

**REPORT BY CHAIRPERSON
OUTCOMES COMMITTEE**

Meeting Date 10 September 2019

Item Number. 84

SUBJECT: Planning Proposal - Fairfield Forum Shopping Centre and Car Park
Premises: 8-36 Station Street Fairfield (Lot 1031 DP 1049068)
Applicant/Owner: Harrington Custodian Pty Ltd (Director - Trevor Byles; Director - Matthew Davison)
Zoning: B4 Mixed Use

FILE NUMBER: 19/07052

PREVIOUS ITEMS: 10 - PLANNING PROPOSAL - CLOSED BRIEFING SESSION - Fairfield Forum Shopping Centre and Car Park, Fairfield - Fairfield Local Planning Panel - 19 Jun 2019

REPORT BY: Elizabeth Workman, Senior Strategic Land Use Planner; Edward Saulig, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend the maximum building height and floor space ratio for No. 8-36 Station Street Fairfield under Fairfield Local Environmental Plan (LEP) 2013.
2. Council inform the NSW Department of Planning, Infrastructure and Environment (DPI&E) that it wishes to commence the Gateway Determination process to amend Fairfield LEP 2013.
3. In requesting the Gateway Determination, Council advise the DPI&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).
4. The delegated functions will be undertaken by the Group Manager, City Strategic Planning who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
5. Prior to public exhibition of the Planning Proposal, Council receive a further report detailing a draft Site Specific Development Control Plan (SSDCP) and draft Voluntary Planning Agreement (VPA) to be prepared for the site should the NSW DPI&E issue a Gateway Determination in support of the proposal.

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 [↓](#) Draft Planning Proposal Fairfield Forum

44 Pages

CITY PLAN

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

SUMMARY

Council is in receipt of a planning proposal for a large mixed-use site at 8-36 Station Street, Fairfield being Lot 1031 in Deposited Plan 1049068. The subject site has a total site area of 42,936m² and is currently zoned B4 Mixed Use under Fairfield LEP 2013. The site is known as the Fairfield Forum and includes a large internalised retail mall with associated at-grade and decked car parking facilities operating since the early 1980's.

The aim of the planning proposal is to facilitate future redevelopment of the subject site based on a master plan, which in summary seeks:

- A mixed use development comprising commercial premises and residential apartment buildings up to a maximum of 25 storeys;
- Provision of 7,900m² of open space, including a 4,000m² public park, a market square and new pedestrian links sleeved with commercial uses;
- Revitalisation of the existing retail offering of Fairfield Forum;
- Creation of a new road connection through the site, linking the northern portion of Ware Street with Station Street; and
- Provision of 2,919 car parking spaces across the site.

The planning proposal seeks to amend the following provisions of Fairfield LEP 2013:

- Height of Buildings Map – an increase from 26m (8 storeys) to 82m (25 storeys); and
- Floor Space Ratio Map – an increase from 2.5:1 to 3.5:1.

There is no proposal to change the current B4 Mixed Use zoning that applies to the site at this stage. However, land use zones may be subject to change in the future to reflect public recreation and high-density residential development that is proposed. The proposed development is permissible under the B4 Mixed Use zone.

Council Officers have reviewed and assessed the planning proposal. The proposal has been assessed as having strategic merit and is supported subject to the resolution of issues as outlined in the body of this report.

It is recommended that the Planning Proposal (**Attachment A**) be endorsed for a Gateway Determination to proceed to community consultation. Accompanying the planning proposal will be a draft Site Specific Development Control Plan and Voluntary Planning Agreement for the site.

REPORT

A. BACKGROUND

The Fairfield City Centre Key Sites Urban Design Study (Study) was adopted by Council on 27 March 2018. The Urban Design Study provided the framework for future development proposals for several key sites greater than 2,500m² in area within the Fairfield City Centre.

Under the Study, the subject site at 8-36 Station Street Fairfield is identified as Key Site No.1 and a maximum building height of 20 storeys is recommended. The Study also recognised that additional building height and/or floor space ratios in excess of those recommended in the Study can be considered. The mechanisms to consider such variations are via landowner initiated planning proposals demonstrating strong strategic merit and equal or improved public benefit.

In line with the aim of the Study to allow for this flexibility, Council supported in principle a revised Structure Plan for Key Site No.1, with a maximum Floor Space Ratio of 3.5:1 and additional landmark towers with a maximum building height of 27 storeys subject to:

- the submission of a landowner initiated Planning Proposal;
- a detailed assessment of supporting information with alternative design solutions appropriately justified by the proponent; and
- a proposal that reflects equal or improved amenity and community benefit outcomes.

Accordingly, the planning proposal under consideration forms the basis for Council to consider the alternative concept proposed on the subject site including a request for increased building height and floor space ratio above that recommended in the Study.

THE SITE

The site at 8-36 Station Street Fairfield being Lot 1031 in Deposited Plan 1049068, is irregular in shape and slopes downwards from the northwest corner.

The site has a total area of approximately 42,936m² and consists of a large internalised retail mall known as The Fairfield Forum. The shopping centre accommodates more than 50 stores over two floors. A pedestrian thoroughfare extends along the length of the centre, with specialty stores located on either side with supermarkets and mini major stores such as Kmart. See **Figure 1**.



Figure 1 – Locality Map – Subject Site and Surrounds

The site is zoned B4 Mixed Use under Fairfield LEP 2013 (see **Figure 2**) and has access to three street frontages being Station Street, Cunnigham Street and Ware Street. The site is bounded by the following development:

North

- R3 Medium Density Residential zoned land across Cunnigham Street, however the built form is a mix of detached dwellings and medium density single storey villas and 2 storey town houses.

