



& Associates Pty Ltd



Town Planners
BASIX/Energy Assessors

PLANNING PROPOSAL

Rezoning of

No.131 Polding Street, Fairfield Heights

from

R3 – Medium Density Residential

to

B2 – Local Centre

Draft Fairfield Local Environmental Plan 2013
Amendment No.(Insert No.)

Prepared by

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SEPTEMBER 2014

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1.0 INTRODUCTION/BACKGROUND

This Report has been prepared as a formal Planning Proposal to rezone land at 131 Polding Street, Fairfield Heights.

The owners of the site, Mr and Mrs Storok formally submitted a Planning Proposal with Fairfield Council for its consideration on 13 October 2011. From a technical viewpoint, Council Officers were supportive of the LEP amendment with a recommendation to the Outcomes Committee meeting of 14 May 2013 to in essence proceed with the Planning Proposal.

Notwithstanding the above recommendation at the Council Officer level, the application was not supported at Committee and Council meetings, where Council resolved at its Ordinary Meeting of 28 May 2013 to not proceed with the Planning Proposal.

Formal written notification was issued by Council on the 14 June 2013, hence the submission of the Pre-Gateway Review application.

The Pre-Gateway Review application was considered by the Sydney West Joint Regional Planning Panel at its meeting of 20 February 2014. Upon deliberation of the application, the Joint Regional Planning Panel (JRPP) recommended that the proposed instrument amendment should be submitted for a Gateway Determination. In addition, the JRPP also recommended that a Site Specific Development Control Plan (SSDCP) be prepared for the site. (Refer to Appendix C)

The subject site is located on the southern side of Polding Street, approximately 80m east of the intersection with The Boulevard. Polding Street is a main collector road in the Fairfield Local Government Area which runs east – west linking the City of Fairfield and Bossley Park.

At present, the site is currently occupied by a single storey cottage comprising of a clad home with roof tiles. The cottage is located at the front part of the site and the remainder of the site is vacant and used as private open space, with the exception of a shed in the south eastern corner, adjacent to the rear boundary.

Under Fairfield Local Environmental Plan 2013, the site is currently zoned R3 – Medium Density Residential.

The Planning Proposal seeks to amend the Fairfield Local Environmental Plan 2013 in relation to the subject site as follows:

- Rezone the site to B2 – Local Centre; and
- Seek an FSR of 1.5:1.

We are of the strong view that the Planning Proposal has strategic merit as it aligns and is consistent with:

- ❑ The Metropolitan Plan for Sydney 2036;
- ❑ The Sub Regional Metropolitan Strategy (west central);
- ❑ The relevant Section 117 Directions; and
- ❑ **Fairfield Council's Residential Development Strategy.**

As outlined in this report, the Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate the strategic direction for the site and immediate surrounds.

2.0 SITE AND CONTEXT

2.1 Site Details

The subject site is located on the southern side of Polding Street, approximately 80m east of the intersection with The Boulevard. Polding Street is a main collector road in the Fairfield Local Government Area which runs east – west linking the City of Fairfield and Bossley Park.

The subject site is known as 131 Polding Street, Fairfield Heights. The property is also known as Lot 4, Section 5 in DP 957.

The subject site has a length of approximately 75.094 metres along its eastern and western boundaries; and 22.86 metres along its northern and southern boundaries. The site has a fall from the front to the rear. Refer to Figure 3 – Aerial Map.

The overall site area is approximately 1,716sqm.

The site currently has a single storey cottage comprising of a clad home with roof tiles (refer to Photograph 1). The cottage is located at the front part of the site and the remainder of the site is vacant and used as private open space, with the exception of a shed in the bottom south eastern corner. Access to the site is from a vehicular crossing and driveway located on the eastern side of the property where ample on site car parking is provided. (Refer to Photograph 2)



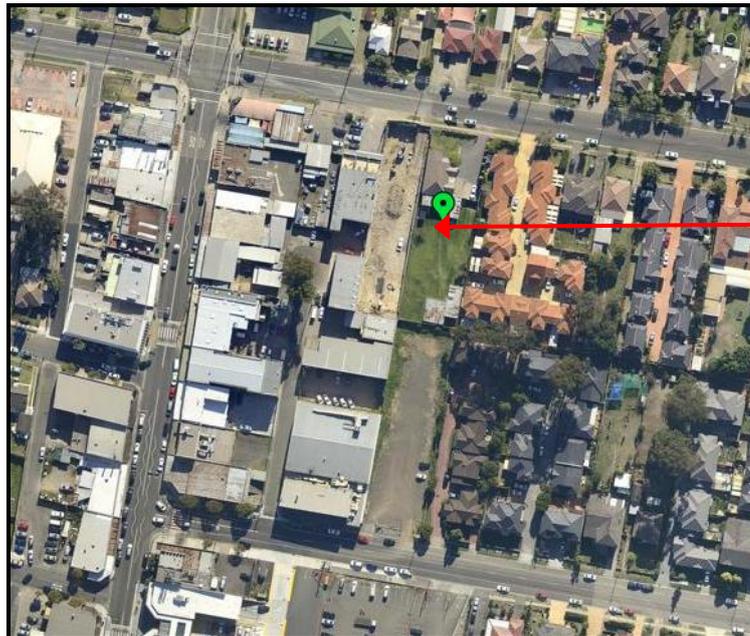
Photograph 1: Subject Site (No.131 Polding St) viewed from across the road looking south



Photograph 2: Subject Site No.131 Polding St

2.2 Site Context

The site is located within Fairfield Heights being a well established urban precinct in the south-west of the Sydney **Metropolitan area**. It is characterised by a diversity of land uses and building forms extending over multiple development eras, including detached dwellings, semi-detached dwellings, townhouses, commercial/retail buildings, and mixed-use buildings. (Refer to Figure One)



Subject site

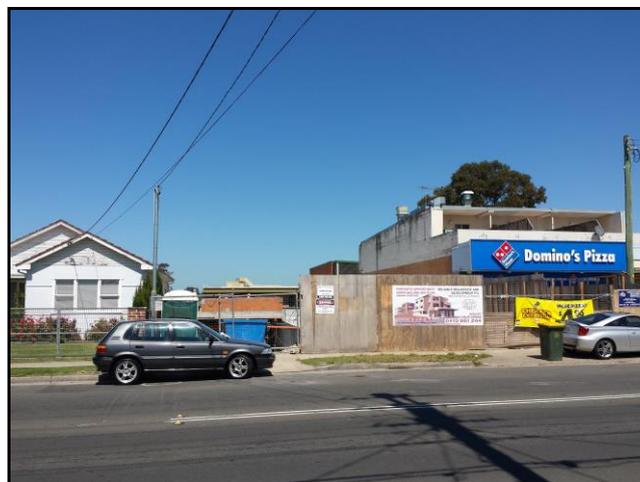
Figure 1: Aerial Photo of Subject Site (No.131 Polding Street)
Source: NearMap

In more immediate terms, the adjoining development to the east comprises of a medium density townhouse and villa development incorporating some fourteen (14) dwellings. Car parking for this development is accommodated on site and the driveway servicing the development is located in the centre of the site. (Refer to Photograph 3)



Photograph 3: Adjoining Development to the East depicting a medium density development at No.129 Polding Street

Immediately adjoining the site to the west, construction has recently commenced for a three storey high mixed use development. This site was previously occupied by a single storey dwelling. Adjoining this development site to the west is a commercial development including such uses as a Dominos Pizza (Refer to Photograph 4). Shop top housing is also evident at this location.



