Attachment A

22 November 2011 Council Report

REPORT BY CHAIRMAN
OUTCOMES COMMITTEE

Meeting Date 8 November 2011 **Item Number. 176**

SUBJECT:

Issue:	Planning Proposal – Wetherill Park Market Town and findings of Independent Review of the associated Economic Impact Assessment.
Premises:	Lot 5 DP 714281 known as 13 – 21 Rossetti Street, Wetherill Park
Applicant:	Rhodes Haskew and Associates
Principals:	Gary Rhodes and David Haskew
Owner:	Ross Trimboli
Zoning:	Zone 2(a) Residential A (Fairfield LEP 1994)

FILE NUMBER: 10/03476; G14-10-102

PREVIOUS ITEMS: 134 - Outcomes Committee - 13 September 2011
156 - Outcomes Committee - 13 September 2011

REPORT BY: Klaus Kerzinger, Senior Strategic Land Use Planner

RECOMMENDATION:

That Council:

1. Prepare a Planning Proposal that seeks to rezone Lot 5, DP 714281 from 2(a) Residential A to 3(c) Local Business Centre. The Planning Proposal to incorporate a 20 metre maximum height limit and a Floor Space Ratio control of 1.7:1.

2. Inform the Department of Planning that it wishes to commence the Gateway process to amend the Fairfield Local Environmental Plan (LEP) 1994, to rezone Lot 5 DP 714281 from 2(a) Residential A to 3(c) Local Business Centre .

3. Submit the Planning Proposal to the Department of Planning and Infrastructure pursuant to s.55 of the Environmental Planning and Assessment Act 1979.

4. Endorse for public exhibition a draft Site Specific Development Control Plan to facilitate the redevelopment of Lot 5 for higher density residential purposes and a maximum commercial / retail gross floor area of 1500m2 included as **Attachment D**.

5. Upon receipt of confirmation from the Department of Planning and Infrastructure that the Planning Proposal can proceed then the draft LEP, together with the draft Site Specific Development Control Plan, be concurrently publicly exhibited subject to any conditions or requirements imposed by the Department of Planning and Infrastructure, in accordance with the consultation strategy outlined in this report.

6. That Council amend the City Wide DCP to incorporate reference to the Site Specific DCP and that this amendment be placed on exhibition concurrently with the Site Specific DCP and draft LEP.

7. Advise the applicant of Councils determination.

Note: **This report deals with a planning decision made in exercise of a function of Council under the EP&A Act and a division needs to be called.**

SUPPORTING DOCUMENTS:

AT-A	Report to Outcomes Committee 13 September 2011	24 Pages
AT-B	Supplementary Report to Outcomes Committee 27 September 2011	5 Pages
AT-C	Peer Review of Economic Impact Assessment by Norling Consulting	5 Pages
AT-D	Draft Site Specific DCP	19 Pages

SUMMARY:

The subject site has been the subject of two applications to rezone this site from the current residential zoning to a zoning that permits retail/commercial and more recently higher density residential development. These have not proceeded to date primarily due to the applicant regularly amending the scope of the proposal.

Council considered the most recent proposal which seeks to rezone the site to allow for 1500m2 of commercial retail floorspace in addition to a high density residential component. In this regard, Council at its meeting of 27 September 2011 resolved the following:

1. Defer the Planning Proposal to affect a rezoning of the site for business purposes pending expert independent economic impact advice being received by the Council.

In accordance with the above resolution, Council Officers engaged the services of Norling Consulting Pty Ltd to conduct a peer review of the Economic Impact Assessment submitted by the applicant (in support of the Planning Proposal for the subject site).

This report considers the findings of the Independent Peer Review which finds that while the Economic Report has flaws the impact of the proposal is not considered sufficient to warrant refusing the rezoning application. If Council chooses to proceed with the rezoning a draft Site Specific Development Control Plan (SSDCP) should also be exhibited to guide any future development of the site.

BACKGROUND

Previous Rezoning Application

As detailed in the previous report to the 13 September 2011 Outcomes Committee (**Attachment A** See pp 58-59), Council previously resolved in 2005 to proceed with a draft LEP proposal that involved 2500m2 of retail floor space. However it was not considered that Council could rely on that previous assessment and when this new application was lodged Council Officers requested a new Economic Impact Assessment (EIA) for the following reasons:

1. The June 2004 and August 2005 Hirst reports were prepared based on retail assumptions that may have now changed due to the building of a new local centre at Hamilton Road, significant expansion of the bulky good centre on The Horsley Drive Crn Elizabeth Street and reduced traffic on The Horsley Drive.

2. The use of controls advocated by Hirst such as consent conditions and site specific DCP no longer had merit due to the impact of SEPP (Exempt and Complying Development Codes) 2008.

Current Rezoning Application

The Planning Proposal has been the subject of several amendments since its lodgement with Council, which were a result of the applicant regularly amending the scope of the proposal.

Council at its 13 September 2011 Outcomes Committee considered a report **(Attachment A)** in respect to a Planning Proposal which seeks to rezone the subject site from 2(a) Residential A to 3(c) Local Business Centre. At this meeting, Council Officers recommended that the Planning Proposal only proceed in respect to the high density residential component. The commercial component would not be supported as the applicant did not provide sufficient justification in its Economic Impact Assessment.

In light of the above, the applicant made a submission to Council requesting that the Planning Proposal be amended to incorporate only 1500sqm of retail floorspace. As per the previous application no compelling justification had been made to support this figure.

In light of the applicant’s submission, Council Officers prepared a supplementary report **(Attachment B)** which was considered by Council at its meeting of 27 September 2011. During this meeting Council resolved the following:

1. *Defer the Planning Proposal to affect a rezoning of the site for business purposes pending expert independent economic impact advice being received by Council.*

2. *Require the property owner to meet the costs associated with obtaining the advice prior to the advice being commissioned.*

3. *Consider a further report once the independent economic impact advice has been received.*

REPORT

Peer Review

Attachment C to this report is a copy of the Peer Review of the Economic Impact Assessment (EIA) lodged by the applicant in support of the subject Planning Proposal. The Peer Review was undertaken by Norling Consulting Pty Ltd and in summary has found that:

i) The current application is limited to 1,500 retail and commercial floor space,
ii) The EIA has adopted novel approaches to projecting turnover and assessing impacts and these approaches are not considered acceptable,
iii) The defined catchment is too generous,
iv) The population within the catchment, as identified by Norling, was around 5,500 persons in 2006, which is just over a third of the 15,832 persons who reside within the applicants identified catchment.
v) There are issues with the applicant's demographic analysis and it would have been more appropriate to include the average for the Sydney Statistical Division for assessment purposes.
vi) The figure of 31% adopted as the amount of expenditure directed to the Food for Home category appears too low for this catchment.
vii) Expenditure from nearby industrial workers and passing motorists have not been reflected in turnover estimates and consequently no reliance should be placed on these results,
viii) Optimistic market share figures have been adopted for some expenditure categories,
ix) Underestimation of passing trade and turnover from nearby industrial workers estimates provided.
x) In terms of the assessment of impacts Norling concludes that the applicants EIA conclusion that the expansion is , "unlikely to result in the diversion of expenditure from other centres", is a novel approach and implies that the additional $11.8m attracted to the expanded centre has not been taken from other centres but has materialised from thin (sic) air! This approach is not considered acceptable and its conclusions cannot be relied upon.
xi) Limiting the extension to 1500m2 does not enable a second medium scale full line supermarket to be achieved. Aldi with a preferred size of 1,350m2 could be accommodated.
xii) Based upon the review of EIA information Norling concludes that using the evaluation criteria contained within Council's Retail and Commercial Activities Policy that the proposed centre expansion by 1500m2:

a. Would not alter the role of the Local Centre within Fairfield City's retail system;
b. Would not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres;
c. Would not rely on an expansion of the existing trade area for its viability;
d. Would result in an outcome consistent with the current role of the centre; and
e. Would strengthen the viability of the centre, particularly its core function of providing supermarket services, by providing a range of complementary retail and non-retail businesses.

Norling's summary conclusions were that:

i) The submitted EIA cannot be relied upon in the assessment of the proposed expansion due to its novel and unacceptable methodologies for projecting turnover and expenditure;
ii) Based upon all of the information available at this time the proposed extension satisfies the five relevant evaluation criteria;
iii) The limit of 1500m2 to the extension appears to have minimised the unintended consequences of the extensions, given Council's inability to control uses within the Centre.

Council must now determine whether the Peer Review represents a sufficient basis to support the proposed extension or whether an improved EIA should be required. In respect to this issue it is considered that as the Peer Review has found that the proposal satisfies the evaluation criteria nominated for expansion of Local Centres in Council's Retail and Commercial Activities Policy, it is considered that sufficient justification has been obtained (without the need to rely on the applicants EIA).

Council should however note that utilising DCP controls relating to Floor Space Ratio and Building Height is not an ideal outcome as such controls are not as rigorous in terms of the ability to ensure future maintenance as LEP based controls. In this respect, the Planning Proposal will be amended to include an additional clause in the Fairfield LEP 1994 that will specify a maximum height limit of 20 metres and maximum FSR of 1.7:1. If the Planning Proposal is ultimately adopted, these development standards would be transferred into the Height and FSR maps of Council's draft Fairfield LEP 2011.

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

In support of the Planning Proposal the applicant has prepared a draft SSDCP to control and guide development on Lot 5, DP 714281 and its integration with Lot 4, DP 714281 upon which the existing shopping centre is substantially located. This draft SSDCP has been amended and forms **Attachment D** to this report.

The major provisions of the draft SSDCP are as follows:

I) Total retail commercial floor space increase limited to 1500m2. Incorporated within the development will be residential flat development up to 6 storeys in height.
II) Building envelop controls provide for 2 storeys to Rossetti Street then extending to 4 to 6 storeys towards the rear of the site.
III) The maximum permissible street wall height being 8 metres with the height to Emerson Street Reserve being limited to 20 metres above existing ground level.
IV) Incorporation of a sight line control which projects a plane at 20 degrees, at a point 1.7 metres above the footpath opposite the site in Rossetti Street, towards the east. This control results in effectively no more than 2 storeys being visible when viewed from Rossetti Street opposite the site.
V) A Floor Space Ratio of 1.7:1 for development on Lot 5. This has reduced the applicants original requested 2:1 FSR to take account of the reduced commercial and or retail floor space.
VI) Pedestrian link from Rossetti Street to Emerson Street Reserve.
VII) Reinstatement of the access driveway over Lot 4 from the Horsley Drive to development on Lot 5. Depending on design this may function as either a one way or two way access driveway.
VIII) Public art to be incorporated within the ground floor elevations to Emerson Street Reserve.

Amendments will also be required to the Fairfield City Wide DCP 2006 to provide the required administrative and functional links between the draft SSDCP and the relevant controls within the City Wide DCP. The recommendations to this report incorporate references to these administrative amendments. The only parts of the Fairfield City Wide DCP 2006 that will apply to this site are those referred to in section **1.6(c)** of the draft SSDCP included as **Attachment D**.

CONSULTATION STRATEGY:

In the event that Council endorses the draft LEP and the draft SSDCP for public exhibition, and concurrence from the Department of Planning and Infrastructure is granted in the form of a gateway determination supporting the proposal, the following consultation strategy will be adopted:

- Advertisement of Public Exhibition in the local newspaper
- Letters to adjoining owners within 100 metres of the subject site and Emerson Street Reserve.
- Notification to the adjoining centres being Smithfield Town Centre, Fairfield West Town Centre (Hamilton Road) and Prairiewood Stocklands.

CONCLUSION

Council has obtained an independent Peer Review of the applicant's EIA submission. The review has concluded that the EIA submission had numerous deficiencies. In this respect however the EIA principally related to a proposal to expand the existing centre by 4000m2 of commercial and retail floor space. The amendment of the Planning Proposal, to provide for a maximum of 1500m2, of retail or commercial floor space has resulted in the Peer Review concluding, that based on all available information, the proposed extension satisfies the relevant evaluation criteria for Local Centres in Council's Retail and Commercial Activities Policy.

Council therefore has sufficient basis to support the amended Planning Proposal and to prepare a draft SSDCP to control the development on Lot 5 DP 714281 and its integration with the existing shopping centre on Lot 4 DP 714281.

Klaus Kerzinger
Senior Strategic Land Use Planner

Authorisation
Manager Strategic Land Use Planning

Outcomes Committee - 8 November 2011

File Name: **OUT081111_16**

***** END OF ITEM 176 *****

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OUTCOMES COMMITTEE

Meeting Date 13 September 2011 **Item Number. 134**

SUBJECT:

Issue:	Planning Proposal - Wetherill Park Market Town
Premises:	Lot 5 DP 714281 otherwise known as 13 – 21 Rossetti Street, Wetherill Park
Applicant:	Rhodes Haskew and Associates, Principals: Gary Rhodes and David Haskew
Owner:	Mr R Trimboli
Zoning:	2(a) Residential A under the Fairfield Local Environmental Plan 1994
Submissions:	NIL

FILE NUMBER: G14-10-102(2)

PREVIOUS ITEMS: 208 - Outcomes Committee - 7 December 2010

REPORT BY: Klaus Kerzinger, Senior Strategic Land Use Planner

RECOMMENDATION

That Council:

1. Refuse the Planning Proposal which seeks to rezone Lot 5, DP 714281 from R2 – Low Density Residential to B2 – Local Centre within the unexhibited draft LEP 2011.

