

OUTCOMES COMMITTEE

Meeting Date 6 December 2016

Item Number. 139

SUBJECT: Amend the Fairfield Local Environmental Plan 2013 to Allow
'additional permitted use of multi-dwelling housing' at 10 Lasa Street,
Cabramatta under Fairfield Council's Large Lot Policy

Premises: 10 Lasa Street, Cabramatta

Applicant/Owner: Lorenzo Biordi

Zoning: R2 Low Density Residential

FILE NUMBER: 16/11209

REPORT BY: Sunehla Bala, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (**Attachment A** of the report) to amend Fairfield Local Environmental Plan (FLEP) 2013 to allow 'additional permitted use for multi-dwelling housing' at 10 Lasa Street Cabramatta pursuant to Fairfield Council's Large Lot Policy.
2. Council refer the Planning Proposal to the Department of Planning and Environment (DP&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 and the Conditions set out in the Gateway Determination.
3. In requesting the Gateway Determination, Council advise the DP&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 [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. The outcome of the public exhibition of the Planning Proposal be reported back to Council following completion of the exhibition period.

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 Planning Proposal

32 Pages

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CITY PLAN

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

SUMMARY

This report provides an assessment of a Planning Proposal for 10 Lasa Street, Cabramatta, described as Lot 22 DP 793890. The Planning Proposal is seeking to amend the Fairfield Local Environmental Plan (FLEP) 2013 by amending Schedule 1 – Additional Permitted Uses to allow multi-dwelling housing at the subject site in accordance with Council's Large Lot Policy.

The subject site is currently zoned R2 Low Density Residential, has an area of approximately 2,507 square metres and a frontage of approximately 25 metres.

The Proposal does not seek to amend the Floor Space Ratio (FSR) or Height of Building (HOB) of the site. Accordingly, the existing development standards are not proposed to be changed which will result in a built form that will generally be to a scale consistent with the existing residential development in and around the locality.

Assessment of the Planning Proposal by Council officers identifies that the Planning Proposal is within the framework of the Large Lots Policy of Fairfield City Council and demonstrates its compliance with all the relevant criteria. The Proposal is also consistent with 'A Plan for Growing Sydney', the 'Draft South West District Plan' and relevant Section 117 Directions.

The Planning Proposal seeks to provide for additional residential density, in accordance with State planning strategies such as 'A Plan for Growing Sydney'. The Planning Proposal will provide opportunity for additional housing and introducing a greater housing mix within the subject site.

It is recommended that the Planning Proposal (**Attachment A**) be endorsed for a Gateway Determination to permit community consultation.

REPORT

On 30 June 2016, Council received the Planning Proposal seeking to amend the Fairfield Local Environmental Plan (LEP) 2013 to rezone the subject land from R2 Low Density Residential to R3 Medium Density Residential in accordance with the Fairfield Large Lots Policy.

Council's Large Lots Policy does not specify by what mechanism Council would support the change in land use. There are two options available to introduce multi dwelling housing to the site. Rezone the site to R3 Medium Density Residential or to introduce an additional permitted land use of multi dwelling housing. In this instance, Council officers are recommending an additional permitted use for the site. This matter is further detailed in the report.

Land to which the Planning Proposal applies

The subject site is located on the eastern side of Lasa Street, Cabramatta. The site is zoned R2 Low Density Residential under FLEP 2013 and is a large single lot. The subject site is approximately 285m from the nearest bus stop. The subject site is approximately 560m from the edge of the Cabramatta Town Centre and the services it provides, and is approximately 930m to the Cabramatta Railway Station. The subject site is within 200m of a large public open space area and employment opportunities are close by at Lansvale, Cabramatta and Liverpool. Figure 1 below illustrates the subject site.

Figure 1



Source: Google Maps

A single dwelling occupies the subject site along with several aged outbuildings and a disused in-ground swimming pool.

The subject site can be easily accessed via Cabramatta Road and Hume Highway. Hume Highway is a major arterial road that provides connectivity of the subject site to Liverpool CBD and Bankstown CBD. Cabramatta Road provides direct access to the Cabramatta Town Centre and other Local Centres within Fairfield LGA.

