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Town Planners
BASIX/Energy Assessors

Pre-Gateway Review Application

Prepared by

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Request for a Pre-Gateway Review

for the rezoning of

131 Polding Street, Fairfield Heights
(Lot 4, Section 5, DP 957)

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1.0 INTRODUCTION

This Report has been prepared to accompany a Pre-Gateway Review application submitted to the Department of Planning and Infrastructure, in relation to a 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 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 submitted to Council sought 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 of approximately two (2) metres. (Refer to Figure 2).

The overall site area is approximately 1,716sqm. It is noted that the subject site is one of the last and only allotment of undeveloped residential land on this stretch of Polding Street.

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 south eastern corner, along the southern boundary. 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 1)

subject
site

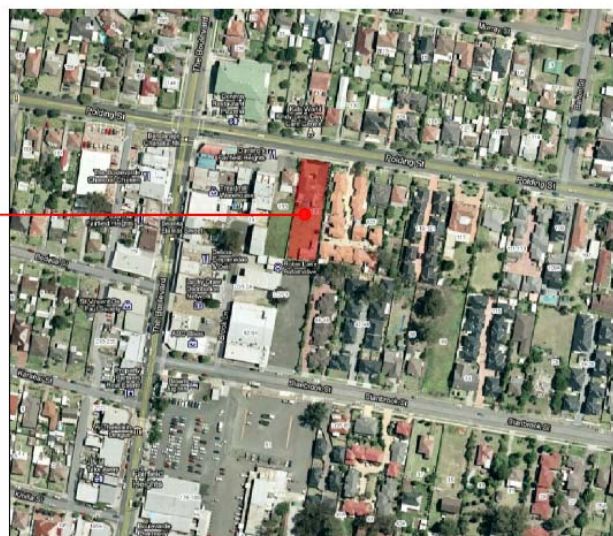


Figure 1: Aerial photo of subject site No.131 Polding St and its context

The site is located within an established commercial area, all be it 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.

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

To the west is a single storey dwelling which is proposed to be redeveloped. Council granted development consent on 21 August 2012 for a mixed use development comprising of ground floor commercial and shop top housing comprising of 16 x 2 bedroom units. This site, No.133 Polding Street has similar characteristics in terms of size and topography to the subject site.

Further to the west is 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 single storey cottage at No.133 Polding Street (although recently approved as 3 storey mixed use development) & adjoining commercial development.

The northern side of Polding Street is comprised of detached single storey cottages including a long day child care centre 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.

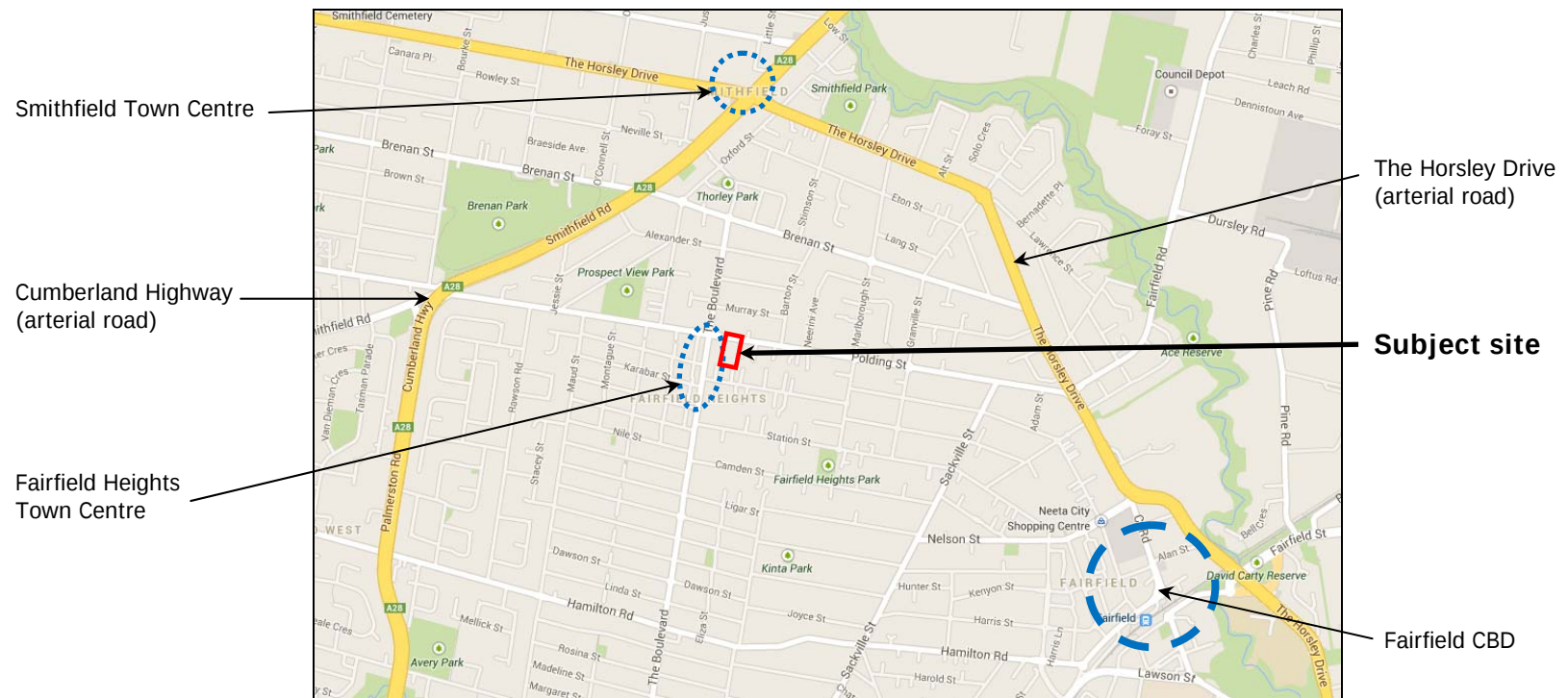


Photograph 6: Adjoining land to the South – No.50 Stanbrook Street which was recently approved for usage as a 58 space car park associated with the Assyrian Sports & Cultural Club

GAT & Associates
131 Polding Street, Fairfield Heights

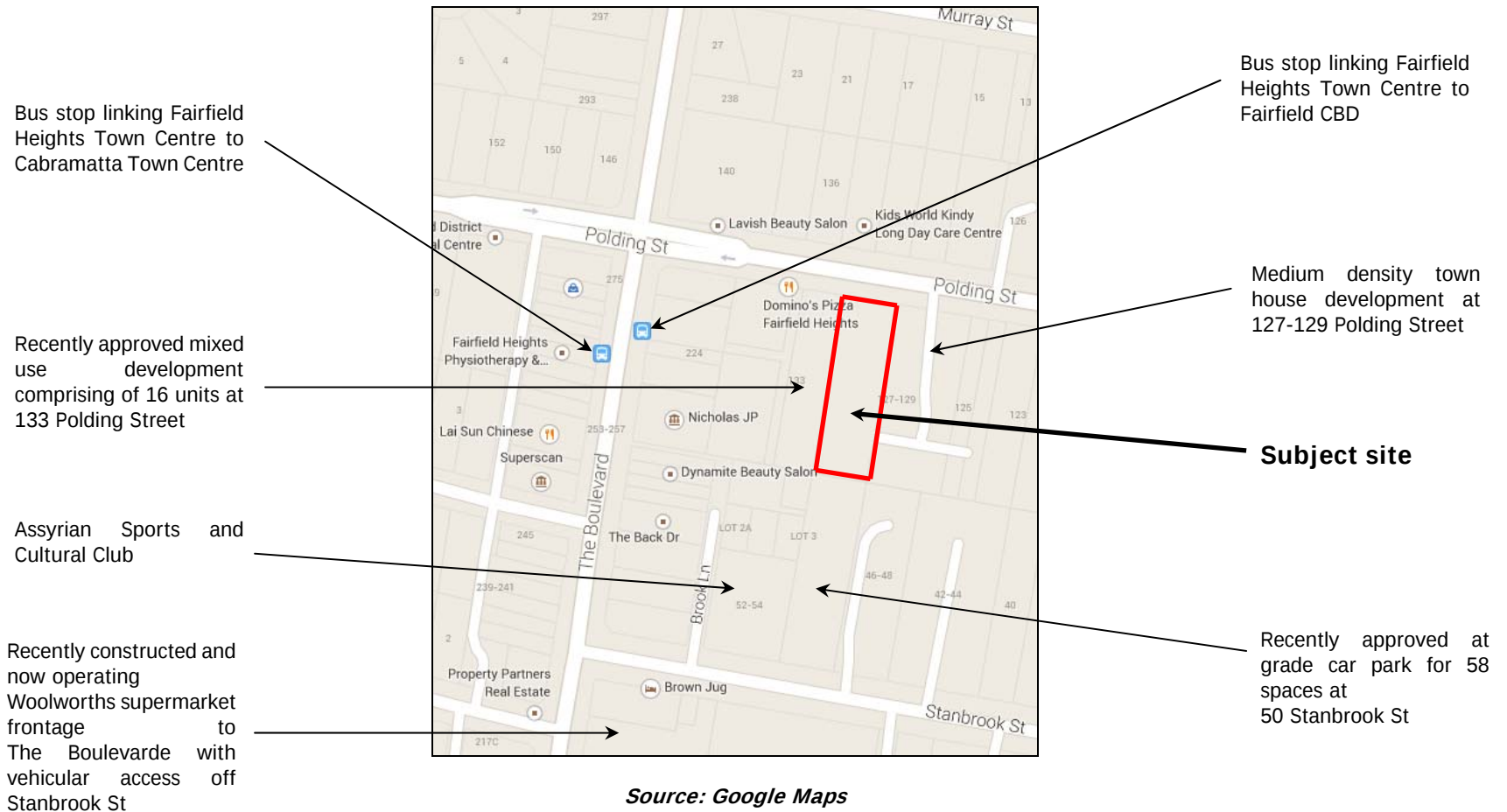


Figure 3: Local Context Map



Source: Google Maps

Figure 4: Immediate Context Map



3.0 THE PLANNING PROPOSAL

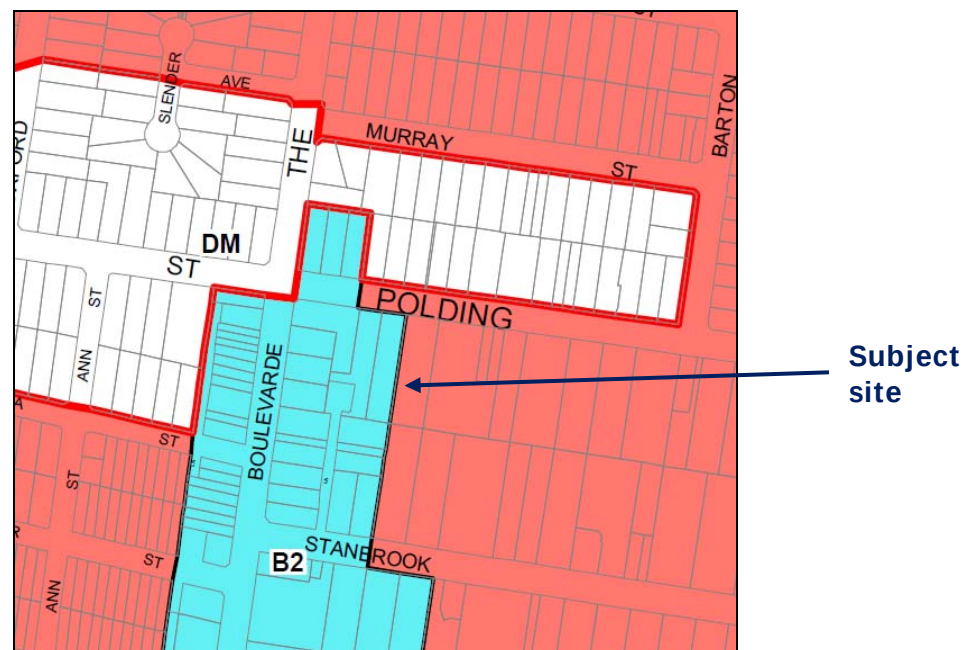
The provisions of the Planning Proposal comprise the amendment to Fairfield LEP 2013 in the following manner:

- ❑ Amend the relevant zoning map (Figure 5) 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.

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.

