

OUTCOMES COMMITTEE

Meeting Date 12 August 2014

Item Number. 102

SUBJECT: Residential Development Strategy East - Phase 2 Implementation - Response to Submissions

FILE NUMBER: 13/07278

REPORT BY: Edward Saulig, Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse preparation of the Planning Proposal (Attachment C of the report) that will introduce a clause and change the minimum lot size map in the Fairfield Local Environmental Plan (LEP) 2013 to allow infill narrow lot development on existing larger lots in the narrow lot areas as detailed in the report.
2. Council refer the Planning Proposal for infill narrow lot LEP clause to the NSW Department of Planning and Environment (NSW P&E) requesting a Gateway Determination and that the planning proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report.
3. In requesting the Gateway Determination, Council advise NSW P&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]). The delegated functions will be undertaken by the Group Manager City Development who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
4. Council endorse the draft Large Lot Policy (Attachment D of the report) based on the criteria detailed within the report and place it on public exhibition for 28 days with a further report to Council at its conclusion.

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

SUPPORTING DOCUMENTS:

AT-A	Narrow Lot Precincts	1 Page
AT-B	Narrow Lot Clause - Draft	1 Page
AT-C	Planning Proposal - Narrow Lot Clause and Map Amendment	26 Pages
AT-D	Draft Large Lot Policy	2 Pages
AT-E	Large Lots 1300m2 - 2500m2 east of Cumberland Highway	1 Page

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CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

This report is one of 2 reports contained within the Outcomes Committee August 2014 Agenda concerning the draft Fairfield Residential Development Strategy East (RDSE) 2009 generally applying to land to the east of the Cumberland Highway. This report focuses on submissions made to the public exhibition of the draft Fairfield Local Environmental Plan (LEP) 2011 and Draft RDSE in early 2012.

This report includes discussion and recommendations concerning a proposed local clause amendment to Fairfield LEP 2013 to permit narrow lot development on larger sized lots within existing narrow lot precincts that are within the R2 Low Density Residential Zone, and a draft Large Lot Policy to guide planning proposals for medium density developments within the R2 Low Density Residential Zone that satisfy certain criteria.

Background

The accompanying Outcomes Committee report titled 'Residential Development Strategy East – Recommended Upzoning of Land' provides a detailed background in the preparation of the strategy, its relationship with the Sydney Metropolitan Strategy and the Draft West Central Regional Strategy. The report recommends the approach for residential upzoning to meet dwelling targets set by the State Government, requiring 14,400 extra dwellings within the established half of the City, eastern of the Cumberland Highway.

This report details other planning approaches to increase dwelling numbers, responding to submissions received during the exhibition of draft Fairfield Comprehensive LEP 2011 and the Draft RDSE in early 2012.

DUAL OCCUPANCY – NARROW LOT AREAS

Background

Council at the Comprehensive LEP meeting held on 17 April 2012 resolved (see below) that a further report be prepared on whether the minimum lot size for narrow lot housing (2 or 3 sets of attached dwellings constructed on their own lots typically measuring between 6.7 and 7 metres wide) areas should be varied (see Attachment A).

“1.3 The exhibited provisions for minimum lot size for dual occupancy in narrow lot areas be retained. A further report on whether minimum lot size for dual occupancy in narrow lot areas should be varied shall be prepared for Council’s consideration.”

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The April 2012 report highlighted the fact that the minimum lot size requirement in these areas of 450m² meant that existing larger sized lots could not be developed for narrow lot housing when the majority of surrounding sites could.

Early subdivision patterns mostly in the eastern half of the City resulted in precincts where narrow lot parcels were created, each with a site area of less than 300 square metres and a lot frontage ranging from 6.7 to 7 metres. Detached housing constructed in the post war period has typically been built across two or three lots. Realising the potential of building a dwelling on all three lots, narrow lot housing developments have become a development trend over the last 15 years within these precincts.

Some sites located amongst the narrow lots were either not subdivided in the narrow lot arrangement or have subsequently been amalgamated into a single larger parcel and therefore do not have the same narrow lot arrangement as adjoining lots (see diagram below). Some of these sites are in the R2 Low Density Residential Zone (i.e. single dwelling and dual occupancy zone) and are less than 600m² so the sites cannot be developed for dual occupancy.

Assessment

A review of narrow lot precincts containing lots with a width generally between 6.7 and 7 metres has been undertaken. It revealed there are 4 narrow lot precincts located west of the Cumberland Highway (in addition to precincts located in the east) that should also be included under consideration for any changes made to minimum lot requirements applying to larger lots in these areas. Within these narrow lot precincts, the lot size area and number of properties has been calculated as follows.