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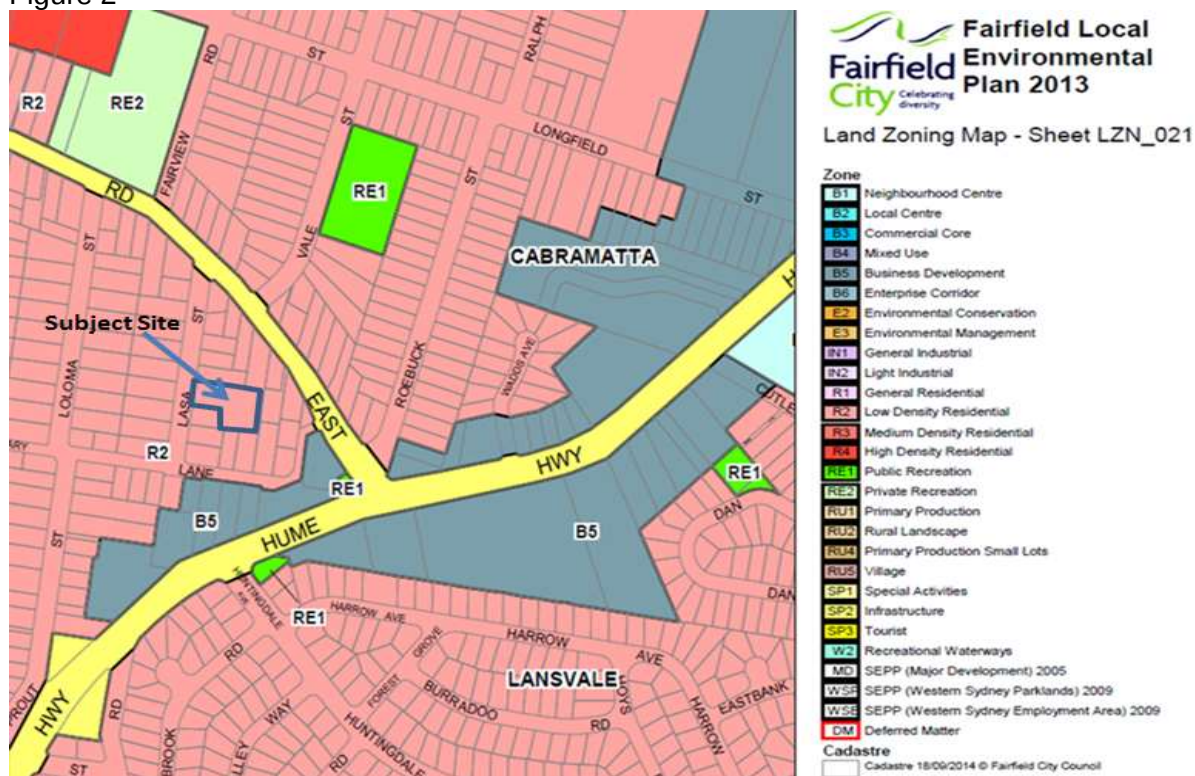
The subject site is zoned R2 Low Density Residential and has a Floor Space Ratio of 0.45:1 and Height of Buildings of 9m. These development standards are not proposed to be amended through the Proposal.

Zoning

Uses permitted within R2 Low Density Residential zone includes dwellings, bed and breakfast accommodation, boarding houses, child care centres, community facilities, dual occupancies, dwelling houses, educational establishments, group homes, health consulting rooms, hospitals, hostels, places of worship, public administration buildings, recreation areas, secondary dwellings, semi-detached dwellings and seniors housing.

Under the current zone, multi-dwelling housing is not a permitted use. The Applicant through the Planning Proposal has indicated they wish to develop the subject site for the purpose of a townhouse (multi dwelling housing) development with up to 10 dwellings. Figure 2 below illustrates the zoning of the subject site.