2. Prepare a Planning Proposal that seeks to rezone Lot 5, DP 714281 from Residential A to Part Residential B, and part Local Business Centre 3 (c). The Local Business Centre 3 (c) zone to extend south from Lot 4 DP 714281 for the distance of the shopping centre encroachment upon Lot 5 plus 1 metre. The Planning Proposal to incorporate a 20 metre maximum height limit and a Floor Space Ratio control of between 1.5:1 and 2:1 for the Residential B affected land subject to determination through the draft Site Specific DCP process.

3. Inform the Department of Planning that it wishes to commence the Gateway process to amend the Fairfield Local Environmental Plan (LEP) 1994, to rezone Lot 5 DP 714281 from Residential A to Part Residential B, and part Local Business Centre 3 (c).

4. Submit the Planning Proposal to the Department of Planning and Infrastructure pursuant to s.55 of the Environmental Planning and Assessment Act 1979.

5. Draft Site Specific Development Control Plan to facilitate the redevelopment of Lot 5

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for higher density residential purposes addressing the issues raised in the report. This draft DCP will be reported to Council for further consideration.

6. Upon receipt of confirmation from the Department of Planning and Infrastructure that the Planning Proposal can proceed then the draft LEP, together with the draft Site Specific Development Control Plan, be concurrently publicly exhibited subject to any conditions or requirements imposed by the Department of Planning and Infrastructure, in accordance with the consultation strategy outlined in this report.

7. Advise the applicant of Councils determination.

Note: **This report deals with a planning decision made in exercise of a function of Council under the EP&A Act and a division needs to be called.**

SUPPORTING DOCUMENTS

AT-A	Applicant's Planning Proposal	32 Pages
AT-B	Location Map	1 Page
AT-C	Aerial Photo of Site & Surrounds	1 Page
AT-D	Outcomes Committee Meeting Report - 7 December 2010	8 Pages
AT-E	Draft Site Specific Development Control Plan	18 Pages
AT-F	Place Manager's Comments	4 Pages
AT-G	Submissions from Rhodes Haskew & Associates - dated 4 & 20 July 2011.	14 Pages

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SUMMARY

Council has received a Planning Proposal, **Attachment A,** prepared by Rhodes Haskew and Associates to amend Council's Draft Comprehensive Local Environmental Plan 2010 (now draft LEP 2011). The proposal seeks to rezone Lot 5 DP 714281 otherwise known as 13 – 21 Rossetti Street, Wetherill Park, from the zone proposed within Draft Fairfield LEP 2011 i.e. R2 Low Density Residential to B2 Local Centre.

Lot 5 has frontage to Rossetti Street of 79.6m, a depth of 100.52m and a total site area of approximately 8000sqm. **Attachment B** is a Location Map which shows the site and surrounds.

The Planning Proposal seeks to facilitate the redevelopment of Lot 5 to incorporate an additional 2800 - 4000 m2 of retail floor space and 105 residential units together with car parking for 394 vehicles. The retail / commercial floor space is proposed to be provided on a single level above car parking with residential units located above.

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Whilst the applicant has no firm proposals in respect to future uses within the expanded retail area advice has been provided that the range of uses may incorporate the following:

- An Ethnically Specialised food store
- A children's play facility
- Medical Centre
- Restaurants
- Retail shops
- Child care centre
- Office uses such as solicitors, accountants, tax agents, real estate agents.

The property owner's Economic Impact sub-consultants, Don Fox Planning, have submitted that the incorporation of an additional 4000m2 of retail / commercial space, divided into 1500m2 of retail and 2500m2 of commercial floor space, is consistent with the methodology against which a neighbourhood centre expansion should be considered as it does not rely on the expansion of the trade area in order to function effectively.

The applicants, Rhodes Haskew & Associates, have advised that the property owner has determined that the 1500 / 2500m2 split presents a viability obstacle and would prefer to return to a more flexible methodology which was proposed in the previous application submitted to Council. They suggest that the split should be 2500m2 retail and 1500m2 commercial or alternatively include a control that would allow retail floor area to increase up to 2500m2 if floor space remained vacant for a period of at least 3 months.

After balancing the owner's wishes to maintain maximum flexibility over future use of the floor space with State planning controls that prevent Council from imposing restrictions, on the change of use of commercial floor space to retail floor space, it has been concluded that there is insufficient justification to proceed with a rezoning of the whole of the site to a Local Business Centre zone.

During the assessment of the planning proposal it became evident that the site is suited to being developed for higher density residential development. For this reason a Residential B zone is recommended together with a minor zone boundary realignment that extends the Local Business Centre 3 (c) zone to cover an approved building encroachment of the existing shopping centre onto Lot 5 plus a 1 metre buffer area.

<u>Existing Site Zoning and Development</u>

The subject site is zoned Residential 2(a) under the Fairfield Local Environmental Plan (FLEP) 1994 and is positioned at the rear and side of an existing shopping centre (Market Town Shops). The site is bounded by Emerson Street Reserve to the east, low density residential to the west and a place of worship to the south. The site has a general fall from west to east and towards the south eastern corner.
In February 1999 amendment No. 42 to the FLEP 1994 was gazetted which permitted off street parking associated with the existing shopping centre to occur over the site.

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The site is currently developed at the rear as a car park and also contains an approximate 11 metre wide section of the shopping centre development which is located primarily over the adjoining Lot 4. This encroachment was approved under the provisions of Clause 20C of LEP 1994 which allows encroachments of up to 20 metres into another zone. That part of the site immediately fronting Rossetti Street remains undeveloped.

Refer **Attachment C** for an aerial photo of the site and surrounds.

Applicant's Zoning Proposal

The applicant seeks to rezone the site in order to facilitate a mixed use retail / commercial and residential development. A Planning Proposal accompanied by a draft Site Specific Development Control Plan (DSSDCP) has been submitted. The DSSDCP proposes controls aimed at ensuring the orderly development of the site.

The Planning Proposal requests Council include changes in draft LEP 2011 (which is yet to be exhibited), so as to designate the zoning of the site as B2 – Local Centre from its current R2 – Low Density Residential designation.

In order to achieve the applicant's objective Council would be required to seek further amendments to the Section 65 certificate Council is requesting the Director General of the Department of Planning and Infrastructure re-issue prior to draft LEP 2011 being placed on exhibition.

Seeking an amended Section 65 certificate is considered problematic and should Council see merit in the applicant's proposal then the Planning Proposal should be amended to seek a Gateway Determination for the rezoning of the site from Residential A to Business 3 (c) under Fairfield LEP 1994. If this process results in the rezoning being supported it would be transitioned into draft LEP 2011 at a later stage.

REPORT

BACKGROUND AND HISTORY

The site has been the subject of a previous rezoning application that was lodged in September 2003. A number of attempts were made by the property owner since that time to finalise the 2003 rezoning application. However due to long time lapses in supplying requested information, changes to what was requested, (ie supermarket then no supermarket), and in 2010 a change proposing residential flats the process was unable to be concluded.

In 2010 a State Government deadline was not met for the finalisation of the rezoning under previously applicable processes. This was due to the requested documentation (Site Specific DCP) not being submitted. This then lead to Council in December 2010, resolving not to proceed further with the 2003 rezoning application.

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OUTCOMES COMMITTEE

Meeting Date 13 September 2011 **Item Number. 134**

At Council's Outcomes Committee Meeting held on 7 December 2010 the following was resolved:

1. *Council resolve not to proceed any further with the current spot rezoning proposal for 13-21 Rossetti Street, Wetherill Park for business purposes.*
2. *The applicant be advised that a separate planning proposal under the Gateway process would need to be submitted for any further proposal to rezone the subject site for business or mixed use purposes.*
3. *Any planning proposal referred to above will need to be accompanied by sufficient strategic justification for the proposal and new Site Specific DCP.*

The report to Council's Outcomes Committee meeting held on 7 December 2010 is contained within **Attachment D.** This report provides further details of the history of the 2003 application.

WETHERILL PARK MARKET TOWN – REGIONAL AND CITY CONTEXT

The NSW Metropolitan Strategy 2036 has classified the Wetherill Park Market Town as a "Small Village" which is defined as a small strip of shops that are adjacent to a residential area within a 5 -10 minute walk and contain a catchment of between 800 and 2,700 dwellings.

The applicant has argued that the centre contains many attributes associated with a "Village" and that this should be reflected in its classification. A "Village' is defined as a strip of shops and surrounding residential area that is within a 5 -10 minute walk. It contains a small supermarket, hairdresser, take-away food shops and contains a catchment of between 2,100 and 5,500 dwellings.

The 2005 Fairfield City Retail and Commercial Centres Study defined the Wetherill Park shopping centre as a Neighbourhood Centre. These are second order shopping centres and consist of the following centres - Edensor Park, Greenfield Park, Wetherill Park, Wakeley, Canley Heights, Fairfield Heights, Smithfield and Villawood. These centres were subsequently defined as Local Centres in Council's adopted Retail and Commercial Centres / Activities Policy adopted in July 2006.

The Retail and Commercial Centres / Activities Policy indicates that Local Centres are characterised by:

- Generally contain 5000, - 10,000 m2 of retail floor space and provide services to one or more suburbs.
- The presence of a medium scale to full line supermarket (1000 to 3000 m2),

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- Provide for the major weekly food shopping and convenience needs of the population of more than one suburb providing a range of non-retail professional and personal services.
- Possibly include ancillary services such as a tavern, hardware store, community facility and post office.

Wetherill Park shopping centre currently contains approximately 6000m2 of retail space excluding the bowling alley. The bowling alley occupies an additional floor space of approximately 2500m2. The centre is anchored by a Franklins supermarket occupying approximately 2500m2. The remaining 3500m2 of retail floor space being occupied by some 37 speciality shops.

The current centre is consistent with the Local Centre classification as defined and hence it could be argued that it should be regarded as a Village for the purpose of the NSW Metropolitan Strategy 2036.

FAIRFIELD LEP 1994 AND DRAFT COMPREHENSIVE FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2011

Council will consider a report at the Extraordinary Council Meeting scheduled for 13 September 2011 in order to determine whether it will request an amended Section 65 Certificate for its Standard Instrument Local Environmental Plan, DLEP 2011. The subject site is proposed to be zoned R2 Low Density Residential under DLEP 2011 being considered at the meeting. This is equivalent to the 2(a) Residential A zone under the FLEP 1994.

The applicant's Planning Proposal seeks to amend the draft LEP 2011 by rezoning the site to B2 Local Centre which is equivalent to the 3(c) Local Business Centre zone under the FLEP 1994.

Council if it wishes to proceed could seek to include the amendment in its request for a new Section 65 Certificate it will consider shortly.

However, this is considered inappropriate at this stage of the process as no consultation has been carried out with other Authorities for this site where all Section 62 consultation has been undertaken for the remainder of the plan. Also the Site Specific DCP has to be resolved and it would add confusion and potential delay to link the exhibition of the Draft LEP 2011 for the whole LGA to a Site Specific DCP for this site. It would be clearer and simpler for consultation with adjoining owners to manage this change separately as a Planning Proposal and integrate it into the Comprehensive LEP at a later stage.

Should Council see merit in what is proposed then the appropriate process is for the Planning Proposal to be amended so that a Gateway Determination is sought for an amendment to Fairfield LEP 1994. The timing of the progress of this Planning Proposal relative to the LEP 2011 timing will determine whether it is integrated into the LEP 2011

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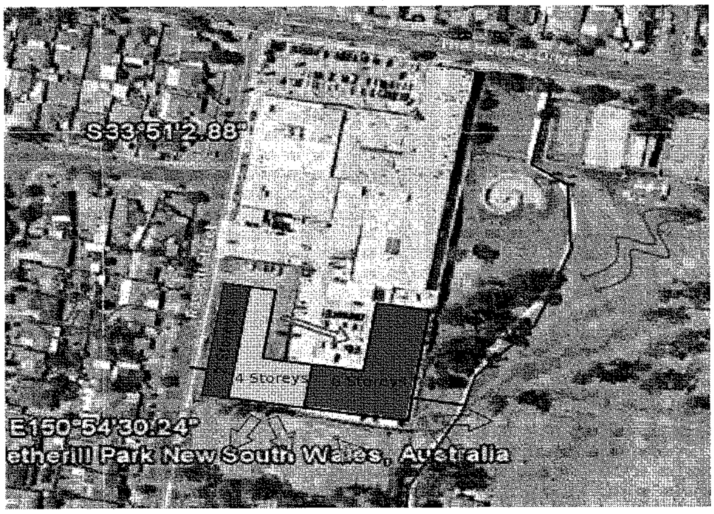
prior to LEP 2011 being gazetted or whether it becomes a formal amendment to LEP 2011 post adoption of this plan.

The planning controls currently applicable to Local Business Centres do not provide for floor space ratio or building height controls. These matters have been determined in the past by merit based assessment. The applicant has submitted a Draft SSDCP that has incorporated building height and floor space controls. The applicant has proposed a FSR of 2:1 and a maximum building height of 18 metres or 6 storeys. Such controls are not required to be incorporated into the existing LEP 1994 but will need to be included in the LEP 2011.

The plan below shows the height limits proposed.

FIGURE 1 - Depicts proposed height controls in applicant's DSSDCP.



It is relevant to give consideration to whether the applicants proposed height and FSR controls are consistent with what Council has proposed in the yet to be exhibited draft LEP 2011 for the B2 zone which will replace the 3(c) zone.