Narrow Lot Precincts – Analysis within Zone R2 Low Density Residential

Lot size m ²	Number of properties
900 and greater	43
600 and less than 900	239
400 and less than 600	386
200 and less than 400	6527
0 and less than 200	541



Given that in many cases these larger sites are surrounded by narrow lot sites, it is not considered consistent or appropriate to limit these sites to only single dwellings given the narrow lot development possible on all adjoining sites.

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A change to the minimum lot size requirement in narrow lot areas within the R2 Low Density Residential Zone is recommended so the larger sites can be developed in a similar manner to their neighbouring narrow lot sites. This will not only promote a more consistent built form through future urban renewal but also promote equity between property owners in the same street and neighbourhood.

The number of properties that will potentially benefit from the introduction of the clause, being between 400m² and under 600m² totals 387. The introduction of the proposed clause will allow an increase in the number of lots able to be created in the narrow lot precincts.

A new clause (See Attachment B for Draft Narrow Lot Clause) and accompanying map change to Fairfield LEP 2013 is proposed that would apply to narrow lot areas (See Attachment A for Narrow Lot Precincts) within the R2 Low Density Residential Zone. The proposed amendment will insert a new principle development standard clause into Part 4 of the Fairfield LEP 2013 which allows:

1. a variation down to 200m² to the existing minimum lot size provisions for land identified in narrow lot precincts; and
2. the approval and erection of attached dwellings or semi-detached dwellings at the same time as subdivision.

Recommendation

It is recommended that Council resolve to prepare a Planning Proposal which will introduce a clause and amend the minimum lot size map in Fairfield LEP 2013 based on the above criteria for precincts that contain narrow lot areas as shown in Attachment A – Narrow Lot Precincts.

LARGE LOT POLICY

Background

A number of submissions (11) to the public exhibition of the Draft Fairfield Comprehensive LEP 2011 requested a medium density zoning for their land due to “positive site characteristics”. These characteristics include their size and/or proximity to town centres and public transport. Council at the Comprehensive LEP meeting held on 17 April 2012 resolved to further investigate the scope for policy for redevelopment of large lots away from existing town centres on land zoned R2 Low Density Residential.

Assessment

In undertaking an analysis of this issue, a minimum lot size of 1,300m² has been identified as the minimum area that should be considered for a Larger Lots Policy in the eastern half of the City based on the following rationale:

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- For sites up to 1,200m² in the east of the City there is already scope under the Fairfield LEP 2013 and Fairfield City Wide DCP to lodge a development application to create a 2 lot subdivision each containing a dual occupancy development where the minimum lot size for dual occupancy development is 600m².
- Under Council's City Wide DCP, the mix required to achieve 5 x 2 bedroom units as part of a townhouse/villa development requires a minimum of 1,300m² on a site with a width no less than 22 metres.
- 1,300m² also creates greater scope to comply with other relevant requirements of the Fairfield City Wide DCP for town houses/villa development in regard to provision of private and public open space, onsite car parking, achieving desirable levels of the solar access and privacy.

A review of existing larger lot sites was undertaken within the R2 Low Density Residential zone in the eastern half of the City. For lots ranging in area between 1,300m² and 2,500m² east of the Cumberland Highway, 471 lots have been identified. Of this number of 471 large lots, 295 lots are not affected by medium, medium high, high mainstream or overland flow flooding. These lots are shown in Attachment E. Note that lots containing schools and other land uses (for example, infrastructure facilities, community buildings etc) typically require site areas larger than 2,500m².

With a minimum of an additional dwelling per 1,300m² lot containing a mix of 2 and 3 bedroom dwellings, an additional 295 dwellings are possible. While the increased dwelling yield is dependent upon the lots size and the rate of redevelopment, the increase in housing choice assists in providing varied housing options for a diverse population throughout the low density precincts in the eastern half of the City.

The RDSE identifies a target of 7,200 medium density dwellings in the east by 2031. There is merit in Council adopting a policy that allows consideration of planning proposals for medium density housing on larger lots within proximity of public transport and town centres having regard to the benefits from:

- Promoting housing diversity outside the medium density zones of the City.
- Providing greater incentive for urban renewal and infill development in the more established suburbs of the City that is compatible with the scale of the low density residential areas.
- Promoting greater efficiency in the utilisation of land and access to existing infrastructure for the provision of additional housing.
- Villas and townhouses are of a built scale that is similar to single and two storey dwellings that are already found in low density residential neighbourhoods