Alternatively, the Department of Planning may wish to remove the FSR control for the subject site. This would be in keeping with the current floor space ratio controls for the B2 Local Centre zone in the Fairfield Heights Town Centre. Therefore, any development of the subject site would rely upon height and solar access controls amongst others, to determine the ultimate built form.

Figure5: Zoning extract from Fairfield LEP 2013



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 and 15 units 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.

Reference is made to the schematic diagrams prepared by Bongiorno Hawkins and Associates submitted as part of this Pre-Gateway Review under separate cover which provide for block modelling and massing of the anticipated development likely to occur on the subject site as a result of the amendments to Fairfield LEP 2013 sought by the Planning Proposal.

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 no dissimilar to the mixed use development recently approved by Fairfield Council on the site immediately west of our site. 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 floorspace, 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 floorspace 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 this Pre-Gateway Review we have provided Supplementary Advice to the initial Economic Capability Assessment prepared by DFP. The supplementary advice has concluded that:

“... additional retail and non retail floorspace 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 floorspace.

The development of 131 Polding Street to accommodate the additional commercial floorspace is appropriate and supportable. There is a demonstrated shortfall of retail and non-retail floorspace 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 this Pre-Gateway Review Report.

4.0 MERIT OF THE PLANNING PROPOSAL

4.1 Background

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 above report was somewhat superseded by the new metropolitan plan released by the State Government entitled '*Metropolitan Plan for Sydney 2036*'. This Plan anticipates that Sydney's population will increase by 1.7 million to 6 million people by 2036, necessitating an additional 769,000 new dwellings and 760,000 new jobs.

Of these 769,000 new dwellings and 760,000 new jobs; the West Central Subregion in which Fairfield Heights is located is to accommodate for 98,000 (13%) new jobs and 96,000 (12.5%) if new dwellings.

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 current draft Sub Regional Metropolitan Strategy (west central) has identified Fairfield Heights as a small village with commercial uses including industry types for property / business. Conversely, it is noted that as part of its Residential Development Strategy, Council as part of its Urban Renewal Master Plan is seeking reclassification of Fairfield Heights and upsize it to a village.

At present there are approximately 1,300 dwellings within Fairfield Heights which is short of the dwelling target for villages at 2,100 to 5,500 dwellings within a 600m radius.

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.

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.

It is noted that the subject site is one of the last and only allotment of undeveloped residential land on this stretch of Polding Street. Given it is adjacent to the business zone and the Club site to the rear which can be developed for commercial purposes under existing use rights, there is merit to have this land re-zoned to a business zone.

We submit that the proposed rezoning of the site for commercial purposes will once developed complement the character of the surrounding development.

4.2 Benefits of the Planning Proposal

As canvassed in this report, the Planning Proposal aligns with the relevant State Government and Council Strategies. In addition, the proposal will provide a net community benefit on the basis that:

- ☐ The site is located within an established commercial and residential area, albeit on the periphery of the Fairfield Heights commercial core.
- ☐ The site is in walking distance to support services and 'anchor' being Woolworths supermarket.
- ☐ The site had good connectivity and access to major transport routes, notably the Cumberland Highway and The Horsley Drive.
- ☐ The site is on the fringe of the commercial zone and is surrounded by medium 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.
- ☐ From a strategic viewpoint, the site has better value as a commercial zone, which allows a mixed use development. Given its location on the fringe of the town centre, adjacent to a recently approved mixed use development at 133 Polding Street.

- ❑ It is considered that an increase in the commercial floor area as noted in the block diagrams submitted (refer to Section 5 of this report) will not have a significant or detrimental impact on the economic viability of the Fairfield Heights area, nor alter its role and function or its position in the retail hierarchy.
- ❑ The site is well serviced by bus transport. Referring to Figure 4 on page 13 of this report, we note that bus stops on either side of The Boulevard, within a short walking distance of the subject site provide connectivity to both the Cabramatta town centre and Fairfield Central Business District.
- ❑ An increase in floor space ratio will provide for better relationship, synergy and built form relationship to the development immediately to the west of our site, particularly the recently approved mixed use development.
- ❑ 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 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.
- ❑ Any future development of the site for commercial purposes will encourage employment opportunities both during construction and for future uses.

We note that at the time of the 2006 Census, the unemployment rate was 10.6% in the Fairfield LGA, compared to 8% in the West Central Sub Region and 5.3% across Sydney as a whole. Therefore the employment opportunities created as a result of the Planning Proposal will assist in reducing the unemployment rate in the Fairfield LGA.

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

- ❑ 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.

4.3 Relationship to Strategic Planning

General

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 floorspace, 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 floorspace 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 (attached as Appendix D) 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.

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 land's 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.

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. In this respect it is sought to adopt this control for this site, together with the 9m height limit control. 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.

5.0 SCHEMATIC DIAGRAMS / MASSING CONSIDERATIONS

To assist the Department of Planning and Infrastructure in its consideration of this Pre-Gateway Review our client has engaged Bongiorno Hawkins & Associates to develop and prepare indicative schematic diagrams (not to scale) to illustrate what form of development is likely to occur should give favourable consideration to the rezoning of No.131 Polding Street, Fairfield Heights.

On this basis, the diagrams depict and demonstrate the following:

- ❑ A three (3) storey building (See Figure 6) providing for commercial (retail and non retail floor space at ground level; residential apartments above (levels 1 to 2) with an opportunity for basement parking and an active street frontage.

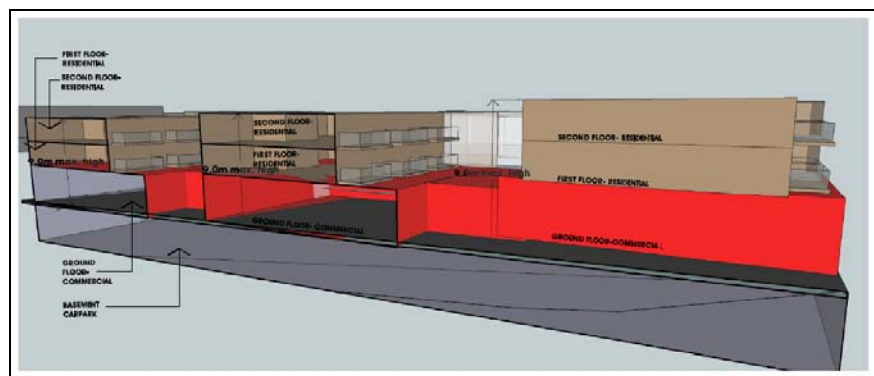


Figure 6: Image showing anticipated development, being a three (3) storey building

- ❑ A building height of approximately 9m.
- ❑ A floor space ratio of approximately 1.5:1.
- ❑ A rear setback of 3 metres to the proposed car park development at the south, and a 13m separation distance between the middle and southern towers. (see Figure 7)
- ❑ The relationship of the proposed development to neighbouring properties, with indicative setbacks. On this basis it is noted that the front portion of the development has a zero setback to the street boundary.

A 3m rear setback and 4m setback to the existing townhouse development to the east is also proposed. This setback is

increased to 6m for the residential apartments above (levels 1 to 2). (See Figure 8)

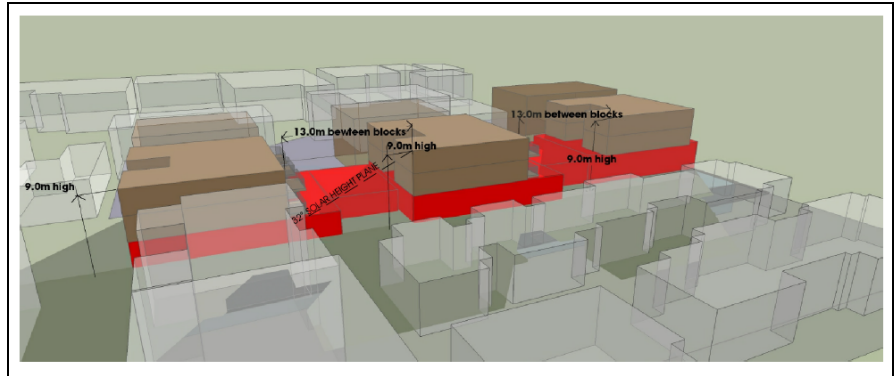


Figure 7: Image showing rear setback to the proposed development at the south and 13m separation distance between the middle and southern towers

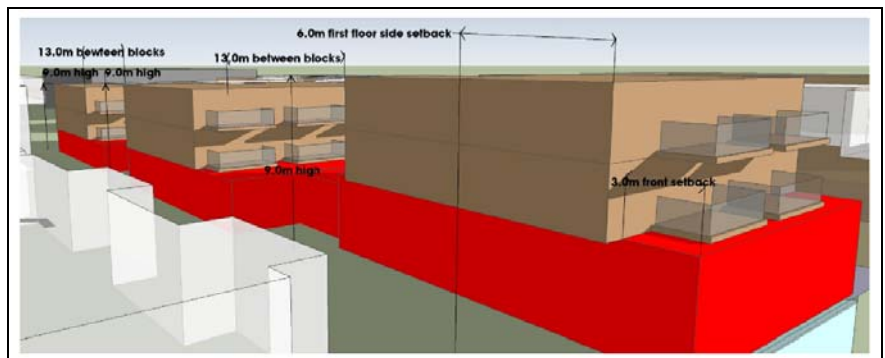


Figure 8: Image showing 6 metre setback to the adjoining townhouse development to the east, 3m rear setback to the south and 3m front setback to residential component.

- ❑ Provision of a ground and first floor level open space podiums between the towers. This podium provides for separation between towers, accommodating a zero setback to the ground floor commercial, with a 3m setback to the residential component. (Figure 8)
- ❑ The context of the proposed development to the Fairfield Heights area (see Figure 9) should it be developed to its full potential.



The schematic designs demonstrate that development of the subject site will not be out of character with the immediate and surrounding area should the Planning Proposal be supported.

6.0 CONCLUSION

This Pre-Gateway Review Report has been prepared to explain the intended effect of, and justification for a Planning Proposal in relation to No.131 Polding Street, Fairfield Heights.

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 floorspace, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The additional floorspace 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, and 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 133 Polding Street to the west and medium density residential development at 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. We look forward to a favourable Pre-Gateway Review from the Department.

Anthony Pizzolato
GAT & Associates
Plan 1627

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



Appendix A

Chronology of events

Chronology of Planning Proposal

13 October 2011

Rezoning application including Planning Proposal lodged with Fairfield Council.

31 October 2011

Letter received from Fairfield Council acknowledging submission of Planning Proposal.

23 December 2011

Letter received from Fairfield Council requesting additional information being an Economic Report. The Council also advised that the maximum height limit for the site would be 9m.

16 February 2012

Meeting with Fairfield Council to discuss issues noted in letter dated 23 December 2012.

8 August 2012

Letter sent to Fairfield Council including Economic Report and request to amend the Planning Proposal to a maximum height of 9m and FSR of 1.5:1.

December 2012

Planning Proposal referred to Outcomes Committee for consideration.

Applicant seeks deferral of Planning Proposal stemming from our awareness of community concerns relating to traffic issues along Plodding Street from high traffic generating retail uses.

19 March 2013

Meeting with Council to discuss deferral of Planning Proposal and issues noted above.

12 April 2013

Letter sent to Council with additional information, including request to prohibit *'food and drink premises'* on the subject site.

14 May 2013

Planning Proposal referred to Outcomes Committee and Council for consideration.

14 June 2013

Letter received from Council advising of Council's decision not to proceed with Planning Proposal.



Appendix B

Rezoning application to Fairfield Council

REZONING APPLICATION OR PROPOSAL TO AMEND FAIRFIELD LEP 1994

Administration Centre, Avoca Road, Wakeley
Telephone: (02) 9725 0222

PO Box 21, Fairfield NSW 1860
Fax: (02) 9757 4708

PROPERTY DETAILS – Address of the land that will be affected by the rezoning

Street No	Street	Suburb
131	Polding Street.	Fairfield Heights.
Lot(s)	Section	Deposited Plan
4	5	957

ZONING

What is the current zoning of your property?

Do you want to change the zone?

2A1	Yes ☒	No ☐
-----	---	-----------------------------

If yes, what zone do you want for your property?

3(C) LEP 1994 — converted to: B2 LEP 2011 (future zoning)

If the purpose of your application is to change, aims, definitions or clauses which apply to the City in general (or in part), or to add an additional permissible land use, please describe.

