



Planning Proposal

Proposed amendments to
Fairfield Local Environmental Plan 2013

ACCELERATED LEP REVIEW – STAGE 1

In relation to:

- New local clauses
- Amendments to clause objectives (height & floor space ratio)
- Schedule 2 – Exempt development
- Schedule 5 – Environmental heritage
- 'Housekeeping' zoning amendments

May 2020

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Introduction

Executive Summary

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 tied to grant funding provided by the State Government and preparation of a Local Strategic Planning Statement (LSPS) for the City as well as the review of a number of strategic land use studies.

This planning proposal represents Stage 1 in the 'accelerated' review of the Fairfield LEP 2013 and comprises amendments relating to;

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

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

Background

The NSW Accelerated LEP Program is subject to a number of critical components and milestones as summarised below;

1. **Initial LEP Review ("Health Check")**, provided to the NSW Department of Planning and Environment in October 2018 and prepared in accordance with guidelines issued by the NSW Greater Sydney Commission (GSC). The Health Check involved a review of critical strategic planning issues relevant to the City and provided a broad overview of strategic investigations required to respond to the Western City District Plan Objectives and Actions.
2. **Preparation of a Local Strategic Planning Statement (LSPS)** that sets out a strategic land use vision for Fairfield City reaching out to 2040. The LSPS contains detailed priorities and actions that not only respond to the Western City District Plan but also identifies strategic investigations that will underpin amendments to the Fairfield LEP 2013 required to deliver the land use vision for the City. The Fairfield City LSPS "Shaping a Diverse City" was placed on public exhibition in July/August 2019. Following GSC Assurance and endorsement processes, the document came into force on the 30 March 2020.
3. **Preparation of a planning proposal(s)** to update/amend the Fairfield LEP 2013 in light of the priorities and actions contained in the Fairfield City LSPS Shaping a Diverse City 2040, associated with the review of strategic studies. Under the Accelerated LEP Review Program Council is required to prepare a planning proposal by October 2019 that has provided the trigger for the amendments to the Fairfield LEP 2013 detailed further in this planning proposal.

Part 1 – Objectives

Objectives or Intended Outcomes

The aim of this Planning Proposal is to make various amendments to the *Fairfield Local Environmental Plan 2013* to deliver the following objectives and outcomes:

- Introduction of additional (model clauses) that address priorities and actions contained in the Fairfield LSPS
- Additional objectives under existing local clauses to better clarify the intention of local clauses, promote certainty for future development and identified desired urban design outcomes for new development in accordance with priorities and actions of the Fairfield LSPS.
- Extend the timeframe for temporary uses at the Fairfield Showground Site in Prairiewood to support initiatives contained in the Masterplan prepared for the site as a major cultural/recreational facility for the City.
- Allow for storage of goods on Council owned/managed footpaths in town centres to promote activation of town centres and opportunities for commercial enterprise, subject to issuing of permit by Council.
- Allow for 'emergency works on Council owned managed land to safeguard community health and wellbeing
- Update property details of heritage listed sites to promote greater certainty for the future development and preservation of these sites; and
- Rezone various parcels to be consistent with the current use of the land and/or correct minor zoning anomalies

IMPORTANT NOTES IN RELATION TO THE PROPOSED LEP AMENDMENTS

1. *A new savings and transitional clause will be included in Fairfield LEP 2013 to ensure that proposed amendments do not affect any lodged development applications or appeal processes; and*
2. *The draft proposed local clauses will be subject to legal drafting and may alter under this process*

Part 2 – Explanation of Provisions

Proposed amendments to Fairfield Local Environmental Plan 2013

2.1 – Proposed new clauses

2.1.1 Active street frontages

Background

A number of Council Town Centre DCP's (Bonnyrigg, Fairfield Heights and Villawood) contain provisions requiring future development to incorporate a design response that promotes the principles of 'active street frontages'. Pursuant to the priorities and actions of the Fairfield LSPS, Council is currently in the process of preparing urban design studies for a number of main (including Fairfield and Cabramatta) and local town centres of the City.

These studies will help identify additional areas of the City where the issue of active street frontages needs to be considered as part of future development. In this regard, the inclusion of an LEP clause relating to active street frontages will provide support to the DCP provisions as well as recommendations stemming from the urban design studies.

The LSPS also flags the intention for Council to prepare public domain plans for all town centres in the City. In combination, the provisions of the proposed active street frontage local clause and recommendations of the public domain plans will help promote urban design outcomes between the public and private domains.

Planning Priority 11 and Action 11.7 of the LSPS indicated that in future *“Council will investigate new policies and DCP controls to encourage active streets (outdoor dining) and the night-time economy in the town centres”*

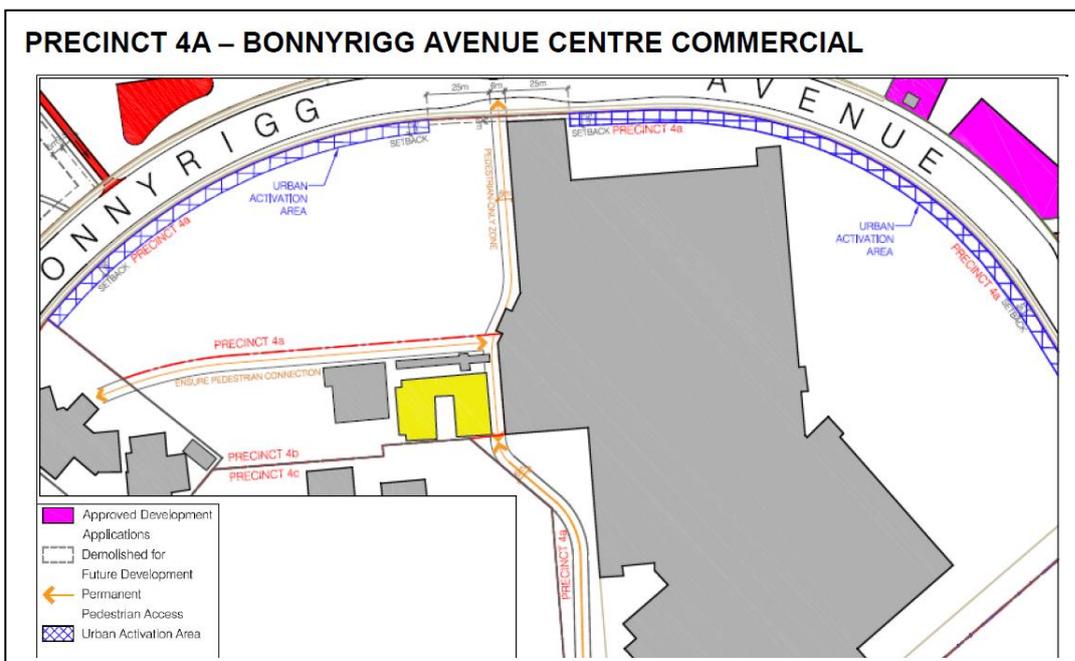
Proposed Clause

Council is proposing to adopt an existing model clause (also incorporating zone B2 Local Centre) already in use in a number of Standard LEPs relating to active street frontages as follows;