Figure 2



Source: FLEP 2013

Surrounding Developments

The subject site is located within a R2 Low Density Residential area. Surrounding developments includes a mix of single and double storey dwellings and some existing multi-dwelling housing. Located approximately 300m-400m to the west are 3-storey walk-up residential flat buildings, in addition to a large residential aged care facility located to the south-west of the site.

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There is B5 Business Development zone along Hume Highway which includes bulky goods, vehicle sale premises, warehouses, wholesale, service station and motel accommodation etc.

Proposed Development and Concept

The Concept Plans provided for the subject site indicates a possible multi dwelling housing development consisting of up to 10 dwellings which is to be consistent with Council's existing development standards and controls as prescribed within the Fairfield City Wide DCP 2013 for multi dwelling housing outlined in Chapter 6A Multi Dwelling Housing.

Council's large lot policy requires the Applicant to submit concept plans to provide an indication of scale. Should the LEP be amended for the site, the development will still need to be assessed through the development application process. The concept plans are shown below in Figures 3-4.

Figure 3



Figure 4



A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW Government's plan for the future of the Sydney Metropolitan Area. The Fairfield Local Government Area is located within the Sydney Metropolitan Area and the key directions and actions within the plan should be used to guide the delivery of housing and employment within Fairfield LGA.

The Planning Proposal is consistent with the goals, directions and actions of **A Plan for Growing Sydney**. One of the key goals is outlined below:

Goal	Consistency
Goal 2, Direction 2.1: Sydney's housing choices Action 2.1.1: Accelerate housing supply local housing choices	The Planning Proposal is consistent with this action. The Planning Proposal seeks an additional permitted use for multi-dwelling housing on the subject site. The proposed amendment will provide greater opportunities for additional housing in Cabramatta.

The Plan is guided by 3 planning principles:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
- Principle 2: Stronger economic development in strategic centres and transport gateways
- Principle 3: Connecting centres with a networked transport system.

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It is considered Principle 1 is particularly relevant to this proposal as this proposal seeks to increase housing choice through urban renewal. The subject site is in close proximity to the Cabramatta Town Centre and increased residential population will support economic development for the locality.

Fairfield Residential Development Strategy 2009

The draft Fairfield Residential Strategy (RDS) established the broad framework to ensure that the Fairfield LGA can accommodate the additional dwellings target of 24,000 dwellings as identified in the West Central Sub-Regional Strategy.

The RDS identifies areas within Fairfield City that should be investigated for future increase in residential density. The key principle for the increase in density within the City outlined by the RDS is density around centres and along corridors.

The study identified Cabramatta as a unique multi-cultural centre located in the south-east of the Fairfield LGA. It is centred on the railway station and dissected by the railway line which runs north-south and Cabramatta Road which runs east-west.

The Planning Proposal will provide opportunities for additional housing stock in the Cabramatta area.

Fairfield Large Lot Policy

The Planning Proposal is within the frameworks of Fairfield City Council's Large Lots Policy and demonstrates its compliance with all the criteria's as demonstrated in Table 3 below.

Table 1: Compliance of the Planning Proposal against the application criteria

Criteria	Comment	Compliance
Sites of 1,300m ² minimum area where in existence before policy coming into effect.	The subject site has an area of 2507m ² and existed before the Large Lot Policy came into effect.	Yes
Sites are zoned R2 Low Density Residential east of the Cumberland Highway.	The subject site is zoned R2 Low Density Residential under FLEP 2013, and falls on the east of the Cumberland Highway.	Yes
Sites have minimum width of 22m (or 25m on classified road) and depth of 22m.	The subject site has a minimum width of 24.995m and depth of 70.405m. The subject site is not on a classified road.	Yes
Sites are not to be affected by medium or high risk flooding constraints.	The subject site is not affected by flooding.	Yes

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Sites are within a walking distance of a railway station (800m) and bus stop used by a regular bus service (400m), or sites are within 800m radius of a local centre, neighbourhood, town, mixed use centre with regular public transport.

The subject site is approximately 285m from the closest bus stop and approximately 560m from the Cabramatta Town Centre.