The draft LEP 2011 does not provide for FSR controls for B2 centres but does provide for Height Controls. The Building Height Map which accompanies the draft LEP 2011 indicates that for the B2 zone a height of 11metres is applicable. The height limit for the R2 Residential zone is 9 metres. The applicants proposed 18 metre height significantly

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exceeds both these proposed limits. However in the context of the site, which has an approximate 5 metre cross fall north – west to south- east, an 18 metre or 6 storey height as proposed is considered acceptable for the rear – eastern most portion of the site.

The draft LEP does however contain building height and FSR controls for the R4 – High Density Residential zone. In respect to sites that have dimensions of 45x 40 metres or greater a FSR of 2:1 and maximum 20 metre height is proposed.

PLANNING ASSESSMENT

An assessment of the Planning Proposal and accompanying Draft SSDCP is provided below. The assessment includes comments relating to the Economic Impact Assessments previously submitted in 2004, 2005 and 2011. In addition comments provided by the Smithfield – Wetherill Park Place Manager are also included.

ASSESSMENT OF ECONOMIC IMPACT ASSESSMENTS (EIA)

June 2004 Economic Impact Assessment

The June 2004 assessment was prepared by Hirst Consulting Services and submitted to support the 2003 original rezoning application. The assessment was based on a proposal to develop 4600m2 of commercial floor space within two buildings of 1,300m2 and 3,300m2 respectively.

The Hirst assessment concluded that there would be limited population growth within the trade area by 2007, estimated 1,700 persons. The central argument that supported an expansion was based on the concept that the trade area was under serviced by certain uses. Uses such as speciality grocery store, children's play facility, medical centre and local serving office space, restaurants and warehouse type retail outlets were nominated.

Hirst argued that there was sufficient expenditure within the trade area to support additional commercial floor space. He concluded that uses that complemented mainstream retail uses, already located within the existing centre and nearby centres, were unlikely to impact on these centres.

Council's Outcomes Committee considered the 2004 rezoning application at its meeting on 7 December 2004. The report considered raised concerns over the blanket rezoning of the site to Local Business Centre 3 (c) and the potential to adversely impact on the economic viability of neighbourhood shopping centres. The report suggested that the suitability of nominated uses should be further analysed and investigated. Specific LEP clauses to ensure appropriate range and mix of uses were also suggested. The Committee resolved to require the preparation of amended concept plans and that any draft LEP utilise place based controls rather than blanket rezoning of the land to Local Business Centre 3 (c).

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August 2005 Supplementary Comments by Hirst

Hirst provided additional comments to support his contention that complementary uses such as those previously identified would not be ones likely to compete with the operation and function of any nearby neighbourhood and local centre. Included in that advice was revised household retail commodity expenditure data.

In terms of Councils concern, over the suitability of some proposed uses, Hirst advocated an approach that sought to control uses through the imposition of appropriate consent conditions. In addition he proposed a mechanism in the form of a Site Specific DCP to control the nature of uses in the expanded centre. Through controlling and limiting uses, either via consent conditions or the Site Specific DCP, Hirst maintained that a conflict with the retail network should not arise.

Council's Outcomes Committee at its meeting on 6 December 2005 again considered the rezoning application together with amended plans prepared by the applicant. It was resolved to proceed with the rezoning based on a fixed list of additional uses (not a Business 3(b) zone) at the time of the next 6 monthly review of the Fairfield LEP. In addition it was resolved to proceed with the development of a Site Specific DCP that addressed various design issues.

April 2011 Economic Impact Assessment

Council's Outcomes Committee at its meeting on 7 December 2010 again gave consideration to the original 2003 rezoning application. Due to the length of time that had elapsed, and changes to planning processes, it was resolved not to proceed further with the spot rezoning but to advise the applicant that a separate planning proposal under the Gateway process would need to be submitted for any further proposal to rezone the site. The planning proposal would also need to be accompanied by sufficient strategic justification and a new Site Specific DCP.

An EIA prepared by Don Fox Planning Consultants (DFP), Economic Impact Sub Consultants acting for the property owner, was prepared in April 2011 to provide the strategic justification in support of the Planning Proposal the subject of this report.

DFP for the purpose of the economic analysis divided the floor space into 1500m2 of retail space with the remainder devoted to commercial uses such as offices, medical and childcare centre space. The primary retail uses envisaged were an ethnically themed grocery store and restaurants. It was also proposed that an "eat street" food concept be developed within the expanded retail space.

The DFP EIA did not provide a compelling case to support an expansion of the centre. Issues identified and referred back to the applicant for comment included the following:

i) Estimated population increase within centres catchment until 2031 was 0.75% per annum.

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ii) Household expenditure was projected to increase by less than 1% per annum over next 5 years.
iii) Surplus in current expenditure over minimum required to sustain centre would be insufficient to sustain proposed expansion. Shortfall estimated by DFP was $2.7 million in 2016 increasing to $3.8 million in 2021. To overcome shortfall expansion of the centres trade area may be required.
iv) Additional shopping facilities located within Boral's Southern Employment Lands had not been considered.
v) The assumption that passing trade had increased on The Horsley Drive since 2002 may not be valid given reclassification from State to Regional Road.

July 2011 Supplementary Comments by DFP

The supplementary comments by DFP submitted that an expanded centre incorporating 4000m2 of retail and commercial floor space, of which 1500m2 is for retail related uses and 2500m2 commercial / non retail related activities, is consistent with methodology against which an expansion of neighbourhood centres should be considered. This is because it does not rely on the expansion of its trade area in order to function effectively.

In reaching the above conclusion previous estimates relating to passing trade were revised. Whereas the April report relied on significantly more passing trade the supplementary information indicated that the consultant had been advised that passing trade accounted for more than they had originally estimated i.e. previously $1.82million then $1 million and now $1.5 million. Additionally the amount of passing trade as a percentage of vehicles that pass the site per day had been estimated to increase from 3% to 5%.

Revision of the estimated expenditure directed towards the 'eat street' component of the proposed development also occurred. This was increased from the 10% nominated in the April report to 30% of total household expenditure within the take away food and restaurant category expenditure. It was claimed that this would yield an additional $3.64 million of expenditure from trade area households in 2016.

The various assumption changes enabled the consultants to conclude that the expanded centre would not rely on an expansion of its trade area in order to function effectively.

Council Officer Assessment

It is clear from an examination of past Economic Impact Assessments that the arguments to support the expansion of this centre have been linked to specific types of uses and specific amounts of floor space.

Currently applicable planning legislation does not permit Council to control the nature of retail and commercial uses or the ratios they occupy once a building has been approved. This is due to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and specifically the Commercial and Industrial

Code. Pursuant to the SEPP development consent is not subsequently required to change an approved commercial use to a retail use or a retail use to a commercial use.

The SEPP (Exempt and Complying Development Codes) 2008 was not in place when control mechanisms were suggested by Hirst in 2005. Whilst DCP's, as suggested by Hirst, have relevance when assessing development applications, they have no applicability to complying development under the SEPP. In addition a DCP cannot be used to prohibit land uses as this is a function of LEP's

Notwithstanding the above impediments to controlling future retail and commercial uses within approved floor space the property owner has also taken the position, that limiting the retail to non retail floor area split components as recommended by DFP, presents a viability obstacle and has requested greater flexibility. In that context, and having regards to the provision of SEPP (Exempt and Complying Development Codes) 2008 it is relevant to give consideration to the strategic basis for considering the expansion of neighbourhood centres as permitting this development would effectively be permitting an expansion of the centre by 4000m^2 of retail.

In terms of a strategic basis for the consideration of a centres expansion, Council in 2005 adopted the Retail and Commercial Centres Study prepared by Leyshon. This study contained a methodology, which was then incorporated into Council's Retail and Commercial Centres / Activities Policy, through which the expansion of centres should be considered. This methodology together with comments on how the current Planning Proposal is considered to comply with the methodology applicable to Local Centres is detailed below:

1. **That any expansion proposal not alter the role of the local centre within Fairfield's retail system.**

   Comment:

   Wetherill Park Market Town is defined as a Local Centre in Council's Retail and Commercial Centres / Activities Policy. That is a centre that contains between 5,000 and 10,000 sq. m. of retail floor space. The centre currently contains approximately 6000 sq.m. of retail floor space and the expansion potentially takes it to the upper limit of the Local Centre category.

   When giving consideration to whether the proposed expansion is likely to alter the centres role within Fairfield's retail system it is relevant to consider that the next highest order centres are those defined as Sub Regional (Town) Centres. These are centres with at least 20,000 sq.m of retail floor space. They include centres at Prairiewood -Stocklands, Cabramatta, Fairfield and Bonnyrigg.

   The provision of an additional 4000 sq. m. of retail or commercial floor space at Wetherill Park Market Town is unlikely to alter its role within Fairfield's retail system.

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It may however enable this centre to more effectively compete with the proposed expanded Stockland Centre and thereby ensure its longer term viability.

2. **That any expansion proposal not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres.**

Comment:

Having regard to the approximate 11,500m2 expansion proposed for Stocklands and its current size (In excess of 45,000m2) the proposed expansion is not considered to unacceptably affect the range of services available at this nearby sub- regional centre.

For neighbourhood centres the situation is however unclear in terms of the information submitted by DFP, the Economic Impact Sub Consultant. DFP's central economic argument is based on the existing centre trading at a level whereby it can reasonably sustain the proposed expansion without impacting adversely on other centres.

The DFP submission was also based on the proposed 1500 / 2500, retail / commercial split which is no longer supported by the property owner. It was also based on a number of other assumptions which were not supported by DFP through the use of survey data, such as data relating to the amount of passing trade accessing this centre, and the average amount spent by such customers. It was these later estimates that were particularly problematic in terms of supporting DFP's argument as they conflicted with previous advice provided by them. Earlier estimates having been adjusted as a consequence of advice provided to DFP.

It would appear that the earlier DFP estimates (April 2011), relating to passing trade and average spending, have been increased in their supplementary report (July 2011) to account for an otherwise reduction in spending caused by a significant reduction in traffic flow on The Horsley Drive based on available traffic data for 2002 and 2008.

The reduction in traffic on The Horsley Drive since 2002 has been attributed to the impact of the M7 Motorway.

Given the nature of the economic justification submitted it cannot be reasonably concluded that a proposed expansion will not unacceptably affect neighbourhood shop groups such as those at Mimosa Road, Dublin Street, Hassall Street, Avoca Road and also including the larger newer local centre at Hamilton Road. This is the case notwithstanding the property owner's position in respect to the retail / commercial split recommended by his economic impact sub- consultant's DFP.

The resolution of this issue would require further specialist evaluation should Council see merit in what is proposed.

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3. **That any proposed development does not rely on an expansion of the existing trade area of a local centre for its viability.**

Comment:

When this matter was considered by Council in December 2006 the assessing planner concluded that:

"The centre does not rely on an expansion of trade area. The expansion is provided for complementary uses and caters for existing and growing demand."

The above comments were made having regard to the contents of an Economic Assessment prepared in 2004 which argued that complementary retail, commercial and bulky goods uses, as well as office and restaurant uses, could be supported on this site by the local population. It concluded that the provision of 4600m2 of additional floor space and the range of uses examined are unlikely to impact on other centres.

The applicants are still of the view that an expansion of the trade area of the existing centre is not required to support the proposed floor space. If uses are complementary in nature, then as was the case in 2004, this view may be correct.

It should however be noted that there have been significant changes since 2004 that may impact on the viability of the existing centre which include the reduction in traffic past the site on The Horsley Drive and the construction of the Hamilton Road local shopping centre.

It cannot be concluded with certainty, based on the information submitted by the applicant and the economic sub consultant, that the centre may not require its trade area to be extended to ensure the viability of existing and proposed floor space.

The resolution of this issue would require further specialist evaluation should Council see merit in what is proposed.

4. **That a development proposal result in an outcome consistent with the current role of the centre.**

Comment:

It is considered that the role of the centre within the retail hierarchy will remain unaltered as a result of the proposed expansion. It will continue to remain a local centre and consolidate its position as such through a greater range of goods and services.

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5. **That a development proposal will strengthen the viability of a centre, particularly its core function of providing supermarket services.**

   Comment:

   The proposed expansion may strengthen the viability of the existing centre if the range of uses is managed to ensure that the viability of existing businesses is maintained. Additional complementary uses such as medical centres, child play facilities, restaurants etc. will all assist in maintaining the centres core supermarket function.

The above assessment has highlighted concerns that the proposal may be inconsistent with criteria 2 and 3 in relation to the potential impact of the expansion on neighbourhood shops, and whether the trade area of the centre would be required to be expanded to ensure ongoing viability. These concerns cannot be resolved in the context of the information submitted by the applicant and as indicated are matters for more detailed specialist advice should Council see merit in what is proposed.

The history of this application also indicates that Council has previously not endorsed the concept of providing a supermarket upon the site (ie an additional supermarket on the overall shopping centre complex) and has requested the applicant to submit amended studies that illustrate full compliance with Council's Retail and Commercial Centres/ Activities Policy. As indicated above compliance with the Retail and Commercial Centres/ Activity Policy, has not been fully demonstrated.

In respect to Councils previous concern that a supermarket may be located within the expanded centre this concern cannot be resolved. Rezoning the site to a business zone would permit a supermarket, ethnic based or otherwise, upon the site. This is because the Department of Planning and Infrastructure no longer supports the use of a schedule of additional uses to effect the rezoning process. Instead it requires that the site be rezoned to a specific zone. To that end if the site were to be rezoned to a business zone supermarket uses would become a permissible use. In addition the SEPP (Exempt and Complying Development Codes) 2008 permits floor space use change without development consent.