- (1) *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.*
- (2) *This clause applies to land identified as 'Active street frontage' on the Active Street Frontages Map.*
- (3) *Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*
- (4) *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:*
 - a) *entrances and lobbies (including as part of mixed use development),*
 - b) *access for fire services,*
 - c) *vehicle access.*
- (5) *In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises or medical centre.*

Map Changes

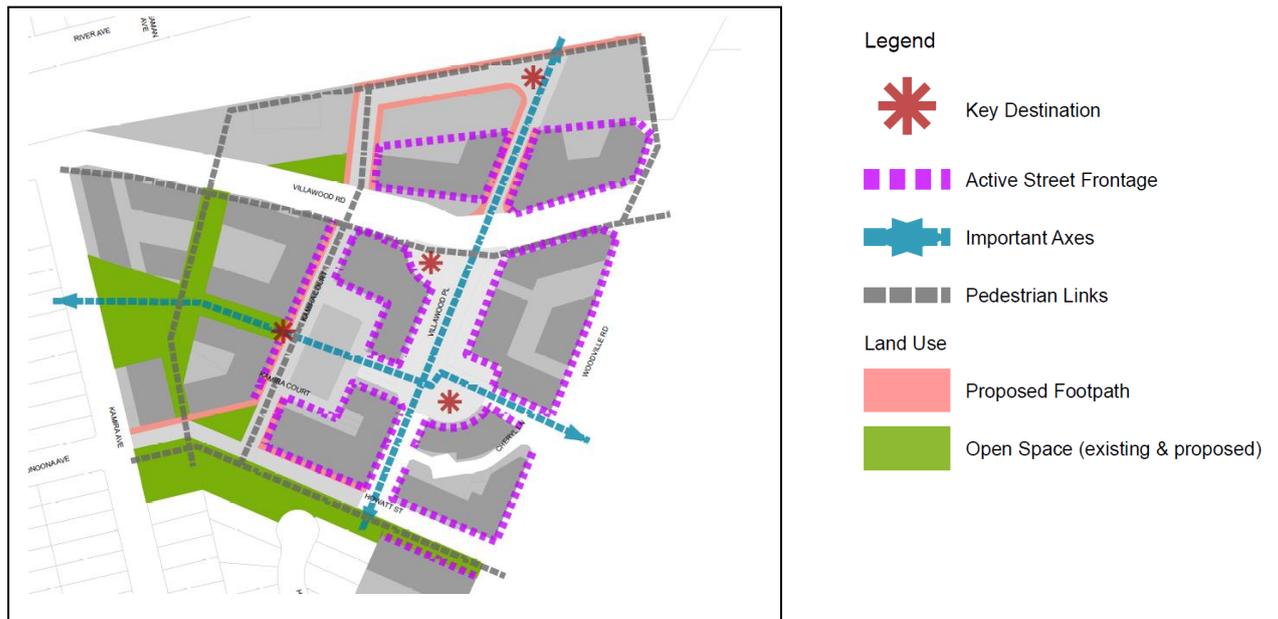
As mentioned above, as a result of previous urban design studies, the Site Specific DCP's for Bonnyrigg, Fairfield Heights and Villawood already contain a map (over page) and local clauses relating to active street frontages and will provide the basis for the proposed Fairfield LEP 2013 Active Street Frontage Maps.



Extract - Bonnyrigg Town Centre DCP – Active street frontage (Bonnyrigg Ave)



Extract – Fairfield Heights Town Centre DCP – Active street frontage (The Boulevard)



Extract - Villawood Town Centre DCP – Active street frontage areas

2.1.2 Design Excellence

Background

Planning Priority 4 – ‘Provide attractive, healthy, accessible and safe places for the whole community’ of the Fairfield LSPS contains the following specific action relating to design excellence;

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*

Other actions flagged under the LSPS include preparation of urban design studies and public domain plans for the town centres that deliver attractive, healthy accessible and safe places. The LSPS also flags the desire to promote apartment living (which incorporates development in Zone R4 High Residential) that is “well designed” and has “access to open space”

In this regard, the inclusion of a local clause in the Fairfield LEP in relation to design excellence is a fundamental step in ensuring that private development in the City respond to the initiatives contained within Council’s LSPS.

Proposed Clause

Council is proposing to apply the following model clause that is already in use in a number of other Standard LEPs, with the inclusion of the B2 Local Zone applying to the 13 medium sized town centre of the City.

This step is considered warranted given the scope of urban design studies being carried across the medium sized town centres of the City, that in future have the potential to accommodate increased residential densities given their proximity to public transport services as well as providing a broad range of services to surrounding residential catchments.

- (1) *The objective of this clause is to ensure that development exhibits the highest standard of architectural and urban design as part of the built environment.*
- (2) *This clause applies to development involving the construction of a new building or external alterations to an existing building on land in the following zones:*
 - (b) *Zone R4 High Density Residential,*
 - (c) *Zone B2 Local Centre,*
 - (d) *Zone B3 Commercial Core,*
 - (e) *Zone B4 Mixed Use,*
- (3) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development detrimentally impacts on view corridors,*
 - (d) *how the development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses,*
 - (iii) *heritage considerations and streetscape constraints,*
 - (iv) *bulk, massing and modulation of buildings,*
 - (v) *street frontage heights,*
 - (vi) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (vii) *the achievement of the principles of ecologically sustainable development,*
 - (viii) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (ix) *the impact on, and any proposed improvements to, the public domain,*
 - (x) *the interface with the public domain,*
 - (xi) *the quality and integration of landscape design*

