites proposed to be zoned B3 Commercial Centre

For the remainder of the town centre (west of the railway line) it is proposed to increase the maximum height of buildings in the B4 Zone from 3 storeys to 3-12 storeys, with the increased building heights subject to compliance with min lot size requirements and FSR allowances as shown in Attachment D – LEP Map Changes.

In addition, sections of the town centre will be incorporated in the Fairfield LEP Active Street frontages map (Attachment D).

Under the proposed amendments, it is estimated the new planning controls for Cabramatta Town Centre would deliver up to approximately 2,150 additional dwellings.

2.5.3 Canley Vale Town Centre & adjoining residential precinctsBackground

For Canley Vale, the proposed rezoning of sites (Figure 12) within and adjoining the existing town centres are aimed at facilitating the following objectives of the Town Centre UDS:

- Consolidate Canley Vale role as a local centre
- Increase residential density in the centre because of its proximity to public transport, services and open space
- Strengthen Canley Vale Road as a pedestrian focused retail and commercial high street
- Ensure land uses adjacent to existing or new public open spaces are complementary
- Promote mixed-use development on sites that are consolidated and able to be consolidated without compromising amenity.

These objectives are also aimed at meeting the main challenges facing the centre that comprise: rental stress, fragmented land ownership, restricted land zoned for commercial and retail activity, lack of housing choice, lack of housing demand (aspirational housing), and poor connections with Cabramatta to the south.

The proposed LEP amendments have the potential to yield potential to generate an additional 1,262 dwellings in the centre.

Proposed LEP Amendments

Existing LEP Zoning Map (extract)



Proposed Rezoning (extract)

Figure 12: Sites in Canley Vale Town Centre proposed to be zone changes

The specific rezoning amendments shown in the above include:

- Rezone the existing R3 Medium Density Residential precinct west of Canley Vale Town Centre to R4 High Density.
- Rezone 3 properties adjoining the southeast corner of the intersection between Phelps St and Canley Vale Rd from R4 High Density to B2 Local Centre
- Rezone a Council owned parcel adjoining Westacott Lane from B2 Local Centre to RE1 – Public Recreation that forms part of the open space corridor adjoining Orphan School Creek.

In addition, proposed new building height, FSR and minimum lot requirements include:

- Increase maximum building heights for B2 Zone (Town Centre) from 2-8 storeys to 6-12 storeys
- Increase FSR allowances to match increase in building heights

Fairfield LEP 2013
Planning Proposal (Stage 2)

- R4 Zone - Maximum height of 6 storeys & FSR of 2:1 if site has minimum frontage of 45m & depth of 40metres

Note: Council has resolved to exclude a potential local road reservation at 45 Canley Vale Rd, Canley Vale (appearing in the Canley Vale UDS) from this Planning Proposal aimed at improving connectivity in the Canley Vale Town Centre. Rather this matter could be investigated further with potential redevelopment of land in the Town Centre.

2.5.4 Carramar Town Centre & adjoining residential precincts

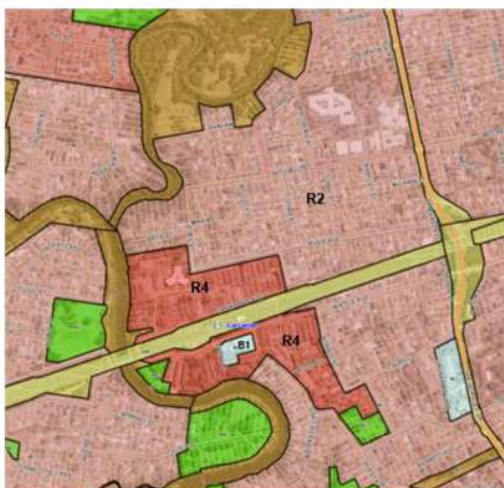
Background

The proposed rezoning amendments for Carramar Town Centre and adjoining residential precincts aim to deliver the following:

- Maintain the open and natural character of Carramar through the location of built form and building separation.
- Leverage the development potential within close proximity of the station with a greater intensity of development.
- Promote the delivery of a variety of urban residential typologies including attached dwellings and apartments.
- Use increased building heights to improve legibility through the creation of local landmarks and ensure the passive surveillance of open spaces.
- Ensure buildings heights transition adequately in relation to the desired future character of the area.
- Provide opportunities for additional retail services and public open space to service the proposed new medium and high density residential areas.
- Avoid rezoning of areas located below the flood planning level (1 in 100year) – see UDS (Attachment D for further information)

The proposed controls associated with the Carramar Town Centre UDS have the potential to yield approximately 3,400 additional dwellings in area the subject of the LEP amendments.

Proposed LEP Amendments



Existing LEP Zoning Map (extract)



Proposed Rezoning (extract)

Figure 13: Sites in Carramar Town Centre proposed to be zone changes

The proposed LEP Amendments shown above comprise:

- Rezone R2 Low Density Residential land in close proximity (east and southeast) within 400m of the town centre to R4 High Density Residential
- Rezone R2 Low Density (east and southeast) within 800m of town centre to R3 Medium Density Residential
- Rezone 4 Precincts located within 400-800m of the town centre from R2 Low Density Residential to RE1 Public Recreation to address open space needs (note under the NSW Local Government Act these parcels will automatically be re-classified as community land once acquired by Council). These sites are also shown on the Land Reservation Acquisition Maps.
- Rezone R4 High Density Residential & R3 Medium Density Residential sites to B1 Neighbourhood Centre to new higher density zones with access to day to day convenience goods.

Proposed new building height and FSR allowances (Attachment D – LEP Map Amendments).

- R4 Zone - Maximum height of 6 storeys & FSR of 2:1 if site has minimum frontage of 45m & depth of 40metres
- R3 Zone – Maximum height of 2 storeys & FSR of 0.50:1 to 0.65:1 depending on minimum site area and site dimensions (see further information under Part C of this report) being achieved
- RE1 Zone – remove any building height and/or FSR controls that apply under the existing R2 zone to ensure consistency with other RE1 zoned land in the City once rezoned.

2.5.5 R3 Medium Density Zone

The R3 Medium Density Residential zoned lands are generally located adjacent to the town centres in Fairfield City and account for 360ha or 8% of all residentially zoned land in Fairfield City.

The R3 zone provides for a range of housing types and dwelling sizes including attached dwellings, dual occupancies, semi-detached dwellings and multi dwelling housing and plays an important role in Fairfield City's housing supply through:

- Improving urban efficiencies
- Increasing residential opportunities within the existing urban footprint
- Addressing housing affordability challenges
- Supporting local economic activity
- Creating more sustainable and walkable communities.