East

- R4 High Density Residential zoned land immediately to the east, however the built form is older fibro detached dwellings along Ware Street.
- Some medium density residential development of between 2 and 6 storeys located on properties along Smart Street whose rear boundaries adjoin the subject site.
- Fairfield Public School and Fairfield High School are located beyond Smart Street to the east of the subject site.

South

- B4 Mixed Use zoned lands with a mix of commercial, retail and residential development. This includes both the traditional low-rise commercial and retail development that is characteristic of the Fairfield City Centre, and more recent mixed-use development of between six and eight storeys.
- Thomas Ware Plaza, which provides a mix of retail and outdoor dining, is also located immediately to the south of the site. Thomas Ware Plaza functions as the key pedestrian connection to the Fairfield Forum.

West

- Station Street forms the western alignment of the site, running in a northwest-southeast direction and intersecting with Cunninghame Street to the north and Nelson Street to the south.
- Adjoins land zoned R4 High Density Residential, however the built form is predominantly low/medium density residential development along Station Street.
- There is a small block of B4 Mixed Use zoned land across Station Street to the southwest of the subject site. These premises comprise a mix of miscellaneous land uses including a dwelling house, place of worship, educational establishment and medical/dental practice.

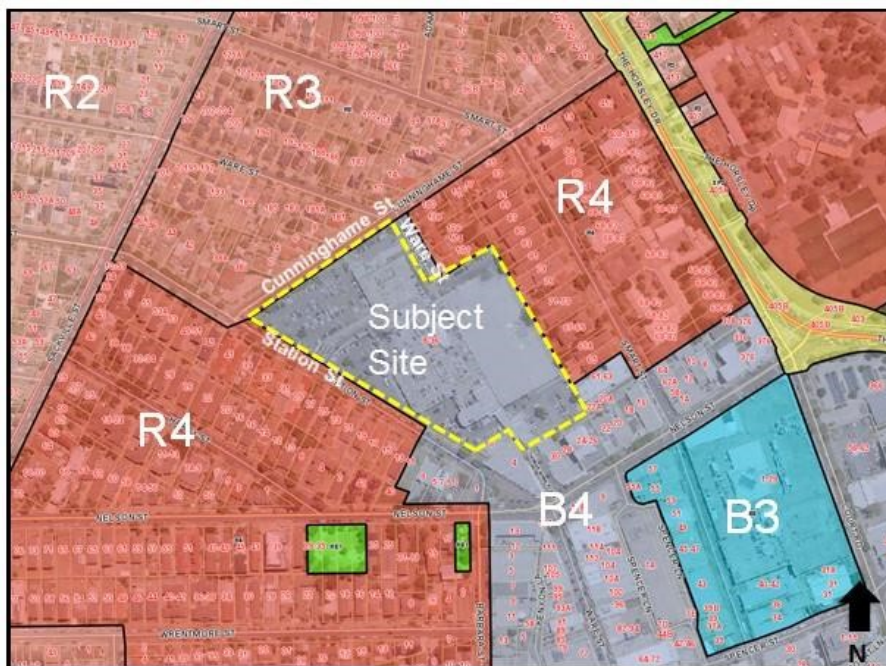


Figure 2 – Subject site of surrounding land

B. THE PLANNING PROPOSAL

The proposal seeks to enable the redevelopment of the Fairfield Forum site into a modern and mixed-use centre, supporting a range of residential, commercial, community and recreational uses (see **Figure 3**).

To facilitate redevelopment the proposal seeks to increase the maximum height of building from 26m (6 storeys) to 82m (25 storeys) and increase the maximum floor space ratio from 2.5:1 to 3.5:1 (See **Figure 4**).

The land use zoning of the site will remain B4 Mixed Use under Fairfield LEP 2013, with the existing quantum of retail floor space to remain the same under the future development scenario.

The intended development outcome is based upon a conceptual master plan that seeks to redevelop the site to contain:

- 1,489 dwellings within apartment buildings ranging in height from 5 to 25 storeys, with lower height limits at the site edges: 5 storeys to Ware Street, 6 storeys to Station Street, and 8 storeys to Cunninghame Street;
- 17,600m² of retail gross floor space with a market square concept and increased pedestrian movements through the site;
- 2,919 car parking spaces;
- A new road connection through the site linking the northern portion of Ware Street with Station Street; and
- 7,900m² of open space including a 4,000m² neighbourhood park on the corner of Station and Cunninghame Streets (See **Figure 5**).



Figure 3 – Indicative built form.



Figure 4 – Indicative Master Plan detailing building heights proposed



Figure 5 – Indicative Landscape/Site Plan

C. PROPOSED AMENDMENTS TO FAIRFIELD LEP 2013

The Planning Proposal seeks to amend the following provisions of Fairfield Local Environmental Plan (LEP) 2013 across the site:

- Height of Buildings Map (Sheet 20) – a change from 26m (8 storeys) to 82m (25 storeys) (see **Figures 6 & 7**); and
- Floor Space Ratio Map (Sheet 20) – a change from 2.5:1 to 3.5:1 (see **Figures 8 & 9**).

The following Figures 6, 7, 8 and 9 show the intended changes to the relevant development standards contained within Fairfield Local Environmental Plan 2013.