N/A.

YOUR PROPOSAL – Please describe what your application is intended to allow, eg construction of a service station, residential development etc.

Mixed Use Development. (commercial & residential).
--

PROPERTY OWNER'S AGREEMENT (All owners if there is more than one)

Owner's Name	Address
Peter & Deborah Storok	131 Polding St. Fairfield Hts.

Owner's Signature/Company Stamp	Date
P. Storok P. Storok	12.10.11

APPLICANT'S DETAILS – Who is making this application?

Applicant's Name	Address
Peter & Deborah Storok. c/-	BONGIORNO HAWKINS + ASSOCIATES PTY LTD L2, Suite 208, No. 43 Majors Bay Road, [PO BOX 491] Concord NSW 2137 p: 9736 2800 f: 9736 2801
Phone No. During Business Hours	Date

Applicant's Signature

P. Storok P. Storok

POLITICAL DONATIONS/GIFTS

Has a person with a financial interest in this application made or will be making a reportable political donation or gift to any local Councillor or employee of this Council within the previous 2 years of making this application or its determination?

No ☒ No further action.

Yes ☐ The 'Political Donations and Gifts Disclosure Statement' must be completed pursuant to section 147(4) and (5) of the Environmental Planning and Assessment Act 1979, which is available from Council's Customer Service Team or downloadable from Council's website.

If you intend to make a reportable political donation or gift in the period from the lodgement of the application up until determination of the application, a 'Political Donations and Gifts Disclosure Statement' is required to be provided to Council within seven (7) days after the donation or gift is made.

For definitions of the terms 'gift', 'reportable political donation', 'local councillor', 'financial interest' and 'person are associated with each other' refer to the glossary of term on the 'Political Donations and Gifts Disclosure Statement' available from Council's Customer Service Team or downloadable from Council's website.

REZONING CHECKLIST

Please make sure your rezoning application includes all the following information. If you can tick yes in all the boxes below, your application is ready to submit.

(tick ☐ if the answer is yes)

Have you discussed your proposal with Council?



Have you completed all the relevant parts of the application form?



Do you have the rezoning fee?



Did you supply six (6) copies of the required supporting information, including:

- Property plans?
- Concept plans of the proposal?
- Reports/studies?
- Details of the impact of the proposal?
- Details of the substantial public benefit?

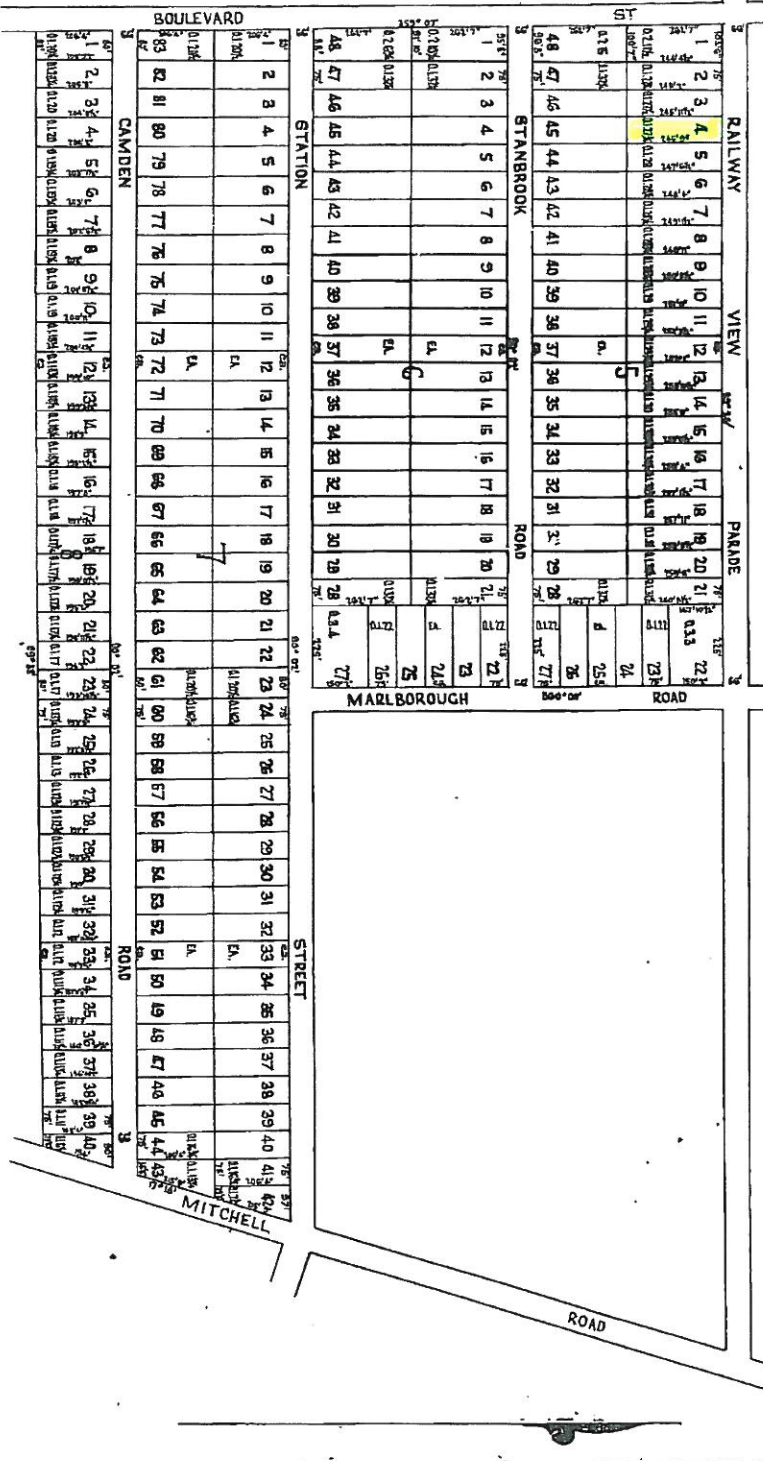


Did you read and fully understand Council's brochure called "Rezoning Land – Information for Applicants"?



Fairfield Heights Estates
Subd of Portions 137 to 139 (C & S) Fairfield
Pl of St Luke

Scale - 200 ft. to an inch.



(Sgd) C. B. DAWSON, L.S.

I, Bruce Richard Dawson, Registering General, for New South Wales, certify that this map is a true and correct copy of the original as deposited with me on the 14th day of June, 1979.

CONVERSION TABLE ADDED BY REGISTERING GENERAL'S DEPARTMENT

DP 257

FEET INCHES	METRES
29	8.930
30	9.144
31	9.398
32	9.677
33	9.967
34	10.267
35	10.577
36	10.897
37	11.227
38	11.567
39	11.917
40	12.277
41	12.647
42	13.017
43	13.397
44	13.777
45	14.167
46	14.567
47	14.977
48	15.397
49	15.827
50	16.267
51	16.717
52	17.177
53	17.647
54	18.127
55	18.617
56	19.117
57	19.627
58	20.147
59	20.677
60	21.217
61	21.767
62	22.327
63	22.897
64	23.477
65	24.067
66	24.667
67	25.277
68	25.897
69	26.527
70	27.167
71	27.817
72	28.477
73	29.147
74	29.827
75	30.517
76	31.217
77	31.927
78	32.647
79	33.377
80	34.117
81	34.867
82	35.627
83	36.397
84	37.177
85	37.967
86	38.767
87	39.577
88	40.397
89	41.227
90	42.067
91	42.917
92	43.777
93	44.647
94	45.527
95	46.417
96	47.317
97	48.227
98	49.147
99	50.077
100	51.017
101	51.967
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106	56.867
107	57.877
108	58.897
109	59.927
110	60.967
111	62.017
112	63.077
113	64.147
114	65.227
115	66.317
116	67.417
117	68.527
118	69.647
119	70.777
120	71.917
121	73.067
122	74.227
123	75.397
124	76.577
125	77.767
126	78.967
127	80.177
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133	87.647
134	88.927
135	90.217
136	91.517
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154	116.627
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157	121.127
158	122.647
159	124.177
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165	133.567
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180	158.597
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219	233.817
220	235.937
221	238.067
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233	264.407
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235	268.937
236	271.217
237	273.507
238	275.807
239	278.117
240	280.437
241	282.767
242	285.107
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244	289.817
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247	296.937
248	299.317
249	301.707
250	304.107
251	306.517
252	308.937
253	311.357
254	313.787



*** REPRINT ***

ABN #:83140439239
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860
Ph 02 9725 0222 Fax 02 9725 4249
Email: mail@fairfieldcity.nsw.gov.au
Web: www.fairfieldcity.nsw.gov.au

Date 13/10/2011 09:47
Receipt 01326064:0001 Terminal 4:1216
Mr & Mrs P & D Storok
C/o Bongiorno Hawkins & Associates
PO Box 491
CONCORD NSW 2137

Details	Amount
Rezoning Fee 030139	3675.00
Total Value:	3675.00
Tendered	
Cheque	3675.00
Change	0.00



Appendix C

**Correspondence from Fairfield Council to GAT &
Associates dated 23 December 2011**

In reply please quote: 11/03497

Contact: Julio Assuncao on 9725 0228

Your Ref: 131 Polding Street, Fairfield Heights

23 December 2011

Mr Anthony Pizzolato
GAT & Associates
PO BOX 96
Haberfield 2045

Dear Mr Pizzolato

PLANNING PROPOSAL - 131 POLDING STREET, FAIRFIELD HEIGHTS

Reference is made to the above proposal which seeks to amend the Fairfield Local Environmental Plan (FLEP) 1994 to rezone the subject site from 2(a1) Residential A1 to 3(c) Local Business Centre.

Reference is also made to a letter which Council sent to Bongiorno Hawkins and Associates dated 23 September 2010 (copy attached) which provided potential options that could be put to Council for its consideration relating to the rezoning of the site.

An assessment of the documentation submitted has concluded that a case for the rezoning of the site to 3(c) Local Business Centre (B2 under the draft Fairfield Local Environmental Plan 2011) has not been made and in this regard Council Officers provide the following comments:

- a) The proposal has not been supported by an Economic Impact Assessment that has been prepared against the evaluation criteria provided in the Fairfield Retail & Commercial Centres/Activities Policy which is reproduced below:

6.1.2 Local Centres

- *that any expansion proposal not alter the role of the local centre within Fairfield City's retail system*
- *that any expansion proposal not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres*
- *that any proposed development does not rely on an expansion of the existing trade area of a neighbourhood centre for its viability*
- *that a development proposal will result in an outcome consistent with the current role of the centre*

- *that a development proposal will strengthen the viability of a centre, particularly its core function of providing supermarket services.*

- b) A desktop analysis of the Fairfield Heights Town Centre has revealed that that there is potential for the town centre to accommodate additional commercial floorspace. Namely the Brown Jug site which is situated on approximately 8248 square metres of commercially zoned land. The existing building footprint accounts for approximately 2400 square metres whilst the remainder of the site is being utilised for car parking purposes.

As demonstrated by the recent approved Woolworths redevelopment within the Fairfield Heights Town Centre, there is potential for any redevelopment of the site to provide for basement car parking which would increase the availability of commercial floorspace.

An Economic Impact Statement will therefore also need to demonstrate that the additional commercial floorspace potential provided in the Planning Proposal is required in addition to the redevelopment potential of the current supply of 3(c) zoned land that is currently available within the Fairfield Heights Town Centre.

- c) The FSR of 2:1 proposed could theoretically facilitate the provision of approximately 3431 square metres of commercial floorspace. Although it is noted that the intention here is to provide a residential component which will account for the majority of the proposed FSR.

To provide some context, the approved Woolworths supermarket redevelopment mentioned above provides for 3820 square metres of commercial floorspace in a site having an area of 5027 square metres.

- d) The proposal also seeks to utilise Schedule 2 of the FLEP 1994 (Schedule 1 of the draft FLEP 2011) to permit an additional permitted use of ground floor residential to the rear of the site. In this regard Council has been informed by the Department of Planning and Infrastructure that the use of these schedules is no longer supported for new proposals.
- e) The proposal seeks to have a maximum height of 20 metres. In this regard it should be noted that the maximum height currently permitted within the Fairfield Heights Town Centre is currently limited to 9 metres. The medium density housing to the east is also limited to 9 metres. The appropriateness of a maximum height will not be considered in isolation to the rest of the Fairfield Heights Town Centre.