2.1.3 Hospital helicopter airspace

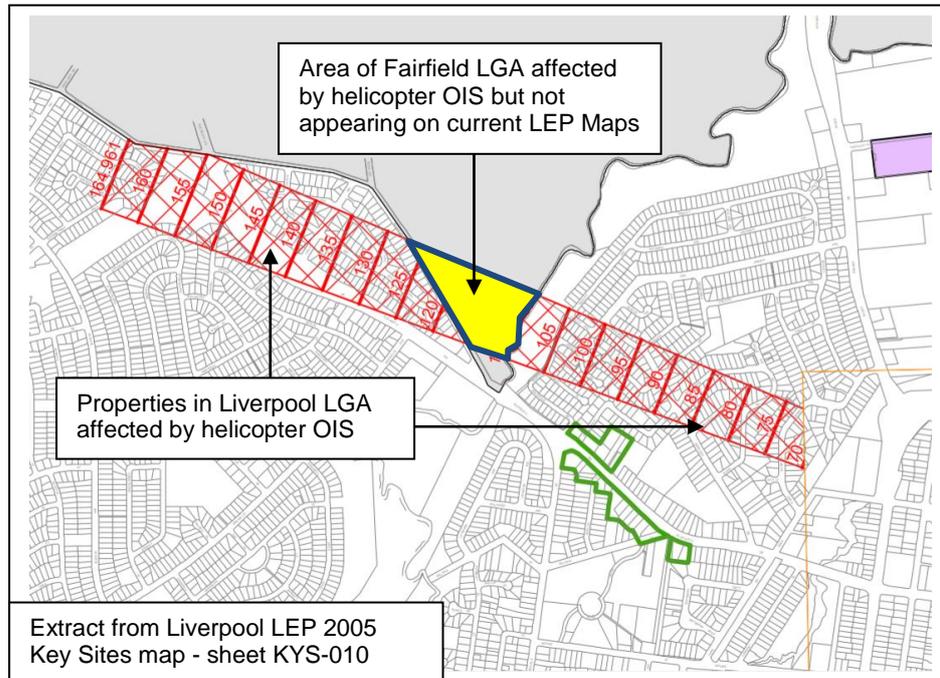
Background

In 2016, Fairfield City Council received notification from Liverpool City Council of public exhibition of a draft planning proposal aimed at amending the Liverpool LEP 2008, by introducing a new LEP clause - 7.17A Hospital helicopter airspace.

The clause (gazetted September 2017) requires referral of development applications for works that may intersect the Object Identification Surface (OIS) of the Liverpool Hospital emergency helicopter to the Civil Aviation Safety Authority (CASA), Air Ambulance NSW and the Director of Works South West Sydney Local Health District.

The areas of Liverpool affected by the Liverpool Hospital emergency helicopter OIS appear on a Key Site map of the Liverpool LEP 2008 that was identified as a result of a report prepared by AviPro on behalf of Air Ambulance NSW.

As shown in the following figure (over page), issues relevant to the Liverpool LEP clause/map primarily impact on the Liverpool City Centre (where higher rise buildings are permitted), but also affects a small section of the Fairfield LGA.



The area of the Fairfield LGA affected by the helicopter OIS is zoned R2 – Low Density Residential, with a maximum height restriction for buildings of 9m. Under the proposed new clause buildings with a height of 105m to 125m would require referral to relevant State Agencies for comment.

Given the above height considerations, it is unlikely in the foreseeable future that any proposals for building works in the Fairfield LGA would require referral to agencies. However, to promote transparency and community awareness of this matter it is proposed to include the clause (below) and associated LEP maps in the Fairfield LEP 2013.

Proposed Clause

Hospital helicopter airspace

- (1) *The objective of this clause is to protect hospital helicopter airspace.*
- (2) *Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—*
 - (a) *refers the application for development consent to the chief executive of the relevant local health district, and*
 - (b) *considers any submission to the consent authority by the chief executive made within 21 days of the referral, and*
 - (c) *is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.*
- (3) *In this clause —*

hospital helicopter airspace means the airspace above the Helicopter OIS Contours shown for the land hatched red on the Key Sites Map.

relevant local health district means the local health district constituted in respect of the area above which hospital helicopter airspace is located.

Note. See sections 17 and 18 of, and Schedule 1 to, the Health Services Act 1997.

2.2 Amendments to existing clause objectives: Clauses 4.3 – Height & 4.4 - Floor Space Ratio

Background

The current objectives associated with Clauses 4.3 – Height of Buildings and 4.4 – Floor space ratio (FSR) of the Fairfield LEP 2013 originate from the NSW Standard LEP Template.

Since the LEP came into force in May 2013, the assessment of a range of development proposals as well as internal consultation has revealed that the scope and extent of the objectives under each of the above clauses is too restricted. Specifically, the current objectives of each clause do not provide sufficient capacity to deal with the breadth of planning considerations relevant to development proposals not complying with height and FSR controls in the City.

The above situation is particularly evident in larger development proposals taking place in the Business zones B4_Mixed Use and B2_Local Centre and residential zones R3_Medium Density and R4_High Density. In these zones, development not strictly complying with relevant height and FSR standards is able to seek a variation from the controls under Cl.4.6 Exceptions to development standards of the LEP.

Under cl.4.6 of the LEP, applications seeking a variation to the height/FSR standards are required to address a number of performance measures and merit considerations including whether the ‘non-complying’ development is able to address “*the objectives of the particular standard*” relevant to a site.

In light of the above, additional objectives are proposed under the height and FSR clauses of the Fairfield LEP 2013, not only to improve the scope of the objectives supporting the development controls relevant to each clause, but also to enhance flexibility and scope for merit consideration of development not strictly complying with the development standards.

It is anticipated that the additional objectives will also help to improve the level of certainty for community in regard to the performance measures that need to be addressed in development not complying with height and FSR controls.

The above outcomes are also linked to Planning Priority 4 – ‘Provide attractive, healthy, accessible and safe places for the whole community’ of the Fairfield LSPS aimed as delivering “well designed” housing in and around town centres.

Proposed additional objectives (highlighted in yellow below)

A. Height of Buildings (under Cl.4.3 of Fairfield LEP 2013)

- (1) The objectives of this clause are as follows—
 - (a) to establish the maximum height for buildings
 - (b) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - (c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.
 - (d) *to ensure taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
 - (e) *To allow adequate natural light and ventilation between dwellings and sufficient separation for acoustic and visual privacy.*

B. Floor Space Ratio (under Cl.4.4 of Fairfield LEP 2013)

(1) *The objectives of this clause are as follows—*

- (a) to provide an appropriate density of development consistent with the established centres hierarchy,
- (b) to ensure building density, bulk and scale make a positive contribution toward the desired built form as identified by the established centres hierarchy.
- (c) *to control building density and bulk in relation to the site area and within building envelopes to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (e) *to reduce the visual impact of development when viewed from public places such as parks, roads and community facilities,*
- (f) *to minimise adverse impact of development on heritage conservation areas and heritage items,*
- (g) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (i) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (j) *to establish the maximum development density and intensity of land use having regard to the availability of infrastructure and the generation of vehicle and pedestrian traffic,*
- (k) *to facilitate quality design and urban amenity by ensuring the extent of floor space in building envelopes provides space for articulation and modulation of design.*

2.3 – Schedule 2 – Exempt Development

2.3.1 Display of Goods

Background

Under Council's 'Display of Goods on Public Domain Policy' commercial shop owners in a number of the main town and local centres of Fairfield City, are able to submit a development application (DA) to Council for display of goods on Council owned/managed footpath areas.

Under section 9.1 Directions by the Minister of the NSW EP&A Act, all DA's for display of goods on Council land are required to be referred to the Fairfield Local Planning Panel for determination. In light of the issues associated with display of goods, this step is excessive and creates an additional level in the assessment process that is not considered necessary, as applications for storage of goods have low impact and can be readily controlled under the framework of Council's policy.