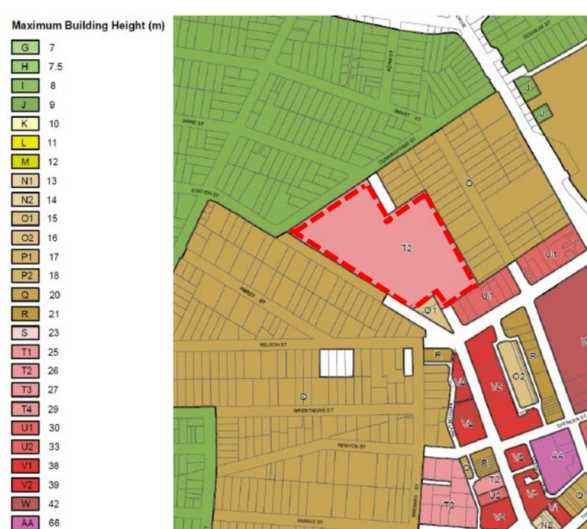


Figure 6 – Existing Height of Buildings Map under FLEP 2013
T2 – 26 metres (8 storeys)

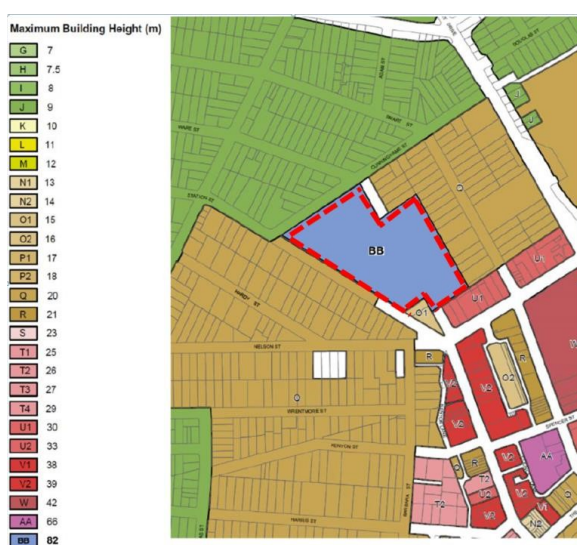


Figure 7 – Proposed Height of Building Map under FLEP 2013
BB – 82 metres (25 storeys)

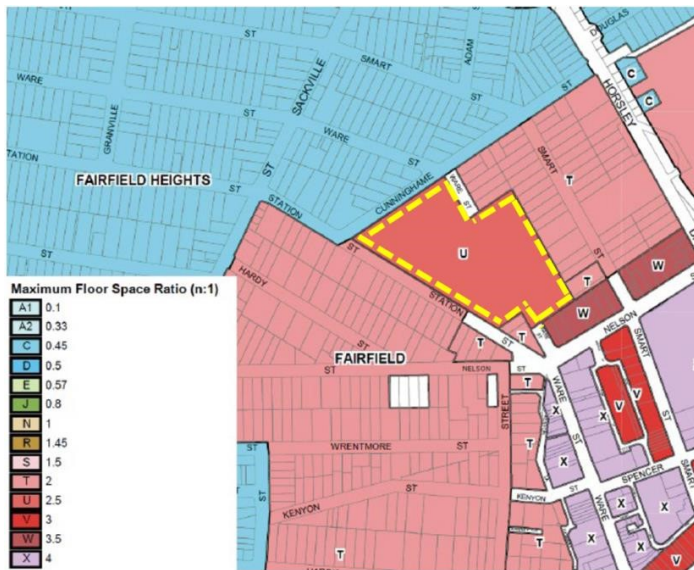


Figure 8 – Existing Floor Space Ratio Map under FLEP 2013
U – 2.5:1

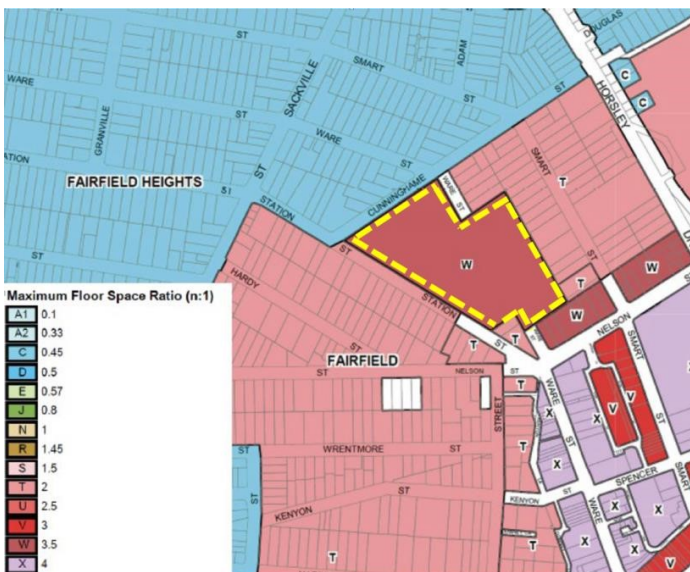


Figure 9 – Proposed Floor Space Ratio Map under Fairfield LEP 2013
W – 3.5:1

D. CONSIDERATION OF THE PLANNING PROPOSAL BY THE FAIRFIELD LOCAL PLANNING PANEL

In accordance with the Ministerial Local Planning Panels Direction, Council was required to refer the Planning Proposal to the Fairfield Local Planning Panel (Panel) for consideration. The Panel is required to provide advice to elected Councillors before they consider whether the Planning Proposal should proceed for a Gateway Determination.

Accordingly, the Planning Proposal was considered by the FLPP at its meeting of 19 June 2019 (Item 10) and was subsequently supported for referral to the NSW DPI&E for a Gateway Determination.

In considering the proposal and making their recommendation, the Panel noted that the proponent had submitted an alternate development concept to that recommended under Council's Urban Design Study 2018. The Panel recommended that the Planning Proposal be supported for the following reasons:

- is consistent with the ten directions of the Metropolis of Three Cities – A vision to 2056;
- achieves the specific goal of providing a 30-minute city consistent with the Western City District Plan;
- provides a high quality development that meets the community's needs, and a variety of job and training opportunities available in the city, consistent with the 2016 – 2026 Fairfield City Plan;
- is consistent with the relevant aims and objectives of the Fairfield Local Environmental Plan 2013;
- specifically meets the design, access and movement issues and directions for the site with allowable variations, consistent with the Fairfield City Centre Development Control Plan;
- specifically realises the possibility of a neighbourhood park of 4000m², providing an extension of Ware Street to Nelson Street and public domain improvements inclusive of a market square on private land while minimising adverse impacts within and adjoining the development site, consistent with the objectives of the Fairfield City Centre Urban Design Study 2018;
- is consistent with the role and function of the existing Fairfield City Centre with the potential to result in positive economic impacts through the renewal of an ageing standalone shopping centre and its immediate environment, consistent with the Fairfield City Centres Policy 2015 and accompanying Study; and
- is consistent with directions relating to housing, urban development, infrastructure, integrating land use and transport and implementing metropolitan planning, as provided by the Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979.