Conclusion of Economic Impact Statement Assessment

On balance having considered the history of this site, the DFP Economic Impact Statement and factors impacting on the availability of retail floor space within the locality it is concluded that some arguments may exist for a retail / commercial expansion of the existing Wetherill Park shopping centre. The issue that has not been adequately addressed is the magnitude and nature of any proposed expansion. These concerns cannot be adequately reconciled in the context of the information submitted by the applicant, and DFP, and the owner's desire for greater flexibility in terms of the amount of retail space contained within the proposed extension.

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The submissions from the applicant dated 4 and 20 July 2011 which deal with Commercial Floor Space limitation issues form **Attachment G** to this report.

DRAFT FAIRFIELD RESIDENTIAL DEVELOPMENT STRATEGY

In respect to the applicants desire to accommodate higher density residential development upon the site in conjunction with retail / commercial development, the applicant's Planning Proposal provides the following comments with respect to consistency with Council's Draft 2009 Residential Development (Housing) Strategy (RHS):-

> *The RHS identifies that there will be minimal population growth within the LGA over the next 10 to 20 years. Nevertheless, changing demographics and household mixes will result in the requirement for additional residential housing, primarily in the form of higher density residential units. The Strategy identifies that 5760 residential units will be required in the western half of the LGA. This additional unit supply would most logically be located within Prairievale, Bonnyrigg, the subject site, Edensor Park and Wakeley. Prairievale and Bonnyrigg are higher order centres than Market Town and it would be expected and appropriate, that these centres accommodate the majority of the identified supply requirement. Of the remaining centres, Market town is the largest and best located relative to public transport infrastructure. Accordingly, the provision of approximately 105 residential units in this location (less than 2% of the identified required supply) is appropriate.*
>
> *The inclusion of residential units within the overall development concept, also serves to address a number of design challenges, which Council had identified under the previous rezoning application. In particular, residential floor space tends to reduce the apparent bulk and scale of the retail / commercial wall fronting Emerson Street Reserve, provides better passive surveillance of the park and better utilizes the quality outlook which the park offers. Each of these matters were specifically identified by Council as design challenges which needed to be addressed in the previous application and it is considered that the now proposed development concept provides an optimal and sustainable design resolution.*

Council Officer's comments in regards to increased densities:

<u>West Central Sub Regional (Metro Strategy)</u>

Action B2.1.2 of the Metro Strategy states the following:

"West Central Councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided."

Opportunities for increased densities in the Western part of the City are yet to be identified as these are subject to the findings of Stage 2 of the RDS. It is the opinion of Council Officers that such a review will conclude that the subject site will be suitable for higher densities given the following factors:

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Public Transport – The site has access to 3 regular bus routes that run along the Horsley Drive in addition, the site is approximately 1km (walking distance) from the nearest bus station on the Liverpool to Parramatta Transit Way.

Open Space – The site adjoins Emerson Street Reserve which is located on approximately 60 094m2 of open space zoned land. The following facilities are located on the reserve:

- 4 tennis courts
- A skate park
- A cricket/soccer playing field

There are two additional Council parks located within approximately 200 metres to the North and South of the site.

Employment / Education Establishments / Shopping Facilities

- The site is located less than 2km away from the Wetherill Park Industrial Estate.
- The Greenway Plaza site which provides for a range of services is located within 2Km.
- The Wetherill Park TAFE and Smithfield Primary school are located approximately 300 metres from the site.
- The site adjoins a neighbourhood shopping centre

The subject site is also considered to be suitable for higher density housing having regard to site levels, which if combined with suitable building envelop and height controls, would ensure that higher density units, located at the rear (park) end of the site, would suitably integrate with the lower density residential area on the western side of Rossetti Street. Therefore it is concluded that the site is one that would assist in meeting Council's housing growth objectives for the western half of the City, and to that extent is consistent with the draft Residential Development Strategy 2009.

ASSESSMENT OF DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN (SSDCP)

Council Officers requested that the applicant prepare a draft SSDCP to accompany the Planning Proposal. The purpose of the draft SSDCP is to set out controls that will facilitate the orderly development of the site. Council does not currently have controls for these centres in regards to Height and FSR.

The applicant proposes to develop a mixed use commercial and residential development over the site. Concept drawings provided by the applicant indicate a development containing an additional 4000m2 of retail / commercial floor space and 105 residential units.

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A copy of the applicants draft SSDCP is included as **Attachment E.**

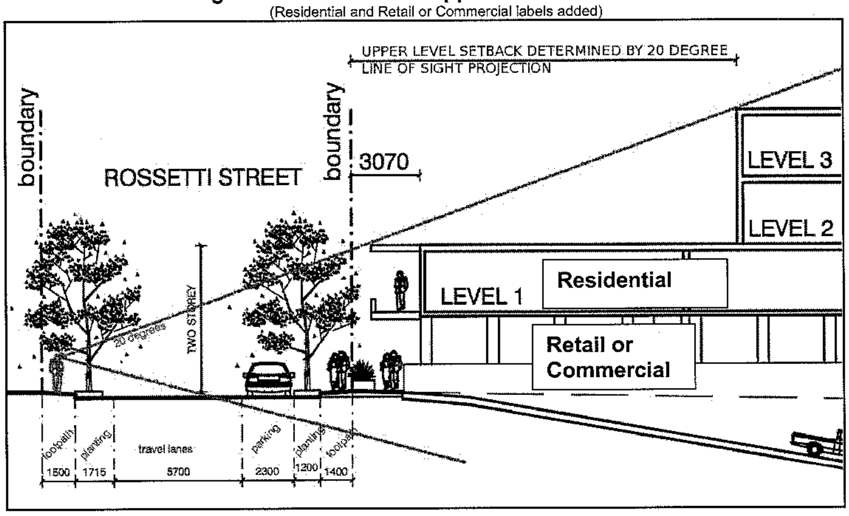
HEIGHT and FLOOR SPACE RATIO (FSR)

The Draft SSDCP proposes height limit of 8 metres (2 storeys) along the Rossetti Street frontage which progressively increases to 18 metres (6 storeys) along the eastern boundary facing Emerson Street Reserve. The maximum height proposed by the current DSSDCP is 18 metres. This exceeds the 9 metre height that is proposed for the site (limit for R2 zones) and the 11 metre height proposed for the Wetherill Park Market Town B2 Local Centre as outlined previously.

The draft SSDCP provides for a maximum FSR of 2:1. However the applicant's submission indicates the actual FSR based on the draft plans is approximately 1:1 and allowing for the rear basement protrusion as a storey and hence floor space would be 1.4:1.

The draft SSDCP controls envisage a stepped built form that ensures that the bulk of the building is not within the line of sight (1.5 metres above ground level) when viewed from the western side of Rossetti Street. This is illustrated in the following diagram:

Figure 2 - Extract from Applicant's Draft SSDCP
(Residential and Retail or Commercial labels added)



It is important to note that under the FLEP 1994, mixed use commercial and residential developments are permissible on land zoned as 3(c) Local Business Centre. Given the right economic conditions a similar type of development could be proposed for the site

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currently occupied by the Wetherill Park Market Town without the need for a Planning Proposal and rezoning.

At present Council does not have specific controls to guide residential development in these smaller centres with assessment generally reliant on *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings* in conjunction with the *NSW Residential Flat Design Code.*

If Council determines to support a rezoning of the site it also has the opportunity to set controls in regards to the Height and FSR which are different to those proposed to be contained in the draft LEP 2011.

Overshadowing

The applicant has provided a diagram that illustrates the winter shadow based on a stepped 2-4-6 storey built form. It is anticipated that there will be minimal impact on the existing low density residential development to the west of Rossetti Street in terms of shadow impacts.

Having regard to the proposed building setbacks the shadow impacts of the development will be primarily directed towards Council's park and the church site to the south. No buildings are adversely affected by shadow impacts from the proposed development.

Conclusion of Height and FSR Assessment

The proposed height controls envisage locating the highest parts of the development on the lowest part of the site. To that extent the visual and shadow impacts of the development on residential land uses are considered to be able to be far better resolved than would be the case if the site were flat in nature. A case has been made for a height greater than the 9 or 11 metres proposed in the draft LEP 2011 to be considered for this site due to site levels and increasing setbacks from Rossetti Street.

The applicants proposed a Floor Space Ratio of 2:1 in their draft SSDCP. This may be excessive for this site given that their concept plans achieved a ratio of 1:1 which increased to 1.4:1 allowing for the basement car park protrusion. The issue of the most appropriate FSR requires further investigation as it may also be affected by the requirement, within the definition of Gross Floor Space, to consider car parking in excess of that required for the development as floor space. Given that a large part of the site contains car parking for the adjoining shopping centre the impact of this would need to be examined. This could occur as part of the process of preparing the draft SSDCP. Therefore a floor space ratio of between 1:5 and 2:1 is recommended subject to the SSDCP confirming the exact FSR prior to exhibition.

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SETBACK ISSUES

The concept plans provide for a building setback of 3.07 metres to Rossetti Street and a zero setback to the southern and eastern boundaries. Specific comment in respect to setback matters is provided below:

Rossetti Street (Western) boundary – The proposed 3.07 metre setback and activated façade provides a suitable response to the adjoining residential area. The residential component above ground floor retail / commercial space at this point is proposed to be limited to 2 storeys which is compatible with the adjoining low density residential area on the western side of Rossetti Street.

Eastern boundary – The applicant has not demonstrated how the ground floor interface with the park will be treated. A blank wall is unacceptable and activation should be required. This can be achieved through use of techniques such as urban art, windows, building material selection and other more specific design features. This issue requires further detailed consideration.

Southern boundary – The applicant has not demonstrated how the southern boundary wall is intended to be treated or the nature of impacts on this property. It is however considered that similar activation treatments as outlined for the eastern boundary setback would also be appropriate along this boundary.

In addition Stage 2 of the RDS will look at opportunities for increased densities in the Western part of the city. Given the similarities between the sites, a future review may conclude that the site to the south of the subject site is also suitable for higher density residential development whereby the zero setback proposed by the applicant may be resolved by allowing for similar zero setbacks on the adjoining site for car parking levels. Nevertheless this will be subject to agreement of the property owner. Again further consideration of this issue is required.

Northern boundary

The northern boundary of the site blends with the existing shopping centre development and does not require special controls. In respect to the setback proposed to Rossetti Street and the activation comments made in respect to the proposed Southern and Eastern setbacks these are matters that are appropriate for a SSDCP or for more detailed consideration at the development application stage.

TRAFFIC MANAGEMENT

Council's Traffic Engineer has estimated that a development consisting of 2500m2 of retail floor space and 1500m2 commercial space would generate 291 peak hour trips. This increases to 359 trips if the traffic from 105 residential units is included. The applicant has submitted that the retail and commercial components of the development would generate

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only 148 peak hour trips which Council's traffic engineer considers to be comparatively low.

Not withstanding these differences there is an opportunity to introduce an additional left in left out driveway onto The Horsley Drive by reopening the existing driveway located at the eastern end of the existing shopping centre. If this were to occur it would minimise the potential traffic impact on Rossetti Street and associated intersections. The feasibility of reopening this driveway and its capacity to resolve traffic concerns associated with an expanded centre requires further investigation.

PLACE MANAGEMENT ISSUES

Council's Place Manager for Smithfield / Wetherill Park has reviewed the application and concept plans. His comments form **Attachment F** to this report. In summary the issues raised by the Place Manager are as follows:

a) Agrees that development application needs to be accompanied by a detailed Traffic and Parking Impact Assessment. The assessment also needs to review the intersection of Thompson and Rossetti Streets.
b) Concerned about the capacity of Rossetti Street.
c) Concerned about the operation of the loading dock driveways onto Rossetti Street.
d) DCP should provide for separation of residential and commercial car parks.
e) Notes that the benefits of having the site on an arterial road, from a retailing perspective should take into account the down grading in status of this road from State to Regional, and the new 5 tonne load limit.
f) Disagrees with some of the assumptions made in Economic Impact Assessment in terms of available expenditure, and other conclusions reached. Of particular concern is the impact estimated for the Stockland expansion and the lack of inclusion of the proposed shopping facility within the Boral southern employment lands.
g) Questions the proposed "eat street" concept given the presence of eat streets at Canley Heights and Canley Vale and at Fairfield, which have not been considered in the assessment.
Recommends that the Economic Assessment be amended taking concerns raised into account so as to determine whether a 4000m2 expansion is still viable.
Considers that the Stepped 2 – 4 – 6 levels for residential units to be excessive and out of character for the area. Suggests a more suitable 2 – 3- 5 stepped construction to reduce visual impact, bulk and scale.
Recommends that the Market Town Shopping Centre Community Safety Audit report 2009 be included in the DCP where applicable.

The Place Manager while raising no objection to the rezoning of the site considers that a smaller scale development of the site is warranted to minimise impacts on the surrounding road network, adjacent residential areas and nearby retail and commercial centres.

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OPTIONS AVAILABLE TO COUNCIL

The following are some of the options available to Council when considering this matter:

1. REJECT THE PLANNING PROPOSAL AND RETAIN RESIDENTIAL A OR R2 ZONE

Council could conclude that the applicant has not adequately argued a case to rezone the site for business purposes. If this were to be concluded the site would remain residential. A Residential R2 zoning, as currently proposed on this site, is however considered inappropriate as it fails to reconcile the potential of the site to support higher residential densities, fails to adequately consider the shopping centres encroachment upon the site and limits potential redevelopment due to the presence of a large car park upon the land. For these reasons this option is not supported.