Council commissioned a review of the R3 Medium Density Residential zone and the current development standards (Medium Density Housing Study - Attachment C), using funding provided under the Accelerated LEP Review Program, to evaluate:

- Rental stress and low socio economic market driving backyard unauthorised housing inclusive of outbuildings/secondary dwellings/garden studios
- Medium density housing (inclusive of amalgamating sites) not as attractive for development and financial return as multiple dwellings
- Sites with narrow frontages (7-22m) yet depths of 35 to 50m result in gun-barrel typologies with level of privacy and compromised amenity
- Units not addressing the street and deep soil for mature trees at rear boundary line compromising development layouts

Fairfield LEP 2013
Planning Proposal (Stage 2)

- At grade car parking, driveways and garages results in significant areas of hard pavement and heat island effect
- Built forms are inefficient with significant areas of underutilised space which do not add value to the development.

Objectives of the review included:

- Ensuring development controls are more accessible and easier to understand, implement and enforce
- Encouraging greater diversity in the housing product available
- Ensuring controls adequately deal with transition and/or interface conditions with low density residential
- Ensuring development addresses the street with entries, and set back courtyards
- Increasing tree canopy cover in the private domain and improved ecology through deep soil for landscape, tree planting or preservation of existing trees.

In relation to LEP development standards, the review recommends adoption of a sliding scale for floor space controls based on minimum lot size. This is similar to the FSR controls already applying to residential flat development in the R4 High Density Residential Zones of the City.

The LEP Maps associated with the proposed new FSR and building height allowances for the R3 Medium Density Residential Zone are included in Attachment C.

Part 3- Justification

3.1 Need for a Planning Proposal (Section A)

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is stage 2 of the comprehensive review of the strategic and regulatory planning frameworks covering land use planning directions for Fairfield City as part of the NSW Governments Accelerated Local Environmental Plan (LEP) Review Program. Planning Proposal (Stage 2) reflects the outcomes and recommendations made in a number of studies and strategies which have been funded under the Program (as shown in Figure 1). To date this has involved the following critical steps comprising:

1. **LEP Review** ("Health Check") Report prepared in accordance with the *LEP Roadmap (Guidelines for updating Local Environmental Plans to give effect to the District Plans in the Greater Sydney Region)* prepared by the Greater Sydney Commission ("GSC").

The report was referred to the GSC in September 2018, with Council subsequently receiving advice from the GSC in December 2018 that informed progression to the next phase of the Accelerated LEP Review Program, being preparation and adoption of a the Fairfield LSPS 2040 (below).

2. The **Accelerated LEP Review Program** and the preparation of Council's Local Strategic Planning Statement (LSPS) has activated a major review of Council's current strategic studies/plans (refer Figure 1). A number of the studies are informing Planning Proposal (Stage 2) including the Heritage Review, Open Space Strategy, R3 Medium Density Zone Review and the Urban Design Studies for the town centres of Fairfield, Cabramatta, Canley Vale and Carramar in the eastern area of the City.
3. The **Fairfield LSPS 2040** came into effect on the 30 March 2020 and sets out Planning Priorities and Actions that address the *Western City District Plan* Directions and Goals and Outcomes of the Fairfield City Plan. The Vision Statement for Fairfield City – Shaping a Diverse City, is underpinned by the following themes:

Theme 1: Community well-being – healthy and liveable places

Theme 2: Infrastructure and places – supporting growth and change

Theme 3: Environmental sustainability

Theme 4: Strong and resilient economy

Theme 5: Good governance – advocacy and consultation

The LSPS contains a total of 76 Planning Priorities and associated actions that support the above themes and provide the basis for a number of the proposed amendments to the Fairfield LEP 2013 incorporated into this planning proposal as detailed in Section 3.2 below.

4. **Fairfield Local Housing Strategy 2021 (LHS)** was adopted by Council in April 2020 and subsequently forwarded to the Department of Planning and Environment. The LHS aligns with the LSPS (above) and includes a demographic overview of the existing and future Fairfield City population, housing demand and supply.

The Strategy also identifies areas with development capacity under the current planning controls. This approach ensures that the strategic and planning context is aligned with community goals and expectations, and updated with information from the Census, current housing supply and population forecasts and implementation and delivery plans.

The LHS adopts a "centres and corridors" based planning approach to guide the location of a range of housing types to meet the current and future needs of the community within the catchments of existing centres.

Fairfield LEP 2013
Planning Proposal (Stage 2)

New housing opportunities will take advantage of the proximity of retail, commercial (and other service and employment functions), community and transport infrastructure and services. The timeframes identified in the Western City District Plan, short term (0-5 years), medium term (6-10) years and long term (10-20 years) are reflected in the LHS. This planning proposal achieves a number of the Actions of the draft LHS as detailed in Section 3.2 below.

The LHS identifies a number of key centres and areas located within the eastern area of Fairfield City that are suitable for an increase in housing numbers and a mix of housing types in the medium term. As noted above, Urban Design Studies have been prepared for a number of town centre areas, the recommendations of which are reflected in this Planning Proposal, which will facilitate future housing supply in the medium term.

The recommendations of the Urban Design Studies (as detailed in this planning proposal) for Fairfield, Cabramatta, Canley Vale and Carramar Town Centres, represent an important element in creating opportunities for additional housing in the eastern area of the City in close proximity to heavy rail, extensive services and facilities located in and around the above town centres.

The Fairfield Traffic Study 2021 identifies constraints and opportunities for transportation improvements across the City including areas subject to changes in zoning and planning controls for additional housing under this Planning Proposal. In parallel with the Transport Study and mesoscopic transport model was also prepared for the eastern areas of the City and received endorsement from the TfNSW.

The model confirmed there is existing capacity in the local road network to accommodate potential traffic generated by the up zonings associated with the Stage 2 PP, it will also assist with more detailed analysis of future development proposals that have potential to require future traffic management measures.

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

Yes, the Planning Proposal is the best means of achieving the objectives and intended outcome.

All of the issues covered by this planning proposal relate to statutory issues under Part 3 of the NSW *Environmental Planning and Assessment Act 1979*. The planning proposal represents the primary mechanism for achieving the objectives and intended outcomes referred to under Part 1 (above).

3.2 Relationship to Strategic Planning Framework (Section B)

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including A Metropolis of Three Cities and the Western City District Plan)?

Yes. This section outlines how the Planning Proposal is consistent with the objectives and actions of key strategies including A Metropolis of Three Cities and the Western City District Plan.

A Metropolis of Three Cities

The Greater Sydney Region Plan, A Metropolis of Three Cities is the overarching strategic land use plan for the Greater Sydney metropolitan area, outlining the strategic vision for managing growth to 2056. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The Vision seeks to transform Greater Sydney into a metropolis of three cities, with Fairfield City being located within the Western Parklands City.

Fairfield LEP 2013
Planning Proposal (Stage 2)

The Plan includes ten (10) Directions for the metropolis of three cities, with 38 specific Objectives supporting the Vision. The Table below provides a summary of the Directions and Objectives most relevant to this Planning Proposal.