Photograph 4: Adjoining Development to the West depicting mixed use three storey development under construction at No.133 Polding Street & adjoining commercial development.

The northern side of Polding Street is comprised of detached single storey cottages with direct frontage and access rights to Polding Street (refer to Photograph 5).



Photograph 5: Adjoining Development across Polding Street to the North

The existing development to the south comprises of a vacant allotment (No.50 Stanbrook Street) which was recently approved by Fairfield Council (3 April 2013) for use as an at grade car park comprising of 58 spaces associated with the Assyrian Sports and Cultural Club. Although this land is zoned R3 – Medium Density Residential it is essentially used for commercial purposes as it is directly linked to the Assyrian Sports and Cultural Club. (Refer to Photograph 6).

Under existing use rights, nothing would preclude the Club lodging a development application for the intensification or expansion of its operations over this land.



Photograph 6: Adjoining land to the South – No.50 Stanbrook Street which was recently approved for usage as a 58 space car park associated with the Assyrian Sports & Cultural Club

3.0 THE PLANNING PROPOSAL

3.1 PART ONE – OBJECTIVES

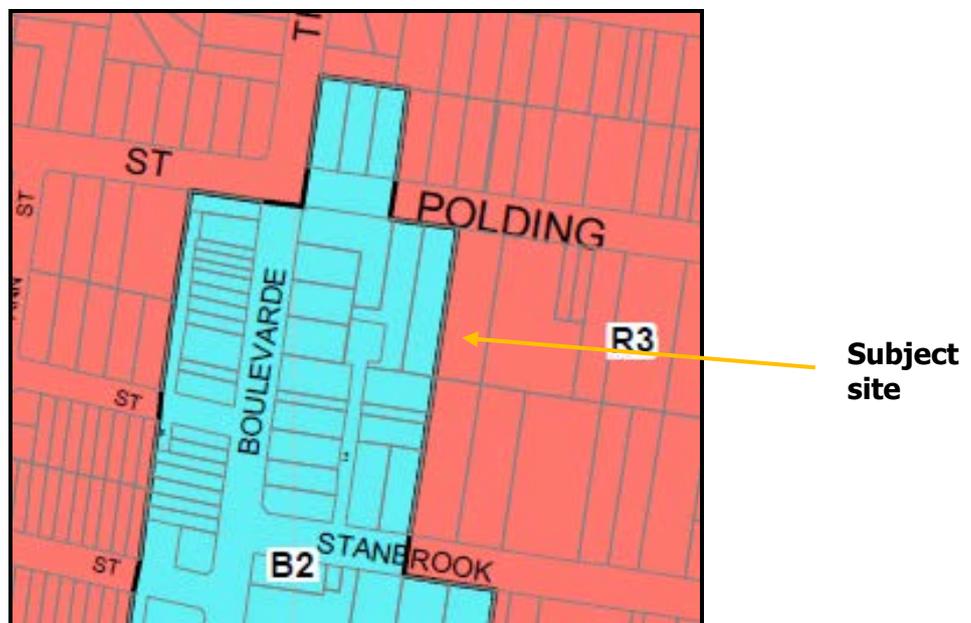
In general terms, the objective or intended outcome of the proposed Local Environmental Plan amendment is to facilitate development for the purpose of additional residential, business and commercial floor space for the site.

The potential commercial floor space and dwelling yield resultant from the rezoning of the site, based on the current height limit of 9 metres and floor space ratio sought under this proposal would be approximately 950m² of commercial (both retail and non-retail) floor space with residential units above comprising a mixture of one, two and three bedroom units. Such a housing mix will provide for increased housing choice and diversity in the market.

The provisions of the Planning Proposal comprise the amendment to Fairfield LEP 2013 in the following manner:

- ❑ Amend the relevant zoning map (Figure 2) to extend the B2 Local Centre zone further east to incorporate No.131 Polding St; and
- ❑ Amend the relevant Floor Space Ratio map to provide for an FSR of 1.5:1 for the subject site.

Figure 2: Zoning extract from Fairfield LEP 2013



Given the context of the site, we believe that an FSR control of 1:5:1 would be appropriate as it will provide for a transition between the B2 Local Centre zone to the west and R3 residential medium density zone to the east. This FSR control will also provide some level of comfort that any development of the site would not be out of context with the surrounding area.

The amendment sought by this Planning Proposal to the Fairfield LEP 2013 would require mapping alterations to change the zoning map and written instrument in relation to the permitted floor space ratio. Such mapping amendments would be required to the following map sheets:

- ❑ LZN_016; and
- ❑ FSR_016

The scale and height of the resultant built form as a result of these amendments would be compatible with the mixed use development recently approved by Fairfield Council on the site immediately west of the subject property. With construction underway, this development at 133 Polding Street incorporates a ground floor commercial area of some 163m² and 16 x 2 bedroom units.

The original Planning Proposal was accompanied by an Economic Capability Assessment prepared by Don Fox Planning (incorporating Hirst Consulting) (DFP). The report identified a demand for additional retail floor space, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The assessment provided by DFP identified a shortfall in both retail and non-retail floor space which will not be met by the current centre in the future.

The DFP report concluded that although the retail health of the Fairfield Heights local centre is considered to be good, it can be improved by the provision of additional commercial land adjacent to the centre.

As part of the Pre-Gateway Review, supplementary advice was provided to the initial Economic Capability Assessment prepared by DFP. The supplementary advice has concluded that:

*"... **additional retail and non-retail floor space** is supportable in the Fairfield Heights local centre in the short term.*

Given that there is very little development potential within the existing zoned area of the centre, it is appropriate to consider an expansion of the zoned land to accommodate the additional floor space.

The development of 131 Polding Street to accommodate the additional commercial floors pace is appropriate and supportable. There is a demonstrated shortfall of retail and non-retail floor space in the Fairfield Heights centre and that demand could only be satisfied through the zoning of additional land for commercial purposes . . .”