In considering the above issues it was concluded that at this stage a case has not been made to support the rezoning of the site as proposed under the Planning

Proposal. It is however considered that the site is suited for higher density residential.

- a) It should be noted that the R4 High Density Zone under the draft FLEP 2011 permits *neighbourhood shops* (Clause 5.4(7) limits the maximum floor area to 80 square metres). In this regard the R4 zone will permit ground floor residential with a neighbourhood shop component. This approach is similar to what is proposed in the Planning Proposal without the need to utilise the relevant additional permitted use schedule to permit ground floor residential.
- b) Under what is proposed in the draft FLEP 2011, the maximum FSR achievable in the R4 zone is based on the frontage of a site. Clause 4.4A of the draft FLEP 2011 provides a maximum FSR of 0.8:1 for sites that have a frontage of up to 30 metres. The subject site has a frontage of approximately 23 metres.

It should be noted that depending on site constraints and other requirements of the relevant applicable DCP, the maximum FSR may not always be achieved.

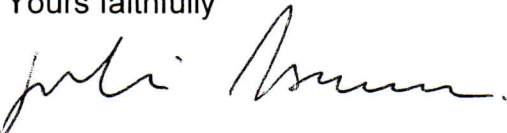
To conclude, the Planning Proposal should be amended to reflect the suitability of the site for high density residential zoning without the commercial component. The amended planning proposal should take into consideration that the maximum permitted FSR under the draft FLEP 2011 for the R4 zone for the subject site would be limited to 0.8:1 (as determined by Clause 4.4A). The height should be limited to 9 metres to take into consideration the maximum height permitted on the adjoining sites to the east and west which are limited to 9 metres.

It is important to note that a future review of the Fairfield Heights Town Centre DCP may identify additional heights but at this stage a timeframe for such a review is yet to be determined.

Your advice is therefore required as to whether you wish to amend the Planning Proposal to reflect a higher density zone without the commercial component or whether you will further examine the merits of a business zone by submitting additional economic supporting documentation.

Should you wish to discuss the above matters further please contact the undersigned direct on 9725 0228 who will be pleased to assist you.

Yours faithfully



Julio Assuncao

Land Use Planner

In reply please quote: qA126722

Contact: Chris Shinn on 9725 0804

23 September 2010

Lino D'Onofrio
Bongiorno Hawkins and Associates
PO BOX 491
CONCORD NSW 2137

Dear Sir

131 POLDING STREET FAIRFIELD HEIGHTS

I refer to previous correspondence regarding the potential for the above mentioned site to be rezoned to a zone that permits high density residential and/or possible ground floor retail.

At the Council Outcomes Committee meeting on 9 March 2010, Council resolved to write to the owners/applicants of the options available to them regarding potential rezoning of the site. This resulted in a letter being forwarded to you on 21 April 2010 identifying a number of options for your site. These options were:

- **Option A1** - *await implementation of the Draft Residential Strategy which if it is adopted by Council in the final Comprehensive LEP Plan would increase the density permitted on the site. However, the time frame for this is dependant upon the finalisation of the Comprehensive LEP process*
- **Option A2** - *If they wish to put forward an argument for Council to reconsider the commercial zone being extended to the sites they could lodge a submission as part of the comprehensive LEP exhibition process.*
- **Option A3** - *If they wish to pursue a rezoning immediately Council could invite them to lodge a formal rezoning application. The appropriate fee would be payable and the application would need to address the requirements for a Gateway Application so it can be submitted to the Department of Planning for consideration. The Gateway Application would require the applicant to justify their proposal. However, if the proposal was just for a residential density increase as per the Draft Residential Strategy the submission could make reference to the Draft Strategy as the critical part of the justification.*

Since the previous correspondence, the Fairfield LEP 2010 has been drafted and is anticipated to be reported to Council at the end of September or October 2010, so the draft Fairfield LEP 2010 can be forwarded to the Department of Planning prior to public exhibition. The relevant documents, development standards and maps can be found on Council's website at the following location:

www.fairfieldcity.nsw.gov.au > **Meetings > Business Papers > August 2010
> Comprehensive LEP Committee.**

In regards to the above mentioned site, it is noted that the draft Fairfield RDS and draft Fairfield LEP 2010 do not identify this site for a change in zoning.

However, you have previously indicated that you would be providing Council with a submission during the public exhibition stage of the draft Fairfield LEP 2010. This is Council's preferred option and would like to confirm that this is the approach you are taking.

It is likely that the draft Fairfield LEP 2010 will go on public exhibition at the end of 2010 or the beginning of 2011.

If you have any further questions please don't hesitate to contact me on 9725 0804.

Yours sincerely

Chris Shinn
STRATEGIC LAND USE PLANNER



Appendix D

Fairfield City Council Outcomes Committee Report 14 May 2013

Outcomes Committee



AGENDA

DATE OF MEETING:	14 May 2013
LOCATION:	Staff Lunchroom
TIME:	6.30pm

This business paper has been reproduced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.

AGENDA Outcomes Committee Meeting Date: 14 May 2013
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ITEM	SUBJECT	PAGE
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- APOLOGIES AND LEAVE OF ABSENCE.

- CONFIRMATION OF MINUTES.

SECTION A

'Matters referred to Council for its decision.'

52: Proposal: Rural Area - Secondary Dwellings Study and Planning Proposal
Premises: Horlsey Park and Cecil Park
Applicant: N/A
Zoning: Draft Fairfield LEP 2011 - RU2 Rural Landscape, RU 4 Primary Production Small Lots
 File Number: 12/04666 6

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.

53: Proposal: Planning Proposal - Rezoning of 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957) to B2 Local Centre.
Premises: 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957)
Applicant: Gat and Associates
 Principals - Gerard Turissi and Frances Turissi
 Owner - Peter Storok
Zoning: 2(a1) Residential A1 - Fairfield Local Environmental Plan 1994
 File Number: 11/03497 84

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.

54: Heritage Rate Rebate for 2013-14 and Review of Heritage Rates Rebate and Heritage Grants Policies
Premises: All heritage items across the LGA
Applicant: Not Applicable
Owner: List of Owners provided as Attachment B
Zoning: Not Applicable
Submissions: None received
 File Number: 09/01215 159

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.

AGENDA Outcomes Committee Meeting Date: 14 May 2013
--

55: Community Building Partnerships Program
File Number: 12/05471 182

56: 2012-2013 Operational Plan - Quarterly Report January to March 2013
File Number: A400380 185

SECTION B

‘Matters that are submitted to the Committee for decision subject to the right of referral’

57: **Proposal:** Section 94A Contributions - Oakdale Logistics Site Horsley Park
Premises: Oakdale Central Logistics Centre - Old Wallgrove Rd, Horsley Park
Applicant: Goodman Property Services
Owners: BGAI Pty Ltd - Directors: Richard Wilson, Megan Kublins,
Lindsay Partridge, Timothy Lewis. Secretary: Timothy Lewis
Zoning: SEPP (WSEA) - IN1 - General Industrial
File Number: 09/03134 219

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.

58: Issue: Draft Metropolitan Strategy for Sydney to 2031
Premises: Fairfield LGA
Applicant: N/A
Owner: N/A
Zoning: N/A
File Number: 12/00140 226

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.

59: Fairfield City Council Cultural Development Grants Program 2013
File Number: G11-08-008 298

60: Park Improvement Program Update
File Number: 10/03447 317

61: Draft Community Safety and Crime Prevention Plan 2013-2017
File Number: JA1789963 342

AGENDA
Outcomes Committee
Meeting Date: 14 May 2013

- 62:** Special Projects Monthly Report April 2013
File Number: 12/03916, 11/03263, 11/00406 & 09/00236..... 420
- 63:** Policy and Community Development Report - April 2013
File Number: G01-23-097..... 426
- 64:** Fairfield Youth Advisory Committee - Meeting Minutes 3 April 2013
File Number: 12/03561..... 436
- 65:** Multicultural Advisory Committee Minutes 11 April 2013
File Number: G11-08-0126..... 440
- 66:** Financial and Statutory Investment Report for Month ended 31 March 2013
File Number: 11/03250..... 447
- 67:** Update on Australia Day Community Events
File Number: 13/04630..... 454

Outcomes Committee



SECTION A

'Matters referred to Council for its decision.'

OUTCOMES COMMITTEE

Meeting Date 14 May 2013

Item Number. 53

SUBJECT: Planning Proposal - Rezoning of 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957) to B2 Local Centre
Premises: 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957)
Applicant: Gat and Associates
Principals - Gerard Turissi and Frances Turissi
Owner - Peter Storok
Zoning: 2(a1) Residential A1 - Fairfield Local Environmental Plan 1994

FILE NUMBER: 11/03497

PREVIOUS ITEMS: 214 - Outcomes Committee - 4 December 2012

REPORT BY: Julio Assuncao, Land Use Planner

RECOMMENDATION:

That Council:

1. Inform the Department of Planning and Infrastructure (DP&I) that Council wishes to commence the Gateway Determination Process under the relevant provisions of the Environmental Planning and Assessment Act 1979 to amend the draft Fairfield Local Environmental Plan to rezone 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957) from its current medium density residential zone to B2 Local Centre which permits mixed development.
2. In requesting the gateway determination, advise the DP&I that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the EP&A Act 1979). 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.
3. Subject to the DP&I issuing a gateway determination supporting the Planning Proposal, that it then be publicly exhibited in accordance with the Consultation Strategy outlined in the report and the conditions outlined in the Gateway Determination.
4. Amend the Fairfield Heights Town Centre Development Control Plan (FHTC DCP) to incorporate the subject site so that its provisions are applied in the assessment of any future development of the site.
5. Amend the reference to the FHTC DCP contained in Chapter 1 of the Fairfield City Wide Development Control Plan (FCW DCP) to include the subject site.

OUTCOMES COMMITTEE

Meeting Date 14 May 2013

Item Number. 53

6. Publicly exhibit the amendments to the FHTC DCP and FCW DCP concurrently with the Planning Proposal.
7. Advise the applicant and owner of Council's decision.

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	Locality, Zoning Maps and Aerial Photo of the subject site	5 Pages
AT-B	Chronology of progression of the proposal	2 Pages
AT-C	Applicant's Submission to revise the Planning Proposal	5 Pages
AT-D	Peer Review of Economic Advice	3 Pages
AT-E	Applicant's Planning Proposal and Economic Capability Assessment Prepared by Don Fox Planning	42 Pages

CITY PLAN

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

SUMMARY

Council has received a Planning Proposal that seeks to amend the draft Fairfield Local Environmental Plan (FLEP) by rezoning 131 Polding Street, Fairfield Heights from R3 Medium Density Residential to B2 Local Centre.

The equivalent amendment under the FLEP 1994 would be to rezone the subject site from 2(a1) Residential A1 to 3(c) Local Business Centre.

This matter was previously scheduled to be considered by Council at its December 2012 Outcomes Committee meeting. However, prior to the meeting, the applicant requested Council to defer consideration of the matter so that they could clarify/propose additional options that would best facilitate a manageable rezoning outcome for the site.

OUTCOMES COMMITTEE

Meeting Date 14 May 2013

Item Number. 53

Site Details

The subject site is zoned 2(a1) Residential A1 under the FLEP 1994 and is proposed to zoned as R3 Medium Density Residential under the draft FLEP. The subject site is positioned to the north east of the Fairfield Heights Town Centre.

The site is bounded by Polding Street to the north, medium density development to the east, an approved mixed use residential/commercial development to the west and an approved car park (50 Stanbrook Street) to the south.

The subject site has a frontage to Polding Street of 22.7m, a depth of 75.3m and a total site area of approximately 1716 sqm and currently contains a single detached dwelling and some ancillary structures.

Refer to **Attachment A** for location, zoning maps and an aerial photo of the subject site.

Proposal

The proposal seeks to rezone the subject site, from the current medium density zone, to facilitate the development of high density residential development (up to 3 Storeys) on the site with a small component of commercial development with the exclusion of *'food and drink premises'*, on the ground floor fronting onto Polding Street.

In respect to the commercial component of the application, the applicant provided an economic report that sought 2500 m2 of additional commercial floorspace for the Fairfield Heights Town Centre.

The Planning Proposal requests Council to make amendments to the draft FLEP to designate the zoning of the site as B2 – Local Centre from its current R3 – Medium Density Residential designation and include an additional local provision that prohibits *"food and drink premises"* on the subject site.