A Metropolis of Three Cities		Relevance to the Planning Proposal
Directions	Objectives	
A city supported by infrastructure – Infrastructure supporting new developments	Objective 4: Infrastructure use is optimised	The proposed changes to the town centres, reflecting the recommendations of the town centre urban design studies, will enhance opportunities for urban renewal comprising retail, commercial and residential development (high quality apartments) in suitable locations which are supported by existing infrastructure, including public transport.
A city for people – Celebrating diversity and putting people at the heart of planning	Objective 7: Communities are healthy, resilient and socially connected	The Planning Proposal has been informed by a suite of documents funded under the Accelerated LEP Review Program, including the Community Facilities and Open Space Needs Study, Open Space Strategy and Urban Design Studies for a number of the town centres. A key feature of these studies and strategies is to encourage walkable centres and public spaces, promoting health and social connection.
Housing the city – Giving people housing choices	Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The changes to development standards in this Planning Proposal will allow for an increase in housing supply in the medium term in the form of shop top housing, residential flat buildings and medium density housing. This additional future supply of housing will improve housing choice (amount and housing type) in and around the town centres to meet the housing needs of the community.
A city of great places – Designing places for people	Objective 12: Great places that bring people together Objective 13: Environmental heritage is identified, conserved and enhanced	As noted above, the Planning Proposal (including the changes to development standards in the town centres and R3 zone) has been informed by a suite of documents that set the planning framework for private and public spaces (including open space) to plan for town centres which are designed to bring people together. The Planning Proposal identifies four (4) new heritage items, recommended by the recent Heritage Review funded under the Accelerated LEP Review Program.
A well-connected city – Developing a more accessible and walkable city	Objective 14: Integrated land use and transport creates walkable and 30-minute cities	This Planning Proposal has been informed by the Urban Design Studies prepared for the town centres and will provide for future medium term housing supply in and around the town centre areas that are well serviced by public transport (including rail), retail, community services and employment opportunities, promoting the 30-minute city.

Fairfield LEP 2013
Planning Proposal (Stage 2)

A Metropolis of Three Cities		Relevance to the Planning Proposal
Directions	Objectives	
Jobs and skills for the city – Creating conditions for a stronger economy	Objective 22: Investment and business activity in centres	The amendments to LEP provisions for town centre areas reflect the recommendations of the Urban Design Studies and will provide for additional population, opportunities for ground and upper level retail and commercial activities and strengthen the town centres. Existing specific controls relating to the town centres including active street frontages, design excellence and DCP provisions will encourage better design and activation at ground level and assist businesses with aesthetic guidelines to improve the overall appearance of the centres.
A city in its landscape – Valuing green spaces and landscape	Objective 31: Public open space is accessible, protected and enhanced	The Planning Proposal identifies sites in the town centres proposed for RE1 Public Recreation, based on the open space needs for the future population. The location of the sites will provide for areas of open space readily accessible by both town centre residents and workers.
A resilient city – Adapting to a changing world	Objective 37: Exposure to natural and urban hazards is reduced	The Planning Proposal proposes to adopt new Standard LEP flooding clauses relating to flood prone land (including evacuation requirements for 'sensitive land uses'), prepared by the NSW DPIE. In this regard, Council is proposing to implement 'best practice' flood controls.

Western City District Plan

Fairfield City is located within the Western City District. The Western City District Plan sets out 20 strategic Planning Priorities to achieve the vision. The table below sets out the key planning priorities applicable to this Planning Proposal.

Western City District Plan		Consistency of Planning Proposal
Direction	Planning Priority	
A city supported by infrastructure – Infrastructure supporting new developments	PP W1: Planning for a city supported by infrastructure	The proposed changes to the town centres, reflecting the recommendations of the town centre urban design studies, will provide additional opportunities for retail, commercial and residential development (high quality apartments) in suitable locations which are supported by existing infrastructure, including public transport.
A collaborative city – Working together to grow a Greater Sydney	PP W2: Working through collaboration	The Planning Proposal has been informed by a suite of documents funded under the Accelerated LEP Review Program, including the Community Facilities and Open Space Needs Study, Open Space Strategy, Public Domain Plans and Urban Design Studies for a number of the town centres. These studies consider and plan for the increased use of public resources such as open space and community facilities for the population growth in and around the town centres which will result from the proposed changes to development standards.
A city for people – Celebrating diversity and putting people at the heart of planning	PP W3: Proving services and social infrastructure to meet people's changing needs	The Planning Proposal has been informed by a suite of documents funded under the Accelerated LEP Review Program, including the Community Facilities and Open Space Needs Study, Open Space Strategy, Public Domain Plans and Urban Design Studies for a number of the town centres.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Western City District Plan		
Direction	Planning Priority	Consistency of Planning Proposal
	PP W4: Fostering healthy, creative, culturally rich and socially connected communities	These studies set the planning framework for private and public spaces (including open space) to plan for town centres which are designed to bring people together. A key feature of these studies and strategies is to encourage walkable centres and public spaces, promoting health and social connection.
Housing the city – Giving people housing choice	PP W5: Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>This Planning Proposal has been informed by the Urban Design Studies prepared for the town centres and will provide for future medium term housing supply in and around the town centre areas that are well serviced by public transport (including rail), retail, community services and employment opportunities, promoting the 30-minute city.</p> <p>The changes to development standards in this Planning Proposal will allow for an increase in housing supply in the medium term in the form of shop top housing, residential flat buildings and medium density housing. This additional future supply of housing will improve housing choice (amount and housing type) in and around the town centres to meet the housing needs of the community.</p>
A city of great places – Designing places for people	PP W6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Planning Proposal (including the changes to development standards in the town centres and R3 zone) has been informed by a suite of documents (as detailed above) that set the planning framework for private and public spaces (including open space) to plan for town centres which are designed to bring people together.</p> <p>The Planning Proposal identifies four (4) new heritage items, recommended by the recent Heritage Review funded under the Accelerated LEP Review Program.</p>
A well connected city – Developing a more accessible and walkable city	PP W7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	This Planning Proposal has been informed by the Urban Design Studies prepared for the town centres and will provide for future medium term housing supply in and around the town centre areas that are well serviced by public transport (including rail), retail, community services and employment opportunities, promoting the 30-minute city.
Jobs and skills for the city – Creating the conditions for a stronger economy	PP W11: Growing investment, business opportunities and jobs in strategic centres	<p>The amendments to LEP provisions for town centre areas reflect the recommendations of the Urban Design Studies and will provide for additional population, opportunities for ground and upper level retail and commercial activities and strengthen the town centres.</p> <p>Existing local clauses relating to the town centres including active street frontages, design excellence and DCP provisions will encourage better design and activation at ground level and assist businesses with aesthetic guidelines to improve the overall appearance of the centres.</p>
A city in its landscape – Valuing green spaces and landscape	PP W18: Delivering high quality open space	The Planning Proposal identifies sites in the town centres proposed for RE1 Public Recreation, based on the open space needs for the future population. The location of the sites will provide for areas of open space readily accessible by both town centre residents and workers.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Western City District Plan		
Direction	Planning Priority	Consistency of Planning Proposal
A resilient city – Adapting to a changing world	PP W20: Adapting to the impacts of urban and natural hazards and climate change	The Planning Proposal proposes to adopt a new Standard LEP flooding clause relating to flood prone land (including evacuation requirements for 'sensitive land uses'), prepared by the NSW DPIE. In this regard, Council is proposing to implement 'best practice' flood controls.

Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plans?

Yes. This section outlines how the Planning Proposal is consistent with the goals and outcomes of the Fairfield City Plan and the planning priorities and actions of the Fairfield Local Strategic Planning Statement (LSPS) 2040.

Fairfield City Plan (2016 – 2026)

The Planning Proposal is consistent with a number of goals and outcomes within the Fairfield City Plan as detailed in the Table below.

Fairfield City Plan		How the planning proposal achieves the outcome
Theme	Outcome	
Theme 1 – Community Wellbeing		
Goal C – A safe community	A community that feels safer and more secure.	The Planning Proposal (and associated DCP amendments and public domain improvements) reflect the design recommendations in the urban design studies, which will improve safety within the town centres through increased retail and residential activity and encourage pedestrian activity.
Theme 2 – Places and Infrastructure		
Goal A – An accessible and liveable city	High quality development that meets the community's needs.	The proposed changes to the town centres, reflecting the recommendations of the town centre urban design studies, will provide additional opportunities for retail, commercial and residential development (high quality apartments) in suitable locations supported by infrastructure. In addition, the review of the development standards (height and FSR) for R3 zoned land will provide different medium density housing types to meet the varied needs of the community.
	Accessible parking across the city.	Parking provision and design will be addressed through associated DCP amendments that will reflect the recommendations of the urban design studies for the town centres, the R3 zone review and the recommendations of the Transport Strategy and Public Domain Plans being prepared as part of the Accelerated LEP Review Program.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Fairfield City Plan		How the planning proposal achieves the outcome
Theme	Outcome	
Goal C – Inviting and well used open spaces	Open spaces are well utilised for entertainment, leisure and recreation opportunities for all.	A number of new areas of open space in the town centres (proposed RE1 Public Recommendation) have been identified in the Urban Design Studies to address the lack of open space in particular town centres. These areas will provide for recreation opportunities for future residents and workers in the town centre.
Theme 3 – Environmental Sustainability		
Goal A – A sustainable natural environment	No specific outcome relevant.	N/A
Theme 4 – Local Economy and Employment		
Goal A – Range of resilient businesses Goal B – Attractive and lively city	Businesses are active, successful and involved in the community. A unique and energetic city as a destination for food and leisure activities.	The increase in development standards for the town centre areas, which reflect the recommendations of the urban design studies, will provide for additional opportunities for ground and upper level retail and commercial activities and strengthen the town centres. Specific controls relating to the town centres including active street frontages, design excellence and DCP provisions will encourage better design and activation at ground level and assist businesses with aesthetic guidelines to improve the overall appearance of the centres. Whilst the improvements identified in the Public Domain Plans, which are informed by the Urban Design Studies and changes in this planning proposal, will improve landscaping and the pedestrian experience. The proposed B3 zoning for part of Cabramatta Town Centre is accompanied by increased FSR and Height allowances and will consolidate employment opportunities in the Town Centre.
Goal C – Diverse employment and job opportunities	A variety of job and training opportunities available in the City.	The increase in development standards for the town centre areas that allow for an increase in residential floor space will generate demand for additional retail and commercial employment development.
Theme 5 – Good Governance and Leadership		
Goal A – Decision making processes are open and transparent Goal B – A well engaged and informed community	Acting ethically and in the interest of the community. Information is available and clearly communicated to the diverse community.	Preparation of this Planning Proposal represents the second stage of amendments to the Fairfield LEP 2013 that deliver a number of actions contained in the Fairfield LSPS 2040. This step will promote alignment in the planning controls with desired outcomes of the Fairfield City Plan The Planning Proposal will be place on public consultation (subject to Gateway approval) in accordance with the legislation. The community will be engaged on all proposed changes and a detailed consultation strategy will be prepared. Regular feedback will be provided on Council's website and responses to individual enquiries.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Fairfield Local Strategic Planning Statement 2040 – Shaping a Diverse City

In March 2018, the NSW State Government introduced a major amendment to the NSW *Environmental Planning and Assessment (EP&A) Act 1979* requiring all councils in NSW to prepare a local strategic planning statement (LSPS) which is the basis for strategic planning in the area, having regard to economic, social and environmental matters. The LSPS identifies the planning priorities, consistent with any strategic plan and community strategic plan (Fairfield City Plan), and identifies actions required for achieving those planning priorities.

Following public exhibition and GSC approval (Assurance) the Fairfield LSPS 2040 came into effect on the 30 March 2020 and is now the main overarching local strategic planning document that will guide and inform decisions made by Council in relation to strategic land use planning directions for Fairfield City.

The LSPS gives effect to the Western City District Plan 2018, implementing the Directions, Planning Priorities and Actions at a local level. It is also informed by other State-wide and regional policies including A Metropolis of Three Cities (Greater Sydney Region Plan), 2018. The LSPS outlines how these plans will result in changes at the local level, principally through new infrastructure including new or improved transport corridors.

The LSPS works with the Fairfield City Plan 2016-2026, which has a focus beyond land use and transport planning, on how Council will work to meet the community's needs. The planning priorities and actions of the LSPS provide the rationale for how land use decisions will be made to achieve the community's broader goals.

This Planning Proposal represents Stage 2 of in the implementation of a number of actions (as shown in the table below) contained in the Fairfield LSPS 2040.

LSPS Planning Priority (PP) and Actions	Planning Proposal (Stage 2)
Planning Priority 1 – Provide housing that accommodates the needs of existing and future residents.	
Action 1.3 Council will review its Local Environmental Plan and update planning controls to implement the recommendations and directions made in the Local Housing Strategy and reflected in this statement.	This Planning Proposal will implement a number of the recommendations and directions in the draft Local Housing Strategy (as detailed below) including increasing housing supply in the medium term through changes to development standards (building height and FSR) in the R3 Medium Density Residential zone and a number of the town centres. Future planning proposals will implement the LHS recommendations and directions through changes in other town centres and in residential zoned land in Fairfield City.
Planning Priority 2 – Deliver greater housing diversity and affordability to meet the changing needs of the community	
Action 2.1 Council will prepare a Local Housing Strategy in accordance with the Western City District Plan (Planning Priority W5) which will address housing choice and affordability.	The changes to development standards in this Planning Proposal will allow for an increase in housing supply in the medium term in the form of shop top housing, residential flat buildings and medium density housing. This additional future supply of housing will improve housing choice (amount and housing type) in and around the town centres to meet the housing needs of the community.
Action 2.2 Council will consider, as part of the Local Housing Strategy, the range of housing needs of the community.	