Reference is made to the Supplementary Advice letter provided by Don Fox Planning (incorporating Hirst Consulting) which is attached as Appendix F to the Pre-Gateway Review Report.

The Planning Proposal is in accordance with the Sydney West Joint Regional Planning Panel recommendation of its meeting of 20 February 2014. A copy of this recommendation is attached as Appendix A

3.2 PART TWO – EXPLANATION OF PROVISIONS

To achieve the objectives of mentioned above, the Planning Proposal will comprise the amendment to Fairfield LEP 2013 in the following manner:

- Amend the relevant zoning map (LZN_016) to extend the B2 zone further east to incorporate No.131 Polding St; and
- Amend the relevant Floor Space Ratio map (FSR_016) to provide for an FSR of 1.5:1 for the subject site.

Reference is made to Part Four (later in this section) which depicts the proposed mapping amendments to the Fairfield Local Environmental Plan 2013 as described above.

3.3 PART THREE – JUSTIFICATION

Section A: Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal stems from the analysis of Fairfield Heights town centre and Councils endeavour to increase its status from a small village to a village. It is noted that the Fairfield Residential Development Strategy has forecasted a population increase in the area.

The Residential Development Strategy also identifies a need to create opportunities to increase dwelling stock to meet the demands of a

village. Furthermore, the Strategy identifies a need for increased in high density stock whilst encouraging affordable housing in the catchment.

Population increase as noted above, will reinforce Councils desire to upscale Fairfield Heights to a village.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal is considered the most appropriate means of achieving the objective or intended outcome on the basis of its specificity with respect to the subject land and the nature of future development.

Section B: Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

In December 2005, the State Government published a Regional Plan for Sydney known as the City of Cities - **A Plan for Sydney's Future ("the Metropolitan Strategy")**. The Metropolitan Strategy was prepared to guide the growth of the Sydney Region for the next 25 years, and embodies major decisions on the location of urban growth, new housing areas, employment, transport, schools and hospitals.

The State Government anticipates that Sydney's population will increase by 1.1 million people between 2004 and 2036, necessitating an additional 640,000 dwellings and 500,000 jobs

In July 2007, the *Draft West Central Subregional Strategy* was released by the State Government to provide more detailed guidance as to how the objectives of the Metropolitan Strategy can be applied at the local and subregional level.

The *Draft West Central Subregional Strategy* identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2036, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.

In the circumstances, the Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate Councils vision for Fairfield Heights being identified as a village under the Sub Regional Strategy.

4. *Is this planning **proposal consistent with the local Council's Community Strategic Plan or other Local Strategic Plan?***

It is considered that the proposal to change the zone for the subject site, allowing additional commercial floor space to the Fairfield Heights area would be consistent with the report prepared by Leyshon Consulting – Retail and Commercial Centres Study, Fairfield (June 2005), which **recommends Fairfield Heights reclassification to a 'Neighbourhood Centre'**.

The original Planning Proposal was accompanied by an Economic Capability Assessment prepared by Don Fox Planning (incorporating Hirst Consulting) (DFP). The report identified a demand for additional retail floor space, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The assessment provided by DFP identified a shortfall in both retail and non-retail floor space which will not be met by the current centre in the future. The rezoning of 131 Polding Street will reinforce the reclassification of Fairfield Heights to a Neighbourhood Centre as identified by the Leyshon Consulting report noted above.

Notably, Councils Residential Development Strategy for Fairfield Heights proposes increased densities and aspires to a 100% increase, in order to achieve at least 2,100 dwellings within a 600m radius of the commercial core.

Such an increase would also necessitate demand for diverse and quality retail and commercial services, whilst also aligning with one of the key aims of the 2036 Metropolitan Plan which is to locate 80% of all new housing within walking distance of centres of all sizes with good public transport.

In addition, **this would be consistent with Fairfield City Council's desire to upscale the status of Fairfield Heights to a village.**

In essence, the **Council Officer's report** (which can be found attached as Appendix D to Pre-Gateway Review) confirms that the Planning Proposal to rezone the land at 131 Polding Street to B2 Local Centre has strategic merit, which is indicated in principle by the recommendation to Council to proceed with the Planning Proposal.

5. *Is this planning proposal consistent with applicable State Environmental Planning Policies?*

The relevant state environmental planning policies include State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land, and SEPP No. 65 - Design Quality of Residential Development.

SEPP No. 55 specifies that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is, or is likely to be contaminated, and if the land is, or is likely to be contaminated, whether the land requires remediation before the land is developed for the proposed use.

The site has an established history of residential use, and evidently has not been used for industrial, agricultural or defence purposes at any time in the lands recent history. In the circumstances, there is no evidence to suggest that the land is likely to be contaminated to the extent that would render it unsuitable for commercial/retail and residential use.

SEPP No. 65 aims to improve the design quality of residential development in New South Wales (NSW). The Policy is to be considered in the assessment of all residential flat building developments, comprising of three (3) or more storeys and incorporating at least four (4) apartments.

SEPP No. 65 requires consideration of a range of design quality principles including context, scale, built form, density, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions, and aesthetics.

The future development of the site will be the subject of assessment pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979. In any event, the size, configuration and dimensions of the site are such the compliance with the provisions of SEPP No. 65 can reasonably be anticipated.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117(2) Directions (as amended) comprise Direction 1.1 - Business and Industrial Zones, Direction 3.1 - Residential Zones, Direction 3.4 - Integrating Land Use and Transport, Direction 5.1 - Implementation of Regional Strategies, Direction 6.1 - Approval and Referral Requirements, Direction 6.3 - Site Specific Provisions, and Direction 7.1 - Implementation of the Metropolitan Strategy.

Direction 1.1 - Business and Industrial Zones

Direction 1.1 generally aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The Direction specifies that a Planning Proposal must give effect to the objectives, retain the areas and locations of existing business and

industrial zones, and not reduce the total potential floor space area for employment uses and related public services.

The Planning Proposal does not change the area or location of the existing business or industrial zones, and is unlikely to materially or substantially reduce the employment potential of the site.

Direction 3.1 - Residential Zones

Direction 3.1 generally aims to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure, and minimise the impact of residential development on the environment and resource lands.

The Direction specifies that a Planning Proposal must include provisions that will broaden the choice and locations available in the housing market, make efficient use of infrastructure, reduce the consumption of land on the urban fringe, and are of good design.

The Planning Proposal will potentially increase the variety and choice of housing, make more efficient use of existing infrastructure and services, and facilitate a high quality design.

Direction 3.4 - Integrating Land Use and Transport

Direction 3.4 generally aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight.