Under existing exemption provisions of Schedule 2 of Fairfield LEP 2013, applications for outdoor dining do not require preparation of a DA and referral to the local planning panel. Rather proposals for outdoor dining are dealt with by issuing of a permit in accordance with Council's 'Outdoor Dining Policy'.

In light of the above, it is proposed to apply a similar approvals regime for display of goods on Council footpaths. This not only represents greater consistency in the approvals framework applying to both types of use of Council footpath areas, but also will help streamline the approvals process for applications for storage of goods on Council land.

In addition to the above, this will help promote enterprise and activity in the town centres in line with desired outcomes of the Fairfield LSPS 2040.

Proposed provisions

Display of Goods (associated with retail premises)

- (1) *Must be associated with a retail premises being carried out with lawful consent on land identified as one of the following on the Town Centre Precinct Map:*
 - (a) Cabramatta,
 - (b) Canley Heights,
 - (c) Canley Vale,
 - (d) Fairfield,
 - (e) Fairfield Heights,
 - (f) Villawood.
- (2) *Must be consistent with any permit issued by Council.*
- (3) *Width of goods on display must not be more than the width of the frontage of the retail premises.*
- (4) *Any goods on display must not protrude by more than 60cm from the boundary line of the premises.*
- (5) *The display of hazardous materials or items is prohibited. For the purposes of this clause hazardous materials or items includes goods, materials or products that pose a significant risk in the locality —*
 - (a) *to human health, life or property, or*
 - (b) *to the biophysical environment.*

2.3.2 Temporary Use of Land

Background

The current exempt schedule of the Fairfield LEP 2013 permits temporary uses on Council owned or managed land for up to 52 days (whether or not consecutive days) in any period of 12 months.

This clause is particularly relevant to a range of events and activities that take place at the Fairfield Showground Site in Prairiewood, which currently facilitates up to 26 multicultural festivals each year as well as environmental shows, hobby groups, weekend markets and functions.

Under the existing RE1 Public Recreation zoning applying to the Showground, the range of activities currently taking place on the site are permitted either with consent (e.g. functions), without consent (e.g. markets) or are captured by the exemption provisions of the temporary use clause above.

The above uses/activities are also authorised on the site under the Fairfield Showground Plan of Management 2018 and relevant provisions of the NSW Local Government (LG) Act 2003. Council has also endorsed a local approvals policy (LAP) that will allow activities to take place without the need for approval under s.68 of the LG Act subject to prescribed conditions being met.

Under Council's Community, Operational and Delivery Plans as well as the LSPS, the Showground will be transformed into a major district recreation/cultural facility. To this end Council has adopted a masterplan and commenced extensive works on the site that will see the Showground realise its potential in coming years.

The scope of site works associated with the masterplan are taking place in stages and includes the refurbishment of existing facilities, provision of new sporting fields, amenities building, grandstand and an indoor cultural/sports centre. The extent of works will also significantly increase the capacity of the Showground to accommodate additional community events, in particular multicultural festivals and sporting events.

The emerging status of the Showground as a major district cultural/recreation facility means that there is potential for temporary uses on the site to exceed the current quotient of 52 days per year. In this regard, Council proposes to increase the number of days on which temporary uses on the Showground can take place from 52 to 104 days to remove any level of uncertainty in regard to this matter.

The status of the Showground Site is also acknowledged under the Fairfield LSPS as follows;

Council will work with the State Government to ensure that evolving District facilities (including Western Sydney Parkland, Fairfield Showground, Cabravale Leisure Centre and Aquatopia) continue to provide for both the local and wider community needs with improved connectivity within Fairfield City.

Under the amendment it is proposed to retain the 52 day allowance for temporary uses on all other Council owned/managed land.

Proposed amendment

Temporary use of land (change highlighted in yellow below)

- (1) *Must be land owned or managed by Council.*
- (2) *Maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*
- (3) *In relation to the Fairfield Showground site at 480-482 Smithfield Road (Part lot1 in DP1251493) a maximum period of 104 days (whether or not consecutive days) is permitted in any period of 12 months*

2.3.3 Emergency works on Council Land

Background

From time to time Council is required to undertake emergency works on Council owned/managed land, including works in response to a sudden natural events (e.g. storm, flood damage) accidents, damage caused by vandalism, arson or pollution incidents (including asbestos contamination as the result of illegal dumping).

The SEPP (Infrastructure) includes limited provisions that allow emergency works to be undertaken on Council land as exempt development (i.e. in relation to stormwater management systems). However, in other instances emergency works need to be authorised as part of a development application or review of environmental factors under Parts 4 and 5 respectively of the EP&A Act.

Generally, from the perspective of community health and wellbeing, it is highly desirable for emergency works to be undertaken as quickly as possible. In this regard, it is proposed to allow emergency works on Council owned/managed land as exempt development subject to the same criteria applying to emergency works under the ISEPP.

This step is also supported by the objectives of the Fairfield LSPS 2040 in regard to addressing natural and manmade hazards.

Proposed provisions

Emergency Works

- (1) *Must be on land that is owned or managed by Council.*
- (2) *Must be carried out in response to:*
 - (a) *a sudden natural event, including a storm, flood, tree fall, bush fire, land slip or coastal inundation, or*
 - (b) *accident, equipment failure or structural collapse, or*
 - (c) *damage caused by vandalism, arson or a pollution incident,*
 - (d) *must not involve the removal of asbestos, unless that removal is undertaken in accordance with Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9) published by the WorkCover Authority*
- (3) *Must be carried out in accordance with all applicable requirements of the Blue Book and involve no greater disturbance to soil or vegetation than necessary.*

2.4 – Schedule 5 – Environmental heritage

Background

Planning Priority 5.4 'Protect the City's heritage' and Action 5.4 of the Fairfield LSPS 2040 commits Council to "undertake a Heritage Review to identify potential new heritage items and review existing items in the Fairfield LEP".

As part of this comprehensive review an initial desktop review has been carried out in relation to property details of existing heritage items listed under Schedule 5 of FLEP 2013. The purpose of this review is identify required updates to property details (including address and deposited plan information) of the existing heritage listed items in the City.

Over time, the property details for a number of heritage listed sites have changed as result of re-subdivision of land (creating new lot and deposited plan numbers) and in some cases also leading to changes to the street addresses.

The desktop review revealed that the current property details of 10 heritage listed sites (below) differ from the information appearing in Schedule 5 of Fairfield LEP 2013.