In providing its advice to Council, the Panel noted that a draft Site Specific Development Control Plan will be prepared for the site and also recommended that the following two issues be addressed to the satisfaction of Council:

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1. That high level strategic traffic and pedestrian movement advice be provided by the proponent as to the potential requirement for traffic infrastructure as a result of increased traffic movements following the completion of the proposed development.
2. That Councillors come to a position on the appropriate level of affordable housing for this development and if any, the proponent be requested to amend the proposal accordingly.

A revised traffic report was prepared by the proponent, and considered to be satisfactory by Council's Traffic and Transport Division. The report will be referred to Transport NSW for detailed assessment and comment as part of the consultation with State agencies required by a future Gateway Determination.

E. STRATEGIES AND STUDIES

Metropolitan Strategy - Metropolis of Three Cities – A vision to 2056 (Metro Strategy)

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

The strategy for Greater Sydney is underpinned by ten strategic directions each with specific objectives designed to deliver the plan. The following table summarises the Planning Proposal's consistency with the relevant directions within the Metro Strategy.

Directions	Comments on the planning proposal
A city supported by infrastructure	Will facilitate an increase in housing density which will increase the local community's capacity to live within 30 minutes of the nearest strategic centres of Liverpool and Parramatta within the Fairfield City Centre. Will not compromise the delivery of any planned metropolitan infrastructure projects.
A collaborative city	Will not compromise the co-ordination and delivery of the Western City Deal or the proposed Liverpool collaboration area. Will be publicly exhibited to allow the wider community and State Government authorities/agencies to provide their views on the proposal.
Housing the city	Will facilitate the provision of approximately 1,489 dwellings within the Fairfield City Centre. The proposal will increase housing diversity through the provision of apartment living and supply in an accessible location, close to regional open space and community facilities.
A well-connected city	Is close to surrounding strategic centres of Parramatta and Liverpool, with connection by rail to the Sydney CBD and strategic centres. Is a ten-minute walk to the bus rail interchange at Fairfield railway station. Will not prevent the delivery of metropolitan transport infrastructure projects.
Jobs and skills for the city	Will renew the existing shopping centre to reflect current retailing trends, thereby strengthening the appeal of the Fairfield City Centre. The reduction of the Fairfield Forum shopping centre's footprint is largely of land dedicated to at grade car parking.

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A city in its landscape	The site is developed and absent of any ecological or biodiversity significance. The proposal will not rezone any environmentally zoned land. The concept introduces a 4000m ² neighbourhood park and public domain improvements to significantly upgrade the environment and site's amenity.
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Western City District Plan

One of the Greater Sydney Commission's overarching aims for the Western City is to provide a 30-minute city, with residents having quicker and easier access to a wider range of jobs, housing types and activities. The Western City District Plan sets out 20 strategic planning priorities to achieve the vision. The table below sets out the key planning priorities applicable to this Planning Proposal and justification of consistency.

Planning Priority	Consistency of Planning Proposal
Planning Priority W1 – "Planning for a city supported by infrastructure"	The proposal maximises proximity to the Fairfield railway station and associated bus interchange. It proposes high density residential in the Fairfield City Centre with extensive retail, commercial and community services proposed as well as community and recreational facilities.
Planning Priority W2 – "Working through collaboration"	The proponent and Council officers have actively collaborated during the preparation of the Fairfield City Centre Key Sites Urban Design Study 2018, resulting in a concept supported by Council in principle subject to the receipt and assessment of a planning proposal.
Planning Priority W3 – "Providing services and social infrastructure to meet people's changing needs"	The renewal of the Fairfield Forum site will update a centre developed on dated retail concepts of the late 1970's and early 1980's to provide a new and contemporary retail offer and experience that will better serve the community's aspiring needs, while complementing the Fairfield City Centre's diverse retail offer.
Planning Priority W4 – "Fostering healthy, creative, culturally rich and socially connected communities"	The proposal's concept of a new neighbourhood park, market square and pedestrian connections will increase the opportunity for active and passive recreation in a public space that will be accessible by the wider community and thereby build social capital.
Planning Priority W5 – "Providing housing supply, choice and affordability with access to jobs, services and public transport"	The subject site is the largest single development site within Fairfield City Centre. The proposal will boost housing supply within Fairfield City Centre with an additional 1,489 apartments. The site is within walking distance of services, community facilities and the Fairfield bus/rail interchange and will contribute to delivering the '30-minute City'.
Planning Priority W6 – "Creating and renewing great places and local centres, and respecting the District's heritage"	The proposal will redevelop an ageing standalone shopping centre containing an inward arcade and replace it with activated public spaces and facades, inclusive of a market square and open space that seeks to incorporate links to the City's heritage.
Planning Priority W11 – "Growing investment, business opportunities and jobs in strategic centres"	The proposal will see an injection of significant capital to redevelop the site in stages, thereby maintaining employment. The increase in 1,489 apartments will generate new demand within the local economy, giving rise to a broader retail offer that will act as an attracter for the Centre.
Planning Priority W12 – "Protecting and improving the health and enjoyment of the District's waterways"	The current development is contained within a hard paved car park absent of contemporary water management through the application of water sensitive urban design. Redevelopment will permit opportunities to improve the quality of stormwater run-off into local creeks.