The Direction specifies that a Planning Proposal must locate zones that are consistent with the aims, objectives and principles of **"Improving Transport Choice - Guidelines for planning and development"** (DUAP 2001), and **"The Right Place for Business and Services - Planning Policy"** (DUAP 2004).

The Planning Proposal is consistent with the aims and objectives relating to urban consolidation. The site is located at the periphery of the Fairfield Heights commercial area and has good access to road, bus and rail networks which provide connectivity to regional and sub-regional centres.

Direction 5.1 - Implementation of Regional Strategies

Direction 5.1 generally aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The Direction specifies that a Planning Proposal must be consistent with a regional strategy released by the Minister for Planning.

The *Draft West Central Subregional Strategy* identifies that the West Central area of Sydney is to accommodate 95,500 new dwellings and 61,000 new jobs between 2004 and 2031, of which Fairfield is required to contribute 24,000 dwellings and capacity for 15,000 new jobs.

The Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate the timely implementation of the multiple resolutions of Council regarding the strategic direction for the site and immediate surrounds. **Particularly Council's vision to have Fairfield Heights recognised as a village under the Sub Regional Strategy.**

Direction 6.1 - Approval and Referral Requirements

Direction 6.1 generally aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Direction specifies the general concurrence, consultation and referral mechanisms, and the Planning Proposal will satisfy those requirements.

Direction 6.3 - Site Specific Provisions

Direction 6.3 generally aims to discourage unnecessarily restrictive site specific planning controls.

The Direction specifies the general content of an environmental planning instrument must not introduce any development standards or requirements in addition to those that already apply in the existing or proposed zone.

In general terms, the minimum non-commercial FSR control that currently applies to the adjoining site will be inconsistent with the adopted planning initiatives of Council.

It is important to note that the Sydney West Joint Regional Planning Panel at its meeting resolved that a Site Specific Development Control Plan (SSDCP) be prepared for the site. This SSDCP should focus on, but not be limited to addressing the interface to the adjoining medium density development, by imposition of height, setback and building design controls. (Refer to Appendix C)

These controls will govern the type and form of the development for the site.

Direction 7.1 - Implementation of the Metropolitan Strategy

Direction 7.1 generally aims to give legal effect to the visions, and use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

The Direction specifies that a Planning Proposal shall be consistent with the Metropolitan Strategy.

In the circumstances, the Planning Proposal will reasonably contribute to subregional housing targets, and facilitate the timely implementation of the multiple resolutions of Council regarding the strategic direction for the site and immediate surrounds.

Section C: Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Planning Proposal will not affect any critical habitat or threatened species.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no environmental effects likely to arise as a consequence of the Planning Proposal that cannot be adequately controlled as part of the development assessment process, including consideration of the Site Specific Development Control Plan prepared for the site.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate the **implementation of Council's** vision regarding the strategic direction for the site and immediate surrounds.

In addition to the above, the Planning Proposal will provide a net community benefit on the basis that:

- The site is located within an established commercial and residential area, all be it on the periphery of the Fairfield Heights commercial core.

- The site is in walking distance to support services and proposed **'anchor' being Woolworths supermarket.**
- The site is well serviced by bus transport.
- The site had good connectivity and access to major transport routes, notably the Cumberland Highway.
- The site is on the fringe of the commercial zone and is surrounded by medium and proposed high density residential uses and commercial and business type uses.
- To develop the site for residential uses would provide opportunities for increased choice and diversify the housing stock within the immediate and surrounding area.
- The increase in housing stock will encourage affordable housing in the area.
- An increase in floor space ratio will provide for better relationship, synergy and built form relationship to the development immediately across the road and along Polding Street.
- It is considered that an increase in the commercial floor area as canvassed in this report will not have a significant or detrimental impact on the economic viability of the Fairfield Heights area.
- Despite Fairfield Heights centre being identified in the Sub Regional Metropolitan Strategy (west central) as a small village. It is noted that Council is seeking reclassification of Fairfield Heights as a village therefore the additional commercial and residential floor area in this proposal will support and strengthen Councils endeavours to ensure its status as a village.
- The Planning Proposal, coupled with the Site Specific Development Control Plan will provide sufficient flexibility regarding future development of the site with respect to the height limits, floor space ratio and type of uses permissible in the zone.
- The additional commercial floor area will provide an opportunity for a range of retail, business, entertainment and community uses that will serve the needs of people who live in, work in and visit the local area.
- Maintain diversity and quality of retail and commercial services.
- Any future development of the site for commercial purposes will

encourage employment opportunities both during construction and for future uses.

- Provision and opportunities for additional services and uses will encourage nearby existing and future residents to walk and cycle in the locality.

Section D: State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

The site is serviced by all necessary public infrastructures. We are of the view that the site benefits from adequate public transport, roads and utilities. Furthermore, the site is ideally located with good access to essential services such as health, education and emergency services.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Any comments from State and Commonwealth public authorities can be responded to if required.

This section is to be completed following Gateway Determination.

The Gateway Determination will determine the consultation required.

(Insert info once received)

3.4 PART FOUR – MAPPING

This part of the Planning Proposal deals with the maps associated with the Fairfield Local Environmental Plan that are to be amended to facilitate the necessary changes as described in this report.

As canvassed in this report, to achieve the objectives of the Planning Proposal the Fairfield LEP 2013 will be amended in the following manner:

- Amend the relevant zoning map (LZN_016) to extend the B2 zone further east to incorporate No.131 Polding St; and
- Amend the relevant Floor Space Ratio map (FSR_016) to provide for an FSR of 1.5:1 for the subject site.

Reference is made to Appendix B of this report which depicts the amended maps as described above.

3.5 PART FIVE – COMMUNITY CONSULTATION

The community consultation process will be implemented in accordance with Section 57 of the Environmental Planning and Assessment Act 1979.

This section will be completed following Gateway Determination.

The Gateway Determination will determine the level of public consultation required. ***(Insert info once received)***

4.0 CONCLUSION

The site is located within an established commercial area, albeit on the periphery of the Fairfield Heights commercial core. The site is in walking distance to other support services.

In addition, the subject site has good access to road, bus and rail networks which provide connectivity to regional and sub-regional centres.

The Planning Proposal will reasonably contribute to subregional housing and employment targets, and facilitate the timely the strategic direction for the site and immediate surrounds.

The initial economic report and supplementary letter has identified a demand for additional retail floor space, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The additional floor space sought by this Planning Proposal can be achieved without relying on any expansion of the catchment area. Furthermore, the additional floor space will not alter the role and function of the Fairfield Heights centre or its position in the retail hierarchy.

The rezoning of the site, coupled with the FSR controls sought by this Planning Proposal will be of benefit to the local community as it will assist in strengthening the role of Fairfield Heights as a comprehensive local centre.

In addition, it will allow the subject site to be developed for a variety of uses, including residential shop top housing.