Properties affected by changed property details

1. Horse Water Trough Railway Parade (opposite Hughes Street)
2. Victorian Church, 269 Canley Vale Road, Canley Heights
3. Corner Store, 2-8 Canley Vale Rd
4. Church, 7-9 Greenfield Road, Greenfield Park
5. Horsley Complex, 1900-1904 The Horsley Drive, Horsley Park
6. Victorian Georgian Cottage, 45 Chifley Street, Smithfield
7. Church, 1-11 Justin Street, Smithfield
8. Victorian museum buildings, 634 The Horsley Drive, Smithfield
9. Federation house, 4-5 Chalmer Close, St Johns Park
10. Victorian Georgian House 9-11 Melbourne Road, St Johns Park

Full details of the listed and new property details for each of the above properties is included in Appendix D of this Planning Proposal.

2.5 – Amendments to Zoning arrangements and associated LEP Maps

As part of the ongoing monitoring, a register is kept of ‘housekeeping’ amendments required to the Fairfield LEP 2013. This consists of anomalies identified on properties that require an amendment to zoning arrangements to promote greater certainty for future development of relevant sites.

The three sites and proposed zoning changes included in this planning proposal are as follows;

1. 18 Butler Avenue, Bossley Park (Lot 2 DP 596191)

The subject land (Lot 2 DP 596191 – area 90m²) comprises the northern section of a residential property located at 18 Butler Ave, Bossley Park and is in private ownership. The parcel was previously part of the adjacent Council reserve and is currently zoned RE1 Public Recreation.

The subject lot has not been required for open space and in 1979 it was purchased by the then owner of 18 Butler Ave, which includes the dwelling located on the adjoining southern portion of 18 Butler Ave being Lot 12 in DP 206149.

Since that that time Lot 2 has been used for residential purposes however has retained the original Public Recreation zoning. As the land is in private ownership and has never been public land it does not require reclassification under the NSW Local Government Act 1993.

Proposed Amendment

The portion of 18 Butler Avenue, Bossley Park zoned RE1 Public Recreation (see over page) is not required for open space purposes and has been physically incorporated into the lot comprising the private dwelling at 18 Butler Ave.

Consequently, it is proposed to rezone Lot 2 DP 596191 from RE1 Public Recreation to R2 Low Density Residential to reflect the current use of the land and its private ownership since 1979. As shown in Appendix E in addition to the Land Zoning Map, the associated LEP FSR, Height of Building, Lot Size for Dual Occupancy Development and Lot Size maps will also need to be updated to reflect the development standards applicable to the R2 Low Density Residential zoning of the land in the locality.



2. 61 Hill Street, Cabramatta (Lot 1 DP 210323)

This site is a privately owned landlocked parcel adjoining Council's Hill Street car park in Cabramatta and adjoining privately owned land. The site is currently zoned R3 Medium Density Residential and has an area of 524.8m².

It is proposed to rezone the subject site to R4_High Density Residential in order to create potential for integration of the parcel with adjoining undeveloped privately owned parcels of land to the north (also zoned R4 High Density Residential).

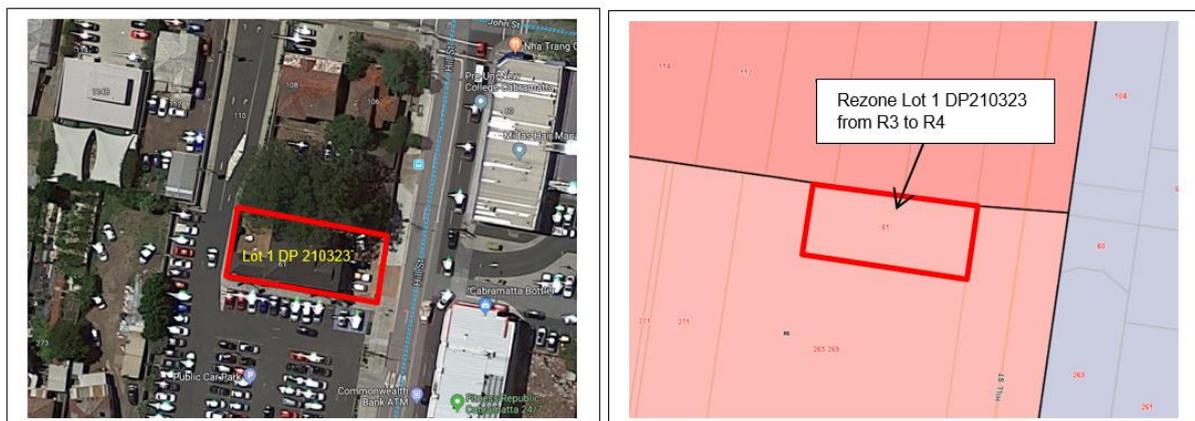
Based on the surrounding land uses (in particular the Council car park) and zoning pattern it is not possible to integrate the site into the area currently zoned R3 Medium Density Residential.

In this respect, rezoning of the site to R4 High Density Residential not only creates potential for redevelopment of the precinct but also for realising a more consistent and coherent built form on the perimeter of the western boundary of the Cabramatta Town Centre.

The site was previously the subject of a privately initiated rezoning proposal to rezone the site to B4 Mixed Use (business). However, this rezoning proposal was not supported by Council and was subsequently withdrawn by the applicant in 2016.

Proposed Amendment

It is proposed to rezone the subject site from R3 Medium Density Residential to R4 High Density Residential, creating the option for amalgamation with adjoining properties and future redevelopment options. As shown in Appendix E in addition to the Land Zoning Map, the associated LEP FSR and Height of Buildings Maps will also need to be updated to reflect the development standards applicable to land zoned R4 High Density Residential. The amendments will allow an increase in building height from 9m to 16m and an increase in FSR from 0.45:1 to 0.8:1 for future development on the site.



3. 47 Brown Road, Bonnyrigg Lot 1 DP 616457

Lot 1 DP 616457 located at 47 Brown Rd, Bonnyrigg is a privately owned parcel of land with the north western portion of the site being zoned RE1 Public Recreation and remainder of the parcel being zoned R2 Low Density Residential.

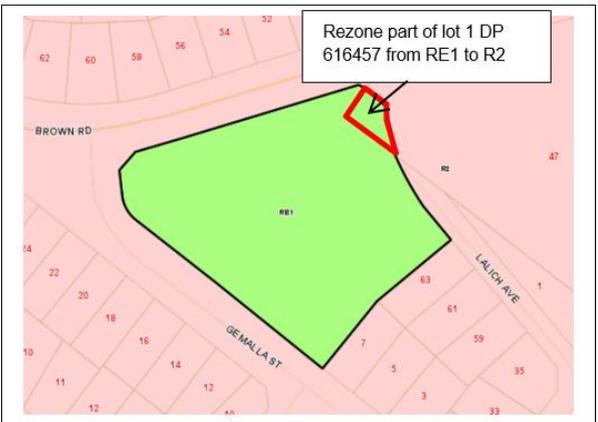
The portion of the site zoned RE1 Public Recreation is not required for open space purposes and in 2018 was removed from acquisition status under Council's Section 94 expenditure plan.

In addition Councils City Wide DCP has been amended to remove the requirement for a 'through road connection' to Brown Road and allow for a cul-de-sac arrangement as per an approved application for re-subdivision of the site.