Given the timeframe required to complete similar proposals, it is envisaged that the amendment would be made to the draft FLEP which is anticipated to be finalised in 2013 at which point the FLEP 1994 would no longer apply to the subject site.

BACKGROUND

Council officers received correspondence on behalf of the owner of the subject site in late 2010 regarding the potential of the site to be rezoned for high density residential purposes with the possibility of ground floor retail.

During this period, Council had also just endorsed the draft FLEP and its draft Fairfield Residential Development Strategy (FRDS) 2009 for public exhibition.

OUTCOMES COMMITTEE

Meeting Date 14 May 2013

Item Number. 53

Council officers advised the owner that the subject site had not been identified for higher density in the draft FLEP and FRDS 2009 and provided the applicant with options on how to progress the matter in relation to the site's potential for a higher form of residential development.

The owner indicated that they would provide a submission during the exhibition period of the draft FLEP and FRDS 2009 to put forward the case of the subject site's suitability for higher density residential development/ground floor retail.

It is important to note that when the advice was provided to the owner, Council officers had not anticipated the significant delays in obtaining concurrence from the Department of Planning and Infrastructure to allow the draft FLEP to be publicly exhibited which eventually occurred from January 2012 to March 2012.

As a result of these delays, in October 2011 the applicant lodged a planning proposal seeking the rezoning of the subject site to the commercial zone (B2 Local Centre) that would permit high density residential with a ground floor retail component along the Polding Street frontage.

The applicant also submitted an application to rezone 50 Stanbrook Street, Fairfield Heights which is located immediately to the south of the subject site. This site is owned by the Assyrian Sports & Cultural Club that is located on 54 Stanbrook Street, Fairfield Heights. The planning proposal for 50 Stanbrook Street was formally withdrawn by the applicant.

It is important to note that the applicant's original proposal was not supported by Council officers as it did not include an economic report to put forward justification for the expansion of the Fairfield Heights Town Centre (FHTC). In addition, it sought floor space ratio and height controls that were not consistent with those that currently apply to the FHTC and the surrounding area.

A chronology of the progression of the report is included as **Attachment B**.

The matter was scheduled to be considered by Council at its December 2012 Outcomes Committee meeting, however, Council deferred consideration of the matter at the request of the applicant. The applicant sought deferral of the matter so that they could clarify/propose additional options that would best facilitate a manageable rezoning outcome for the site.

The applicant provided a further submission (**Attachment C**) that revises the proposal to include an additional local provision that seeks to prohibit '*food and drink premises*' on the subject site in order to address community concerns relating to traffic.

REPORT

Assessment of the Planning Proposal

Proposed B2 zone and Economic Justification

The applicant provided an Economic Capability Assessment (ECA) which put forward the case for the expansion of the FHTC. A peer review of the ECA was conducted by Council's Economic Consultant (Norling Consulting) who has previously provided economic advice for other proposals within the Fairfield LGA.

Note: The ECA provided by the applicant initially sought an additional 2500sqm of commercial floorspace as it included the withdrawn 50 Stanbrook Street proposal. The advice provided by Norling Consulting (**Attachment D**) is summarised below:

Norling Consulting advised that the ECA prepared by the applicant had not adequately addressed the Evaluation Criteria as provided by the Fairfield Retail & Commercial Centres/Activities Policy and that it was his opinion that the ECA provided by the applicant did not put forward a compelling case to utilise the whole of the subject site for business purposes at this time.

However, Norling Consulting conducted its own analysis as part of the process of conducting the peer review. Norling concluded that an additional 300sqm of retail floorspace and 700sqm of non-retail floorspace could be accommodated on 131 Polding Street and 133 Polding Street, Fairfield Heights which currently contains a dwelling house and adjoins the subject site along the western boundary.

Norling stated that most of the above additional floorspace could be accommodated on 133 Polding Street without facilitating a rezoning, as this site is proposed to be zoned B2 under the draft FLEP, and that Council should look more favourably upon a mixed use development over the two sites if received.

However, Council officers consider that the potential amalgamation of 133 Polding Street and the subject site may not be possible given that Council has issued a consent for 133 Polding Street for a mixed use development comprising 16 residential units and 2 commercial units sized 30m² and 133m² (with a total of 163m²).

At this stage the approval has not been formally commenced but it is a valid consent that can be acted upon at any time.

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Council officer Comments

Council officers consider that there are 2 scenarios that can be considered in the regard of the economic impact of a development on the subject site taking into account advice from Norling who concluded that the Fairfield Heights Town Centre had capacity to accommodate an additional 300sqm of retail and 700sqm of non-retail floorspace.

Scenario 1 – Zone the site B2 Local Centre

This scenario is based on the current consent for 133 Polding Street discussed above being taken up and the residual of retail/non retail area identified by Norling utilised for the subject site.

A review of the approved plans for 133 Polding street reveal that there is a 133m² shop with direct street frontage and the second 30m² unit is located above the driveway some 11 metres back from the street. It is considered that the small 30m² unit is more suited to a non-retail commercial use rather than retail space given its size and its location away from the street frontage and has reduced exposure to pedestrian traffic.

Given the above scenario, Council officers consider that there is potential for the subject site to accommodate the remaining 167sqm of retail floorspace and the remaining 670sqm of non-retail floorspace.

Council officers also consider that the urban design constraints, resulting from the characteristics of the site, would limit retail development on the ground floor of the Polding Street frontage.

Other constraints such as the need to accommodate vehicular access would also limit the opportunity for retail development along the ground floor of the Polding Street frontage.

This scenario is consistent with the applicant's planning proposal in which they sought an activated frontage along Polding Street with the rest of the site being utilised for residential purposes.

Scenario 2 – R4 High Density Zoning of 131 Polding Street

This scenario would involve rezoning of 131 Polding Street to a R4 High Density Zone which makes provisions for up to 80sqm for the purposes of 'Neighbourhood Shops' without the need for further economic justification. It is noted that the applicant's submission (**Attachment C**) requests that this option be removed in lieu of Council's decision to not proceed with the high density residential zone in Fairfield Heights when considering the draft FLEP post public exhibition. It is important to note that the subject site was not identified for high density residential under the draft FLEP and the draft FRDS 2009 and therefore was not affected by Council's consideration referred to above.

Council officers consider that this option has some degree of merit but is not recommended for the reasons outlined below:

- There is sufficient economic justification to warrant a B2 Local Centre zone for the site
- It results in a piecemeal zoning approach by zoning a single site R4 High Density Residential that would be surrounded by the B2 Local Centre zone to the west and the R3 Medium Density zone to the east
- The applicant, in their submission, requested the removal of this option.

Based on the above scenario's Council officer's conclude that there is adequate basis to support additional commercial floorspace on the subject site. Any of the scenarios can proceed within the 300sqm of retail floorspace and 700sqm commercial limits set out in the independent consultants report and therefore the potential economic impact is not significant enough to warrant not proceeding with scenario 1 which seeks to rezone the subject site to B2 Local Centre.

Imposing specific controls for commercial floorspace in either the FHTC DCP or as LEP controls are not considered necessary as Council has the option of requiring additional economic justification if required at the Development Application stage.

The applicant's submission (**Attachment C**) is further discussed later in the report.

Consistency with the Metropolitan Plan for Sydney 2036 (MPS 2036)

The MPS 2036 provides the framework for sustainable growth and development across the Sydney to 2036. The MPS 2036 sets the boundaries for future urban development and identifies areas that are close to transport and existing centres as being suitable locations for future growth.

The proposal is considered consistent with the applicable directions provided in the MPS 2036, a summary of which is provided below:

Growing Sydney's Economy

- *Increase the proportion of homes within 30 minutes by public transport of jobs in a Major Centre, ensuring more jobs are located closer to home.*

Council officer Comment

The proposal is located approximately 2km and 4km from the proposed major centres of Fairfield and Prairiewood respectively. The site is in close proximity to a public bus service that operates approximately 100 metres from the subject site.

Growing and renewing centres

- *Locate at least 80% of all new homes within the walking catchments of existing and planned centres of all sizes with good public transport.*

Council officer Comment

The subject site adjoins an existing centre local centre and as above is located approximately 100 metres from a public transport route.

Housing Sydney's population

- *Plan for 770,000 additional homes with a range of housing types, sizes and affordability levels for a growing and ageing population*
- *Locate at least 70% of new homes in existing suburbs and up to 30% in greenfield areas.*

Council officer Comment

The subject site is located in an existing urban area. The proposal will facilitate a housing type that is currently not available in the area. The subject site adjoins a local centre and is in close proximity to existing services.

Draft Fairfield Residential Development Strategy

As mentioned earlier in the report, the draft FRDS does not identify the subject site for high density residential. However Council officers have previously advised the applicant of the opinion that the site may be suitable to a higher form of residential development as it is consistent with the principles of the draft FRDS which seeks to provide additional density in and around existing centres.

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In addition it is the opinion of Council officers that there is sufficient basis for a B2 zoning for the subject site as discussed earlier. It is important to note that a B2 zoning will make shop top housing a permissible use. Council officers consider that the impact of such a development on the adjoining medium density development can be managed at the development application stage.

This is highlighted in the approval for a mixed use development on 133 Polding Street (DA 7.1/2012). The assessment of this particular application took into consideration that it was adjacent to the medium density zone (the subject site) to the east. The potential scale of the any future proposal is further discussed below.

The applicant has put forward the case that due to the subject site's characteristics, an FSR of 1.5:1 would be appropriate. As a reference point, the approved development on 133 Polding Street results in a built form with an FSR of 1.16:1.

It should be noted that FSR controls would only be required if Council resolves to adopt an R4 zoning for the site as FSR controls are not currently proposed for the B2 zone at FHTC in the draft FLEP.

Given that the subject site is larger than 133 Polding Street, Council officers consider that the FSR of 1.5:1 is appropriate should Council resolve to apply an R4 zone to the site.

Council officers consider that there is sufficient basis to support a B2 zone for the site which will result in no FSR controls, instead relying on any future proposals in meeting the required setback, car parking and the 9 metre height limit.

It is important to note that this maximum FSR can only be achieved providing any future development proposals meeting the relevant setback and car parking requirements.

The rezoning of the subject site would provide an opportunity to act as a transition zone between the approved mixed use development on 133 Polding Street to the west and the medium density development on 127-129 Polding Street east of the site.

TRAFFIC GENERATION

The original proposal was accompanied by an indicative diagram that showed the potential of the site to be developed for mixed use purposes with a maximum FSR of 2:1. On this basis, the proposal was forwarded to Council's Traffic branch for assessment of the potential traffic that could be generated from such a built form.

Council's Traffic branch indicated that the amount of traffic that could be generated from a mixed use development, based on an FSR of 2:1, would have minimal impact on the surrounding road network.

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As the result of advice from Council officers in relation to the built form, the applicant revised the FSR of the proposal to 1.5:1. Given that the applicant was now seeking a reduced FSR, Council officers considered that a further traffic assessment was not required.

Council officer's consider that the traffic generation that may arise from the development of the site will have minimal impact that will not impact in the proposal proceeding.

APPLICANTS SUBMISSION

Applicant Submission

The applicant has made a submission requesting that the proposal be revised to include an additional local provision to prohibit '*food and drink premises*' in order to address community concerns relating to traffic in the locality. The relevant section of the applicant's submission is reproduced below:

The request for deferral of this matter mainly stemmed from our awareness of community concerns relating to traffic issues along Polding Street from high traffic generating retail uses. We are of the understanding that there is a concern with high traffic generating uses, particularly in relation to fast food premises and the need to undertake short term pick up.

The applicant's submission acknowledges the traffic assessment undertaken by Council's Traffic branch and agrees that traffic likely to be generated by the proposal will not impact on the surrounding road network.

The applicant requests that the an additional option be tabled for the consideration of Council that seeks to rezone the subject site to B2 Local Centre with the inclusion of a restriction on high traffic generating uses, namely '*food and drink premises*' whilst still permitting other retail, business and commercial uses. The applicant has suggested this approach in order to address their awareness of community concerns in relation to traffic in the locality.

Council officer Comments

Council officers have discussed the applicant's submission with the Department of Planning and Infrastructure (DP&I) in respect to the approach to prohibit '*food and drink premises*' on the subject site.