2. SUPPORT THE PLANNING PROPOSAL AND DRAFT SSDCP

Supporting the Planning Proposal and Draft SSDCP, that facilitates a development application of the scale currently proposed, with uncertainty relating to the degree of traffic, economic and amenity impacts, and the ability for the reasonable resolution of such impacts, will create difficulties at the development assessment stage. Council may well be locking itself in to approving a development which complies with the Draft SSDCP even though on further examination some of these impacts may be considered undesirable and not capable of adequate resolution. For these reasons this option is not supported.

If however Council considered that the Planning Proposal had merit then it should seek to obtain expert independent economic impact advice given the conflicting demands of the property owner with the conclusions reached by his economic impact experts, DFP. This will ensure that these conflicts are examined and an assessment carried out in accordance with the evaluation criteria contained in Council's Retail and Commercial Centres/Activities Policy.

If the assessment finds that the expansion of the centre by 4000m2 of retail or commercial floor space is justified and consistent with the Council's evaluation methodology then the Planning Proposal should proceed for a Gateway Determination. The cost of any independent assessment, if required by Council, should be met by the property owner as provided by Section 54(3) of the Environmental Planning and Assessment Act, 1979.

The Planning proposal would however require amendment to make reference to a zoning change under the provisions of LEP 1994 rather than the draft LEP.

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3. SUPPORT A REZONING OF THE SITE TO RESIDENTIAL B, AND PART 3(c) LOCAL BUSINESS CENTRE SUFFICIENT TO CORRECT THE BUILDING ENCROACHMENT UPON LOT 5 PLUS 1 METRE BUFFER

This option has particular merit as it would correct an existing zoning anomaly in terms of the building encroachment and provide the opportunity for residential development to be constructed over the existing car park. To enable this option to be achieved Council staff would be required to prepare an amened Planning Proposal and seek a gateway determination from the Department of Planning and Infrastructure. In addition a site specific DCP would be required to be developed by staff and exhibited concurrently with the Planning Proposal.

The correction of the building encroachment would result in the existing 3 (c) Local Business Centre zone boundary being moved approximately 11 to 12 metres to the south i.e. the depth of the encroachment plus a 1 metre buffer.

The existing car park located on Lot 5 would under this option be able to be retained and would be subject to existing use rights.

Option 3 would also result in the refusal of the applicant's Planning Proposal.

Option 3 is the favoured option as it removes the uncertainty associated with endorsing a significant expansion of the existing shopping centre in terms of retail impacts, creates opportunities for higher density housing on a site well suited to such development and removes an existing zoning anomaly. Council should also note that the existing shopping centre / bowling alley development is capable of expansion and or reconfiguration of floor space. The property owners desire to maintain his centres competitive position within the retail hierarchy may also be able to be realised by redeveloping the existing centre and the range of uses it contains.

While initially the Planning proposal would amend the existing LEP 1994 eventually, if adopted by Council, it would have to be converted to the new LEP 2011 currently being prepared. If ultimately adopted the site would then convert to being zoned part B2 Local Centre and part Residential R4 under this option. In the R4 zoning neighbourhood shops would be a permissible use but would be limited in size. The timing of the conversion would depend on whether this proposal was adopted compared to when the LEP 2011 comes into force.

RECOMMENDED CONSULTATION STATEGY

A rezoning of Lot 5 whether for higher density residential or for Local Business Centre purposes should be advertised broadly. The recommended strategy is follows:

1. Newspaper advertising as legislatively required.
2. Letters to owners and or occupiers of properties within a 500 metre radius of lot 5 and located south f the Horsley Drive.

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3. Letters to existing business occupiers within the Wetherill Park Market Town Shopping Centre.
4. Letters to the owners of nearby neighbourhood shopping centres, and the Hamilton Road local centre, that may be affected by a rezoning of the site for Business purposes should Council wish to pursue this rezoning option.

Conclusion

The subject site is already partially developed for commercial / retail uses. It contains a part of the adjoining shopping centre building and a substantial part of the centres car park. An argument clearly exists that the existing 2(a) residential zone and the proposed R2 Low Density residential zone are inappropriate given the way the site has already been developed.

The applicant's Planning Proposal and the DFP Economic Impact Assessment has not provided sufficient justification to support a conclusion that a retail / commercial expansion of 4000m2 would not have adverse consequences for nearby Neighbourhood Centres or require an expansion of the existing centres trade area to ensure ongoing viability. These issues are not able to be satisfactorily resolved given the property owners desire for a more flexible approach to floor area retail or commercial usage and current planning legislation. The latter two considerations differentiate what is now proposed with what applied when Council initially resolved to support a rezoning for business purposes in 2005.

The applicant has however demonstrated that the site's current Residential A zoning is inappropriate having regard to the car park and shopping centre development that it currently contains and its location. It has also been demonstrated that the site is suitable for higher density residential purposes due to location and topography considerations.

It is concluded that a rezoning of the site that resolves the building encroachment issue and provides opportunities for higher density residential development is the most appropriate outcome. To that end a Residential B zone has been recommended for the majority of the site with a more minor realignment of the existing 3 (c) zone so as to correct the building encroachment anomaly. A Site Specific DCP should also be prepared to guide future residential development.

Klaus Kerzinger
Senior Strategic Land Use Planner

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Authorisation
Manager Strategic Land Use Planning
Executive Manager Environmental Standards

Outcomes Committee - 13 September 2011

File Name: **OUT130911_20**

***** END OF ITEM 134 *****

ATTACHMENT B

SUBJECT:

Planning Proposal – Wetherill Park Market Town, Lot 5 DP 714281 known as 13 – 21 Rossetti Street, Wetherill Park
(SUPPLEMENTARY)

FILE NUMBER: G14-10-102

PREVIOUS ITEMS: 134 - Outcomes Committee - 13 September 2011

REPORT BY: Klaus Kerzinger, Senior Strategic Land Use Planner

RECOMMENDATION:

A. That this report be read in conjunction with Item 134.

B. That Council:

1. Defer the Planning Proposal to affect a rezoning of the site for business purposes pending expert independent economic impact advice being received by Council.

2. Require the property owner to meet the costs associated with obtaining the advice prior to the advice being commissioned.

3. Consider a further report once the independent economic impact advice has been received.

Note: This report deals with a planning decision made in exercise of a function of Council under the EP&A Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A	Letter from Rhodes Haskew Associates	2 Pages

SUMMARY:

This report considers a further submission from the applicant which seeks to restrict the amount of retail or commercial floor space upon the site to a maximum of 1500m2.

BACKGROUND:

As detailed in the previous report to the Outcomes Committee (See pp 58-59), Council previously resolved in 2005 to proceed with a draft LEP proposal that involved 2500m2 of retail floor space. However it was not considered that Council could rely on that previous assessment and when this new application was lodged Council Officers requested a new Economic Impact Assessment (EIA) for the following reasons:

1. The June 2004 and August 2005 Hirst reports were prepared based on retail assumptions that may have now changed due to the building of a new local centre at Hamilton Road, significant expansion of the bulky good centre on The Horsley Drive crn Elizabeth Street and reduced traffic on The Horsley Drive.
2. The use controls advocated by Hirst such as consent conditions and site specific DCP no longer had merit due to the impact of SEPP (Exempt and Complying Development Codes) 2008.

REPORT:

Council's Outcomes Committee at its meeting on 13 September 2011, when considering Item 134, resolved as follows:

That this matter be deferred to allow a further report to be submitted, addressing the issues of maximum 1500m2 non-residential floorspace, as raised in the applicants submission dated 9 September 2011.

Rhodes Haskew Associates have by letter dated 9 September 2011, **Attachment A**, proposed to limit the amount of additional retail or commercial floor space on the Rossetti Street site to a maximum of 1500m2. They propose that this be controlled by building envelop and floor space ratio controls contained with a site specific DCP.

In considering this request the issue of whether the submitted documentation from Don Fox Planning (DFP) the property owners specialist economic sub-consultant, makes a clear case for the 1500m2 of additional retail floor space should be considered.

The original DFP April 2011 report indicated that the 1500m2 of additional retail floor space would be occupied by uses such as restaurants and specialty grocery stores. In respect to the restaurant component an "eat street" concept was proposed. It was indicated that the concept through marketing techniques would attract a reasonable proportion of expenditure from areas beyond the estimated trade area.

Expansion of a centres trade area is contrary to one of the assessment criteria nominated in Council's Retail and Commercial Centres / Activities Policy to be applied when considering the expansion of Local Centres. The expansion of the trade area was envisaged as counteracting a theoretical shortfall of available retail related expenditure, by 2016 of $2.7 million, for this centre which DFP had identified. The shortfall resulted from the centre being expanded by 1500m2 of additional retail space and was unrelated to the additional 2500m2 of commercial floor space also proposed.

Subsequent advice provided by DFP in their report dated 1 July 2011 sought to provide additional justification for the retail component of the development. The table below compares the advice provided by DFP in their April and July submissions:

DFP Assumptions for Economic Impact Assessment

Criteria	April 2011	July 2011
Passing Trade – vehicles Passing Site Each Day – Average Annual Daily Traffic (AADT)	Estimated 23800 AADT for 2011	12649 between 7am and 6pm in 2011 (18774 AADT in 2005)
Percentage of passing trade patronising centre 260 week days per year.	3%	5%
Estimated amount spent per motorist stopping	$10	$10
Sales from Passing Trade if estimated based on AADT data April or 7am to 6pm data in July at 3%	$1.82 million	$1 million
Sales from Passing Trade based on information provided to DFP		$1.5 million
Revised Passing Trade estimated by DFP – using 5% passing trade.		$1.64 million
Estimated retail expenditure within centre from catchment households in 2011	$43.9 million	
Total estimated expenditure in 2011 includes passing trade and industrial workers	$50.46 million	$50.3 million
Shortfall in expenditure if additional 1500m2 retail space provided by 2016	$2.7 million	
% of trade area expenditure in take away food, clothing and restaurant category directed to centre in 2011	10% includes clothing	30% (does not reference clothing) results in an additional $3.64 million in available expenditure.
Amount of retail floor space able to be supported based on available expenditure in 2011	**1000m2 based on data supplied in their April report and nominated in July report**	**Over 1100m2 if general retail or around 1500m2 if eat street targeted.**

The information supplied in the DFP did not make a compelling case for an expansion of retail floor space. The July report indicated that the April report contained data relating to available expenditure that would support approximately 1000m2 of additional retail floor space. However as a result of adjustments made to the model in respect to the percentage of passing trade patronising the centre and the percentage of available trade area expenditure directed to the centre a case was argued for an expansion of retail floor space. The retail floor area recommended by DFP in their July 2011 report being 1100m2 if general retail, or 1500m2 if "eat street" targeted.

CONCLUSION:

Limiting the retail or commercial floor area as proposed by the applicant to 1500m2 overcomes the concern that all of the proposed 4000 m2 of floor space may be used for retail purposes. The controls suggested such as building envelop and floor space ratio also have merit if the FSR controls were contained within the LEP and the building envelop controls in a site specific DCP. To do so would assist Council in limiting the floor space to the 1500m2 suggested.

The provisions of SEPP (Exempt and Complying Development Codes) 2008 are still applicable. The SEPP would require development consent to be obtained for food premises such as restaurants but not for general retailing. Therefore use controls that ensured that an "eat street" themed development resulted would not be able to be achieved within the context of currently applicable planning legislation.

In terms of whether the applicant has provided a compelling case to support 1500m2 of additional retail floor space the conclusion reached is that an adequate case **has not** been made based on the conflicting information submitted and the requirement for a substantial amount of this space to be utilised for use specific retailing such as restaurants.

It is considered appropriate having regard to the differing requests from the property owner and subsequently applicant since 2003, for an expansion of the Wetherill Park Local Centre, to now obtain independent advice as to what level of increased floor space can reasonably be justified for this centre. The cost of the independent advice to be met by the property owner as provided by Section 54(3) of the Environmental Planning and Assessment Act.

To proceed without having the EIA independently reviewed is problematic for Council as it may give rise to other rezoning or development requests based on assessments similar to this which contain conflicting and untested assumptions. If Council proceeds with this proposal without further testing these assumptions it may be seen as a precedent that other applicants will seek to utilise when submitting their proposals.

It should also be noted that this matter was reported to the September Outcomes meeting at the insistence of the property owner who wanted this matter determined. Consequentially a number of options were nominated for Councils consideration and Councillors were briefed to enable this matter to be considered. Were it not for the property owners insistence that this matter be reported the issue of the independent review would have been attempted to be negotiated with the applicant prior to the application being reported to Council.

Given all the issues identified should Council wish to proceed with a proposal to allow 1500m2 of retail floor space on this site it is recommended that the matter be reviewed by an independent consultant prior to Council proceeding. Council also still has the option of pursuing any of the additional options outlined in the report presented to the Outcomes Committee on 13 September 2011.

Klaus Kerzinger
Senior Strategic Land Use Planner

Authorisation:
Manager Strategic Land Use Planning
Executive Manager Environmental Standards

Outcomes Committee - 13 September 2011

File Name: **OUT130911_35**

***** END OF ITEM 156 *****

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Norling Consulting Pty Ltd
Business & Property Economics

Our ref: 11069/1011.kt

25 October 2011

Mr Robert Cologna
Manager – Strategic Planning
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Email: rcologna@fairfieldcity.nsw.gov.au

Dear Robert

RE: PEER REVIEW – EIA WETHERILL PARK MARKET TOWN SHOPPING CENTRE

Introduction

Norling Consulting has, at your request reviewed the above report prepared by Don Fox Planning Consultants in April 2011. It is our understanding that the purpose of the research is to:

- Review the Don Fox EIA; and
- Assess whether the proposed extension is consistent with the relevant evaluation criteria set out in Council's Retail and Commercial Activities Policy.