Yes

Applications 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 Planning Proposal includes concept plans for the proposed development.

Yes

Rezoning the site to R3 Medium Density Housing

Providing an additional permitted use of multi-dwelling housing on the subject site is a preferred option as opposed to rezoning the site to R3 Medium Density Residential. If the subject site is re-zoned to R3 Medium Density Residential it will raise the following issues:

- **Neighbourhood shops** – are permitted with consent under FLEP 2013 in R3 Medium Density Residential zone. Council Officers are not supportive of permitting neighbourhood shops on the subject site.
- **Spot Rezoning** – the subject site is within a R2 Low Density Residential zone. Rezoning the subject site to R3 Medium Density Residential will create a spot rezoning which is undesirable.

Rezoning of land should generally be considered in a broader strategic context. The rezoning of the subject site and surrounds to R3 Medium Density Residential may be considered through the implementation of a future stage of the RDS.

For the reasons provided above, Council officers do not support a spot rezoning of the site and consider the Planning Proposal is better dealt with through the provision of an additional permitted use for multi dwelling housing.

Assessment of consistency with Ministerial Direction Section 117

Planning Proposals are required to demonstrate consistency with Section 117 Ministerial Directions under the NSW Environmental Planning and Assessment Act (EP&A Act) 1979. The attached Planning Proposal contains a detailed review of the Proposal against all the relevant Section 117 Directions. Below is a key Ministerial Direction associated with this Planning Proposal:

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Direction 3. Housing, Infrastructure and Urban Development, 3.1 Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.

The Proposal is consistent with this direction as it seeks to provide multi-dwelling residential development to satisfy existing and future housing needs. The Proposal will provide 10 additional dwellings in the locality.

The site is in a location that can make efficient use of existing and proposed infrastructure.

INTERNAL REFERRALS

Internal referrals were made to the following sections of Council to seek their comments on the Planning Proposal:

Recreation and Open Space

An analysis of the Proposal was undertaken and the following comments are provided:

- The access of the future residents of these 10 dwellings to open space will be impacted by the presence of the major barriers of Hume Highway and Cabramatta Road East between their residence and the following parks:

Open space	Area	Approximate walking distance from proposed site
Heather King Park Vale Street, Cabramatta	8,090.7 m ²	345 metres
Irelands Bridge Reserve Cherrybrook Road, Lansvale	63,171.4 m ²	820 metres
Chipping Norton Lake foreshore (including Cherrybrook Park and Hoy Park) Silverwater Crescent, Lansvale	60,480.8 m ²	1200 metres
Dan Park Dan Crescent, Lansvale	1,633.9 m ²	940 metres

- The Management and Development Guidelines outlined in the Open Space Strategy recommends that most residents be within the following distances of open space:
 - Foreshore Parks, Level 3 (e.g. Irelands Bridge Reserve) – within 10 minute drive
 - Sportsfields , Level 4 (e.g. Cherrybrook Park) – within 5-10 minute drive
 - Parks, Level 4 (e.g. Heather King Park) – within 10 minute walk.

For the proposed site, these recommendations are met.

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Traffic and Parking

Council's Traffic and Transport Branch has undertaken an analysis of the Proposal as follows:

- **Car Parking Requirements**

Chapter 12 of the City Wide Development Control Plan (DCP) 2013 requires car parking rate for multi dwelling housing to be provided in accordance with the following requirement:

Dwelling Size or Number of Bedrooms	Car Spaces per Dwelling	
	A	B
1-2 bedroom unit (less than 110m ²)	1	1
3 or more bedroom unit (i.e. greater than 110m ²)	1.5	2
Add for Visitors per dwelling	0.25	0.25

Dwelling Location

A – Less than 400m from railway station or major bus station

B – Greater than 400m from railway station or major bus station

It should be noted that the proposed development site is located greater than 400 metres from railway station or major bus station.

Based on the above requirement, the number of parking spaces required for the development is 13. The number of parking spaces (23) proposed for the development complies with the requirements of the Fairfield City Wide DCP.