The subject site forms a logical expansion of the existing centre which includes retail, commercial and residential development.

In addition, the rezoning of the site provides an opportunity to act as a transition between the approved mixed use development at No.133 Polding Street to the west and medium density residential development at No.127-129 Polding Street to the east.

One of the key aims of the 2036 Metropolitan Plan is to locate 80% of all new housing within walking distance of centres of all sizes with good public transport.

As outlined in this report, the Planning Proposal supports the above key aim of the Metropolitan Plan as the site is intended to be developed as a

mixed use development incorporating shop top housing; located on the fringe of the Fairfield Heights Town Centre and along an arterial road with good access to public transport.

The proposal has strong strategic merit as demonstrated in this report.

Anthony Pizzolato
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Plan 1627

		Draft	Final
Prepared by: Anthony Pizzolato	AP	✓	✓
Checked by: Gerard Turrisi	GT	✓	✓



Appendix A

**Sydney West Joint Regional Planning Panel
recommendation of its meeting of 20 February 2014**

**Joint Regional Planning Panel –
Pre-Gateway Review – Recommendation Report**

The Sydney West Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

The Pre-Gateway Review:

Dept. Ref. No:	PGR_2013_FAIRF_001_00
LGA:	Fairfield
LEP to be Amended:	Fairfield Local Environmental Plan 2013
Address / Location:	131 Polding Street, Fairfield Heights
Summary of Proposal:	To amend the Fairfield Local Environmental Plan 2013 (LEP) for a site located at 131 Polding Street, Fairfield Heights. The proposal seeks to amend the LEP by rezoning the site from R3 Medium Density Residential to B2 Local Centre.
Panel Chair:	Mary-Lynne Taylor
Panel Members:	Bruce McDonald Paul Mitchell Ninos Khoshaba Rhonda Tyne

Reason for review:	<input checked="" type="checkbox"/>	The council has notified the proponent that the request to prepare a planning proposal has not been supported
	<input type="checkbox"/>	The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the department and the relevant local government authority. Based on this review the JRPP recommends the following:

JRPP RECOMMENDATION:	<input checked="" type="checkbox"/>	The proposed instrument should be submitted for a Gateway determination
	<input type="checkbox"/>	The proposed instrument should not be submitted for a Gateway determination
Composition of Recommendation:	<input type="checkbox"/> Unanimous <input checked="" type="checkbox"/> Not unanimous	Comments: Members Khoshaba and Tyne held alternative views

Declaration of Interest

A number of the panel members know the professional representatives of the applicant and Council in their professional capacity but did not consider this to be a conflict of interest.

JRPP Advice and Justification for Recommendation – reasons of the majority of the panel members for Approval (Mary-Lynne Taylor, Bruce McDonald, Paul Mitchell)

1. The planning proposal is consistent with the Draft Metropolitan West Central Sub Regional Strategy and Fairfield City Council Residential Development Strategy 2009 in that it will add to the supply of housing and housing choice in a location convenient to transport, facilities and services and social amenities.
2. The commercial retail element of the proposed mixed used development concept supporting the planning proposal will provide a desirable element of activated street frontage to this entry point of the Fairfield Heights local town centre.
3. The commercial retail element of the proposed mixed used development concept supporting the planning proposal is based on economic capabilities analysis submitted with the planning proposal. The peer review of that analysis, commissioned by Council, shows it is consistent with the economic capacity of Fairfield Heights local centre.
4. The proposed Floor Space Ratio and Height Controls provide for the development of a scale consistent with the existing and planned future context of the site.
5. The proposal, on the basis of Council's professional assessment, is compatible with, and will not unreasonably impact on, current traffic conditions in the locality.

In conclusion:

1. The application and council's assessment have demonstrated a demand for the proposed uses, and as such, the planning proposal would have social and economic benefits.
2. The proposed uses in the planning proposal are consistent with relevant aspects of all relevant metropolitan, sub regional and local existing strategies.
3. The interface with adjoining medium density housing can be appropriately protected from impact by the imposition of height, setback and building design controls in a site specific DCP.
4. The Panel recommends a site specific Development Control Plan (DCP) designed to provide adequate separation between the development site and the existing town house development adjoining to the east to protect the amenity of the residents of that building, including their visual amenity. The Panel considers the DCP should be prepared and exhibited concurrently with the planning proposal.
5. In the above circumstances the submission of the planning proposal for gateway determination would be in the public interest.

Councillor Ninos Khoshaba and Ms Rhonda Tyne dissented from the decision and provided the following reasons –

Councillor Khoshaba would not recommend submission of this planning proposal for a gateway determination in the absence of a final planning strategy for the Fairfield Heights Local Town Centre and also for the reasons given in the Council letter to the Department of Planning and Infrastructure namely:

1. The proposal will set an undesirable precedent for the expansion of land zoned for commercial premises in the Fairfield Heights town centre having regard to the fact there is sufficient land already zoned for commercial uses in this town centre.

2. There is no planning strategy relevant to the Fairfield Heights town centre, which supports rezoning additional sites for commercial uses outside that part of the town centre already zoned for commercial uses. Without an appropriate commercial study of the town centre to justify an expansion of the commercial zoning, it would be premature to proceed with this planning proposal, as it will create a precedent and an expectation of other owners of properties on the fringe of the town centre for further expansion.
3. The existing locality of Polding Street is already affected by adverse traffic impacts and any expansion of the town centre needs to have regard, not only to the commercial implications but also traffic management in the locality. Given the existing adverse traffic conditions in Polding Street and the adjoining streets, the proposal is not supported on the grounds of traffic.

Ms Rhonda Tyne would not recommend submission of the planning proposal for a gateway determination as the site is ideal, in terms of size, dimensions and placement for medium density as it is presently zoned, there is sufficient potential for additional retail and commercial space within the existing B2 zoned land of the Fairfield Heights town centre to meet any demand and therefore there is no justification for rezoning at this time.

The majority of the Sydney West Joint Regional Planning Panel comments on the reasons relied on by Council for its lack of support the planning proposal:

Economic Impact on Fairfield Heights Local Town Centre

The economic impact of the development concept supporting the planning proposal has been examined by the applicant's consultant. That examination has been peer reviewed by an independent consultant appointed by Council. Both the initial examination and review conclude that Fairfield Heights Local Centre has the economic capacity to accommodate the retail/commercial element of the development concept on which the planning proposal is based.

Precedent

While the panel recognizes there is scope for other sites adjacent to the local centre to seek rezoning in a manner similar to the subject site, the panel considers that should not be a significant factor in determining this proposal. Each proposal seeking rezoning would require a merit assessment to determine the outcome as did this proposal.