The DP&I have advised that if Council seeks to prohibit certain land uses that this should be done under the land use table which would affect the entire B2 Local Centre zone. In addition the applicant is seeking to prohibit a mandated land use.

The land use '*Food and drink premises*' comes under the group term of '*Commercial premises*' which is a mandated use under the B2 Local Centre zone.

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The DP&I advised that mandated uses provided by the Standard Instrument Order must be retained.

The applicant's submission provided commentary in respect to other Council's that have made use of the *Additional Local Provisions* section of the Standard Instrument (SI) Template to prohibit certain land uses.

The use of this section of the SI Template varies from Council to Council, the examples provided by the applicant are fairly broad in that they apply to large areas of those particular Councils and differ to the approach suggested for the subject site. Regardless of the approaches taken by other Council's, such an approach is subject to the approval of the DP&I.

Given the advice provided by the DP&I, Council officers consider that the applicant's proposal to prohibit '*food and drink premises*' on the subject site is unlikely to be supported by the DP&I and therefore is not a viable approach.

PRECEDENT FOR OTHER REZONINGS IN FAIRFIELD HEIGHTS

To the east of the Fairfield Heights Town Centres many sites have been developed for town house and villa development which means there are limited opportunities for the centre to expand to the east. **Diagram 1** identifies 5 sites (including the subject site) immediately east of the existing town centre where medium density development has not occurred (with relevant sites outlines in red and the subject site outlined in yellow).

Further expansion of the town centre (east of the 5 sites) would be limited because the relevant adjoining sites have been developed for medium density housing or in one case a child care centre.

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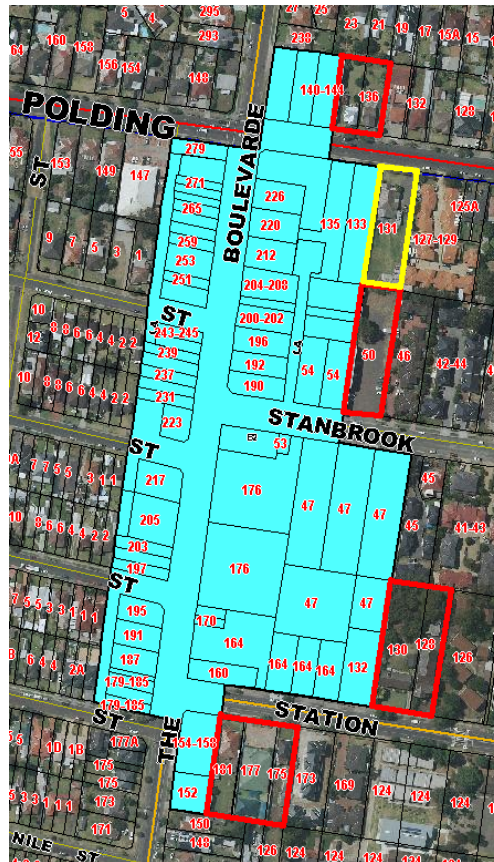


Diagram 1 – Potential opportunities for the future expansion of the Fairfield Heights Town Centre

Along the western edge of the Fairfield Heights Town Centre runs a service lane which forms a natural western edge for the town centre. Given the arrangements on this side and the fact that most of the adjoining lots to the west are subdivided in a narrow lot configuration Council officers would be unlikely to support any expansion of the centre in this direction or isolated spot rezoning of sites to Residential R4.

The issue of isolation between the town centre and existing medium density development applies to all five sites shown in the diagram above. So rezoning the subject site to a business zoning or to Residential R4 must be seen as a precedent that could apply to the other 4 sites.

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The economic assessment discussed previously indicates there is no current capacity for all 5 sites to be zoned business immediately. If as the population grows the capacity of Fairfield Heights Town Centre to accommodate more floor space increases then a business zoning for some of these sites may be considered at a future date. However, until the economic conditions are in place to justify the additional floor space the remainder of these sites could, in principle, be considered for Residential R4 subject to a more detailed site specific assessment being undertaken as part of any rezoning proposal lodged for these sites in the future. However it does need to be acknowledged that if these sites were zoned to Residential R4 they would be permitted a neighbourhood shop of 80m² under the new Standard Instrument Template which Council would find difficult to refuse even with the economic capacity advice received as part of the assessment of this application.

The introduction of various sites around the edge of the town centre for apartment style development would provide for more of a mix of housing type around this centre and is consistent with the Metropolitan Strategy and the principles that underpin Councils Draft FRDS (even if these sites were not specifically identified in the Draft residential Strategy for rezoning to R4).

It must be acknowledged that the site on the northern side of Polding Street is included in the area where Council formally resolved not to pursue a Residential R4 zoning as part of the Draft Comprehensive LEP and so Council policy on this site has been established and any applicant putting forward a proposal for this site would be advised of this position.

If Council resolved to rezone the subject site to B2 Local Centre or R4 High Density Residential, a precedent may be set for owners of other sites south of Polding Street, adjoining the FHTC as identified in the **Diagram 1**, to seek a similar zone for their respective sites.

Any future proposals to rezone these sites to B2 Local Centre or R4 High Density Residential will be subject to a site specific assessment at the time of lodgement. In addition, any future proposals to rezone these sites will need to be accompanied by a review of the economic conditions, at the time any application is lodged, which will need to demonstrate a demand for additional commercial floorspace as the result of increases of population in the surrounding catchment.

Council Officers consider that proceeding with this rezoning proposal will not establish an unacceptable precedent for the other 3 sites south of Polding Street as identified in **Diagram 1**.

CONSISTENCY WITH APPLICABLE MINISTERIAL DIRECTIONS

Gateway Planning Proposals are required to consider the Department of Planning and Infrastructure Section 117 Ministerial Directions.

The Planning Proposal is considered to be consistent with the following Directions provided by the Department of Planning and Infrastructure:

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- Direction 1.1 – Business and Industrial Zones
- Direction 3.1 – Residential Zones
- Direction 3.4 – Integrated Land Use and Transport
- Direction 6.3 – Site Specific provisions
- Direction 7.1 – Metropolitan Planning.

The planning proposal will provide a more detailed assessment of the proposal's consistency with the above directions.

REQUIRED AMENDMENTS TO PLANNING INSTRUMENTS

Should Council resolve to support the Planning Proposal, the following amendments will be required to the following planning instruments.

Fairfield Local Environmental Plan 1994 (FLEP 1994)

The zoning map under this plan will need to be amended as follows:

The subject site is zoned as 2(a1) Residential A1 under the FLEP 1994. The Planning Proposal will propose to amend the zone to 3(c) Local Business Centre.

Council officers anticipate that it will proceed under the draft FLEP as it is anticipated it will be gazetted in 2013.

Draft Fairfield Local Environmental Plan

The Zoning Map and Floor Space Ratio Map will need to be amended as follows:

The subject site is proposed to be zoned R3 Medium Density Residential under the draft FLEP.

The Planning Proposal will require the following amendments:

- Amend the zone to B2 Local Centre
- Amend the Floor Space Ratio Map to remove the maximum FSR limit (the draft FLEP does not specify an FSR limit for the B2 zone covering the FHTC).

Note: The draft FLEP identifies a maximum height of 9 metres for the subject site and as a result no amendments will be required to the Height of Building map. In addition if Council resolves to apply the R4 zone to the subject site, then an amendment to the FSR map will be required to include a maximum FSR of 1.5:1 for the subject site.

An additional local clause would also need to be inserted into the Additional Local Provisions section of the draft FLEP to prohibit *'food and drink premises'* in the event that Council resolves to adopt that particular option discussed later in the report.

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Fairfield Heights Town Centre Development Control Plan (FHTC DCP)

If Council resolves to prepare a planning proposal to rezone the site for mixed use purposes, an amendment to the FHTC DCP will be required to incorporate the subject site so that its provisions are applied in the assessment of any future development of the site.

As mentioned earlier in the report, the FHTC DCP has provisions that limit the maximum height of any building to 9 metres. The FHTC DCP does not contain any FSR controls and any proposed development on the subject site would be guided by the ability of the proposal to remain within the 9 metre height limit and meeting the necessary setback and car parking requirements.

Fairfield City Wide Development Control Plan

A minor amendment would also be required to Chapter 1 of the Fairfield City Wide Development Control Plan to update the map reference of the FHTC so as to include the subject site.

Note: If Council resolves to apply the R4 residential zone in preference over the B2 zone amendments will not be required to the FHTC Development Control Plan. However specific controls will be required to the Chapter 7 – Residential Flat Buildings of the Fairfield City Wide Development Control Plan to incorporate site specific controls for the subject site that will permit a maximum building height of 9 metres and a maximum FSR of 1.5:1.

CONSISTENCY WITH THE CITY PLAN 2010-2020

The Fairfield City Plan 2010-2020 Community Strategic Plan sets out goals and aspirations of Council and the Community in respect to what they want to see happen in Fairfield City in the next decade. Of relevance to this planning proposal are those themes that deal with Places & Infrastructure and Local Economy & Employment.

Relationship to the Fairfield City Plan 2010-2020

Themes	Goals	Planning Proposal	Consistency
Places & Infrastructure	<i>Buildings and infrastructure that meet the changing standards, needs and growth of our community</i>	The City plan highlights the use of land use planning policies such as Development Control Plans and Local Environmental Plan as instruments that can be utilised to achieve these goals. The Planning proposal seeks amend the Fairfield Local Environmental Plan to facilitate a higher density	Yes

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		form housing. This will diversify the housing types available in the locality and will aid in meeting the goals in respect to this particular theme of the Fairfield City Plan.	
Local Economy & Employment	<i>Having vibrant, safe and attractive shopping and access to services</i>	The planning proposal will facilitate expansion of the Fairfield Heights Town Centre which will aid in meeting the goals of this particular theme of the Fairfield City Plan.	Yes

Based on the above assessment it is considered that the planning proposal is consistent with the Fairfield City Plan 2010-2020. The proposal will aid in achieving the relevant goals as set out in the Plan.

CONSULTATION STRATEGY

Council officers consider that this proposal represents a significant change particularly to the residents located on the existing medium density development to the east of the subject site.

- Newspaper advertising as per legislative requirements
- Letters to adjoining owners/occupiers of residential properties
- Notification of owners/occupiers of businesses in the Fairfield Heights Town Centre.

Note: The above consultation strategy will be in addition to other requirements that may be identified in the Gateway Determination issued by the Department of Planning and Infrastructure.

OPTIONS AVAILABLE TO COUNCIL

Recognising that recent proposals to rezone other areas in Fairfield Heights for higher density development was not supported by Council, the following options are presented should Council wish to consider alternatives to the approach recommended by Council officers.

1. Reject the Planning Proposal; Council officers do not recommend this option as it is considered that there is sufficient justification to support the rezoning. This option will retain the medium density zoning of the site which will only realise townhouse and villa development.

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2. Support the Planning Proposal on the basis that the subject site is rezoned for R4 High Density Residential. The applicant's request to remove this option is discussed in the report.

This option would result in the potential of the subject site to be developed for higher density development with the option of facilitating a neighbourhood shop of up to 80sqm. This option would also require additional FSR controls of 1.5:1 to acknowledge the unique characteristics of the site. Although this option has some degree of merit, Council officers consider that there is sufficient economic justification to warrant a commercial zoning on the site.

3. Support the Planning proposal to rezone the subject site to B2 Local Centre which permits mixed used development with an additional clause to be inserted into *Additional Local Provisions* section of the draft FLEP to prohibit 'food and drink premises' on the subject site. As mentioned in the body of the report, this option was put forward by the applicant in response to their awareness of community concerns relating to traffic in the locality.

This option is not recommended as Council's Traffic branch raised no traffic impact concerns in respect to the proposal. In addition, this option is unlikely to be supported by the DP&I who have indicated that 'food and drink premises' is a mandated use under the SI Template and should be retained.

4. Support the Planning Proposal to rezone the subject site to B2 Local Centre which permits for mixed used development. This is the option that is recommended by Council officers as it represents the best option which balances the opportunities and constraints of the site and will not result in an unacceptable economic impact. Applying a commercial zoning onto the subject site will also provide an opportunity to establish a transition zone (in terms of built forms) from commercial zone to the existing medium density zoning to the east of the site.