Fairfield LEP 2013
Planning Proposal (Stage 2)

LSPS Planning Priority (PP) and Actions	Planning Proposal (Stage 2)
Planning Priority 4 – Provide attractive, healthy, accessible and safe places for the whole community	
<p>Action 4.5 Council will encourage high quality developments in suitable locations with supported infrastructure that improves the local character of the area with a focus on sustainability and technology.</p>	<p>Urban Design Studies funded under the Accelerated LEP Review Program have informed the proposed changes to development standards in the Planning Proposal. These changes will allow for additional residential development in and around a number of the town centres, well serviced by public transport, retail, services and employment opportunities. Planning Proposal (Stage 1) introduced a new design excellence clause, which will apply to future residential development in the town centres.</p> <p>A review of the Fairfield DCP in relation to land zoned R3 Medium Density Residential will further encourage design quality in this residential type. Public Domain Plans will assist in improving local character in and around the town centres through public domain improvements.</p>
<p>Action 4.6 Council will encourage design excellence, and ensure that design recommendations in the Urban Design Studies are reflected in the LEP and DCP controls</p>	<p>Refer above.</p>
Planning Priority 5 - Protect the City's heritage	
<p>Action 5.4 Council will undertake a Heritage Review to identify potential new heritage items and review existing items in the Fairfield LEP.</p>	<p>A Heritage Review has been completed and was funded as part of the Accelerated LEP Review Program and is informing this Planning Proposal, including the four (4) proposed new heritage items.</p>
Planning Priority 6 – Ensure infrastructure is aligned to accommodate planned growth and community needs.	
	<p>The Planning Proposal is consistent with Planning Priority 6 in that it provides for future medium term housing supply in and around the town centre areas that are well serviced by public transport, retail, community services and employment opportunities.</p>
<p>Action 6.6 Council will undertake a Transport Strategy to identify the existing and future traffic and transport infrastructure needs.</p>	<p>The Planning Proposal is supported by a comprehensive Traffic Study (Attachment G), that looks at constraints and opportunities across the Fairfield road network, public and active transport systems to meet future population growth in the City. Council has also commissioned a detailed mesoscopic traffic model to examine the impact of potential population growth on key intersections in the eastern areas the subject of this planning proposal.</p>

Fairfield LEP 2013
Planning Proposal (Stage 2)

LSPS Planning Priority (PP) and Actions	Planning Proposal (Stage 2)
Planning Priority 8 – Protect areas of high natural value and environmental significance and improve the health of catchments and waterways.	
Action 8.6 Council will identify opportunities to implement Water Sensitive Urban Design on public and private lands and implement measures that support water conservation.	Public Domain Plans, which compliments the urban design studies and will identify opportunities for landscaping in the town centres that incorporate water sensitive design measures such as rain gardens.
Planning Priority 10 – Adapt to natural hazards and environmental impacts	
Action 10.1 Council will align its flood risk planning controls in the LEP and DCP so that the planning provisions are consistent with the planning controls in the upstream and downstream local government areas.	This Planning Proposal includes clauses relating to flood planning and floodplain risk management which include provisions which are consistent with Action 10.1.
Planning Priority 11 – Promote a robust economy which generates diverse service and job opportunities	
Action 11.4 Council will undertake a review of the Business and Employment Land Studies which will consider zoning of land within Fairfield City to promote a robust economy and maximise job opportunities and address the employment targets in the Western City District Plan.	The changes contained in the Planning Proposal support increased population levels in and around town centres, providing the basis for increased Economic Advice regarding the proposed
Action 11.7 Council will investigate new policies and DCP controls to encourage active streets (outdoor dining) and the night-time economy in town centres.	This Planning Proposal has been informed by the Urban Design Studies prepared for the town centres. The proposed changes to development standards (building height and FSR) and increased housing opportunities, design excellence and the associated draft Public Domain Plans will encourage activation of the town centres including active streets, night-time economy and outdoor dining.
Action 11.8 Council will undertake Urban Design Studies for its local centres that incorporate land use and transport approaches which provide both jobs and housing in close proximity to railway stations to promote the 30-minute city.	This Planning Proposal has been informed by the Urban Design Studies prepared for the town centres and will provide for future medium term housing supply in and around the town centre areas that are well serviced by public transport (including rail), retail, community services and employment opportunities, promoting the 30-minute city.
Planning Priority 13 – Ensure a well-engaged and informed community	
Action 13.1 Council will actively consult and engage the community on strategic land use plans and policies, utilising a diverse range of communication methods and in accordance with the requirements of the <i>Environmental Planning & Assessment Act and Regulation</i> and Council's community engagement strategy (currently in preparation) to ensure that the community's views are considered in decision making and planning.	The community engagement for this Planning Proposal will be in accordance with Council's Community Engagement Strategy to ensure that the community's views are considered in decision making and planning.

Fairfield Local Housing Strategy

The actions identified in the Fairfield Local Housing Strategy (refer below), are based on the Planning Priorities and Actions in the LSPS, that are achieved by this Planning Proposal are detailed in the Table below. The LHS provides a detailed breakdown of the increase in dwelling yields for the City based on both current and new zoning/planning controls included under this Planning Proposal.

LSPS Actions	Draft LHS Action	Planning Proposal (Stage 2)
LSPS Planning Priority 1 – Provide housing that accommodates the needs of existing and future residents.		
LSPS Action 1.3 Council will review its Local Environmental Plan and update planning controls to implement the recommendations and directions made in the Local Housing Strategy and reflected in this statement.	Medium Density Housing Review	The Planning Proposal includes changes to development standards (maximum height and FSR) in the R3 Medium Density Residential zoned land, which reflect the analysis and recommendations undertaken in the independent review of the R3 Medium Density Residential zone, funded as part of the Accelerated LEP Review Program.
	Future Planning Proposals to implement recommendations of Urban Design Studies for town centres: <ul style="list-style-type: none"> Fairfield City Centre (Stage 2) (sites < 2,500m²) Cabramatta Town Centre Canley Vale Town Centre Smithfield Town Centre Carramar Neighbourhood Centre & Surrounds Yennora Neighbourhood Centre & Surrounds 	The Planning Proposal includes changes to land use zones and development standards (maximum height and FSR) for four (4) of the seven (7) town centres based on analysis and recommendations of the Urban Design Studies: <ul style="list-style-type: none"> Fairfield City Centre (Stage 2) (sites < 2,500m²) Cabramatta Town Centre Carramar Neighbourhood Centre & Surrounds Canley Vale Town Centre
LSPS Planning Priority 2 – Deliver greater housing diversity and affordability to meet the changing needs of the community.		
LSPS Action 2.1 Council will prepare a Local Housing Strategy in accordance with the Western City District Plan (Planning Priority W5) which will address housing choice and affordability.	The Fairfield City Local Housing Strategy (2020) addresses Action 2.1 of the LSPS through identifying a range of housing typologies in locations throughout Fairfield City.	The Planning Proposal will provide for additional development potential for a range of housing types including residential flat buildings and shop top housing in the town centres (B4 Mixed Use zone) and additional medium density housing opportunities in the R3 zone through the changes to development standards (maximum height and FSR).
LSPS Action 2.2 Council will consider, as part of the Local Housing Strategy, the range of housing needs of the community.	The Fairfield City Local Housing Strategy (2020) addresses Action 2.2 of the LSPS through identifying a range of housing typologies in locations throughout Fairfield City to meet the needs of the community.	As noted above, the Planning Proposal includes changes to development standards, which will increase the opportunities for additional housing in the medium term in the B4 and B3 zones. These zones provide a range of housing typologies in well-served locations.