Traffic

The analysis adopted by the Council's professional staff does not support rejection of the proposal on traffic grounds. Should any use not now contemplated in the development concept forming the basis of this application be later proposed, the impact of that would be assessed and addressed via the development assessment process.

Date of Recommendation: 20 February 2014

Signed by:



Chair
Sydney West Joint Regional Planning Panel



Appendix B

Proposed Fairfield LEP 2013 Mapping Amendments

APPENDIX B – CURRENT & PROPOSED ZONING MAPS

Current Zoning Map

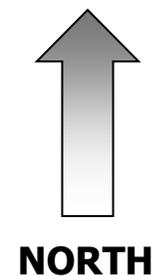


Source: Fairfield LEP 2013

Zone

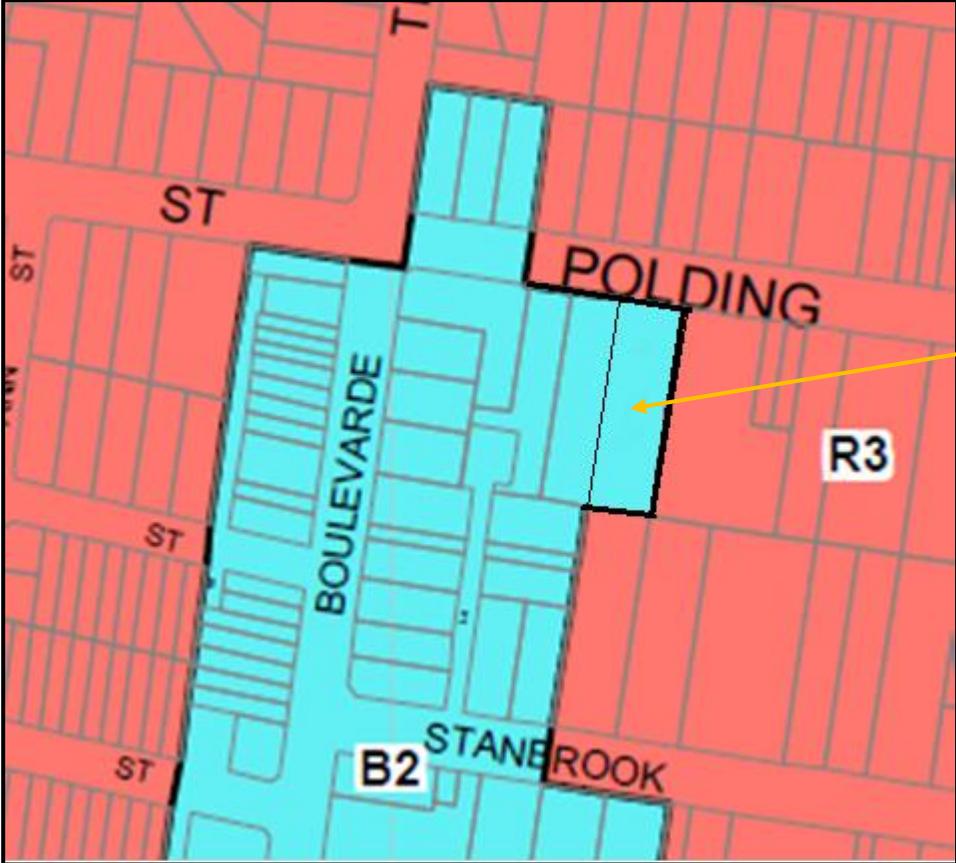
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
E2	Environmental Conservation
E3	Environmental Management
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential

Subject site



APPENDIX B – CURRENT & PROPOSED ZONING MAPS

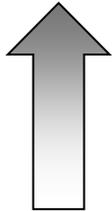
Proposed Zoning Map



Subject site

Zone

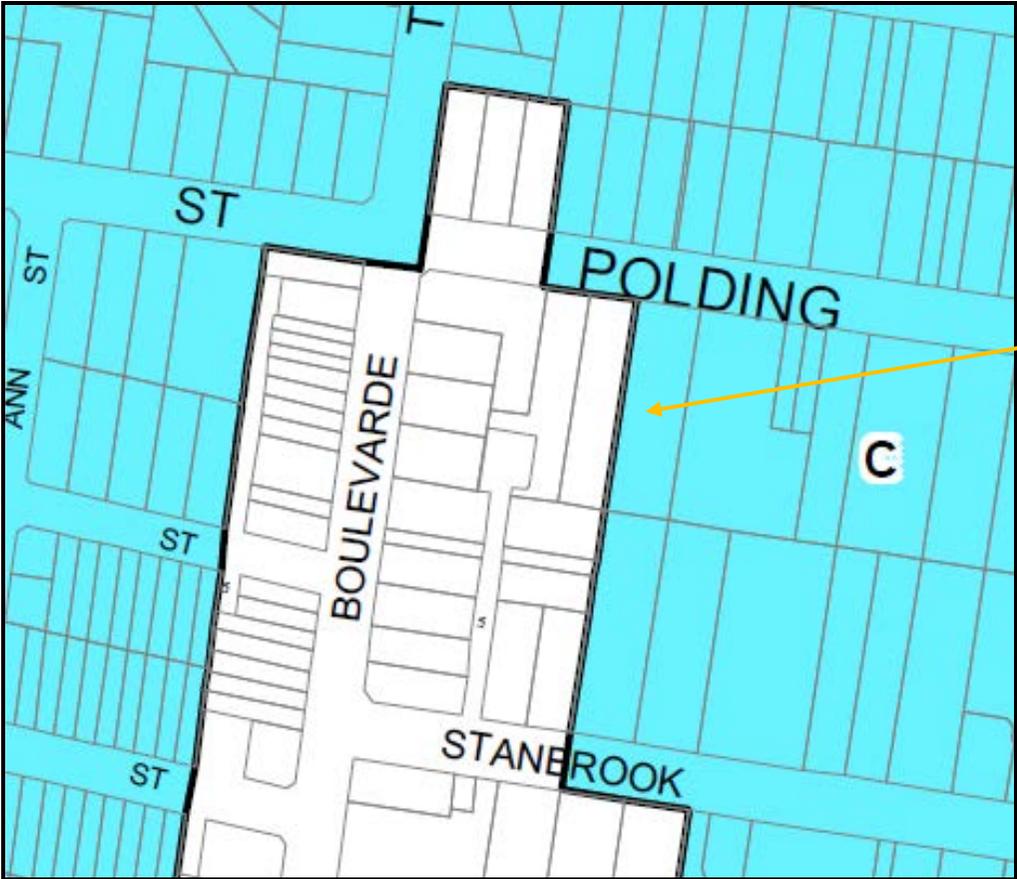
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R4	High Density Residential