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To maximise efficiency in site utilisation and access to public transport, the following additional criteria is proposed under a large lots policy to allow applicants to submit a planning proposal to permit consideration of townhouses and villas on a Zone R2 Low Density Residential site:

- Sites of 1,300m² minimum area were in existence before policy coming into effect.
- Sites are zoned R2 Low Density Residential east of the Cumberland Highway.
- Sites have minimum width of 22 metres (or 25 metres on classified road) and depth of 22 metres.
- Sites are not be affected by medium or high risk flooding constraints.
- Sites are within a walking distance of a railway station (800 metres) and bus stop used by a regular bus service (400 metres), or sites are within an 800 metre radius of a local, neighbourhood, town, mixed use centre.
- Applicants to submit concept plans for proposed future redevelopment of a site, more detailed site investigations, consultation with the community and relevant State Government agencies.

The Large Lot Policy would inform proponents of Council's requirements for the consideration of any planning proposal seeking a medium density development within the R2 Low Density Residential Zone. To make the assessment of planning proposals for large lot housing manageable, under the policy it is proposed that consideration of planning proposals be undertaken in housekeeping LEP amendments processed 2 times a year.

Recommendation

It is recommended that Council resolve to endorse the preparation and exhibition of a Large Lot Policy based on the above criteria (see Attachment D).

CHANGE TO MINIMUM LOT SIZE FOR DUAL OCCUPANCY DEVELOPMENT IN FAIRFIELD WEST PRECINCT and FAIRFIELD PRECINCT.

A submission to the public exhibition of the comprehensive LEP 2011 was received for a property at Rawson Street with an area of 1,536m². The owner was seeking medium density development for the larger site or alternatively a reduction in the minimum lot size for dual occupancy development.

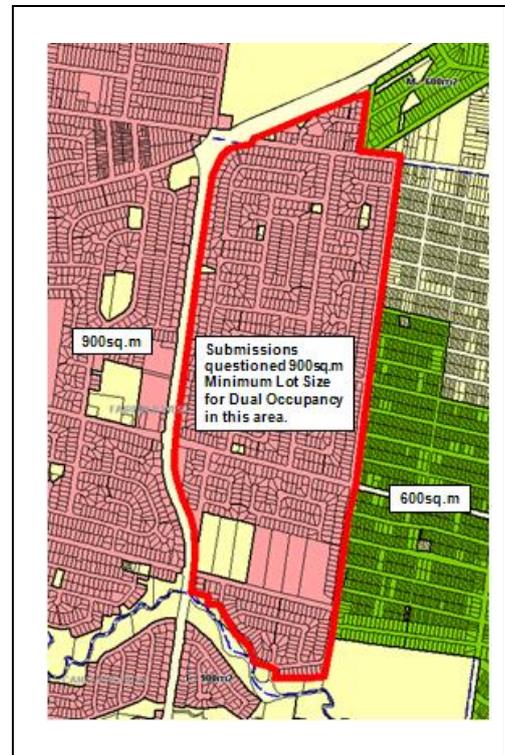
Under the adoption of the draft Fairfield comprehensive LEP 2103, rezoning of the site for medium density housing was not supported, while the latter option for dual occupancy development would necessitate a change from the minimum lot size of 900m² to 600m² in order to be able to achieve the desired 2 dual occupancy developments. The change would need to apply to the whole precinct if deemed suitable rather than the individual site.

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Property owners in the precinct bounded by Polding to the north, Maud Street to the east, Orphan School Creek to the south and the Cumberland Highway to the west would be affected (see figure to the right).



The 900m² dual occupancy minimum lot size for this precinct was originally applied because the majority of properties are less than 600m² in area. The Fairfield Heights and Fairfield West local centres are within an 800 metre radius of properties, yet regular bus routes travel on Hamilton Road and Polding Street on the periphery of the precinct. Many properties within the precinct are outside of the 400 metre walking distance to the nearest bus stop.

It is recommended that Council not proceed to change the minimum lot size for dual occupancy development from 900m² to 600m² within the abovementioned precinct in Fairfield West.

CONCLUSION

The task of accommodating an additional 14,400 dwellings within the east of the City by 2031 requires a considered approach to ensure future development is provided close to services, public transport and open space.

Whilst the draft Residential Development Strategy prepared in 2009 provided the framework to guide decision making for residential upzoning of precincts based on their accessibility to services, facilities and public transport, other appropriate planning initiatives are required help meet the 14,400 dwelling target. Proposed planning initiatives include the introduction of a narrow lots local clause within Fairfield LEP 2013 and a Large Lot Policy that will assist in meeting the dwelling target in a sustainable and equitable manner.

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