

Greater Sydney, Place and Infrastructure

IRF19/7098

Plan finalisation report

Local government area: Fairfield

1. NAME OF DRAFT LEP

Fairfield Local Environmental Plan 2013 (Amendment No 32). (draft LEP). The draft written instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal (**Attachment A2**) applies to B2 Local Centre zoned land within the Fairfield Heights Town Centre (the town centre). The town centre is located along The Boulevarde, between Polding Street in the north and Beemera Street in the south. The Boulevarde intersects with Bodalla Street, Stanbrook Street, Karabar Street, Kihilla Street and Station Street within the site. An outline of the town centre is provided in Figure 1 below).

Approximately 101 properties are affected by the planning proposal.

Under the Fairfield LEP 2013, the town centre is zoned B2 Local Centre (see Figure 2). A 9m maximum building height applies to the site. Floor space ratio and a minimum lot size controls do not apply to the town centre.

The existing land uses within the town centre include a range of mixed use developments with retail at the ground floor level, opportunities for office premises at first floor level and shop-top housing above.



Figure 1 – Aerial photo of the Site



Figure 2 – Existing Land Zoning

The town centre is surrounded by R3 Medium Density Residential and some R4 High Density Residential zoned land. The R3 and R4 area contains mainly single storey and double storey (brick veneer) detached dwellings, dual occupancies and pockets of medium density villa/ town house type housing.

It is noted that the surrounding R3 zoned land and R4 zoned land to the east of the town centre has a maximum building height of 9m, however, the R4 zoned land to the west has a maximum building height of 13m.

3. PURPOSE OF PLAN

The planning proposal is the result of an urban design study for the Fairfield Heights Town Centre (see Figure 3) (**Attachment F**). The study focused on urban design objectives and principles for the town centre and provided recommendations on accessibility and connectivity; built form and land uses; centre vitality and economy; civic and open spaces; and housing.