NORTH

APPENDIX B – CURRENT & PROPOSED FLOOR SPACE RATIO MAPS

Current Floor Space Ratio Map

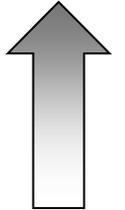


Source: Fairfield LEP 2013

Maximum Floor Space Ratio (n:1)

A1	0.1
A2	0.33
C	0.45
E	0.57
J	0.8
N	1
R	1.45
S	1.5
T	2
U	2.5
V	3
W	3.5
X	4

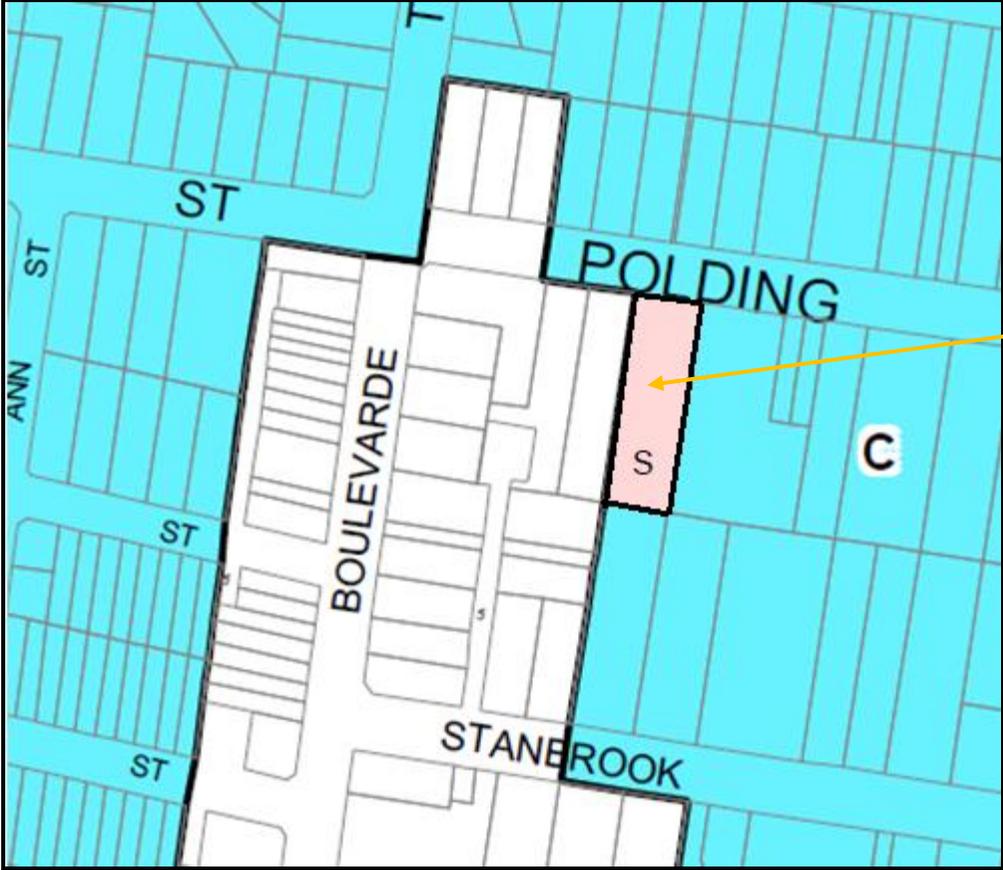
Subject site



NORTH

APPENDIX B – CURRENT & PROPOSED FLOOR SPACE RATIO MAPS

Proposed Floor Space Ratio Map



Subject site

Maximum Floor Space Ratio (n:1)

A1	0.1
A2	0.33
C	0.45
E	0.57
J	0.8
N	1
R	1.45
S	1.5
T	2
U	2.5
V	3
W	3.5
X	4



NORTH



Appendix C

Site Specific Development Control Plan

Site Specific Development Control Plan

No.131 Polding St, Fairfield Heights

September 2014

1. Introduction / Objectives

This development control plan applies to the allotment of land on the southern side of Polding Street, known as No.131 Polding Street, Fairfield Heights. The property is also legally known as Lot 4, Section 5, DP 957. (Refer to Figure 1)

The plan has been prepared to guide and assist development on the land referred to above; in a manner that addresses the interface to the adjoining medium density development located immediately east of the site, by imposition of height, setback and building design controls.

The aim of this plan is to provide objectives and controls to influence development of the subject land.

By way of note, this site specific development control plan (SSDCP) will be included as part of the Fairfield City Wide Development Control Plan (FCW DCP) and Site Specific Development Control Plan entitled *"Fairfield Heights Local Business Centre Development Control Plan 2013 – Version 1, 31 May 2013*. The provisions of other Chapters, where they are relevant, will also apply but where there are any inconsistencies, this SSDCP prevails over those controls prescribed by the FCW DCP.



Subject site
131 Polding Street

Figure 1: Area to which this DCP applies

2. Layout

The layout of the development on the subject site shall be generally in accordance with Figure 2 but an alternate layout will be considered subject to compliance with the provisions of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and amenity impacts to No.127-129 Polding Street.

On this basis, Figure 2 depicts a ground floor commercial/retail element with three (3) residential towers sitting above this component.