As the land is in private ownership and has never been public land it does not require reclassification under the NSW Local Government Act 1993.

Proposed Amendment

It is proposed to rezone the north western corner of the site from RE1 Public Recreation to R2 Low Density Residential. As shown in Appendix E in addition to the Land Zoning Map, the associated LEP FSR, Height, Lot Size for Dual Occupancy Development and Lot Size maps will also be updated to reflect the relevant development standards that apply to R2 Low Density Residential zoned land



Part 3- Justification

3.1 – Need for a Planning Proposal

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

The planning proposal is the result of Council's participation in the NSW Governments Accelerated Local Environmental Plan (LEP) Review Program, involving a comprehensive review of the strategic and regulatory planning frameworks covering land use planning directions for Fairfield City.

As detailed under the introductory section of this planning proposal, 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 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* objectives, in accommodating actions as well as realising the Vision Statement for the City of – Shaping a Diverse City, that 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/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. In particular, this includes additional local clauses, additional clause objectives, amendment to Schedule 2 – Exempt development and update of Schedule 5 – Environmental heritage.

3. As well as the proposed amendments to the Fairfield LEP 2013 (flagged above), this planning proposal deals with a number of 'housekeeping' zoning anomalies that have been identified through the ongoing review of property information and development issues occurring in the City. Previously, Council has undertaken two other housekeeping amendments to Fairfield LEP 2013 to address similar anomalies. The current review provides an opportunity for the current list of anomalies (detailed further in this planning proposal) to be dealt with.
4. The Accelerated LEP Review Program and preparation of Council's LSPS has activated a major review of Council's current strategic studies/plans as well as preparation of major urban design studies in Cabramatta, Fairfield, Villawood, Carramar, Fairfield Heights town centres in the eastern area of the City.

The proposed new local clauses relating to street activation (in town centres) and design excellence as well as the additional objectives associated with the height and FSR clauses will provide an important legal framework for supporting the outcomes of the urban design studies.

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).

Section B – Relationship to strategic planning framework

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, Western City District Plan and Local Strategic Planning Statement:

Metropolis of Three Cities

The Metro Strategy is the overarching strategic land use plan for the Greater Sydney metropolitan area, outlining the strategic vision for managing growth to 2056. The vision seeks to transform Greater Sydney into a metropolis of three cities, with Fairfield City being located within the Western Parklands City.

The Strategy contains a number of directions and objectives supporting the above Vision, with the following table providing a summary of those most relevant to preparation of this planning proposal.

Directions	Objectives	Relevance to the planning proposal
A city for people and A city of great places	Services & Infrastructure meet communities changing needs and; Greater Sydney Communities are culturally rich with diverse neighbourhoods	<ul style="list-style-type: none"> Amendments to exempt development provisions regarding 'temporary use of land' will promote certainty in the approvals regime and support the scope of additional festivals & events at Fairfield Showground. Amendments to exempt development provisions regarding 'display of goods' on footpaths will help streamline approvals for applications submitted to Council for these activities and support commercial enterprise in town centres.
	Communities are healthy, resilient and socially connected and Great places that bring people together	<ul style="list-style-type: none"> The proposed new local clauses covering 'active street frontages' and 'design excellence' will support the outcomes of various urban design studies and directions for future development in town centres and in adjoining residential areas. <p>This includes initiatives to promote connectivity between existing centres, open space and residential lands including the level of social activity occurring in these areas.</p>
A city of great places	Environmental heritage is conserved and enhanced	<ul style="list-style-type: none"> The update of details of heritage listed properties in the city will promote greater certainty for the consideration of future development proposals and preservation of environmental heritage. <p>This work will also provide an important premise for a targeted review of heritage issues in the City under further stages of Council's Accelerated LEP Review.</p>
A resilient city	Exposure to nature and urban hazards is reduced	<ul style="list-style-type: none"> The new local clause regarding the Liverpool Hospital Helicopter OIS will promote community awareness of controls apply to development under the helicopter flight path

Directions	Objectives	Relevance to the planning proposal
		<ul style="list-style-type: none"> The inclusion of 'emergency works' as exempt development will allow Council to deal with a range of incidents (including dumping of asbestos) in a timely fashion, promoting community health and safety.

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 and justification of consistency.

Planning Priority	Consistency of Planning Proposal
Planning Priority W4 - Fostering healthy, creative, culturally rich and socially connected communities	<ul style="list-style-type: none"> The proposed new local clause relating to 'active street frontages' and additional height and FSR objectives under existing local clauses are aimed at supporting the outcomes referred to under this planning priority, particularly in terms of the scope for enhancing urban design and active street outcomes at the interface between private development and the public domain.
Planning Priority W5 - Providing housing supply, choice and affordability with access to jobs, services and public transport	<ul style="list-style-type: none"> The proposed new FSR objective that requires development to have regard to; "<i>the maximum development density and intensity of land use having regard to the availability of infrastructure and the generation of vehicle and pedestrian traffic</i>" supports Planning Priority W5.
Planning Priority W6 – "Creating and renewing great places and local centres, and respecting the District's heritage"	<ul style="list-style-type: none"> The proposed new local clause relating to 'design excellence' will support implementation of the findings and recommendations of various urban design studies that have been undertaken for the various town centres of the City aimed at creating and renewing great places and local centres.
Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change	<ul style="list-style-type: none"> The proposed new local clause relating to the Liverpool Hospital helicopter flight path supports Planning Priority W20.

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

2016 – 2026 Fairfield City Plan (City Plan)

The Planning Proposal is consistent with a number of themes and goals within City Plan. The table below illustrates how the planning proposal aims to achieve the outcome of its themes and goals.

Relevant City Plan theme	Outcome	How the planning proposal achieves the outcome
Theme 1 – Community Wellbeing Goal C.	A community that feels safer and more secure	<ul style="list-style-type: none"> The proposed exempt development provisions relating emergency works will allow Council to expedite processes relating to the clean-up of pollution incidents, vandalism and sudden natural events.

Relevant City Plan theme	Outcome	How the planning proposal achieves the outcome
Theme 2 – Places and Infrastructure Goal A.	High quality development that meets the community's needs.	<ul style="list-style-type: none"> Proposed local clauses relating to Active Street Frontages and Design Excellence as well as new FSR and height objectives provide the basis for Council to implement LEP provisions supporting the desired outcomes of the urban design studies being undertaken across the City, as well as DCP controls that aim to promote high quality streetscapes and built forms in future development.
	Open spaces are well utilised for entertainment, leisure and recreation opportunities for all	<ul style="list-style-type: none"> The proposed extension for temporary uses on Council owned/managed land from 52 to 104 days expands the scope for establishment of entertainment and leisure uses across the City and in particular at the Fairfield Showground Site.
Theme 4 – Local Economy and Employment Goal C.	Businesses are active, successful and involved in the community	<ul style="list-style-type: none"> The proposed new exemption provisions relating to storage of goods on footpaths will help streamline the approvals process for relevant proposal and support business activity in town centres
	A unique and energetic city as a destination for food and leisure activities	<ul style="list-style-type: none"> The expansion of temporary use provisions on Council owned/managed land supports the scope for increase food and leisure activities in the City particularly at the Fairfield Showground.
Theme 5 – Good Governance and Leadership Goal B.	Information is available and clearly communicated to the diverse community	<ul style="list-style-type: none"> Preparation of this Planning Proposal represents the first 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.