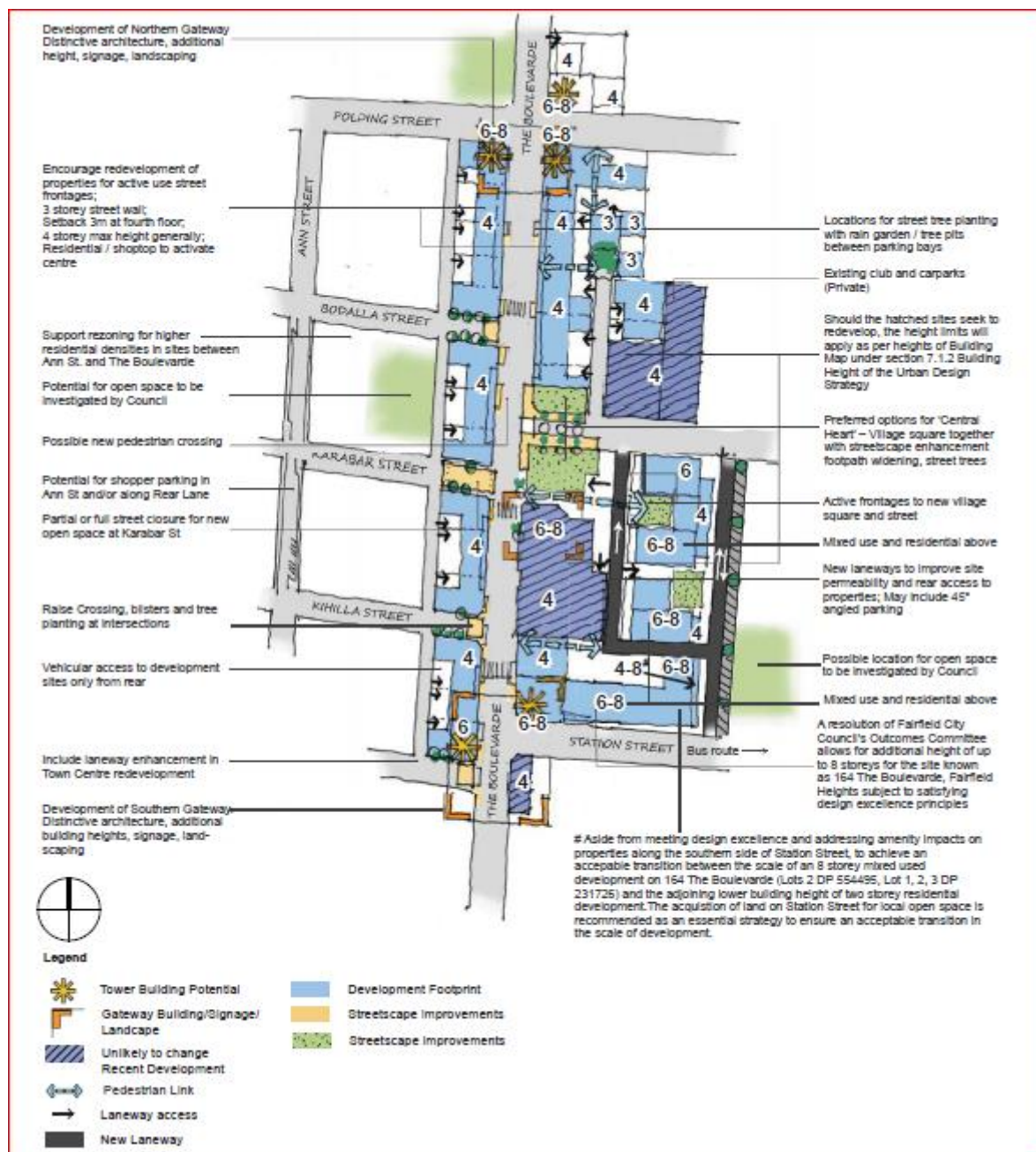


Figure 3 – Urban Design Study Framework

The draft LEP seeks to implement the urban design study for the Fairfield Heights Town Centre by:

- increasing the building height for land within the town centre from 9m to 14m (approx. 4 storeys) and 20m (approx. 6 storeys) (Figure 4);
- applying a minimum site area of 700sqm, 1,500sqm and 2,200sqm to certain sites within the town centre on the Town Centre Precinct, Minimum Site Area map (Figure 5); and
- introducing a design excellence clause which includes a provision to allow a further 6.5m building height for selected gateway sites within the town centre, to develop up to 8 storeys - subject to satisfying the design excellence principles.

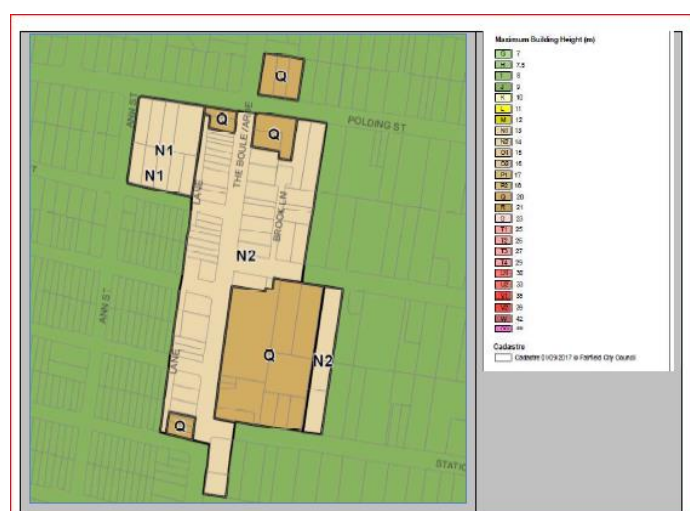


Figure 4 - Proposed Height of Building map

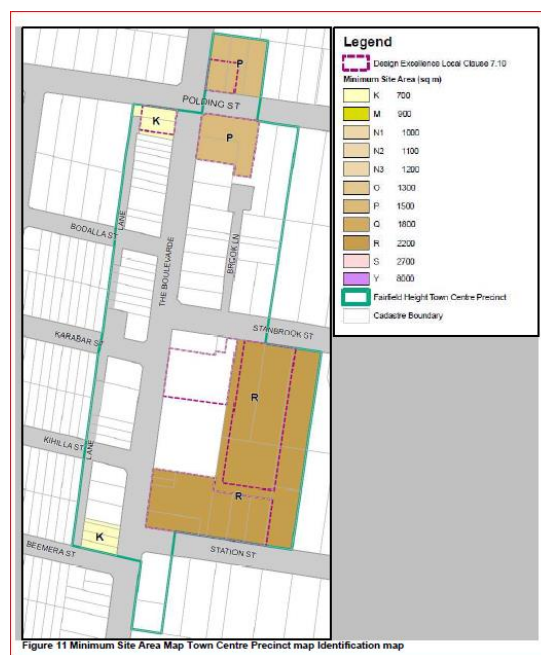


Figure 5 - Proposed Minimum Site Area Map

The draft plan seeks to facilitate 690 to 775 additional dwellings. The proposal will not amend the current B2 Local Centre zone for the town centre.

Development Control Plan

An amendment to the Fairfield Town Centre Development Control Plan (DCP) (**Attachment G**) was also prepared by Council to guide future development and to ensure the underlying objectives of the planning proposal can be achieved.