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Planning Priority	Consistency of Planning Proposal
Planning Priority W15 – “Increasing urban tree canopy cover and delivering Green Grid connections”	The proposal will introduce new tree-lined streets connected to a neighbourhood park. Council’s studies (either underway or to be shortly commenced) to increase open space and raise the quality of public domain in the centre will be complemented by the proposal.
Planning Priority W18 – “Delivering high quality open space”	The proposal contains an open space concept with high quality landscape treatment and offerings, with the potential to becoming a desirable and sought after space to enjoy for residents inside and adjoining the development site.
Planning Priority W19 - Reducing carbon emissions and managing energy, water and waste efficiently	The proposal’s location is ideally suited to minimise the number of vehicles required for journeys to the job centres of Sydney CBD, Parramatta and Liverpool, as well as local services, facilities and recreation opportunities.

State Environmental Planning Policies

SEPP No. 65 Design Quality of Residential Apartment Development (SEPP 65)

A further review was undertaken by the proponent in response to the exhibition of the draft Urban Design Study, with additional solar analysis based on the revised configuration that focused on properties located on Station Street that may be impacted. The solar analysis indicated that all properties external to the site potentially impacted by the proposed scheme satisfy the minimum requirements of SEPP 65 and the ADG. The Planning Proposal does not prevent a future assessment of compliance with SEPP 65 or the ADG.

SEPP (Infrastructure 2007)

The Gateway Determination will include a condition to refer the Planning Proposal to the Roads and Maritime Services (RMS) and/or Transport for NSW. Future development application(s) are likely to be considered traffic generating development under the relevant thresholds of Schedule 3 of the SEPP and referral to RMS would also be required.

Local Planning Considerations

2016 – 2026 Fairfield Community Strategic Plan (City Plan)

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

Relevant City Plan Outcome within the theme	Outcome	How the planning proposal achieves the outcome
Theme 2 – Places and Infrastructure Goal A.	High quality development that meets the community’s needs.	Provides diversity in housing type to meet the needs of the community in an accessible location.

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Relevant City Plan Outcome within the theme	Outcome	How the planning proposal achieves the outcome
	Open spaces are well utilised for entertainment, leisure and recreation opportunities for all	Will provide a publically accessible neighbourhood park of 4000m ² on the corner of Station and Cunninghame Street in a precinct with significant undersupply of accessible local open space.
Theme 4 – Local Economy and Employment Goal C.	Businesses are active, successful and involved in the community	Will encourage more variety of shops in the centre, attract businesses to the area and provide support to smaller businesses in the surrounding centre, and lead to the creation of a modern vision for the Fairfield City Centre shopping precinct.
	A unique and energetic city as a destination for food and leisure activities	Will strengthen the unique identity of the Fairfield City Centre through a contemporary retail offer with a possible lively nightlife in a safe and pleasant area to meet friends and family at other times in the market square.
	A variety of job and training opportunities available in the city	Will generate short-term employment through the construction of the project, and ongoing employment through retail, service and commercial activity. No net loss of employment is anticipated.

Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013)

Fairfield LEP 2013 is the principle environmental planning instrument that applies to the site. In summary, the Planning Proposal is considered to satisfy the following aims and objectives of the Plan:

Aims of the Fairfield LEP 2013

- To ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,
- To ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,
- To ensure that the recreational and social needs of the existing and future community are appropriately planned for, and
- To ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities.

Land Use Objectives

- To support the development of Fairfield as the principal location for specialist cultural, retail, business, tourist and entertainment facilities and services.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling

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- To provide for the housing needs of the community within a high density residential environment
- To provide a range of recreational settings and activities and compatible land uses.

A more detailed assessment appears in the following table:

Objective FLEP 2013	Proposal Compliance
To ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,	Will provide 1,489 dwellings on the site, increasing the diversity of housing opportunities in the City.
To ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,	Will continue to generate employment, retail, service and commercial related employment.
To conserve the environmental heritage of Fairfield,	Proposes to reference the social heritage of the city in the neighbourhood park.
To protect and manage areas of remnant bushland, natural watercourses and threatened species.	Given the developed nature of the site, there will not be an impact on sensitive ecological systems.
Objectives of B4 Mixed Use Zone	Proposal Compliance
To provide a mixture of compatible land uses.	Will provide a mixed-use precinct containing residential, commercial, retail and service related uses with open space and civic spaces.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	Will be within a city centre environment, within a ten-minute walk to the Fairfield railway station and bus interchange, as well as regional open space, recreational facilities and the Citywide cycle way network.
To support the development of Prairiewood, Fairfield and Cabramatta as the principal locations for specialist cultural, retail, business, tourist and entertainment facilities and services.	Will renew the existing shopping centre and introduce a contemporary retail and service offer that is able to compete with comparable centres, with potential for a night-time economy.
Objectives of possible R4 High Density Residential Zone	Proposal Compliance
Note: While the Planning Proposal does not propose a change in zoning, a resulting impact of separating residential, retail and commercial uses to the northern portion of the site may for practical purposes result in a change to zoning. In this regard, an assessment has been undertaken of the objectives for the R4 High Density Residential Zone.	
To provide for the housing needs of the community within a high-density residential environment.	Will facilitate the development of 1,489 apartments within a city centre context.
To provide for a variety of housing types within a high-density residential environment.	Will facilitate a variety of one, two and three bedroom apartments.
To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.	Will be within a mixed-use development offering close proximity to services and facilities.