CONCLUSION

The subject site is located between an approved mixed use development to the west and an existing medium density development to the east. Council officers consider that the characteristics of the site makes it ideal for a higher form of residential housing that would otherwise not be permitted under the current medium density zone. It is not considered, given the economic analysis undertaken, that allowing the proposal to proceed will result in an unacceptable economic impact given the location of the site and scale of feasible retail and commercial floorspace on the site.

The proposal is also consistent with the applicable themes of the Fairfield City Plan dealing with infrastructure and employment and the relevant directions of the Metropolitan Plan for Sydney 2036 as outlined in the report. On this basis, Council officers consider that there is sufficient justification to support the rezoning of the site to B2 Local Centre under the draft FLEP.

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Julio Assuncao
Land Use Planner

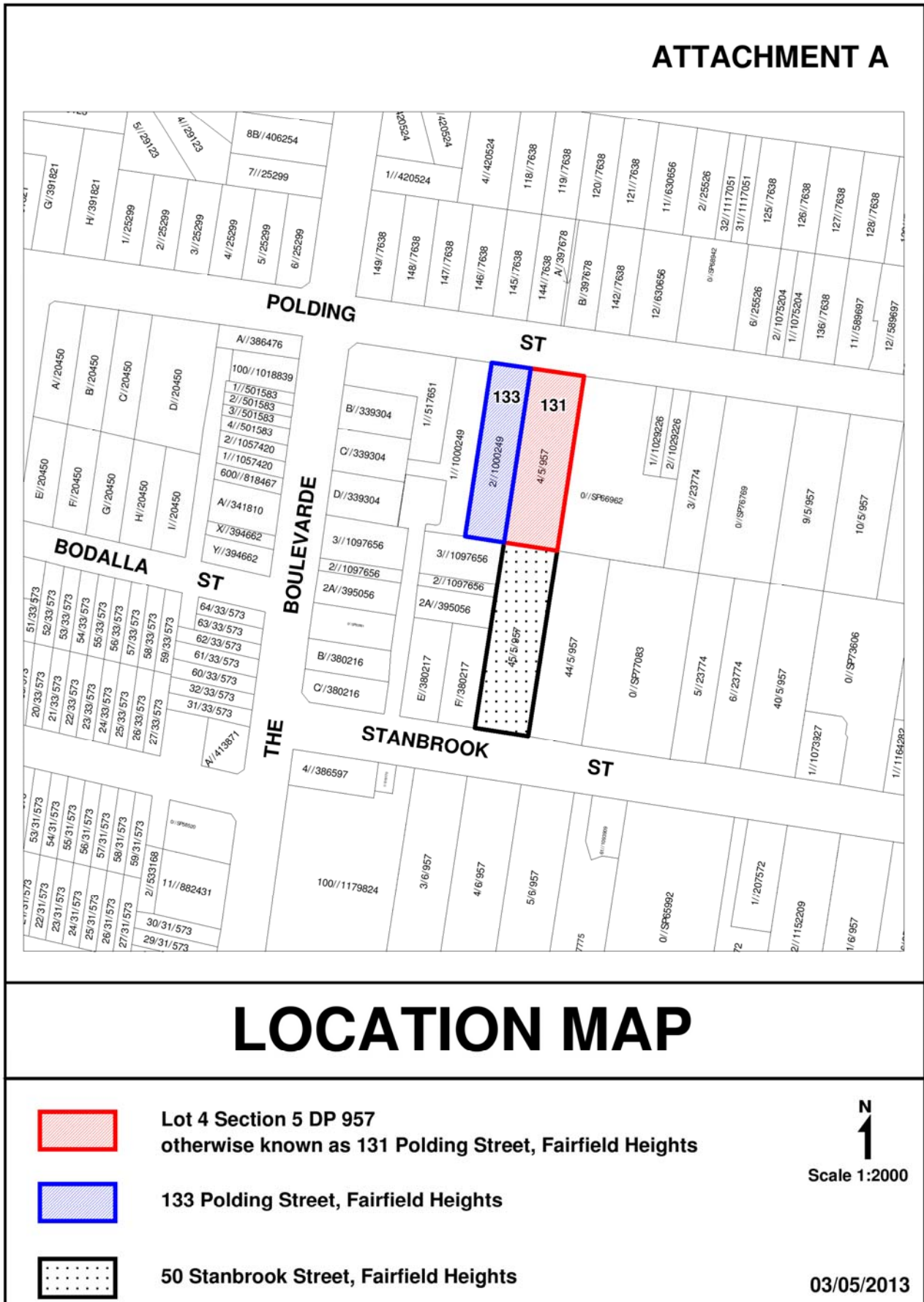
Authorisation:
Acting Manager Strategic Planning
Group Manager City Development

Outcomes Committee - 14 May 2013

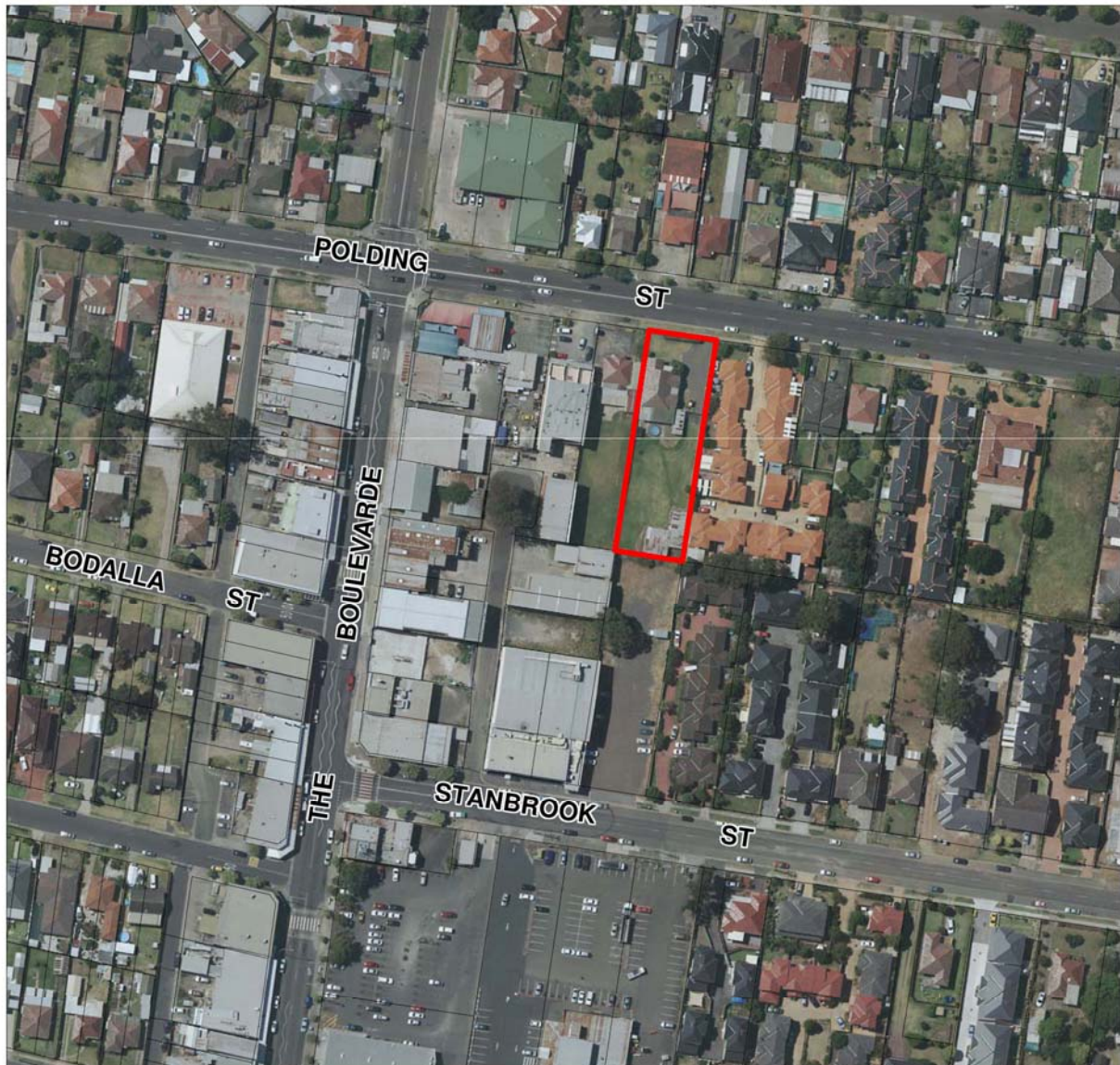
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ATTACHMENT A