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

The relevant State Environmental Planning Policies (SEPPs), Sydney Regional Environmental Plans (SREPs) and Greater Metropolitan Regional Environmental Plans (GMREPs) are detailed in the table below:

Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP (Aboriginal Land) 2019	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Activation Precincts) 2020	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Affordable Rental Housing) 2009	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Coastal Management) 2018	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Concurrences and Consents) 2018	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Gosford City Centre) 2018	Does not apply to Fairfield City	--
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Infrastructure) 2007	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Koala Habitat Protection) 2019	No	Fairfield City is not identified in Schedule 1 of the SEPP. Therefore, the SEPP does not apply.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Does not apply to Fairfield City	--
SEPP (Kurnell Peninsula) 1989	Does not apply to Fairfield City	--
SEPP (Major Infrastructure Corridors) 2020	Yes	The SEPP applies to Fairfield City and identifies land in Horsley Park as SP2 Infrastructure subject to the SEPP. The Planning Proposal is not inconsistent with the provisions of the SEPP.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.19 – Bushland in Urban Areas	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.21 – Caravan Parks	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.33 – Hazardous and Offensive Development	Yes	The SEPP applies to Fairfield City. There are no existing bushland areas impacted by the Planning Proposal which is not inconsistent with the provisions of the SEPP.
SEPP No.36 – Manufactured Home Estates	No	The SEPP does not apply to land in Fairfield City.
SEPP No.47 – Moore Park Showground	Does not apply to Fairfield City	--
SEPP No.50 – Canal Estate Development	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.55 – Remediation of Land	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP. The provisions of the SEPP would potentially apply to land in Fairfield TC proposed to be rezoned from B4 to RE1 and Carramar proposed to be rezoned from R2 to RE1 where Council would need to consider previous uses on the B4 & R2 land and potential contamination issues. An initial desktop investigation indicates that none of the relevant properties were approved for uses that have potential to generate site contamination. This issue will be addressed in more detail at the DA/REF stage where Council would commission more detailed site investigations into potential site contamination.
SEPP No.64 – Advertising and Signage	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.65 – Design Quality of Residential Apartment Development	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP No.70 – Affordable Housing (Revised Schemes)	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Does not apply to Fairfield City	--
SEPP (Primary Production and Rural Development) 2019	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (State and Regional Development) 2011	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP (State Significant Precincts) 2005	No	The SEPP Schedules do not identify land in Fairfield City.
SEPP (Sydney Drinking Water Catchment) 2011	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Sydney Region Growth Centres) 2006	No	The SEPP Appendix does not identify land in Fairfield City.
SEPP (Three Ports) 2013	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Urban Renewal) 2010	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Western Sydney Aerotropolis) 2020	No	The SEPP maps do not identify land in Fairfield City.
SEPP (Western Sydney Employment Area) 2009	Yes	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SEPP (Western Sydney Parklands) 2009	No	The SEPP applies to land within Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SREP No. 9 (Extractive Industry) (No 2 – 1995)	No	The SEPP applies to Fairfield City. The Planning Proposal is not inconsistent with the provisions of the SEPP.
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	No	The land to which the Planning Proposal applies is located in the eastern area of Fairfield City and does not flow into the Hawkesbury-Nepean catchment. This Planning Proposal is not inconsistent with the provisions of the SEPP.
GMREP No. 2 Georges River Catchment	No	The GMREP applies to Fairfield City. Where relevant, future development the subject of this Planning Proposal would be required to comply with Council stormwater, sedimentation and water quality guidelines/controls to minimise the potential for impacts on the environmental qualities of the Georges River.

Fairfield LEP 2013
Planning Proposal (Stage 2)

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

The relevant Section 9.1 Directions by the Minister (13 Sep 2020 update) issued under the *Environmental Planning and Assessment Act 1979* are outlined in the table below:

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
1. Employment and Resources			
1.1 Business and Industrial Zones	<ul style="list-style-type: none"> Encourage employment growth in suitable locations Protect employment land in business and industrial zones Support the viability of identified strategic centres. 	The Planning Proposal includes changes to development standards (height and FSR) in a number of town centres (B4 Mixed Use and B3 Commercial Core zones) which have been informed by the Urban Design Studies for the centres. This will provide additional housing and employment opportunities in the centres, supporting the viability of the centres. The Planning Proposal retains the areas and locations of the existing business zones (other than small areas identified for RE1 Public Recreation) and increases the potential floor space for employment uses in the business zones.	Yes
1.2 Rural Zones	<ul style="list-style-type: none"> Protect agricultural production value of rural land. 	Not Applicable	-
1.3 Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> Ensure future extraction of State and regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. 	Not Applicable	-
1.4 Oyster Aquaculture	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
1.5 Rural Lands	<ul style="list-style-type: none"> Protect agricultural production value of rural land and facilitate orderly and economic development of rural lands and related purposes. 	Not Applicable	-
2. Environment and Heritage			
2.1 Environment Protection Zones	<ul style="list-style-type: none"> Protect and conserve environmentally sensitive areas. 	Not Applicable	-
2.2 Coastal Management	<ul style="list-style-type: none"> Protect and manage coastal areas of NSW. 	Not Applicable	-
2.3 Heritage Conservation	<ul style="list-style-type: none"> Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	The Fairfield LEP 2013 includes the standard heritage provisions (clause 5.10 Heritage conservation). The Planning Proposal includes four (4) new heritage items,	Yes

Page 49 of 59

Fairfield LEP 2013
Planning Proposal (Stage 2)

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
		recommended by the Heritage Review undertake as part of the Accelerated LEP Review Program.	
2.4 Recreation Vehicle Areas	<ul style="list-style-type: none"> Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. 	Not Applicable	-
2.5 Far North Coast	<ul style="list-style-type: none"> Not applicable to Fairfield City. 	Not Applicable	
2.6 Remediation of Contaminated Land	<ul style="list-style-type: none"> Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. 	The provisions of the Direction are relevant to land in Fairfield TC proposed to be rezoned from B4 to RE1, where Council would need to consider previous uses on the B4 land and potential contamination issues. Initial desktop investigations indicate that none of the relevant properties contained uses or had approval for uses, which have potential to generate site contamination. This issue will be addressed in more detail at the DA/REF stage for conversion of the sites for open space purposes where Council would commission more detailed site investigations.	Yes
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<ul style="list-style-type: none"> 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. 	This Direction applies as the Planning Proposal relates to land in the B4 Mixed Use and R3 Medium Density Residential zoned land in which significant residential development is permitted. The Planning Proposal includes provisions which encourage housing supply that broadens the choice of housing types (residential flat buildings, shop top housing and medium density housing) in suitable locations close to public transport, services, retail and employment opportunities. Good design will be encouraged through the design excellence clause in the Fairfield LEP, Apartment	Yes