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To maximise opportunities for increased development on all land by encouraging site amalgamations.	Not applicable as the development will occur on a consolidated site.
Objectives of possible RE1 Zone Public Recreation Zone	Proposal Compliance
Note: While the Planning Proposal does not propose a change in zoning, the creation of a neighbourhood park dedicated to Council will result in a future rezoning of a portion of the site to the RE1 Zone.	
To enable land to be used for public open space or recreational purposes.	Will result in the creation of a neighbourhood park of 4000m ² as well as civic spaces as part of the retail development.
To provide a range of recreational settings and activities and compatible land uses.	Will create a neighbourhood park within a higher density residential environment.
To protect and enhance the natural environment for recreational purposes.	Will reintroduce a green space in a highly development precinct currently lacking access to open space.

Fairfield Residential Development Strategy 2009 (RDS)

The RDS identifies areas within Fairfield City that should be investigated for future increases in residential density. The key principle for the increase in density is around centres and along corridors. The Planning Proposal provides an opportunity to implement urban renewal within the Fairfield City Centre and increase diversity in housing typology in the broader City. The site is well serviced by regular bus services, and is within a ten-minute walk of the Fairfield railway station.

Fairfield City Centres Study and Policy 2015

The Fairfield City Centres Study 2015 (Study) and Fairfield City Centres Policy 2015 (Policy) were adopted by Council in February 2016. The Study and Policy provide a number of principles, objectives and assessment criteria for which planning proposals and development applications are to be assessed.

The Study identifies that the Fairfield City Centre has the largest concentration of commercial and retail floor space in the Fairfield local government area and is supported by significant public transport infrastructure. However, future redevelopment opportunities are constrained by fragmented ownership patterns. It is for this reason that the subject site, which is under single ownership, represents an opportunity to revitalise the northern portion of the Fairfield City Centre.

The Study recommends that from an economic perspective, building height limits should be increased and that additional growth should be encouraged within the existing centre boundaries.

The Policy contains the following evaluation criteria to be considered in assessing planning proposals within the Fairfield City Centre:

- whether the proposal is consistent with the Role and Function of the Major Centre;
- whether the development proposal would introduce types of retail services likely to reduce escape spending from the LGA;
- whether the proposal involves the redevelopment of older premises;
- whether the development proposal delivers a net community benefit; and
- whether the proposal would broaden the range of services offered by the Major Centre.

The proposal satisfies these criteria and will see the redevelopment of an ageing shopping centre on a large site, introduce a new retail offer based on contemporary retail methodology and assist to reduce escape spending to other centres within and outside the local government area.

Fairfield City Centre Development Control Plan 2013 (FCCDCP)

The subject site is identified within FCCDCP as a Site Specific DCP (SSDCP) site. SSDCP sites are identified as being larger sites where the entire (or the greater majority of the) site is in single ownership. The size and ownership patterns of these sites means there is more potential and flexibility for site specific design responses than in other parts of the centre where greater site amalgamation would be required.

The Fairfield Local Planning Panel in its consideration of the Planning Proposal also recommended that a draft Site Specific DCP be prepared for the site. Accordingly, it is recommended that should Council and the DPI&E support the Planning Proposal for public exhibition and consultation, the applicant be required to prepare a draft SSDCP to support the future development of the site. Details of the proposed requirements of the draft SSDCP are discussed in greater later in this report.

Fairfield City Wide Development Control Plan 2013 (FCWDCP)

Some general provisions of the FCWDCP apply to Fairfield City Centre such as flood management and other environmental matters. Preparation of a Site Specific DCP will further identify and address relevant issues where required.

Local Studies and Policies – Specific

Fairfield City Centre Key Sites Urban Design Study 2018 (Study)

As previously discussed, the Study guides urban design options for a range of key sites over 2,500m² within the Fairfield City Centre. The Study was prepared in response to an identified need to facilitate revitalisation of the Fairfield City Centre. The Study identified an urban framework including of additional community benefits for the centre, and recommended a built form for key sites to be implemented by landowner initiated planning proposals.

As discussed previously in this report, the Study allowed for flexibility in future design outcomes. Additional height and/or floor space ratios in excess of those in the Study may only be considered where outstanding design excellence and community benefits greater than those in the Study are achieved.

Accordingly, the Planning Proposal under consideration forms the basis for Council to consider the alternative concept proposed on the subject site including a request for increased building height and floor space ratio above that recommended in the Study.

F. INTERNAL REFERRALS

Council officers have provided the following advice in relation to the planning proposal.

Catchment Planning

The flood map and flood levels used in the Flood Assessment Report accompanying the Planning Proposal application are based on a flood study undertaken by SKM in 2010. Council has recently completed an updated flood study for Fairfield CBD (but has not yet adopted the Study) which identifies the site as being partially within the high, medium and low overland flood risk precincts, which is different to SKM 2010 flood map.

It was also noted that the subject site is also affected by mainstream flooding (partially within the low flood risk precinct from Prospect Creek).

Future redevelopment of the subject site will alter the development footprint and therefore a Flood Impact Assessment will be required with a future development application. The Flood Impact Assessment for any future redevelopment on this site should be based on Council's current flood information to ensure the development:

- is compatible with the flood hazard of the land,
- will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- incorporates appropriate measures to manage risk to life from flood, and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Council's updated flood model for the Fairfield CBD catchment (although not yet adopted) is to be used to model the future development scenario. This is to ensure consistency across the catchment that will be facilitated through the "Developer Agreement" process. The applicant is required to contact Council's Catchment Team for further information about obtaining Council's current flood information or engaging Council's flood consultant under a Developer Agreement.

Environmental Management

An acoustic report will be required to reflect changes to current loading dock arrangements (e.g. potential noise generation) and increased surrounding residential development. This report should take into consideration construction noise and proposed operational activities and residential development, plant, noise generated by patrons i.e. car park use.

A Phase 1 Contamination assessment will be required. A Phase 2 Contamination assessment may also be required depending on the Phase 1 assessment recommendations.

Place Management and Public Domain

Pedestrian access to the site and through the future development will need to be considered and addressed. This would include a mid-block pedestrian crossing across Cunninghame Street.