- **Traffic Generation**

According to the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments, the traffic generation rates for dwellings during the week day peak hour are as follows:

- Weekday peak hour vehicle trips = 0.4-0.5 per dwelling for smaller units and flats (up to 2 bedrooms)
- Weekday peak hour vehicle trips = 0.5-0.6 per dwelling for larger units and town houses (3 or more bedrooms)

Based on the RMS guidelines, the development is expected to generate 5 trips during the weekday peak hour. As such, the traffic impact associated with the Planning Proposal is considered minimal.

A number of other issues were raised which will need to be addressed at the detailed design stage and development assessment stage.

Catchment Branch

Council's Catchment Branch has undertaken an analysis of the Proposal and provided the following comments:

- The site is not flood affected;
- Stormwater concept plans are to be submitted as part of any Development Application;
- The stormwater concept plan must incorporate an On-Site Detention system, in accordance with Council's Urban Area On-Site Detention Handbook 1997
- The site falls to the rear, therefore an easement is required and the width of the easement will depend on the size of pipe
- Discharge point to be determined. Depending on the pipe discharging to the kerb and gutter may not be appropriate. The extension of Council's piped drainage system may be more appropriate. Discharge point to be designed in accordance with Council Stormwater drainage Policy (2002)
- Cabramatta Road East is classified as a State Road as such any drainage works proposed in the road reserve must be referred to the RMS.

These items do not inhibit the progress of the Planning Proposal and can be dealt with at the development application stage through the provision of detailed design.

Development Planning

Council's Development Planning Branch has undertaken an analysis of the Proposal as follows:

- The subject site is not identified as being affected by overland or mainstream flooding;
- The subject site falls toward the north east corner of the site and an easement would be required over two downstream properties in the event that the site was to be developed for multi-unit housing. Approval would be required to be sought from the Roads and Maritime Services to connect their stormwater system into Cabramatta Road East;
- A subdivision of the subject site with more than 3 lots would require an internal road reserve width of 10.5 metres;
- The mix of units and unit per site area would determine the number of units that could be provided on site;
- The concept design appears to achieve good solar access to 6 of the 10 units proposed as it takes advantage of the orientation of the subject site;
- The rear units would need to ensure the amenity of the adjoining properties is not compromised;
- Consideration should be given to an additional permitted use for the subject site rather than up zoning to R3 Medium Density Residential unless the immediate area was also considered to be up zoned.

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These items do not inhibit the progress of the Planning Proposal and can be dealt with at the development application stage through the provision of detailed design.

CONSULTATION STRATEGY

Generally public exhibition is required for a minimum statutory period of 28 days and would involve:

- Notification to landowners both within and directly adjoining land proposed to be rezoned;
- Notice in the local newspaper; and
- Publication of all relevant information on Council's website.

It is likely that the Gateway Determination would require Council to undertake consultation with State Government Agencies and utility providers.

Following public exhibition, a report will be presented to Council for consideration of submissions received during public exhibition and results of consultation with the State Agencies and Utility providers.

DELEGATION

In addition to the above, the recommendations to this report include a request being made to the Department for Council to exercise its delegation in the final steps in processing of the LEP for rezoning of the land. This includes the Group Manager of City Development signing off on the LEP maps and written instrument to bring them into force.

CONCLUSION

The Planning Proposal seeks to increase housing stock in the Cabramatta area without compromising the zoning of the land. It complies with Council's Large Lot Policy and is consistent with State and Local Government strategic frameworks. The Planning Proposal is supported by Council officers and accordingly it is recommended to proceed with the Proposal to amend FLEP 2013 to introduce an additional permitted use of multi-dwelling housing at 10 Lasa Street, Cabramatta.

It is recommended that Council endorse the Planning Proposal to proceed to Gateway Determination to permit community consultation, and in its request advise NSW DP&E that Council 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]).

A report will be submitted to Council at the conclusion of the public consultation period.

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Authorisation:
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Outcomes Committee - 6 December 2016

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***** END OF ITEM 139 *****