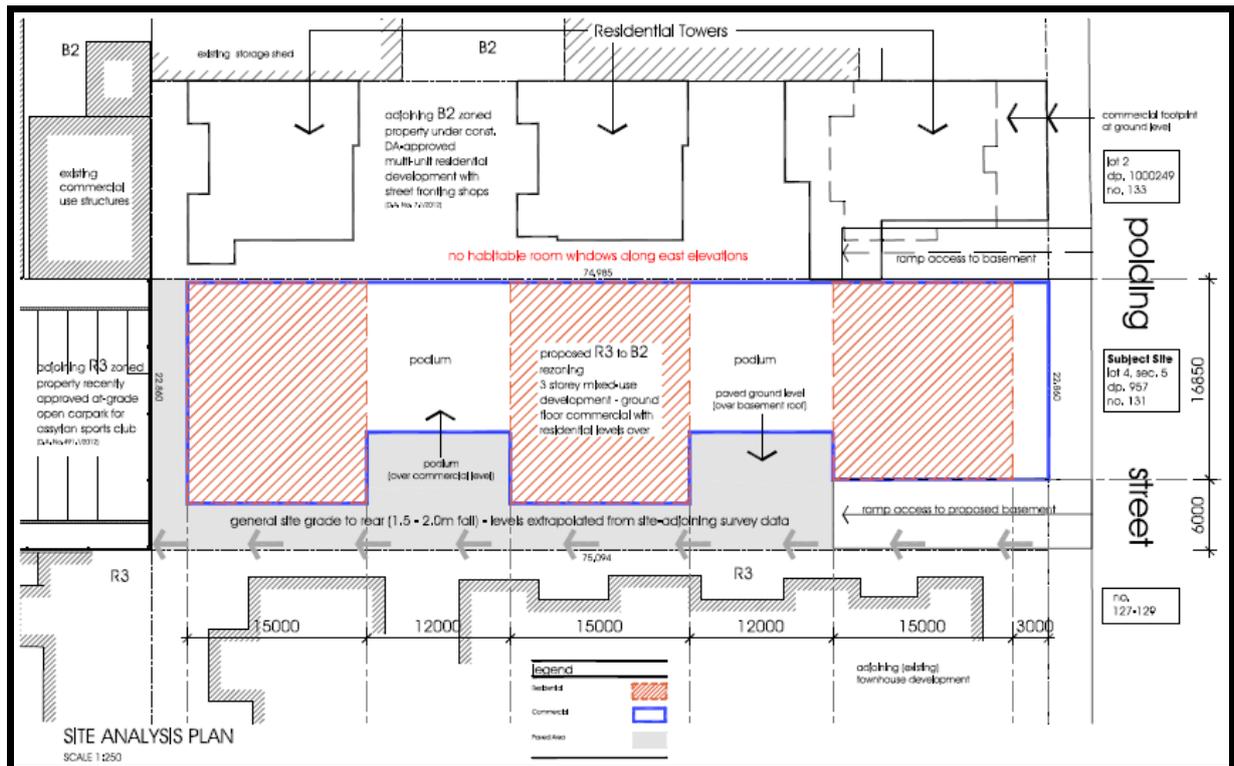


Figure 2: Indicative layout of proposed mixed use development

3. Streetscape & Building Design

New building facades should provide visual interest to the streetscape, whilst recognising the predominant small shop design in the Fairfield Heights Town Centre.

The ground floor commercial/retail element must provide for an active street frontage to Polding Street.

Crime Prevention Through Environmental Design (CPTED) is an integral component of high quality urban design and must be considered holistically throughout the design and development processes.

An attractive streetscape shall be provided to the street frontage; in this regard buildings shall be orientated to allow surveillance from the street and adjoining buildings

4. Building Height

The established building height in Fairfield Heights is between one and three storeys. In order to maintain a sense of continuity, a maximum height of three (3) storeys or 9 metres is prescribed for the site as specified by the Building Height Map that accompanies the Fairfield LEP 2013.

5. Building Setbacks

To maintain streetscape continuity within the Fairfield Heights Town Centre, the ground floor level must be aligned with the front property boundary.

Setbacks shall be provided in accordance with Figures 2, 3 and 4, together with the following:

Controls

- a) The ground floor may be provided with a zero lot line to provide for an active street frontage to Polding Street.
- b) A 3m front setback shall be provided to both the second and third floors, of which balconies or the like can protrude into this setback area to assist in providing further articulation to the front façade.
- c) A minimum setback of 6m metres to the eastern boundary shall be provided, for the first 30m of the site, measured back from the front boundary. After which, this setback can be reduced, provided the amenity of the neighbouring site to the east is not impacted upon.
- d) A zero lot line may be provided to the western boundary, provided compliance with the Building Code of Australia is satisfied and appropriate easements for access and maintenance are provided.
- e) An appropriate rear setback shall be provided to ensure the amenity of the neighbouring site to the east is not impacted upon.

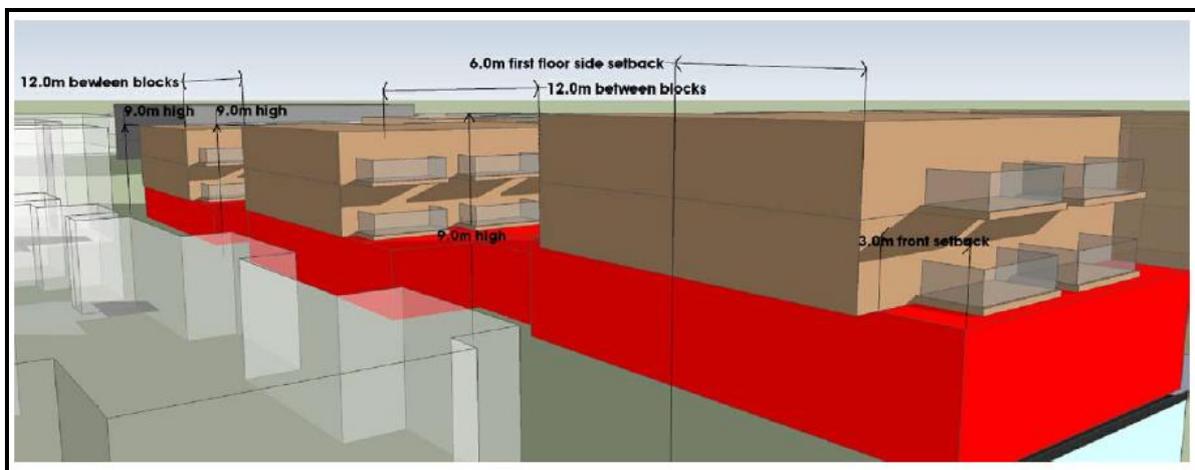


Figure 3: Plan of subject land with indicative setbacks

***Note: the written control takes precedence over the above Figure.**



Figure 4: Plan of subject land with indicative setbacks.

***Note: the written control takes precedence over the above Figure.**

6. Solar Access & Amenity

In terms of adjoining residential development, any proposal on the site shall be designed to respect its neighbours and surroundings.

Controls

- a) Development of the site shall ensure that windows to at least one living area of the dwelling on an adjoining allotment receives a minimum 3 hours of sunlight between 9.00am and 3.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result in additional overshadowing on the affected living area of the adjoining dwelling.
- b) The design of the development shall protect windows and open spaces of adjoining premises from overlooking, loss of privacy and unreasonable transmission of noise.

7. Car Parking, Vehicle and Access Management

Refer to Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide DCP 2013. Notwithstanding the following is provided:

Controls

- c) A maximum of one combined entry and exit point is permitted for the subject site. This shall be located on the eastern side of the site.
- d) Loading and unloading areas shall be appropriately screened from public view and are not permitted along street frontages.
- e) Driveway widths shall comply with the requirements as specified in AS 2890.2-2002 (Parking Facilities - Off street commercial vehicle facilities). The manoeuvring of vehicles into and out of the property and within the property shall be justified using the relevant

turning templates. In deciding the driveway locations, appropriate sight distances shall be taken into account.

8. Advertising Signs

Signage shall be provided in accordance with Appendix C: Advice for Designing Advertising Signs of the Fairfield City Wide DCP for signage controls applicable to Fairfield Heights town centre.

