

Fairfield LEP 2013 – Planning proposal to rezone land at 147 Polding Street, 1-3 Bodalla Street, Fairfield Heights

Proposal Title : **Fairfield LEP 2013 – Planning proposal to rezone land at 147 Polding Street, 1-3 Bodalla Street, Fairfield Heights**

Proposal Summary : **The planning proposal seeks to:**

- **Rezone the site (147 Polding Street, 1-3 Bodalla Street and adjoining lots within the block) from R3 Medium Density Residential to R4 High Density Residential;**
- **Increase the Height of Buildings control from 9 metres to 13.5 metres;**
- **Increase the Floor Space Ratio control from 0.45:1 to 1.25:1; and**
- **Include 'Fairfield Heights' as an exclusion to clause 4.4A (1) Exceptions to maximum floor space ratio in Zone R4 High Density Residential, so as to enable a blanket FSR of 1.25:1 to apply to the site.**

PP Number : **PP_2016_FAIRF_005_00**

Dop File No :

16/08540

Proposal Details

Date Planning : **16-Jun-2016**

LGA covered :

Fairfield

Proposal Received :

Region : **Metro(Parra)**

RPA :

Fairfield City Council

State Electorate : **FAIRFIELD**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **147 Polding Street and 1-3 Bodalla Street**

Suburb : **Fairfield Heights**

City : **Fairfield**

Postcode : **2165**

Land Parcel : **Lot A, B, C, D, E, F, G, H and I in DP 20450**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	40
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

The Department's Lobbyist Contact Register has been checked on 21 June 2016, and there are no records on the Department's Lobbyist Contract Register regarding this matter.

Supporting notes

Internal Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of the planning proposal is to amend the Fairfield Local Environmental Plan 2013 to rezone the site from R3 Medium Density Residential to R4 High Density Residential

to develop the site for residential flat building purposes.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The objectives of the planning proposal will be achieved by amending the Fairfield Local Environmental Plan 2013 to apply the following provisions to the site:

- Amend Land Zoning Map – Sheet LZN_016 - to rezone the subject site from R3 Medium Density Residential to R4 High Density Residential;
- Amend Floor Space Ratio Map – Sheet FSR_016 to increase FSR from 0.45:1 to 1.25:1;
- Amend Height of Building Map – Sheet HOB_016) to increase HOB from 9 metres to 13.5 metres; and
- Include 'Fairfield Heights' as an exclusion to clause 4.4A(1) Exceptions to maximum floor space ratio in Zone R4 High Density Residential, so as to enable a blanket FSR of 1.25:1 to apply to the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SEPPs/SREPS

STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND

Clause 6.1 of the SEPP states that a change of zone cannot be permitted unless the planning proposal has considered whether the land is contaminated and if it is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be after remediation), or the land is remediated before the land is used for that purpose.

Council has advised that the site is currently not affected by site contamination. Council however intend to deal with this issue on a site by site basis under future development applications.

Comment: Given that there are no known past uses that point to contamination and the fact that Council will consider this issue on a site by site basis at development applications stage, it is considered that the proposal is generally consistent with the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Council has advised that SEPP 65 design guidelines and principles are underpinned within the development concept design. Further, any subsequent development

applications would need to comply with the SEPP provisions.

Comment: The proposal is generally consistent with the SEPP as far as rezoning the land is concerned.

S117 DIRECTIONS

3.1 RESIDENTIAL ZONES

This direction applies when a planning proposal affects an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary of the Department of Planning and Environment is required if the reduction in density is involved.

This direction applies as the planning proposal proposes to rezone the site from R3 Medium Density Residential to R4 High Density Residential zone. The site has frequent bus services to/from Fairfield Heights to nearby centres and rail stations.

The planning proposal is consistent with this direction as it:

- proposes to implement the objectives of the direction;
- will facilitate high density residential development in proximity to public transport;
- proposes to concentrate housing densities around a town centre to make better use of existing infrastructure and services in those centres;
- broadens housing choice and flexibility by providing new opportunities for residential flat buildings around a town centre; and
- increases mix in the type and size of housing across Fairfield.

3.4 INTEGRATING LAND USE AND TRANSPORT

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The proposal is considered to be consistent with the direction as the site is well situated along a major road, adjoining the Fairfield Heights town centre, and with access to public transport.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has provided the following maps applying to this planning proposal:

- Aerial map
- The land subject to the planning proposal
- Current and proposed Land Use Zones
- Current and proposed Height of Buildings

- **Current and proposed Floor Space Ratio**

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has advised that the Gateway Determination will specify the community consultation period. Given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Fairfield LEP 2013 is a Standard Instrument LEP. The planning proposal is to amend the Fairfield LEP 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not a result of any strategic study or report. The planning proposal is initiated by the applicant.**

SITE

The site is located on Polding Street (a regional road) adjacent to the Fairfield Heights Town Centre. The town centre provides a number of retail and commercial services including a supermarket, bank, medical centre and restaurants. A local park, schools, child care centres and a community centre are located in close proximity to the site.