The Proposal

It is understood that the Applicant wishes to rezone Lot 5 DP 714281 (31-21 Rossetti Street, Wetherill Park) from R2 Low Density Residential to B2 Local Centre. The site is positioned to the rear and side of an existing shopping centre, Market Town Shopping Centre (6,000sq.m.) which is anchored by Franklins supermarket and contains 37 specialty shops.

Whilst previous versions of the application proposed larger increases in commercial floorspace, the current application is limited to 1,500sq.m. of retail and commercial. The proposal is planned to include an expanded medical centre and ethnically themed restaurants and specialty grocery stores – described as an "eat street". This retail and commercial extension is likely to be accompanied by residential units on upper levels.

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It is however noted that as State planning controls prevent Council from imposing restrictions on the use of the 1,500sq.m., there can be no guarantee that the commercial uses proposed by the Applicant will remain.

Review of the Don Fox Economic Impact Assessment

The EIA prepared by Don Fox Planning is based on an assessment of 4,000sq.m. to include the ethnically themed grocery stores and restaurants (1,500sq.m.), a child care centre, medical centre and medical facilities and local serving commercial office space. Since that time the Applicant has stated that the retail and commercial component of the development would be limited to 1,500sq.m.

Planning Context

The Don Fox EIA provides a comprehensive summary of studies that are relevant to the centre and proposed extension.

The major outcomes of these studies was the identification of Wetherill Park Market Town Shopping Centre as a Local Centre in the Fairfield Business Centres Study, the Fairfield Local Environment Plan and the Retail and Commercial Centres/Activities Policy. The EIA claimed that the extended Wetherill Park Market Town would still comply with the criteria of a Local Centre as it would be under 10,000sq.m. It is also noted that the Fairfield Business Centres Study recommended that development of retail elements focussing on providing products for the diverse communities of Fairfield should be encouraged. The other relevant information is the evaluation criteria listed in the Retail and Commercial Centres/Activities Policy relating to applications to develop Local Centres, and this is dealt with further within this letter.

Methodology & Approach

The EIA has adopted a standard methodology by defining a trade area, projecting a population and retail expenditure base and examining the existing and proposed competition. The EIA has also appropriately considered the nearby Wetherill Park industrial workforce as a potential source of trade. However, the EIA has adopted novel approaches to projecting turnover and assessing impacts and these approaches are not considered acceptable.

Trade Area Definition & Population Numbers

The EIA correctly identifies the factors which determine a catchment area. However this does not appear to have been followed through in the actual determination of the catchment. We believe the Don Fox defined catchment is too generous. It is noted too that no trade area map or centre hierarchy map is provided which is highly unusual as it is a normal component of an EIA.

The Don Fox Planning EIA identifies the trade area as comprising the suburb of Wetherill Park and parts of Prairiewood/Fairfield West, Bossley Park and Smithfield. We believe that the location of Stockland Wetherill Park just over 1.5km to the south west of the Market Town Shopping Centre severely limits the extent of the southern border of the catchment. The location of Smithfield Square anchored by Coles supermarket 3km to the east of Market Town restricts the catchment to the east. We do not believe that residents of Bossley Park, Prairiewood or Fairfield West are likely to significantly patronise the Market Town shopping centre, with these residents more closely located to Stockland Wetherill Park (Big W, Target, Woolworths and Franklins).

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We have thus defined a catchment area which is exclusive to the Market Town centre and includes most of the suburb of Wetherill Park and two Census Collector Districts of Smithfield. The population within this catchment was around 5,500 persons in 2006, which is just over a third of the 15,832 persons who reside within the Don Fox catchment area. The Don Fox catchment significantly overlaps with other centres' catchments in order to incorporate the 15,832 persons.

This difference in approach to catchment definition has important implications to the assessment of the likely sustainability and demand for additional facilities at the Wetherill Park Market Town.

The Don Fox EIA concludes that as one source (Fairfield City Council Residential Development Strategy) anticipates low population growth and another source (the draft West Central sub regional strategy) has projected significant growth in dwellings, that the average household size in Fairfield City will decline. The more realistic situation is that the two sources disagree as to the growth potential of the City.

The methodology we would employ in undertaking population forecasts would be to:

- Determine the number of building approvals since the 2006 census;
- Obtain from Council details of any subdivision applications and approvals;
- Calculate the amount of vacant zoned land available for development and apply an average subdivision figure to determine the capacity number of dwellings that can be accommodated;
- Examine past population and household growth rates; and
- Examine all other forecasts undertaken by other organisations for this area or region.

Demographic Analysis

The demographic analysis is reliant upon a comparison between the catchment area and Fairfield LGA. However it is our view that it would be more appropriate to also include the average for the Sydney Statistical Division for assessment purposes. This would reveal that, whilst Fairfield City has significant ethnic diversity and lower average incomes, the catchment area has less ethnic diversity and higher incomes than the City.

Retail Expenditure Potential

The average household spend adopted by the Don Fox EIA is considered reasonable. However, the assumption that only 31% of expenditure is directed to the Food for home category appears to be too low for this catchment.

The EIA adopts a novel manner of applying real growth increases and discounts to account for declining household size to project retail expenditure growth. The end result represents a modest increase in real growth per capita, which is considered appropriate.

Turnover Forecasts & Market Share Analysis

Whilst appropriately applying market shares to the catchment area retail expenditure base and estimating expenditure from nearby industrial workers and passing motorists, the Don Fox EIA turnover estimates have not been derived from these analyses and calculations. Consequently, no reliance should be placed upon these results.

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In addition, it is our opinion that the Don Fox EIA has:

(a) Adopted optimistic market shares for the food for home, small household goods, personal services and clothing categories;

(b) Underestimated turnover from passing trade; and

(c) Underestimated turnover from the nearby industrial workers.

Assessment of Impacts

The Don Fox EIA examines impacts by comparing projected turnovers to theoretical turnovers to conclude that the expansion is "unlikely to result in the diversion of expenditure from other centres." This novel approach implies that the additional $11.8m attracted to the expanded centre has not been taken from other centres but has materialised from this air!

This approach is not considered acceptable and its conclusions cannot be relied upon.

Assessment against Evaluation Criteria

The Retail and Commercial Activities Policy clearly sets out the evaluation criteria to be applied in the assessment of an expansion of a Local Centre:

- *That any expansion proposal not alter the role of the local centre within Fairfield City's retail system*
- *That any expansion proposal not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres*
- *That any proposed development does not rely on an expansion of the existing trade area of a neighbourhood centre for its viability*
- *That a development proposal will result in an outcome consistent with the current role of the centre*
- *That a development proposal will strengthen the viability of a centre, particularly its core function of providing supermarket services.*

The Applicant has advised that the additional floorspace is to be occupied by a combination of an expanded medical centre, ethnically themed restaurants and specialists grocery stores. However, as Council cannot control the use of retail and commercial floorspace, it is relevant at this juncture to consider a range of possible uses.

Given the current layout of the centre and the extension being limited to 1,500sq.m., it is noted that the development of a second medium scale to full-line supermarket at this centre could not be achieved. It is noted that the discount supermarket operator, Aldi, has a preferred size of 1,350sq.m. and therefore could be accommodated. This small discount supermarket draws a small market share from a large catchment, but it is not classified as a medium scale or full-line supermarket. It provides only about 900 items compared to a full-line supermarket's 25,000 items. Given that Aldi stores are presently located at Fairfield, Fairfield West and Bonnyrigg, the addition of an Aldi store at Wetherill Park Market Town is unlikely to significantly extend its trade area.

It is also noted that the existing supermarket could potentially be expanded by relocating some adjoining stores to the extension. The current size of the supermarket (2,500sq.m.) is at the lower end of a full-line supermarket. Expansion of between 500sq.m. and 1,000sq.m. would allow the supermarket to operate as a medium to large full-line supermarket.

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Whilst it is theoretically possible that one or more bulky goods retailers could occupy the proposed extension, this is considered unlikely due to the lack of exposure afforded these tenants by Rossetti Street.

Of course the 1,500sq.m. extension could also be occupied by a number of specialty stores and/or non-retail businesses such as medical, professional services, financial services etc.

Based upon the foregoing, it is our opinion that the proposed 1,500sq.m. expansion:

(a) Would not alter the role of the Local Centre within Fairfield City's retail system;

(b) Would not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres;

(c) Would not rely upon an expansion of the existing trade area for its viability;

(d) Would result in an outcome consistent with the current role of the centre; and

(e) Would strengthen the viability of the centre, particularly its core function of providing supermarket services, by providing a range of complementary retail and non-retail businesses.

Conclusion

It is our opinion that the Don Fox EIA cannot be relied upon in the assessment of the proposed expansion due to its novel and unacceptable methodologies for projecting turnovers and assessing impacts.

However, based upon all of the information available to us at this time, the proposed extension satisfies the five relevant evaluation criteria.

The proposed limit of 1,500sq.m. to the extension appears to have minimised the unintended consequences of the extensions, given Council's inability to control uses within the Centre.

The remaining question for Council is whether this Peer Review represents a sufficient basis to support the extension or whether an improved EIA is now required (specifically focussing on the impact issue).

We trust that the information provided within this letter meets your requirements at this stage. Please do not hesitate to contact us should you have any queries or require further clarification.

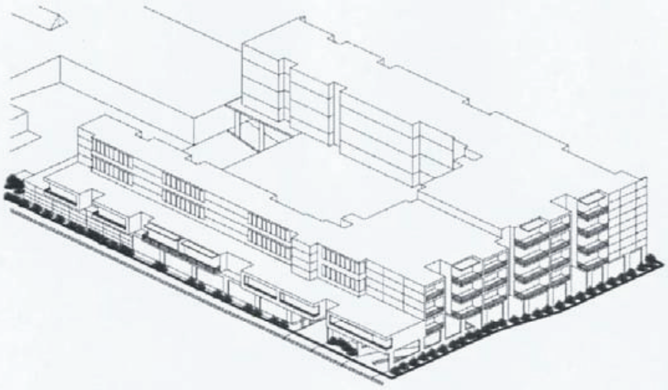
Yours faithfully
Norling Consulting Pty Ltd

Karen Thorogood
Consultant

Jon Norling
Director

ATTACHMENT D

Site Specific Development Control Plan
WETHERILL PARK MARKET TOWN
LOTS 4 AND 5 DP 714281



DEVELOPMENT CONTROL PLAN NO. XX/11

FAIRFIELD CITY COUNCIL

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Introduction

1.1. Citation

This plan may be cited as Wetherill Park Market Town, Site Specific Development Control Plan

1.2. Commencement

This Development Control Plan commences on such date, after gazettal of Fairfield Local Environmental Plan 1994 (Amendment No. XXX), upon which the matter is notified in a local newspaper.

1.3. Land to Which This Plan Applies

This plan applies to land zoned 3(c) Local Business Centre known as Lots 4 & 5 DP 714281.The land to which the plan applies is shown in Figure 2.1.1 of this DCP.

FIGURE 2.1.1: LAND TO WHICH THIS DCP APPLIES

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1.4. Background

Wetherill Park Market Town is a Local Centre situated on the south-eastern corner of the intersection of the Horsley Drive and Rossetti Street, Wetherill Park.

The centre was erected in 1981 and has functioned as a successful Local Centre. It presently accommodates 6000 m^2 retail floor space in addition to a 10 pin bowling alley occupying 2500 m^2 floor space. The centre is anchored by a chain supermarket (Franklins) which occupies 2500 m^2 retail floor space with the remaining 3500 m^2 floor space occupied by 37 specialty shops.

The site comprises two allotments of land being Lots 4 & 5 DP 714281. Existing retail activities are primarily located on Lot 4, being the northernmost allotment. Lot 4 is zoned 3(c) Local Business Centre under Fairfield Local Environmental Plan 1994 and is intended to be zoned B2 Local Centre under Draft Fairfield Local Environmental Plan 2011.

The majority of the existing retail floor space, as well as the northern car parking area is situated on Lot 4.

Lot 5 comprises the southern portion of the site and is part vacant land and part car parking, servicing retail activities occurring on Lot 4. In addition the main retail building situated on Lot 4 encroaches by a maximum of approximately 11 m onto Lot 5.

Lot 5 was rezoned to 3(c) Local Business Centre to permit expansion of the Wetherill Park Market Town Shopping Centre, generally in the form of additional retail floor space and residential unit development above.

1.5. Purpose of this Development Control Plan

The purpose of this DCP is to supplement the provisions of Fairfield City Wide Development Control Plan 2006 by providing site-specific and additional site specific objectives, standards and guidelines for the orderly and economic development of Lot 5 as part of a coordinated and cohesive expansion of the existing shopping centre primarily located on Lot 4.

The development principles, standards and guidelines communicate Council's expectations for future development of the land and are of importance to the development industry in the preparation of Development Applications. The DCP is also relevant to members of the community as a guide to the planned growth of Wetherill Park Market Town.