Fairfield LEP 2013
Planning Proposal (Stage 2)

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
		Design Guide and proposed new provisions in the Fairfield DCP relating to medium density housing. The land the subject of the Planning Proposal is in and around the existing town centres and adequately serviced. Consultation will be undertaken with relevant public authorities during the public exhibition of the Planning Proposal. The Planning Proposal is consistent with the draft Fairfield Local Housing Strategy as detailed in Section 3.2 above.	
3.2 Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> Provide for a variety of housing types Provide opportunities for caravan parks and manufactured home estates. 	No changes are proposed to the provisions and permissibility of caravan parks in the Fairfield LEP 2013	Yes
3.3 Home Occupations	<ul style="list-style-type: none"> Encourage the carrying out of low-impact small businesses in dwelling houses. 	No changes are proposed to the provisions and permissibility of home occupations in the Fairfield LEP 2013.	Yes
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> 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 Direction applies as the Planning Proposal alters a provision relating to urban land, including land zones for business and residential purposes. The proposed increases to the development standards (height and FSR) in the town centres and R3 Medium Density Residential zoned land will encourage development in areas consistent with the objectives of the Direction.	Yes
3.5 Development Near Regulated Airports and Defence Airfields	<ul style="list-style-type: none"> 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. A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney 	Sections of land covered by the Planning Proposal are located under the Obstacle Limitation Surface (OLS) associated with Bankstown Airport east of Fairfield City. Preparation of the UDS for each of the town centres in the eastern area incorporated consideration of airport OLS height issues. None of the proposed increased height allowances in the town centres in the eastern area of the City impact on or compromise the Bankstown Airport OLS.	Yes

Fairfield LEP 2013
Planning Proposal (Stage 2)

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
	Airport.	None of the area affected by the Planning Proposal is affected by any airport ANEC/ANEF restrictions.	
3.6 Shooting Ranges	<ul style="list-style-type: none"> 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. 	Not Applicable	-
3.7 Reduction in non-hosted short term rental accommodation period	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<ul style="list-style-type: none"> Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. 	Not Applicable. No change is proposed to the Acid Sulfate Soil maps in the Fairfield LEP 2013, rezoning of land or changes to development standards on land with the potential to be impacted by acid sulfate soils.	Yes
4.2 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	Not Applicable	-
4.3 Flood Prone Land	<ul style="list-style-type: none"> 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. 	<p>The Planning Proposal does not propose to permit development in floodway areas, permit development that will result in significant flood impacts on other land, permit increases in development on land located below the flood planning level or result in increased requirement for government spending on mitigation measures, infrastructure or services.</p> <p>Council proposes to implement the new Standard LEP model flood clause 'Special Flood Considerations'. This clause are also supported by a range of other reforms to the</p>	Yes

Fairfield LEP 2013
Planning Proposal (Stage 2)

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
		framework covering flood prone land issues in NSW.	
4.4 Planning for Bushfire Protection	<ul style="list-style-type: none"> 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. 	Not Applicable	-
5. Regional Planning			
5.1 Implementation of Regional Strategies	(revoked 17 October 2017)		-
5.2 – 5.4	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
5.5 – 5.7	(revoked)		
5.8 Second Sydney Airport: Badgerys Creek	(revoked 20 August 2018)		
5.9 North West Rail Link Corridor Strategy	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
5.10 Implementation of Regional Plans	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
5.11 Development of Aboriginal Land Council land	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
6. Local Plan Making			
6.1 Approval and Referral Requirements	<ul style="list-style-type: none"> Ensure LEP provisions encourage the efficient and appropriate assessment of development 	The Planning Proposal does not contain provisions requiring concurrence, consultation or referral of a Minister or public authority.	Yes
6.2 Reserving Land for Public Purposes	<ul style="list-style-type: none"> 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. 	The Planning Proposal identifies various parcels of land and sites within Carramar to be rezoned from business/residential purposes to RE1 Public Recreation, with Council to be the relevant acquisition authority under clause 5.1 of Fairfield LEP 2013.	Yes

Page 53 of 59

Fairfield LEP 2013
Planning Proposal (Stage 2)

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Consistent
6.3 Site Specific Provisions	<ul style="list-style-type: none"> Discourage unnecessarily restrictive site specific planning controls 	The Planning Proposal does not amend the Fairfield LEP 2013 in order to allow a particular development proposal to be carried out. The proposed changes to development standards (height and FSR) apply across the town centre and R3 Medium Density Residential zoned areas.	Yes
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	<ul style="list-style-type: none"> Ensure consistency with the NSW Government's <i>A Plan for Growing Sydney 2014</i>. 	A Plan for Growing Sydney has been superseded by the recently released Greater Sydney Region Plan – A Metropolis of Three Cities. As detailed previously, the Planning Proposal is consistent with a number of the Objectives within the Greater Sydney Region Plan.	Yes
7.2 – 7.7	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-
7.8 Implementation of Western Sydney Aerotropolis Plan	<ul style="list-style-type: none"> Ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020. 	Not Applicable. The Planning Proposal does not affect land identified within the Western Sydney Aerotropolis.	-
7.9 – 7.12	<ul style="list-style-type: none"> Not applicable to Fairfield City 	Not Applicable	-

3.3 Environmental, social and economic impact (Section C)

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?

1. None of the sites affected by the planning proposal have any critical habitat or environmental significance.
2. No threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

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 supports certain Actions and Priorities contained in the Fairfield LSPS 2040 and represents Stage 2 under the Fairfield Accelerated LEP Program.

In the eastern area of the City, the proposed rezoning of land and associated changes to development controls are underpinned by the findings and recommendations of urban design studies carried out for each town centre that also aim to enhancing the levels of amenity and built form outcomes in each town centre and adjoining residential areas.

This includes design measures if future development to improve the public domain, maintain solar access to public spaces, enhance pedestrian movement and create opportunities for active transport in and around the town centres.

Some of the areas the subject of the planning proposal are subject to flooding (primarily low flood risk flooding being flooding above the 1 in 100 year flood planning level), particularly in Fairfield City Centre. Similarly, areas of Carramar are also affected by flooding considerations and under the planning proposal the areas proposed for increased residential density are all located above the flood planning level (FPL).

The affected areas have also been subject to preparation of previous flood studies. Where relevant future development would be subject to the controls of Fairfield City Wide DCP to ensure safe occupation of future dwellings in the affected areas. The subject areas are all serviced by extensive road networks that provide opportunities for evacuation in the case of flooding above the FPL.