Following are the objectives of the DCP:

- to improve the amenity of Fairfield Heights Town Centre for business, workers, residents and visitors;
- to enhance Fairfield Heights Town Centre as a vibrant place with a diverse range of activities and destinations;
- to encourage design excellence for all buildings which enhance and responds to the local character of Fairfield Heights Town Centre;
- to ensure a human scale for all development in the Fairfield Heights Town Centre;
- to provide a diverse range of shops and services in the Fairfield Heights Town Centre that caters for local needs;
- to minimise adverse impacts and enhance the amenity of adjacent residential areas;

- to ensure the compatibility of land uses and minimise land use conflict; and
- to create a unique sense of place through place making initiatives and urban art.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Fairfield state electorate. Mr Gaetano Zangari MP is the State Member.

The site falls within the McMahon federal electorate. Mr Chris Bowen MP is the Federal Member.

To the planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination, issued on 2 July 2018 (**Attachment B**), determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on 5 August 2019 for a 6-month extension (**Attachment C**).

The planning proposal was to be completed by 3 February 2020. The Department received the request by Council to finalise the planning proposal before the due date.

The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 3 April to 3 May 2019. Council received four (4) community submissions (**Attachment H**) and one submission from a public agency (**Attachment I**). Of the four public submissions, one submission was in support of the proposal.

The issues raised in the submissions and Council's response to the submissions are summarised, as follows:

A. Land proposed to be dedicated to Council

Concern that 57% of the Brown Jug Hotel (47 Stanbrook Street) site is proposed to be dedicated for public purpose.

Council Response

The planning proposal and the draft DCP identifies opportunities throughout the Town Centre for potential land dedication from significant land holders, should they seek to develop. The land dedication has been identified through the adopted Fairfield Heights Town Centre Urban Design Study and reflected in the relevant planning proposal and relevant Town Centre DCP. The Brown Jug Hotel site is a large site that will achieve significant uplift as part of the proposal (3 storeys increased to potentially 8 storeys) and a number of other public benefits could be delivered at the site overtime.

B. Proposed compensation/ Acquisition Mechanisms for Community Benefits

Concerns that the planning proposal does not resolve acquisition/compensation mechanism for items considered to be of a wider community benefit; that this issue should be resolved during the current planning proposal stage; and, should not be deferred to a future DA process.

Council response

The planning proposal facilitates significant uplift for a number of large key sites within the Town Centre. The increase will provide a range of dwelling choices and increase the number of dwellings in the Town Centre to assist in achieving dwelling targets. As a result of a significant density increase for these large key sites, community benefits would be required to be provided by the landowners to ensure that the town centre continues to function effectively and appropriate amenity is provided.

Acquisition clauses are not proposed in the planning proposal. Council intends that these public benefits would be provided to the community through the development application process and formalised through associated local voluntary planning agreements.

C. Private Open Space Configuration

Concern that the configuration of private open space shown for the Brown Jug Hotel site would result in the site not being able to facilitate the future potential development.

Council response

To resolve this issue, council officers met with the representative of the owner of the Hotel. Council officers advised that the private open space options provided for their site in the Fairfield Heights Urban Design Study 2018 were indicative and could be varied. An alternative scheme would be acceptable provided it satisfied open space options in accordance with the intent of the urban design study. It is also noted that the Hotel site is over 8,000sqm and there is an opportunity for this site to be developed in many different ways.

D. Inconsistency between LEP and DCP Mapping

Concern over inconsistency between LEP and DCP height of building and design excellence clause mapping, namely between figure 10 height in storeys maps in the draft DCP and Figure 11 design excellence clause in the planning proposal.

Council response

Council acknowledged inconsistency and has amended the plans.

E. Building Height on the Brown Jug Hotel site

Concern that a small area of the Hotel site was limited to 6 storeys, where the northern and southern areas of the site are permitted 6-8 storeys.

Council response

Council acknowledged this issue and amended the plans to reflect 6-8 storeys to align with the predominant proposed built form subject to demonstration of design excellence.

F. Overshadowing and privacy

Concern that a property adjacent to the boundary of the Fairfield Heights Town Centre would be overshadowed by the new development.

Council response

Council has indicated that the property will receive a minimum of 5 hours of sunlight as stipulated in the Fairfield Heights DCP and Fairfield City Wide DCP.

Council acknowledge the submitters concern regarding privacy and advises that this issue will be addressed at the development application stage.

G. Traffic and Parking

Concern that exhibited documents do not address traffic and parking issues that will result from the proposal.