The large increase in residential population will see an increase in pedestrians wanting to cross at existing traffic lights. Timing and co-ordination of these lights needs to be investigated and addressed to prevent jaywalking and risk to pedestrian safety.

Future public open space will need to address site topography, including whether terracing will be required to manage the slope and overland flow issues.

Tree species selection is critical to the success of future open space, street and pedestrian corridors. For example, the proposed use of Canary Island palms is not supported due to health and asset management issues.

Note: The comments/recommendations made above largely relate to issues and controls to be incorporated into a future draft SSDCP for the site. This information will be referred to the applicant for action and inclusion within the future draft SSDCP. The response and design initiatives proposed by the applicant to address these issues will be further considered and assessed by Council under when the draft SSDCP is reported to Council for consideration.

Social and Cultural Development

Due to its scope, the development provides an opportunity to improve the liveability of the neighbourhood and health of current and future residents. High density done well has the ability to improve physical, mental and social health.

The development has the ability to create a supportive space for cycling in a pedestrian friendly and car traffic minimised environment. The continuation of Ware Street into Fairfield Forum leading from the new neighbourhood park through to the market square and continuing south into Fairfield City Centre towards the transport interchange is a positive contribution to promoting walking as an experience.

The inclusion of a 4,000m² park on the northwest corner of the site will provide much needed open space. Children who grow up with green spaces are less likely to experience mental health issues later in life. A water feature/play area in the public domain will allow play in addition to creating a natural cooling opportunity for the summer months.

To promote place making, community artists should be engaged to work with the community on developing the creative side of the neighbourhood park and consideration be given to a mural.

Sense of safety is important for extended use of public spaces, therefore lighting in neighbourhood park and the public domain is essential for usage throughout the year. Further, consideration of CCTV to monitor the park is recommended.

Note: The matters raised can be considered at the design stage, either when negotiating a Planning Agreement or assessing development applications as part of the staged implementation. These issues will be considered as part of the draft SSDCP to be prepared for the site. The response and design initiatives proposed by the applicant to address these issues will be further considered and assessed when the draft SSDCP is reported to Council for consideration.

Traffic and Transport

The number of parking spaces proposed exceeds the DCP parking requirement for the subject development. The applicant should consider allocating more parking spaces for the residential component.

Limiting the number of access points will reduce the number of conflict points and will improve safety.

The proposal largely retains the existing quantum of retail and commercial floor area. As such, there is no concern raised about the traffic generation associated with the planning proposal.

There will be an increase in traffic associated with the residential component of the proposal. A detailed road network and intersection assessment must be provided at a later stage.

The applicant should consider provision of bicycle parking within the development to encourage cycling and to reduce the traffic impact on the road network.

Note: Preparation of a draft SSDCP will be required to include the recommendations of Council's traffic engineers. The applicant will be advised of the requirement to prepare a detailed traffic impact assessment as part of the future preparation of the draft SSDCP and/or development application for the site.

Natural Resources

Development that accommodates growth by increasing urban densities on an underutilised, single-use site and adopts industry best practice environmentally sustainable design principles in built form is supported.

Providing new housing in an area with good access to retail and community services and recreational facilities is supported, and the promotion of non-car travel in favour of more sustainable transit modes is supported.

Property and Development Services

An easement over the subject site in favour of Council to drain water is required. As the proposal includes basement car parking, approval from Council's Drainage Engineer on removal and relocation of the drainage pipe will need to be sought in this regard. The owner/developer is required to seek Council's approval to extinguish the existing drainage easement and if required create a new replacement drainage easement on the site.

Note: This advice will be provided to the proponent and will be noted for consideration and resolution at development application stage.

G. ASSESSMENT OF CONSISTENCY WITH MINISTERIAL DIRECTIONS UNDER SECTION 9.1

Planning Proposals are required to demonstrate consistency with Section 9.1 (previously Section 117) Ministerial Directions under the NSW Environmental Planning and Assessment Act and also satisfactorily justify any inconsistencies. The Planning Proposal document (**Attachment A**) contains a detailed review of the Proposal against all the relevant Section 9.1 Directions. Below is a summary of the key directions that are relevant to the Planning Proposal.

Direction 3. Housing and Urban Development, 3.1 Residential Zones

Aim of the Direction – This direction is relevant as it also applies to any zone in which significant residential development is permitted or proposed to be permitted. The direction aims to encourage a variety and choice of housing types to provide for existing and future housing needs and to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.

Assessment of Consistency –The Planning Proposal is consistent with this direction as it seeks to introduce residential development on a mixed use site that is within a city centre environment containing retail, commercial, services and community facilities within walking distance of a rail/bus interchange, regional open space and recreation facilities, as well as public and private primary and high schools.

Direction 3. Housing, Infrastructure and Urban Development, 3.4 Integrating Land Use and Transport

Aim of the Direction – This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) Improving access to housing, jobs and services by walking, cycling and public transport, and
- b) Increasing the choice of available transport and reducing dependence on cars, and
- c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) Supporting the efficient and viable operation of public transport services, and
- e) Providing for the efficient movement of freight.

Assessment of Consistency – The Planning Proposal will facilitate a high-density residential development within a retail, commercial and service precinct within a five-minute walk to primary and secondary school, as well as a ten-minute walk to the Fairfield way station and bus interchange. Access to regional open space, community facilities and the City's extensive cycleway network is in close proximity to the south of the Fairfield City centre, crossing the railway line.

Direction 7. Metropolitan Planning, 7.1 Implementation of A Plan for Growing Sydney – A Metropolis of Three Cities

Aim of the Direction - This direction aims to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney – A Metropolis of Three Cities.

Assessment of Consistency – See Metropolis of Three Cities – A vision to 2056 (Metro Strategy), referred to earlier this report.