The planning proposal does not propose to provide any concessions or potential for increased development for sensitive land uses (as defined under existing and proposed Cl.6.4 of Fairfield LEP 2013) on land affected by flooding above the FPL up to the probable maximum flood (PMF) level.

The proposed changes to FSR and height standards for the R3 Medium Density Residential Zone are supported by a comprehensive Study that includes recommendations to DCP controls covering development in the R3 Zone aimed at promoting built form and site development outcomes the subject of the new R3 LEP standards. This includes measures to achieve adequate solar access, open space and landscaped area for future development located in the R3 Zone.

Under the planning proposal existing R3 Medium Density zones that are affected by flooding effects up to the flood planning level have been excluded from the proposed increased FSR and height allowances outlined previously in the Planning Proposal.

How has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal has been prepared to address a range of Actions contained in the Fairfield LSPS and supporting studies prepared under the Fairfield Accelerated LEP Program. This includes the draft Fairfield Local Housing Strategy, Heritage Study, Economic Study and Transport Study.

In combination, the above work provides a framework in releasing the vision and objectives of the Fairfield LSPS for promoting community health and wellbeing and positive economic outcomes for the City under future urban renewal and development in the eastern areas of the City.

Under the planning proposal the proposed increase in residential densities are focussed in the eastern areas of the City, which compared to other parts of the LGA have a higher degree of access to public transport facilities (particularly heavy rail), as well as a broad cross section of facilities and services located in and around the town centres.

The proposed B3 zoning for part of Cabramatta Town Centre is accompanied by increased FSR and height allowances and will help to consolidate employment opportunities in the Town Centre. Detailed assessment of the economic impacts of the proposed rezoning of land, changes to development standards associated with the planning proposal is included in Attachment F – Economic Demand and Impact Analysis. The overall impacts of these changes will have a positive impact on the relevant town centres.

The urban design studies undertaken for each of the town centres identified opportunities for improvements to the public domain including areas for additional open space that have been factored into the Planning proposal. This incorporates land to be acquired by Council for future public recreation needs. In addition, Council is preparing a public domain strategy that will complement the initiatives and strategies contained in the urban design studies.

3.4 State and Commonwealth interests (Section D)**Is there adequate public infrastructure for the Planning Proposal?**

The subject properties are serviced and have access to the full range of public infrastructure to adequately facilitate the Planning proposal, including road access, water, sewer, and electricity and telecommunications services.

The Planning proposal will not facilitate intensification of existing development, current approved uses or future development.

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

The Gateway determination will determine consultation required with relevant State and Commonwealth public authorities.

Part 4 – Mapping

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.

Attachments C and D contains maps of existing and proposed zones and development standards applying to this Planning proposal for each of the town centres and R3 Medium Density Residential areas covered by the Planning proposal and includes:

- Land Zoning Maps,
- Land Acquisition Map,
- Height of Buildings Map,
- Floor Space Ratio Maps,
- Active Street Frontage Maps,
- Lot Size Map,
- Active Street Frontages Map.

Note: this planning proposal does not require reclassification of any land under the provisions of the NSW Local Government Act 1993 or Environmental Planning and Assessment Act 1979.

Part 5 – Community Consultation

Community consultation is required under Part 2 Planning instruments of the *Environmental Planning and Assessment Act 1979*.

The Act determines the requirements for Community consultation for Planning proposals and is determined during the Gateway process.

The following minimum requirements for notification are set out below:

- Council website and available at the administration building.
- Publication on the NSW Planning Portal
- Letters with the consultation strategy below to the owners of the sites in accordance with the consultation strategy below.

Public Exhibition

In accordance the Gateway Determination issued by the DPE the planning proposal was placed on public exhibition concurrently with the supporting strategic studies for a period of 28 days from Wednesday 2 June to Wednesday 30 June 2021, exhibition included:

- 4,500 tailored letters with detailed information on changes relevant to each property being sent out to affected landowners.
- Information being made available on Council's website under 'Have Your Say'
- Notices appeared in the local circulating newspaper
- Notice on the NSW Planning Portal

In addition to the above, a Council hotline number was set up, so that landowners/residents could speak directly to one of Council's strategic land use planners.

Approximately 300 phone enquiries were received during the public exhibition period as well as approximately 200 over the counter enquires at Council's Administration Centre.

Fairfield LEP 2013
Planning Proposal (Stage 2)

During the exhibition period Council received a total of 83 submissions received from individual property owners, consultants and the community that included 17 submissions in support of the various proposed changes, 9 requesting additional changes (such as additional height controls) and 57 opposing the proposals.

The summary table below provides a breakdown of the submissions by locality and whether the submission author supported or opposed the proposal or made a request.

Locality	Oppose	Request	Support	Total
Cabramatta Town Centre	6	4	1	11
Fairfield City Centre	4	3	1	8
Canley Vale Town Centre	0	0	1	1
Carramar Neighbourhood Precinct	19	2	1	22
R3 Medium Density Residential Development Standards	26	0	12	39
Heritage	1	0	1	2
TOTAL	57	9	17	83

Of those opposing, almost half (27 submissions) related to the proposed changes to the R3 Medium Density Residential development standards that relate largely to floor space ratio (FSR) controls. A number of those objecting to the changes to the R3 controls mistakenly thought that their land was being rezoned for apartment style development, which is not the case.

On balance, it is not considered that the nature and extent of issues raised in the submissions during public exhibition warrant Council undertaking major amendments to the proposed rezoning of land and changes to planning controls included in the Stage 2 PP.

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 Department of Planning & Environment	March 2021
2	Gateway Determination	Assessment by Department of Planning & Environment & advice to Council	May 2021
3	Additional information required under Gateway Determination	Completion of required technical information	May-June 2021
4	Public consultation for Planning Proposal	In accordance with Council resolution and conditions of the Gateway Determination.	June 2021
5	Government Agency consultation	Notification letters to Government Agencies as required by Gateway Determination and consultation to resolve issues raised.	June – Oct 2021
6	Public Hearing (if required) following public consultation for Planning Proposal	Under the Gateway Determination issued by Department of Planning and Environment, public hearing is not required.	Nov 2021
7	Consideration of submissions	Finalised assessment and consideration of all submissions	Nov 2021
8	Report to Council on submissions to public exhibition and public hearing	Includes assessment and preparation of report to Council	Feb – March 2022
9	Potential Re-exhibition if required by Council	Re-exhibition of amended Planning Proposal (if required)	April - May 2022
10	Report to Council following re-exhibition	Council report on submissions following re-exhibition	June-July 2022
11	Referral to Parliamentary Council and notify Department of Planning and Environment	Copy of the draft Planning proposal forwarded to Department of Planning and Environment. Draft Planning proposal assessed by Parliamentary Council, legal instrument finalised	25 November 2022
12	Plan is made	Notified on Legislation web site	TBA
Estimated Time Frame			21 months