Fairfield Local Strategic Planning Statement 2040

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).

Following public exhibition and 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. 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.

This Planning Proposal represents Stage 1 of in the implementation of a number of actions (as shown in the table below) contained in the Fairfield LSPS 2040 to address grant funding requirements provided to Council under the NSW Governments Accelerated LEP Review Program.

LSPS Planning Priority (PP)	LSPS Action	Accelerated LEP Review Proposal
PP4 - Provide attractive, healthy, accessible and safe places for the whole community	<p>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>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>Proposed new local clause relating to 'Design Excellence'</p> <p>Proposed additional objectives under Clauses 4.3 – Height of Buildings and 4.4 – Floor space ratio</p>
PP5 - Protect the City's heritage	5.4 - Council will undertake a Heritage Review to identify potential new heritage items and review existing items in the Fairfield LEP	Update property descriptions of existing heritage listed items
PP7 - Leverage opportunities from major new district infrastructure and services and technological developments.	7.5 - Council will work with the State Government to ensure that evolving District facilities (including Western Sydney Parkland, Fairfield Showground, Cabravale Leisure Centre and Aquatopia) continue to provide for both the local and wider community needs with improved connectivity within Fairfield City.	Extend temporary use provisions relating to Fairfield Showground from 52 to 104 days
PP10 - Adapt to natural hazards and environmental impacts	10.4 - Council will, as part of the future Public Domain Plans, respond to urban and natural hazards, particularly the urban heat island effect, and identify how to strengthen the resilience of important community assets and infrastructure.	Proposed new exemption provisions relating to 'Emergency Works' on Council owned/managed land
PP11 – Promote a robust economy which generates diverse service and job opportunities	11.7 - "Council will investigate new policies and DCP controls to encourage active streets (outdoor dining) and the night-time economy in the town centres"	Proposed local clause 'Active Street frontages'

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

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

SEPP Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP 1 – Development Standards	No	
SEPP 19 – Bushland in Urban Areas	No	
SEPP 21 – Caravan Parks	No	
SEPP 33 – Hazardous and Offensive Development	No	
SEPP 36 – Manufactured Home Estates	No	
SEPP 44 – Koala Habitat Protection	No	
SEPP 50 – Canal Estate Development	No	

SEPP Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP 55 – Remediation of Land	No	
SEPP 64 – Advertising and Signage	No	
SEPP 65 – Design Quality of Residential Apartment Development	Yes	The proposed local clauses 'Active Street Frontages' and 'Design Excellence' are based on model clauses in use in a number of other Council Standard LEPs and do not conflict with the provisions of the SEPP. Similarly, the proposed additional objectives relating to FSR and height controls supplement the provisions of existing local clauses appearing in Fairfield LEP 2013 and do not conflict with the SEPP.
SEPP 70 – Affordable Housing (Revised Schemes)	No	
SEPP (Building Sustainability Index: BASIX) 2004	No	
SEPP (Aboriginal Land) 2019	No	
SEPP (Affordable Rental Housing) 2009	Yes	The proposed local clauses 'Active Street Frontages' and 'Design Excellence' are based on model clauses in use in a number of other Council Standard LEPs and do not conflict with the provisions of the SEPP.
SEPP (Coastal Management) 2018	No	
SEPP (Concurrences) 2018	No	
SEPP (Educational Establishments and Child Care Facilities) 2017	No	
SEPP (Exempt and Complying Development Codes) 2008	Yes	The proposed amendments relating to 'Temporary Use of Land', 'Display of Goods' and 'Emergency works' do not conflict with or interact with existing provisions contained in the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The proposed local clauses 'Active Street Frontages' and 'Design Excellence' are based on model clauses in use in a number of other Council Standard LEPs and do not conflict with the provisions of the SEPP.
SEPP (Infrastructure) 2007	Yes	The planning proposal does not contain provisions that conflict with or obstruct the application of the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	
SEPP (Miscellaneous Consent Provisions) 2007	No	
SEPP (State and Regional Development) 2011	No	
SEPP (State Significant Precincts) 2005	No	
SEPP (Sydney Drinking Water Catchment) 2011	No	
SEPP (Sydney Region Growth Centres) 2006	No	
SEPP (Urban Renewal) 2010	No	
SEPP (Vegetation in Non-Rural Areas) 2017	No	
SEPP (Western Sydney Employment Area) 2009	No	
SEPP (Western Sydney Parklands) 2009	No	
SREP No. 9 (Extractive Industry) (No 2 – 1995)	No	
SREP No. 20 (Hawkesbury-Nepean River) (No 2 – 1997)	No	
GMREP No. 2 Georges River Catchment	No	

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

The relevant Section 9.1 Directions by the Minister (inserted date) 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	Comply
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 provisions aimed at promoting liveability, urban design outcomes in town centres, supporting the objectives of the Direction.	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 Protection	<ul style="list-style-type: none"> ▪ Implement the principles in the NSW Coastal Policy. 	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 proposed 'housekeeping' amendments (updating property details) to a number of existing heritage listed items appearing under Schedule 5 of Fairfield LEP 2013 will provide greater certainty regarding the heritage status of the relevant properties.	Yes
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	-
1. 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 	This Direction also applies to any other zone in which significant residential development is permitted or proposed to be permitted.	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
	<p>infrastructure and services and ensure that new housing has appropriate access to infrastructure and services</p> <ul style="list-style-type: none"> ▪ Minimise the impact of residential development on the environment and resource lands. 	<p>The planning proposal includes housekeeping amendments to the residential zoning of three sites to address existing zoning anomalies and will not generate any inconsistencies with this Direction</p>	
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. 	Not Applicable	-
3.3 Home Occupations	<ul style="list-style-type: none"> ▪ Encourage the carrying out of low-impact small businesses in dwelling houses. 	Not Applicable	-
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 	<p>The proposed new local clauses relating to Active Street Frontages and Design Excellence as well as additional objectives relating FSR and Height Controls are aimed at enhancing urban design, built form and streetscape outcomes for future residential and commercial development in the City and do not conflict with the objectives of this Direction.</p>	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 Airport. 	Not Applicable	-
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	-