The buildings with the town centre are a mix of single storey and structures with shop-top housing. The Height of Buildings provision for the town centre is 9 metres.

The surrounding properties are zoned R3 Medium Density Residential and developments consist of mainly single storey and double storey detached dwellings, dual occupancies, and pockets of medium density villa/town house type housing.

Consistency with strategic planning framework :

METROPOLITAN STRATEGY

A PLAN FOR GROWING SYDNEY (the Plan)

The proposal is considered to be consistent with the goals and actions of the Plan as explained below:

- Direction 2.1: Accelerate housing supply across Sydney. The planning proposal will provide additional housing which will support an expected increase in population.
- Direction 3.1: Revitalisation existing suburbs. Additional housing will help revitalise the area with an increase in people using existing commercial/retail facilities, community facilities, schools and seeking employment. The planning proposal is expected to create 40 new dwellings.

FAIRFIELD CITY CENTRE STUDY 2015

The Fairfield City Centre Study was undertaken to review the current situation of the existing retail and commercial centres and examine the future demand for retailing and the implications for the centres network.

The following are the main recommendations of the study:

- Increased building heights should be given serious consideration for medium to high density residential precincts located in close proximity to centres and public transport systems;
- The LEPs should incentivise site amalgamation with centres by offering greater height limits for larger allotments;
- Develop (or revise existing) and implement a staged plan to improve public spaces within all major centres, particularly the Cabramatta Town Centre;
- Focus on attracting high density residential development through redevelopment of older sites in the area surrounding Fairfield City Centre. This can be achieved through increasing the building heights to ensure that redevelopment is financially viable (within the R4 High Density Residential zone); and
- Maintain the centre designations of Local and Neighbourhood Centres.

The planning proposal is consistent with the objective of the study as the proposed rezoning will create opportunities for a variety of higher density housing in the Fairfield Heights area.

FAIRFIELD RESIDENTIAL DEVELOPMENT STRATEGY

The Fairfield Residential Development Strategy (the Strategy) is a 20 year strategy that guides the location and type of future residential development within the eastern half of the Local Government Area (LGA). The Strategy has adopted a centres based planning approach to guide the location of new housing within the existing urban areas of the Fairfield LGA.

The study recommended the following for Fairfield Heights:

- Opportunity to increase dwelling stock to meet range of dwellings types for a village;
- Encourage affordable housing in catchment;
- Maintain diversity and quality of retail and commercial services;
- Provision of services to be reviewed in-line with increases in density;
- Review opportunity to develop Polding Street as a key east-west bus route;
- Increase amount and distribution of open space across catchment, particularly in south-east of catchment;
- Investigate additional open space with the commercial core to increase activation. Improve quality of public domain in commercial core; and
- Ensure future dwellings are constructed to the standards of SEPP 65 and are accessible.

The planning proposal is consistent with the recommendations of the study as it provides opportunities to improve the amenities and provide greater housing choice at Fairfield Heights.

Environmental social
economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The planning proposal applies to urbanised land which is being used for residential purposes. It does not contain threatened species, critical habitat, ecological communities or their habitat. The planning proposal therefore will not result in any adverse impacts to communities or habitats.

There are no known hazard or contamination issues. The planning proposal is not expected to result in negative environmental effects.

There are no heritage items within the site. However, a heritage item of local significance (a Victorian house) is located at 161 Polding Street as per the provisions of the Fairfield LEP 2013. The planning proposal is not expected to impact this heritage item.

Council's Traffic and Transport section indicated that the 'the impact of the proposed development on adjoining road network is considered insignificant'.

The planning proposal will have positive social and economic benefits as it will enable higher and better use of the subject land by providing additional dwellings in close proximity to jobs, services and public transport.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2)(d)	Integral Energy Transport for NSW - Roads and Maritime Services Sydney Water Telstra
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter to DP&E for submission of planning proposal.pdf	Proposal Covering Letter	Yes
Planning Proposal for Fairfield Heights R3 to R4 Residential.pdf	Proposal	Yes
Council Report.pdf	Study	Yes
Council's 10 May 2016 meeting resolution.pdf	Study	Yes
Proposed amendment to the standard instrument.pdf	Study	Yes
Copy of Clause 4.4A of Fairfield LEP 2013.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **RECOMMENDATION**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 28 days, and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Endeavour Energy
Roads and Maritime Services
Sydney Water
Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

DELEGATION OF GATEWAY DETERMINATION

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The proposal is considered to be consistent with State Strategy and of a local nature therefore it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan Region (Parramatta).

DELEGATION TO COUNCIL

Fairfield City Council has requested plan making functions be delegated to Council in this instance. Given the nature of the planning proposal and the evaluation criteria supports the delegation, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

Supporting Reasons : The planning proposal is supported, as it will provide an opportunity for high density residential development adjoining a local town centre, which will assist in meeting the housing needs of the increased population.

Signature:



Printed Name:

DERRYN JOHN

Date:

13 JULY 2016