This Development Control Plan establishes amongst other things, the following:

(a) the general location and height of building envelopes associated with that development;
(b) architectural details, structures and other urban form requirements to guide the interface of the subject site with the public domain, and with surrounding residential development;
(c) the requirement for a pedestrian link between Rossetti Street and Emerson Street Reserve;
(d) the separation of loading and utility areas from pedestrian areas as well as customer and resident parking areas;
(e) the opportunity for achieving public art to walls fronting Emerson Street Reserve;

This Plan will be used by Council to asses any application for the development of the subject site.

1.6. Relationship to Other Planning Documentation

a) This DCP supplements the statutory provisions contained in Fairfield Local Environmental Plan 2010.

b) Pursuant to Section 74C(4) of the Environmental Planning and Assessment Act 1979, this DCP substitutes all other Development Control Plans applying to the subject site.

c) Pursuant to Section 74C(3) of the Environmental Planning and Assessment Act 1979, this Plan adopts by reference, the following provisions of Fairfield City Wide Development Control Plan 2006 (including any amendments thereto and including amendments made after the adoption of this DCP);

- (i) Chapter 2. Exempt and Complying Development;
- (ii) Chapter 3. Environmental Site Analysis;
- (iii) Chapter 7. Residential Flat Buildings
- (iv) Chapter 8. Commercial development in local centres;
- (v) Chapter 11. Flood Risk Management;
- (vi) Chapter 12. Car-parking, Vehicle and Access Management;
- (vii) Chapter 13. Child Care Centres
- (viii) Chapter 14. Subdivision
- (ix) Appendix A. Definitions
- (x) Appendix B. Notifications Policy
- (xi) Appendix C. Signage
- (xii) Appendix E. Waste Not Policy
- (xiii) Appendix F. Landscape Planning

1.7. Interpretation

Certain terms used in this DCP have defined meanings. These are consistent with the definitions used in Fairfield City Wide Development Control Plan, which can be found at Appendix A of that plan.

1.8. How to Use This Development Control Plan

This plan is to be read in conjunction with Fairfield City Wide Development Control Plan and is intended to supplement those provisions. The plan fundamentally assists in the preparation and Development Applications by detailing development controls which will be used by Council as benchmarks of what is acceptable development.

1.9. Variations to this DCP

The provisions within this DCP represent council policy and community expectations. Accordingly, it is expected that development proposals comply with the provisions in this DCP.

However, where variation to a particular provision of the DCP is warranted, Council will consider a written statement prepared by the applicant and included within the Statement of Environmental Effects which addresses the non-compliance by reference to the following questions:

(a) what is the development control in question?

(b) what is the objective or purpose of the provision and how will that objective or purpose still be satisfied, notwithstanding the proposed variation?

(c) why is compliance with the development control unreasonable or unnecessary in the circumstances of the case?

(d) would modification to the development proposal, in order to achieve compliance be unreasonable or unnecessary in the circumstances of the case?

Council will consider the merit of each variation on a case-by-case basis having regard to the above criteria.

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2. The Role of Wetherill Park Market Town

Overview

Fairfield Councils Retail And Commercial Centres / Activities Policy adopted in June 2006 provides the strategic planning framework by which Council manages the hierarchy of commercial centres within the Fairfield Local Government Area.

The Study identifies a system of centres which are arranged in hierarchical order.

Relevant characteristics of each level of centre within the hierarchy are as follows:

Sub-regional Centre

There are four sub regional centres being Fairfield, Cabramatta, Bonnyrigg and Prairiewood. The characteristics which set a sub regional centre apart from smaller scale centres use:

- the size of the trade catchment (usually about 50,000 persons);
- the presence of one (or more) Discount Department Store and one (or more) full-line supermarket;
- their high accessibility from public transport networks;
- generally containing between 20,000-80,000 m² of retail floor space and a wide range of non-retail services including entertainment facilities, community services and office space;
- providing opportunity for higher order and comparison goods shopping as well as the provision of specialist, professional and personal services serving the sub region.

Local Centres

Local Centres include Greenfield Park, Wetherill Park (Market Town), Edensor Park and Smithfield.

The distinguishing features of a Local Centre are:

- Local centres are provided with a medium-scale supermarket (1000 to 3000 m²);
- Generally containing between 5000-10,000 m² of retail floor space and have a catchment which includes one or more suburbs;
- They provide for the major weekly food shopping and convenience retail needs of that suburb or suburbs;
- Provide a range of non-retail professional and personal services;
- Can include ancillary services such as a restaurants, hardware store, community facilities and post office ;

Neighbourhood Centres And Specialist Centres

Neighbourhood Centres are at the lowest end of the hierarchy and generally characterised as those which do not contain a major supermarket as an anchor tenant and which only provide basic convenience services to a local catchment population.

Specialist Centres captures all remaining centres which do not fit in to the hierarchy.

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2.1. Objectives of this Clause

The objectives of this clause are:

a) To ensure that Wetherill Park Market Town fulfills, but does not exceed its role as a Local Centre.

b) To ensure the that future growth within the Wetherill Park Market Town shopping centre achieves a broadening and strengthening of its economic base but which does not result in vertical movement of the centre up the retail hierarchy

2.2. Controls

a) Any additions to retail or commercial floor space are to ensure that the total retail or commercial floor space of the Wetherill Park Market Town Shopping Centre, located upon lots 4 and 5, does not exceed 7,500 m² Gross Leasable Floor Area. This represents an increase of 1500 m² of Gross Leasable Floor Area.

b) For the purposes of calculating Gross Leasable Floor Area of retail floor space in accordance with (a) above, the floor space of the existing 10 pin bowling alley is not included as retail floor space.

3. Building Design

Overview

The controls provided in Section 4 of this DCP relate to the design, siting, massing, height, bulk and scale, and aesthetic treatment of new development occurring on the site.

An important part of the design process is ensuring that new development positively and sensitively responds to its contextual setting. Wetherill Park Market Town is adjoined by low-density residential housing on the northern side of The Horsley Drive as well as on the western side of Rossetti Street. It is important that new development of the subject site sensitively responds to the scale and character of adjoining residential development and also ensures that the existing level of amenity enjoyed by surrounding residents is protected.

Of particular significance to the site's context, is Emerson Street Reserve, which adjoins the subject site on its eastern boundary. The building design process is to consider permeability of pedestrian movement through the site, between Rossetti Street and Emerson Street Reserve. It is also important that the future built form provides a high-quality architectural expression to the Reserve and maintains a scale which is compatible with the Reserve's open character and spaciousness. Ground floor walls presenting to Emerson Street Reserve will provide opportunities for public art and the requirement for, and mechanism by which this can be achieved forms part of the DCP.

Good design aims to achieve functional, efficient, comfortable and safe environments. To this extent, the controls contained within this section incorporate and adopt many of the standards, rules of thumb and design principles arising from State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings; NSW Residential Flat Design Code, and Crime Prevention Through Environmental Design (CPTED).

The controls also provide for new commercial / retail floor space to be provided at ground floor level within an activated elevation facing Rossetti Street.

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3.1 Building Envelope

Objectives

(i) To ensure development carried out in accordance with this plan provides a built form, with respect to bulk and scale, which is sympathetic to the character of the locality, and which maintains a human scale when viewed from the public domain, and in particular Emerson Street Reserve, as well as when viewed from adjoining residential properties.

(ii) To achieve a sensitive interface with adjoining residential development, particularly that located on the western side of Rossetti Street, by ensuring that the upper levels of the development are sufficiently setback so that their visibility when viewed from the western side of Rossetti Street, is obscured by the street wall height.

(iii) To provide certainty to the community and the development industry as to the desired future built form and character of the site

(iv) To provide a built form which is water and energy efficient.

(v) To achieve acceptable solar penetration into the site and to ensure overshadowing of adjoining lands is minimized

(vi) To achieve an activated commercial/retail façade at ground floor level fronting Rossetti Street.

Controls

(1) Development shall generally be consistent with the Building Envelope Plan illustrated at **Figure 3.2.1**

(2) That portion of the proposed development located on Lot 5 and facing Rossetti Street shall be restricted to commercial / retail development within an activated building façade.

FIGURE 3.2.1 - BUILDING ENVELOPES PLAN

(3) The maximum permissible street wall height to Rossetti Street is two storeys and 8 m above existing ground levels.

(4) The maximum permissible height of new buildings on the eastern boundary fronting Emerson Street Reserve is 6 storeys and 20 metres above existing ground level.

(5) Maximum permissible heights at all other locations are variable up to a maximum of 20 metres in accordance with the concept design indicated in the Building Envelope Plan, Figure **3.2.1.**

(6) Development shall ensure that a progressive setback is provided to the Rossetti Street elevation by the use of a sight line constructed in accordance with **Figure 3.2.2** below.

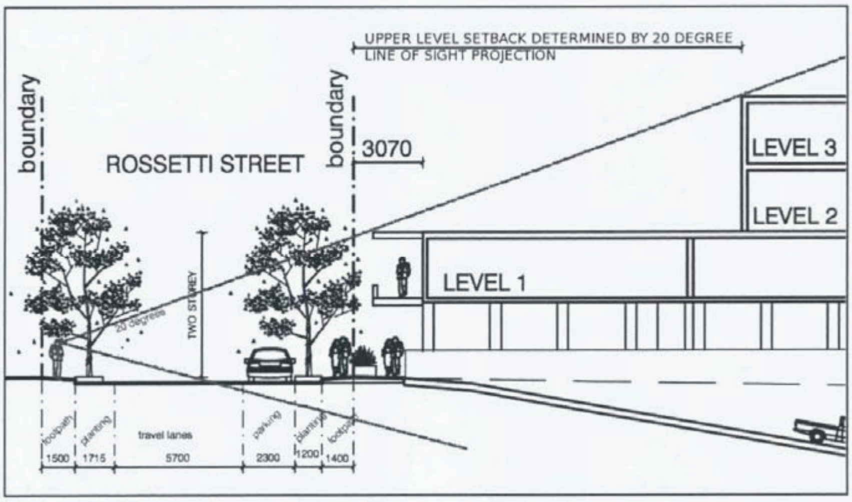

FIGURE 3.2.2 – PROGRESSIVE SETBACK

(7) The line of sight projection is to ensure that residential levels above the podium are to be setback from Rossetti Street by a sufficient amount to ensure that upper levels are obscured from view, when viewed from the footpath on the western side of Rossetti Street, by the street wall height of the development fronting Rossetti Street and ground and first floor levels. The height above footpath for the purpose of the height projection is 1.7 metres.

(8) The Building Envelope controls allow for a nil setback to all boundaries, subject to compliance with the maximum height provisions.

3.2 Building Separation

__Objectives__

(i) To ensure that development achieves satisfactory light and ventilation to residential units and communal opespace areas.

(ii) To ensure that development achieves satisfactory visual and acoustic privacy between dwellings;

(iii) To ensure that development is scaled to achieve appropriate massing and spaces between buildings.

(iv) To allow for the provision of communal open spaces having appropriate size and proportion for recreational activities .

__Controls__

(1) Minimum acceptable building envelope controls are:

a) 12 m between habitable rooms / balconies

b) 9 m between habitable rooms / balconies and non-habitable rooms

c) 6 m between non-habitable rooms

3.3 Floor Space Ratio

__Objectives__

(i) To ensure the development is in keeping with the optimum capacity of the site and the local area.

(ii) To provide opportunities for modulation and depth of external walls within the allowable FSR.

(iii) To allow generously sized, habitable balconies

__Controls__

(1) The maximum permissible FSR for new development of Lot 5 is 1.7: 1 and which is to be calculated on the basis of the site area of Lot 5 only.

3.4 Aesthetics

__Objectives__

(i) To ensure that new development of Lot 5 is visually as well as functionally cohesive with the built form character of existing commercial floor space occurring on Lot 4.

(ii) To ensure that new development of Lot 5 provides a high quality architectural expression which incorporate building facades which define and enhance the public domain.

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Controls

(1) New development of Lot 5 is to incorporate colours, textures and materials which serve to integrate existing and new development. This can be achieved by selecting colours and materials which are compatible with the pallet used by the existing shopping centre, or by modification and upgrading of the external finishes and materials of the existing shopping centre. The building façade to Rossetti Street is to be activated in accordance with the requirement of Clause 3.1.2.

(2) The facade detailing of new development of Lot 5 is to be consistent with the Building Form - Facade requirements of the NSW Residential Flat Design Code.

(3) New development is to employ architectural techniques including building articulation, fenestration proportioning, roof form manipulation and colours and textures pallet selection which:

- enhances and protects the pedestrian realm and other public spaces including Emerson Street Reserve,
- Retain a human scale at the street edge
- Assists in defining a sense of place which is unique and characteristic of Wetherill Park Market Town Shopping Centre.

4. Movement and Access

Overview

The controls provided at Section 5 of this DCP relate to movement of vehicles, goods and people as well as off-street parking and commercial vehicle loading and unloading requirements.

A significant site opportunity presented by the site's contiguous location with Emerson Street Reserve is to improve pedestrian permeability to and from the reserve by the incorporation of a pedestrian link between Rossetti Street and the reserve, through the subject site.

In the present situation, loading and unloading occurs from Rossetti Street and it is desirable that this situation continue subsequent to future redevelopment of the site. However in retaining the existing loading facilities in generally their existing location, it is necessary that care be taken in the design process, to ensure acceptable separation of commercial vehicle traffic from passenger vehicle and pedestrian traffic occurs.

The site presents an opportunity for vehicular access to Lot 5 to be obtained from The Horsley Drive utilizing the existing unused driveway that is located parallel to the eastern boundary of Lot 4. This driveway will be required to be activated to provide an additional access point to any development proposed for Lot 5.