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
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 Sulphate 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	-
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. 	Not Applicable	-
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	<ul style="list-style-type: none"> ▪ To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. 	Not Applicable	-
5.2 – 5.7	<ul style="list-style-type: none"> ▪ Not applicable to Fairfield City 	Not Applicable	-
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	<ul style="list-style-type: none"> ▪ Not applicable to Fairfield City 	Not Applicable	-

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
Council land			
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 	<p>The planning proposal introduces referral requirements (to the chief executive of the relevant local health district) for development that intrudes into the Liverpool hospital helicopter airspace. The proposed local clause is based on an existing clause contained in the Fairfield Standard LEP. The new requirement is considered justified in light of the public interest and promoting community awareness of the presence of the helicopter airspace over the sections of the suburb of Mt Pritchard.</p>	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. 	<p>The Planning Proposal proposes to rezone land from zone RE1_Public Recreation at 18 Butler Street, Bossley Park and 47 Brown Rd, Bonnyrigg to zone R2_Low Density Residential. The relevant parcels are all in private ownership and have not been identified for acquisition for public open space. In this regard the proposed rezoning of these parcels addresses zoning anomalies and will not reduce the total amount of land in the City intended for public recreation purposes.</p>	Yes
6.3 Site Specific Provisions	<ul style="list-style-type: none"> ▪ Discourage unnecessarily restrictive site specific planning controls 	Not applicable	-
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>. 	<p>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 including:</p> <ul style="list-style-type: none"> • Utilising services and 	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
		infrastructure to meet the communities changing needs; <ul style="list-style-type: none"> • Promoting healthy, resilient and socially connected communities • Creating great places that bring people together; • Conserving environmental heritage. • Reducing exposure to natural and urban hazards. 	
7.2 – 7.7	<ul style="list-style-type: none"> ▪ Not applicable to Fairfield City 	Not Applicable	-
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	<ul style="list-style-type: none"> ▪ Applies to a Planning Proposal for any land affected by the obstacle limitation surface and ANEF contours for Western Sydney Airport. ▪ A planning proposal is to be consistent with the Stage 1 Land Use and Infrastructure Implementation Plan approved by the Minister for Planning. 	Not Applicable	-
7.9 – 7.10	<ul style="list-style-type: none"> ▪ Not applicable to Fairfield City 	Not Applicable	-

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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 identified in the Fairfield LSPS 2040 and represents Stage 1 under the Fairfield Accelerated LEP Program.

The proposed new exemption provisions relating to 'emergency works' on Council land are based on model provisions and criteria contained in the SEPP (Infrastructure). Council's ability to utilise the provisions of the clause will promote community health and wellbeing. Any site works carried out in accordance with the clause will also need to comply with the provisions of the NSW Blue Book – Managing Urban Stormwater, relevant Australian Standards and requirements relating to exempt development under the NSW EP&A Act.

The proposed increase in temporary uses at the Fairfield Showground from 52 to 104 days are consistent with the provisions of the Showground Plan of Management (POM) and Local Approvals Policy (LAP). Extensive community consultation was undertaken under preparation of the POM and LAP and a range of measures and criteria (e.g. controlling noise, traffic generation and hours of operation) included in the POM and LAP to minimise potential impacts on the surrounding community.

The exemption provisions relating to display of goods on Council owned/managed land will require compliance with Council's policy relating to this matter and satisfy exemption criteria relating to the type and area where goods can be displayed to safeguard pedestrians and community wellbeing.

The potential environmental effects associated with the proposed zoning changes at 18 Butler Ave, Bossley Park, 61 Hill St, Cabramatta and 47 Brown St, Bonnyrigg will be managed through the application of relevant development controls and standards contained in relevant Council and State planning policies.

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

The Planning Proposal will have minimal social and economic effects. As highlighted under Section B this planning proposal seeks to provide for greater certainty in relation to implementing the objectives and intended outcomes of the Fairfield LSPS 2040. In particular, the proposed new local clauses, amended clause objectives and new exemption provisions are aimed at promoting liveability and urban amenity in future development in the City as well as supporting establishment of community and economic activity on Council owned land.

This provides for greater certainty in relation to the current and future use of the sites affected by this Planning Proposal having regard to current ownership, previous development approvals and intended use of the land parcels.

The planning proposal does not include any provisions aimed at facilitating significant population change in the City and would affect planning in relation to future infrastructure, community, education or health facilities/services.

Section D – State and Commonwealth interests

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 – Maps

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

Appendix E contains maps of existing and proposed zones and development standards applying to this Planning Proposal and includes:

- Land Zoning Maps;
- Height of Buildings Map;
- Floor Space Ratio Maps;
- Key Sites Maps;
- Lot Size Maps;
- Lot Size for Dual Occupancy Development Maps;
- Active Street Frontages Map.

Part – 5 Community Consultation

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

The Act determines the requirements for Community consultation for Planning Proposals which 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.

It is proposed that the Planning Proposal be Exhibited for a minimum period of 28 days (or as specified by the Gateway determination)

Consultation Strategy

A consultation strategy will be provided under any Gateway Determination and in accordance with Council's Community Engagement Strategy 2020.

In addition, it is recommended that the direction notification be limited to the current owners of the properties at 18 Butler Ave, Bossley Park, 61 Hill St, Cabramatta and 47 Brown Rd, Bonnyrigg as the proposed amendments provide new zoning arrangements and development standards that need to be addressed in any future redevelopment of the subject sites.

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.

1	s.56 – request for Gateway Determination	<ul style="list-style-type: none"> Prepare and submit Planning Proposal to Department of Planning & Environment 	February 2020
2	Gateway Determination	<ul style="list-style-type: none"> Assessment by Department of Planning & Environment Advice to Council 	March 2020
3	Completion of required technical information and report (if required back to City Manager)	<ul style="list-style-type: none"> Update report on Gateway requirements (if required) 	March 2020
4	Public consultation for Planning Proposal	<ul style="list-style-type: none"> In accordance with Council resolution and conditions of the Gateway Determination. 	April 2020
5	Government Agency consultation	<ul style="list-style-type: none"> Notification letters to Government Agencies as required by Gateway Determination 	April 2020
6	Public Hearing (if required) following public consultation for Planning Proposal	<ul style="list-style-type: none"> Under the Gateway Determination issued by Department of Planning and Environment, public hearing is not required. 	April 2020
7	Consideration of submissions	<ul style="list-style-type: none"> Assessment and consideration of submissions 	May 2020
8	Report to Council on submissions to public exhibition and public hearing	<ul style="list-style-type: none"> Includes assessment and preparation of report to Council 	June 2020
9	Referral to Parliamentary Council and notify Department of Planning and Environment	<ul style="list-style-type: none"> Copy of the draft Planning Proposal forwarded to Department of Planning and Environment. Draft Planning Proposal assessed by Parliamentary Council, legal instrument finalised 	June 2020
10	Plan is made	<ul style="list-style-type: none"> Notified on Legislation web site 	Aug 2020
Estimated Time Frame			8 months