Council response

Council advises that at development stage, developers will have to provide parking at the required parking rates. The Fairfield Heights Urban Design Study provide opportunities for new developments to improve traffic and parking outcomes in the centre. Further, the proposal identifies additional roads and laneways which will provide better circulation for the Town Centre.

H. Impact to Fairfield Heights Primary School

Concern that the proposal will result in an increased demand for attendance at the local primary school.

Council response

Council noted the submission and advised that the school was notified as part of the exhibition.

I. Lack of consultation process and feedback

Concern raised about the consultation process.

Council response

Council has advised that consultation has occurred in accordance with relevant requirements. Council officers have also spoken to those who made these submissions to clarify the process.

Department Conclusion

It is considered that Council has adequately addressed all the issues raised in the submissions.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult Roads and Maritime Services (RMS); Transport for NSW; Sydney Water; Telstra; Jemena Gas; and, Endeavour Energy, in accordance with the Gateway determination. Council consulted these authorities. However, Council received only one agency submission from RMS.

The RMS submission (**Attachment I**) queried whether the traffic report referred in the planning proposal is the major traffic study that will be undertaken for a number of significant proposals, including the Fairfield Heights Town Centre. Council officers confirmed that this was the case.

RMS further advised that it would provide comments on the planning proposal upon receipt of the traffic study.

Traffic Study

Under Gateway condition 1 (**Attachment B**), Council was required to “address the traffic impacts of the proposed amendments on the existing road network as informed by a traffic study”. The Council initiated transport study (**Attachment J**) included a strategic network analysis using RMS Strategic Highway Assignment Model.

The traffic study examined proposed development under planning proposals for Bonnyrigg Town Centre; Fairfield City Centre; Fairfield Heights Town Centre; and, Villawood Town Centre. These proposals seek to facilitate additional dwellings that have not previously been included in traffic modelling and road network needs assessment.

The report addresses a request made by RMS to undertake a cumulative assessment of the impacts of the proposed additional development on state-controlled roads and intersections. Traffic modelling of the key intersections around key town centres, including Fairfield Heights, has been undertaken. The traffic modelling results were used to quantify the impacts on key links and intersections. This study has been based on 2026 and 2036 as the future assessment years.

The study was completed in January 2020 and a copy was provided to RMS on 12 February 2020 for its comments (**Attachment K**). The RMS has not provided comments on the study.

The results of the study identify that the Fairfield Heights Town Centre proposal will have very limited impact on the overall function of the intersections.

The traffic modelling indicated that the future upgrade apportionment to those key intersections, attributable to the proposed additional density within Fairfield Heights Town Centre, is between 0.0% and 0.9% of the total traffic impact. Most of the traffic at those intersections is attributable to background regional traffic and not from the town centre sites.

Department Comment

The Department notes the outcome of the traffic study which indicates that an increase in housing density on the subject land will only result in minor traffic impacts. Thus, the contributions necessary for upgrades to occur would not be meaningfully collected as a result of the rezoning. In these circumstances, the RMS will need to consider future intersection works on a more holistic basis in accordance with the traffic study and in consultation with Council.

8. POST-EXHIBITION CHANGES

As a result of a public submission, Council amended the planning proposal by increasing the maximum height of building control from 6 storeys to 6-8 storeys for 47 Stanbrook Street, subject to the achievement of the design excellence clause.

In addition, Council also made a number of amendments to the associated DCP.

It is recommended that this amendment to the planning proposal be endorsed without further exhibition. Council noted that this increase to the standard is reflective of Council's adopted urban design study and does not change the intent of the planning proposal.

9. ASSESSMENT

9.1 Section 9.1 Directions

At the time of determination (**Attachment C**), the delegate of the Secretary agreed that the planning proposal is consistent with all relevant section 9.1 Directions. No further approval is required in relation to these Directions.

9.2 State environmental planning policies

The planning proposal is consistent with the all relevant State Environmental Planning Policies.

9.3 State, regional and district plans

Fairfield Heights Town Centre is identified as a local centre within the Western City District Plan, and is consistent with the Planning Priority W6, as it aims to renew a local centre.

The proposal is also consistent with Planning Priority W5, as it will provide greater housing supply in a location with access to jobs, services and public transport.

The Department is satisfied that the planning proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

10. MAPPING

There are two maps associated with this planning proposal (**Attachment Map**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet technical requirements.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D**). Council confirmed on 25 February 2020 that it was happy with the draft and that the plan should be made (**Attachment E**).

12. PARLIAMENTARY COUNSEL OPINION

On 19 February 2020, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the proposal has a strategic merit being consistent with the Western City District Plan; and,
- the proposal will provide additional housing in an appropriate location and will assist in revitalising the Fairfield Heights Town Centre.



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