3.5 Pedestrian Through Link

Objectives

(iv) To provide safe, convenient, attractive and disabled accessible pedestrian thoroughfare through the site between Rossetti Street and Emerson Street Reserve.

(v) To ensure after hours pedestrian access is controlled through 'barriers to entry' in accordance with principles of Crime Prevention Through Environmental Design.

(vi) To improve access to retail floor space for improved commercial viability.

Controls

(1) Any design for additional development over Lot 5 is to ensure that disabled accessible pedestrian movement can be achieved between Emerson Street Reserve and Rossetti Street, and from within and between residential and commercial components of the proposed development.

(2) This DCP does not preclude more than one access point to the pedestrian thoroughfare from Emerson Street Reserve, however where multiple access points are to be provided each shall be clearly distinguishable as publicly accessible. The design language used to ensure the legibility of publicly accessible access, shall include attention to colours, materials, landscaping as well as proportions and widths of access routes.

(3) It is the responsibility of the applicant to submit such information with the Development Application so as to demonstrate proposed public access arrangements.

(4) The pedestrian access shall be made available and freely accessible to members of the public at all times during the operating hours of shopping centre.

(5) Nothing within this DCP requires pedestrian access to be made available to the public outside the operating hours of the shopping centre.

(6) Where security shutters are to be used to prevent after hours access full details of the visual presentation of the shutters must be submitted with the Development Application to enable Council to properly assess streetscape impacts of shutters or gates.

(7) The pedestrian access shall be fitted with CCTV monitoring which provides full coverage of the pedestrian route. CCTV footage is to be recorded and all data held by centre security or such other qualified and experienced private security contractor for a minimum period of 14 days and shall be made available to law enforcement agencies upon request.

(8) Residential access shall be provided in such a manner as to not require thoroughfare through commercial and/or retail floor space.

(9) Lift access is to be provided directly between the basement resident parking area and residential levels of the development.

3.6 Vehicular Access and Parking

Objectives

(i) To minimise conflicts and safety hazards associated with commercial vehicle access and manoeuvring by separating the loading dock and utility area, both physically and visually, from customer parking and pedestrian movement areas.

(ii) To provide an additional vehicular access point from The Horsley Drive to service the development on Lot 5.

(iii) To ensure that adequate car-parking is provided on site.

(iv) To encourage bicycle usage by providing full bike storage, especially given that the centre is located adjacent to Council's cycleway.

(v) To ensure that resident parking is secure and separated from parking associated with retail and commercial uses.

(vi) To ensure that resident visitor parking is accessible at all times, including outside retail and commercial operating hours.

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Controls

(1) Commercial vehicle access, manoeuvring and loading shall occur from the existing loading dock facilities located upon Lots 4 and 5.

(2) The centre is to be provided with a single commercial vehicle loading area servicing the totality of the centre, being development occurring on both Lots 4 and 5.

(3) The commercial vehicle loading area is to exclusively service commercial vehicles and customer or resident parking shall not be permitted within the commercial vehicle loading area.

(4) Passenger vehicle access to new development occurring on Lot 5 is to be provided principally from The Horsley Drive. Where a driveway is also proposed to provide access to Rossetti Street it shall be located towards the southern end of the site. Car-parking rates shall be in accordance with the provisions of Fairfield City Wide Development Control Plan.

(5) Given that Lot 5 is currently used to provide car-parking spaces for development occurring on Lot 4, the two lots shall be consolidated prior to any further development of Lot 5.

(6) A minimum of one (1) bicycle parking/storage facility for every 20 car-parking spaces shall be provided throughout the local centre

(7) Resident parking spaces shall be provided in a separate and secure location within a basement parking area.

(8) An intercom facility shall be provided at the basement entry to facilitate after hours access to resident visitor spaces.

(9) All car parking generated by the development in accordance with the parking requirements detailed in Chapter 12 - Car Parking, Vehicle and Access Management of Fairfield City Wide DCP 2006, shall be provided on site. No provision exists for contributions in lieu of car parking under Section 94 of the Environmental Planning and Assessment act, 1979.

(10) Parking provision contained on Lot 5 but which relates to the existing development on Lot 4 must be retained in any redevelopment of the site.

5. Crime Prevention Through Environmental Design

Overview

Crime Prevention through Environmental Design (CPTED) refers to the process of designing buildings, spaces, and places in a manner which minimises opportunity, and decreases the incentive for crime to occur. The principal policy document for CPTED in NSW is *Crime Prevention and the Assessment of Development Applications - Guidelines Under Section 79C of the Environmental Planning and Assessment Act 1979,* Department of Urban Affairs and Planning, 2001.

This section of the DCP invokes the provisions of that document.

Objectives

(i) To ensure that new development contributes to a safe urban environment for users of the site, adjoining and surrounding landowners and the wider community.

(ii) To ensure that new development contributes to the creation of a physical environment that encourages a sense of safety for its users.

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(iii) To reduce the opportunity for crime to occur within and around the subject site.

(iv) To ensure that new development is consistent with principals of Crime Prevention through Environmental Design (CPTED).

Controls

5.1. Surveillance

New development is to achieve a high level of surveillance of publicly accessible areas by both natural and technical means. Effective surveillance can be achieved by:

- Uninterrupted sightlines between public and private spaces;
- Effective lighting of public spaces with particular attention to building entries;
- Landscaping design which makes spaces attractive, but avoids concealed areas and entrapment opportunities;
- The use of CCTV and periodic security patrol.

5.2. Access Control

Access control refers to the use of physical and symbolic barriers which distinguish between public, semipublic and private spaces and which channel or restrict the movement of people to and between various places. Effective access control can be achieved by:

- Ensuring that entries to buildings which are intended for access by the public are legible as such through the use of environmental cues which can be achieved through use of colour, materials, textures, proportions, signage and landscaping.
- Ensuring that access to residential areas is communicated through the design as a transitioning from public to semipublic space;
- Through the provision of physical barriers including keyed entry and/or lift authorisation to access residential levels;
- Through the separation of resident parking from retail and commercial parking and the provision of physical barriers to prevent unauthorised access to resident parking areas.

5.3. Territorial Reinforcement

Territorial reinforcement seeks to achieve a sense of community ownership of public spaces and in the case of communal open space will residential flat buildings, communal ownership of that semipublic space by residents. Territorial reinforcement can be achieved through:

- Design that encourages either formal or informal gathering through the uses which occur within a space (e.g. cafe and dining facilities extending beyond the shopfront and into public areas) or through furnishings and seating opportunities;
- The use of environmental cues which communicate transitions and boundaries between public and private space.

5.4. Space Management

Space management is closely related to territorial reinforcement and seeks to ensure that spaces are used for their intended purposes and also that they are well cared for and maintained. Effective space management strategies include activity coordination, repair of vandalism and removal of graffiti, maintenance of lighting and site cleanliness.

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5.5. CPTED Assessment

A detailed CPTED assessment is to be submitted with the development application which assesses the degree to which the control principles have been implemented in the submitted design.

6. Public Art

Overview

Public art in urban environments can provide opportunity for social, economic, cultural, ecological, visual and spiritual enrichment for residents and visitors to Fairfield City.

In the case of the subject site, public art provides opportunity to soften the visual presentation of the podium wall on Emerson Street Reserve, in a way which engages local community groups.

Objectives

(i) To facilitate the provision of a public art element on the podium wall of any development fronting Emerson Street Reserve

(ii) To enrich the lives of residents and visitors of Fairfield City by providing opportunities for cultural and/or artistic expression which promotes a sense of place and local identity.

(iii) To ensure that public art contributions for the proposed development are strategically planned, adequately resourced and effectively managed.

Controls

(1) The podium wall fronting Emerson Street Reserve is to be afforded opportunity for public art in the form of a public art element.

(2) The nature and form of the public art element is to be approved by Council prior to work commencing.

(3) The value of the public art element shall not be less than 1% of the Capital Investment Value of the development project.

(4) Where feasible the public art element may also function as a screening device to open car parking spaces.

(5) An Occupation Certificate (interim or Final) shall not be issued for the development project, commercial or residential component, until such time that Council has confirmed in writing that the public art element has been provided to its satisfaction.

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7. Residential Development

Overview

Higher density residential development of the site is consistent with Council's Residential Strategy as well as the Sydney Metropolitan Plan. Residential units above retail floor space will add to the supply and choice of housing stock within the locality and assist in providing after hours activity within and around the centre for the benefit of improved evening hours passive surveillance.

The principal policy framework for Residential Flat Building Design within NSW is State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings (SEPP 65) together with the NSW Residential Flat Design Code.

Fairfield City Council has adopted development controls contained in Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006. These controls supplement those contained in the Residential Flat Design Code and are applicable to the residential flat component of development on Lots 4 and 5.

Objectives

(i) To ensure that residential unit development is consistent with the aims, objectives and development standards contained within SEPP 65, NSW Residential Flat Design Code and Chapter 7 – Residential Flat Buildings, Fairfield City Wide DCP 2006.

Controls

(1) Development for the purposes of residential flat buildings is to be designed in accordance with the 10 design quality principles contained within SEPP 65, is to be designed by a registered architect and accompanied by a Design Verification Statement in accordance with the requirements of Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

(2) The provisions, objectives, better design practice requirements and rules of thumb contained within the NSW Residential Flat Design Code are adopted in full under this DCP.

(3) The specific development controls contained with Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006, are adopted under this DCP.

(4) Where there is an inconsistency between the development controls contained with the NSW Residential Flat Design Code and development controls contained with Chapter 7 – Residential Flat Buildings, of Fairfield City Wide DCP 2006, then the controls in Chapter 7 – Residential Flat Buildings prevails in respect to the inconsistency.

8. Waste Management and Site Services

Overview

Provision of adequate facilities for waste storage and collection is an important component of the successful operation of retail and commercial developments. In the case of mixed use development, it is also necessary that the interaction between commercial and residential waste management requirements are properly considered at the design stage.

The functionality of retail and commercial development and the amenity of residential development is also influenced by the provision of suitable and appropriate site services, including loading and unloading opportunities, laundries, telecommunications, electricity sub-stations, and fire fighting equipment.

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Objectives

(i) To minimise the impact of service area access on pedestrians and the retail frontage.

(ii) To ensure that sufficient provision is made for the following services for new mixed use commercial and residential development occurring on Lot 5:

- Garbage storage and collection areas,
- Loading and unloading facilities,
- Ventilation stacks from shops and basements,
- Laundries,
- Telecommunications,
- Electricity sub-stations,
- Fire-fighting equipment.

(iii) To ensure that the streetscape retains an active frontage and the building enhances the visual amenity of the town centre by ensuring the location and provision of services considers the presentation of the development to the street.

Controls

(1) Garbage collection is to occur from the Rossetti Street commercial vehicle servicing area required under Clause 4.3 of this DCP.

(2) Garbage storage areas must not be visually prominent from the street.

(3) Each level of residential units shall be provided with a garbage compartment of not less than 1.5 m^2 for each 6 residential units or part thereof.

(4) Each garbage compartment shall be provided with a loading opening to a garbage chute. The chute shall be connected directly to a garbage room housing a bulk waste container or mobile garbage bins carousel

(5) The garbage compartments shall be located within a shaft and the shaft shall be maintained under a negative air pressure and ventilated to outside atmosphere of sufficient distance from air intake locations.

(6) Garbage chutes shall have a minimum diameter of 500mm and be constructed to comply with the requirements of the Building Code of Australia. Chutes are to be provided with manual access for clearing blockages.

(7) Management and cleaning of waste services including all compartments, garbage rooms and associated equipment shall be incorporated into the duty statement of the building caretaker.

(8) All garbage compartments and garbage rooms shall be constructed using water imperious materials, capable of being washed out to maintain them in a clean state, be supplied with a fresh supply of water and provided with a drain connected to the sewer.

(9) Garbage rooms shall be secured to prevent unauthorised access.

(10) Posters shall be located within each garbage compartment providing educational material on how to use the system.

(11) Ventilation stacks will be utilised wherever possible to ventilate the basement and retail areas not serviced with window ventilation

(12) A laundry is to be provided to each residential unit and shall be located so as to not adversely effect the presentation of the building to the public domain.

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(13) Opportunity is to be provided to accommodate a removalist truck within the commercial vehicle servicing area to accommodate furniture removals for residential development. The design is to ensure that there is a suitable path of travel from this area to the lift

(14) Any service closets, fire hose cupboards, electricity base stations etc required as part of any servicing arrangement or system must not be visible from a primary street.

(15) Council's Drug Action Plan includes objectives relating to the management of needles. In any redevelopment where a public toilet are to be provided a needle disposal bin must be provided and maintained whilst the toilets.

9. Development Application Submission Requirements

A development application for the redevelopment of Lot 5 in accordance with this plan shall as a minimum be supported by the following documentation:

- DA form and 2 Electronic Copies (CD's) of all submission materials plus 8 sets of plans,
- Model of Development
- Comprehensive Review of environmental Factors and Site Analysis,
- Acoustic – Noise and Vibration Assessment,
- Traffic and Parking Impact Report,
- CPTED Report,
- BASIX Certificates,
- Waste Management Reports – Demolition and Construction Phase as well for Completed Development,
- Awnings Maintenance Plan,
- Shadow Diagrams
- Schedule of Materials and Finishes
- SEPP 65 Design Verification Report
- Storm water Design Concept Plans including On Site Detention.
- QS Cost Report – Capital Investment Value as defined in Major Development SEPP.