H. SITE SPECIFIC DEVELOPMENT CONTROL PLAN AND SUPPORTING INFORMATION

As discussed above, both the existing controls within the FCCDCP and the recommendation of the Panel will require the proponent to prepare a draft Site Specific Development Control Plan (SSDCP) to ensure that future development occurs in an orderly and appropriate manner. The draft SSDCP will need to be in accordance with the relevant provisions of:

- the existing Fairfield City Centre DCP 2013;
- the Fairfield City Wide DCP 2013;
- relevant recommendations of the Fairfield City Centre Key Sites Urban Design Study 2018; and
- the concept master plans considered by Council under the Planning Proposal.

Should the Planning Proposal be supported for public exhibition by Council and the NSW DPI&E, the draft SSDCP should consider the assessment criteria set out in *Appendix 4 – Site Specific DCP Process* within FCCDCP for this site, inclusive of the following:

- Locate retailing activities at the southern end of the site;
- The creation of additional pedestrian linkages to the other retail hubs as well as provision of vehicular and pedestrian connections through the site by way of a new road that extends Ware Street to Station Street;
- Not prejudice the possible future redevelopment of adjoining sites;
- Not overshadow public domain or adjoining properties between 9am-3pm on 21 June any greater than that expected if the site was developed under the controls set out in Section 4 – Land Use and Building Envelope Controls of the existing FCCDCP;
- Consideration of provisions relating to Crime Prevention Through Environmental Design; and
- Consideration of Water Sensitive Urban Design principles.

In addition to the SSDCP detailed above, the following supporting information will be required as part of the preparation and consideration of the draft SSDCP:

- A detailed traffic assessment including intersection capacities under existing and future conditions to be provided as part of the preparation of the SSDCP for future consideration by Council;
- An updated flood study utilising overland and mainstream flood levels recently completed in the updated flood study for the Fairfield CBD. This information can be provided to the applicant through the Developer Agreement Process. The applicant will be required to contact Council's Catchment Team for further information with regard to obtaining current flood information or engaging Council's flood consultant under a Planning Agreement.

The draft SSDCP will be reported to Council for consideration once it has been prepared to ensure that public exhibition can occur concurrently with the Planning Proposal.

I. PLANNING AGREEMENT 2018

Council adopted a policy on Planning Agreements on 5 September 2018. A Planning Agreement is an agreement entered into by a planning authority (such as Fairfield City Council) and a developer who has sought a change to a Local Environmental Plan through a planning proposal or who has made a development application. The policy provides guidelines for both the Council and developers to effectively negotiate and prepare planning agreements.

Under a Planning Agreement, a developer agrees to provide or fund:

- public amenities and public services;
- transport or other infrastructure; and/or
- other material public benefits.

Contributions can be made through:

- dedication of land;
- monetary contributions;
- construction of infrastructure; and/or
- provision of materials for public benefit and/or use.

The Planning Proposal includes a range of public benefits, such as the extension to Ware Street and a new 4,000m² neighbourhood park which is consistent with the urban framework and potential community benefits outlined within the Fairfield City Centre Key Sites Urban Design Study 2018.

These public benefits will be outlined as part of an offer by the proponent after consideration of the Planning Proposal by Council and the NSW DPI&E. The public benefit offer will then be formalised via a Planning Agreement, reported to Council for consideration, and will be exhibited concurrently with the Planning Proposal and draft SSDCP detailed above.

It is at this stage that Council can consider the panel's recommendation:

“that Councillors come to a position on the appropriate level of affordable housing for this development and if any, the proponent be requested to amend the proposal accordingly”.

J. CONSULTATION STRATEGY

Public exhibition of a Planning Proposal is required to be for a minimum period of 28 days and will involve:

- Notification to landowners both within and directly adjoining the land affected by the Planning Proposal;
- Notice in the local newspaper;
- Publication of all relevant information on Council's website;
- Notification to affected and adjoining business owners and any relevant business chambers and business associations; and
- If the timing coincides with statutory public exhibition, information on the Planning Proposal will be included in a future edition of Council's newsletter CityLife.

With the cooperation of the proponent, Council will seek to advise business owners within Fairfield Forum to ensure that the process for future development is understood.

The Gateway Determination will also require Council to undertake consultation with numerous State Government authorities, agencies and utility providers.

Following public exhibition, a report will be referred back to Council for consideration of public submissions received and the outcome of consultation with the State authorities, agencies and utility providers.

REPORT BY CHAIRPERSON
OUTCOMES COMMITTEE

Meeting Date 10 September 2019

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In addition to the above, one of the recommendations of this report includes a request to the Department for Council to exercise its delegation as the Responsible Planning Authority to progress the final steps of the LEP amendments for the site. This will allow the Group Manager - City Strategic Planning to sign off on the amendments to the applicable LEP maps.

CONCLUSION

The planning proposal for the Fairfield Forum site located at 8-36 Station Street, Fairfield is an opportunity for significant urban renewal of the Fairfield City Centre. The development concept is guided by the supporting Urban Design Study and Master Plan that proposes to deliver 1,489 apartments in a revitalised mixed use 4.3 hectare precinct, with community benefits inclusive of a 4,000m² neighbourhood park and new pedestrian and vehicle connections.

The Fairfield Local Planning Panel has considered the Planning Proposal and supported it proceeding to Gateway Determination to permit community consultation and consultation with relevant stage agencies and utility providers. It is recommended that Council also support the proposal progressing to this stage.

Should the Planning Proposal receive a favourable Gateway Determination, a further report will be submitted to Council to consider a draft Site Specific Development Control Plan and draft Voluntary Planning Agreement prior to public exhibition.

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Authorisation:
Manager Strategic Land Use & Catchment Planning
Group Manager City Strategic Planning

Outcomes Committee - 10 September 2019

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***** END OF ITEM 84 *****