ATTACHMENT A



AERIAL PHOTO

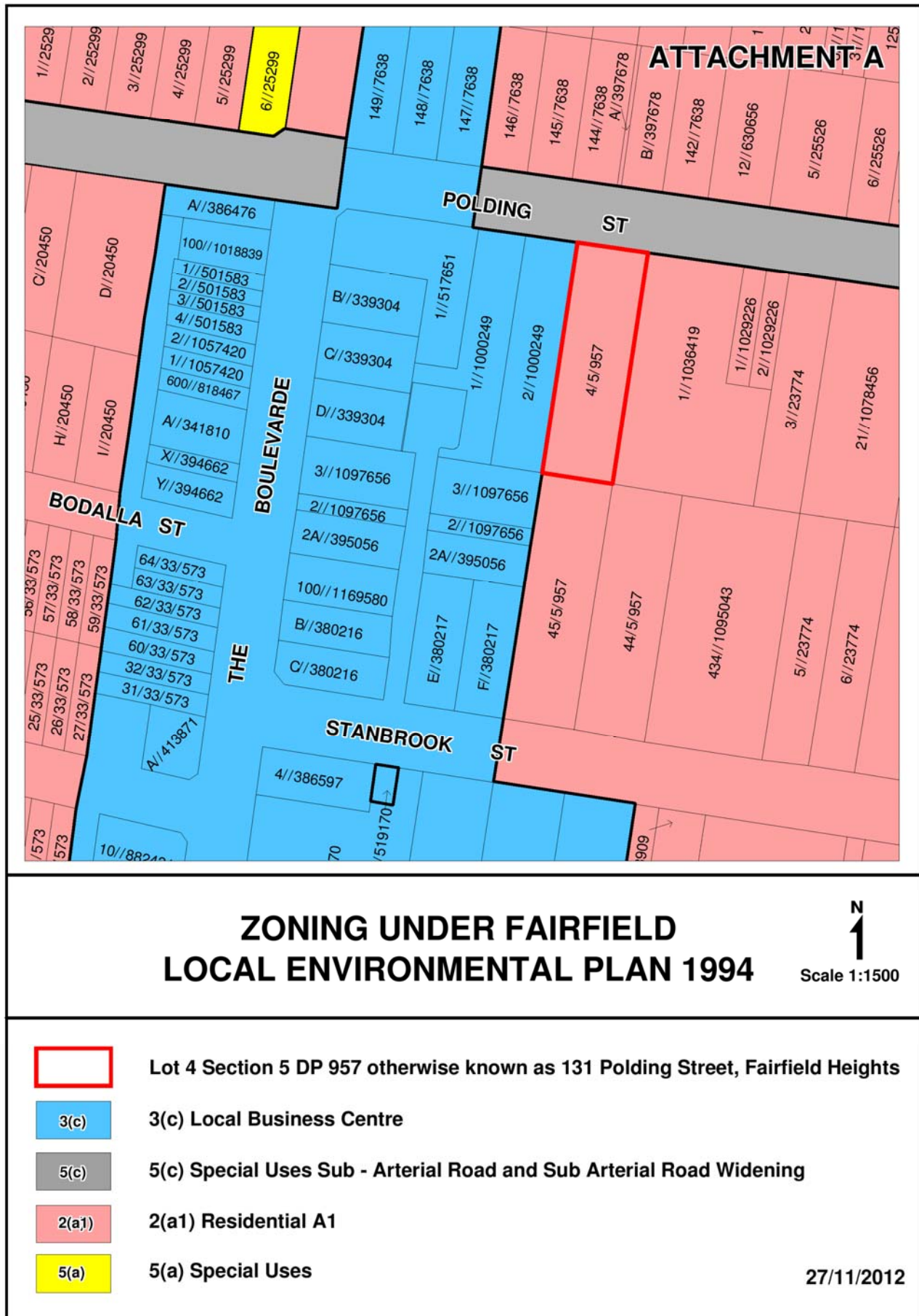


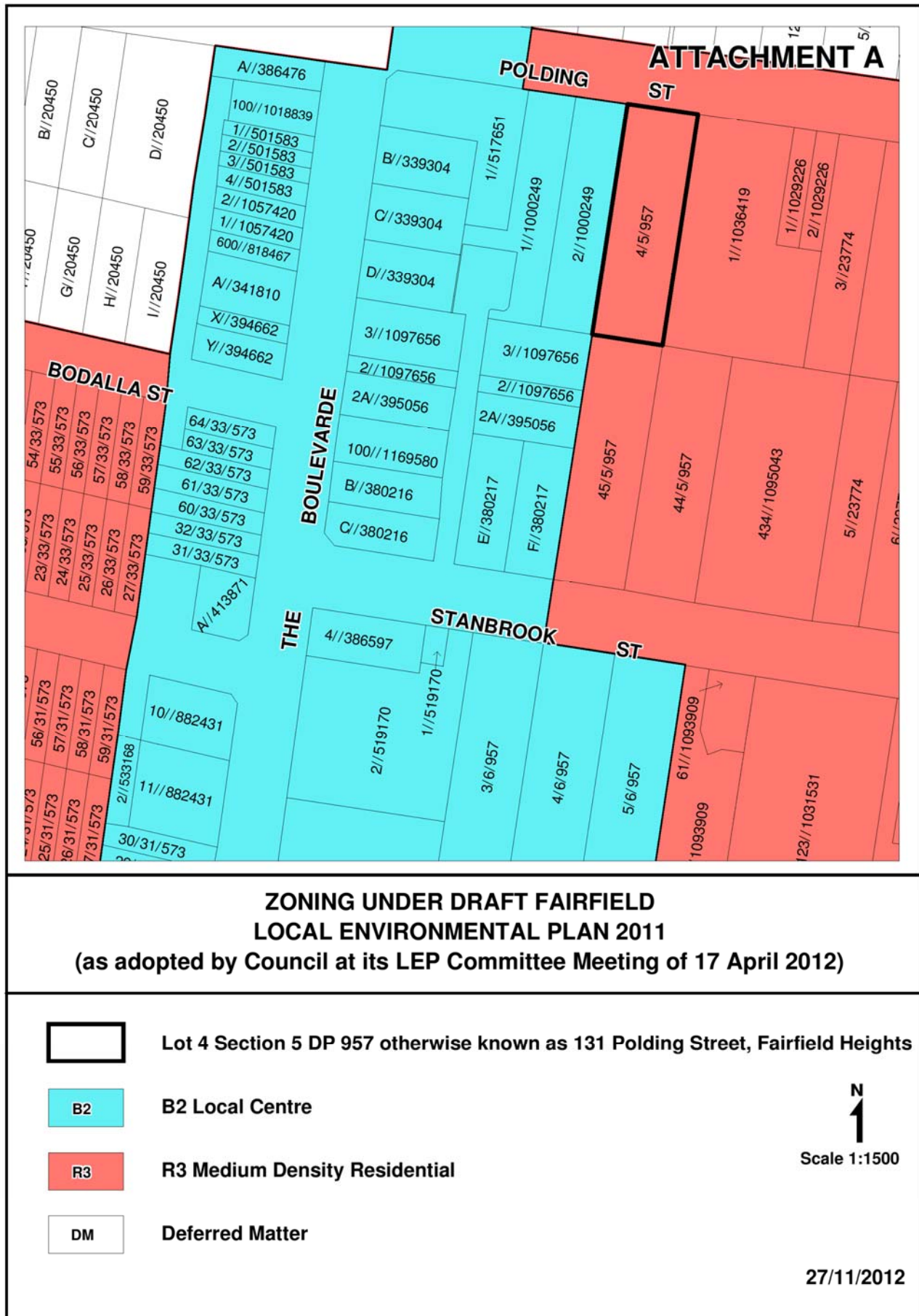
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otherwise known as 131 Polding Street, Fairfield Heights

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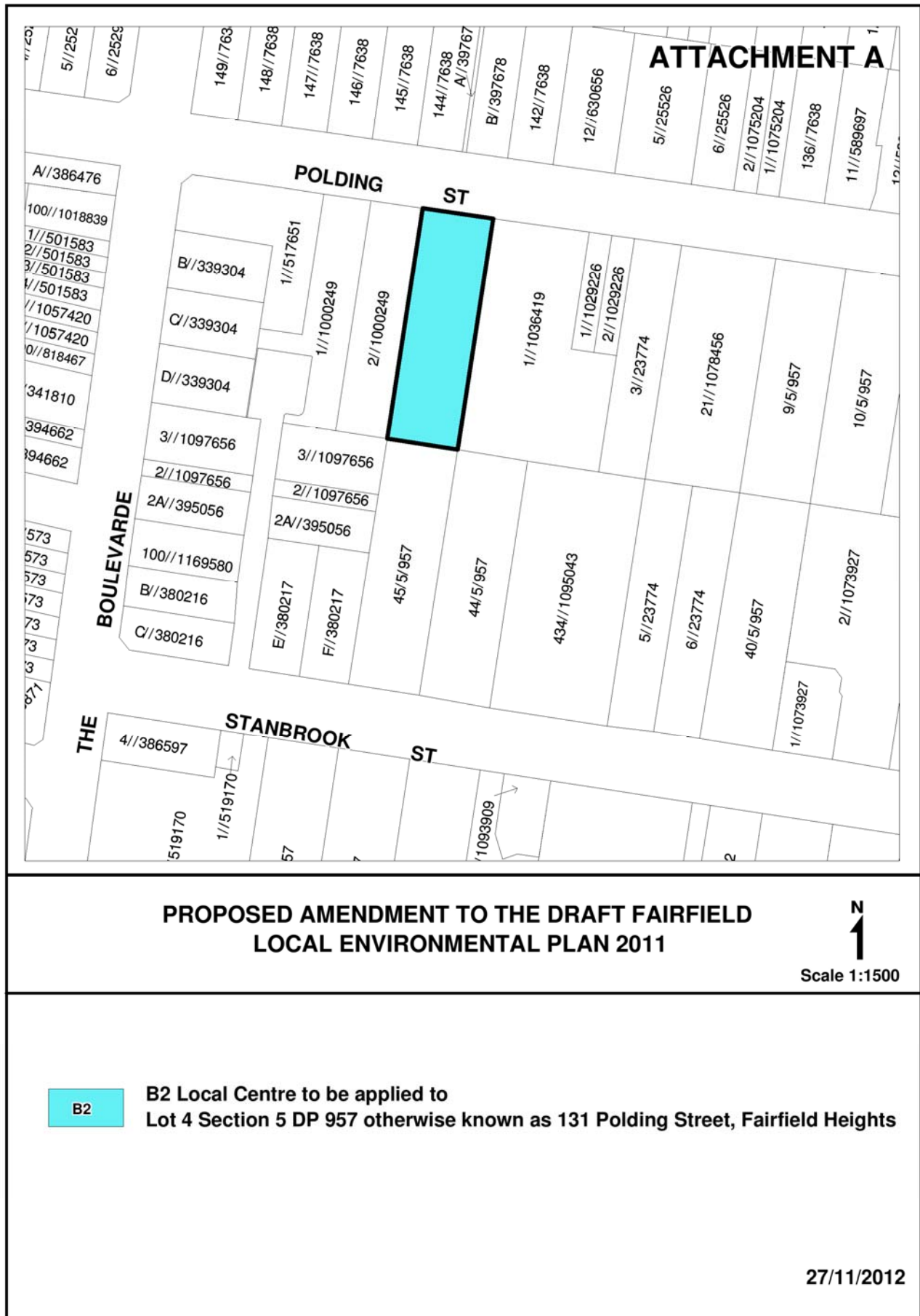




ATTACHMENT A

Item: 53

Locality, Zoning Maps and Aerial Photo of the subject site



ATTACHMENT B

Chronology of Progression of Proposal

- Late 2010 - Council is approached by the owner of 131 Polding Street in respect to potential to rezone the site for a higher density residential development.
- September 2010 - Council Officers advised the applicant that Council was preparing to place its draft Residential Development Strategy and its draft Fairfield Local Environmental Plan on public exhibition and that a case for higher density development could be submitted during the consultation phase.
- October 2011 - The applicant lodged a submission to rezone the subject site for business purposes. A similar proposal was also lodged for 50 Stanbrook Street, which is located directly south of the subject site.
- December 2011 - The applicant was advised that in order to progress the matter an Economic Impact Statement, having regard to the Fairfield Retail & Commercial Centres/Activities Policy would be required. The applicant was also advised that additional height over the 9 would not be considered in isolation to the rest of the Fairfield Heights Town Centre.
- January 2012 - January 2012, the draft Fairfield Residential Development Strategy and draft Fairfield Local Environmental Plan placed on Public Exhibition. The applicant lodged a submission seeking an R4 High Density Zoning for the subject site.
- February 2012 – Meeting between applicant and Council Officers in respect to issues raised in Council letter dated 23 December 2011.
- April 2012 - Council resolved not to proceed with the proposed R4 zoning in Fairfield Heights. Council Officers had anticipated that the appropriateness of the R4 zone for the subject site would be further investigated as part of the review of the R4 zone applying to the Fairfield Heights Town Centre.
- August 2012 – The applicant provides the following information in response to Council letter dated 23 December 2011 and meeting of February 2012.
 - The applicant submits an Economic Capability Assessment to support a B2 zoning. The documentation puts forward the case for an additional 2500sqm of commercial floorspace over 131 Polding Street and 50 Stanbrook Street.
 - Seek a Height Limit of 9 metres
 - Seek a Floor Space Ratio of 1.5:1.
- October 2012 – The applicant formally withdraws the proposal for 50 Stanbrook Street, Fairfield Heights
- November 2012 – The applicant's Economic Capability Assessment is submitted to Council's Economic Consultant for a peer review.
- December 2012 – Matter to be considered by Council's Outcomes Committee Meeting of December 2012.
- December 2012 – Matter deferred at the request of applicant.

ATTACHMENT B

- March 2013 – Meeting with Council Officers to discuss issues relating to deferral of the matter.
- April 2012 – Applicant submitted additional documentation requesting revision of the proposal to prohibit *'food and drink premises'* on the subject site.

ATTACHMENT C

Consultant Town Planners
Accredited NatHERS Assessors

12 April 2013

General Manger
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Attention: Robert Cologna – Manager Strategic Planning

Dear Robert,

RE: PLANNING PROPOSAL – 131 POLDING STREET, FAIRFIELD HEIGHTS

I refer to our letter dated 3 December 2012 whereby our office on behalf of our client requested deferral of this item from the December 2012 Outcomes Committee meeting.

For the record we support the officer's report and favourable recommendation, with the exception of the option tabled in the report proposing that the site be zoned to R4 – High Density Residential. We support the officer's view that the B2 Local Centre business zoning is the preferred option and is the best outcome for the site, particularly given the sufficient economic justification provided which would warrant the commercial zoning of the site.

The economic report prepared by Don Fox Planning (DFP) submitted as part of the Planning Proposal has identified a demand for additional retail floorspace, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The assessment provided by DFP identified that there is a shortfall in both retail and non retail floorspace 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.

The DFP report was prepared having regard to not only our site but also the Assyrian Cultural and Sports Club site. We note that the Club has withdrawn their rezoning proposal. It is also noted that the DFP report acknowledged that approximately

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ATTACHMENT C

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2,500m² of commercial floorspace (both retail and non-retail uses) could be provided over both sites, without impacting on the function and operation of other centres. The DFP report further noted that the majority of this floor area would be provided on the Club site, rather than at No.131 Polding Street.

Based on the undersupply of retail and commercial floor space identified above, the withdrawal of the planning proposal at No.50 Stanbrook Street, further reinforces that our planning proposal is sound from an economic aspect. It is our client's intention to develop No.131 Polding Street as a mixed use development, providing commercial floor space on the ground floor with shop top housing above given the sites location on the fringe of the Fairfield Heights Town Centre; with retail shopping provided within the core of the centre.

The additional floor space sought by our proposal will not alter the role and function of the Fairfield Heights centre or its position in the retail hierarchy.

The report prepared for the December 2012 Outcomes Committee also included comments from Norling Consulting who reviewed our Economic Report submitted with the Planning Proposal. The review by Norling Consulting also included their own analysis as part of the review which concluded that an addition 300m² of retail space and 700m² of non-retail space could be shared and accommodated on both No.131 and No.133 Polding Street. The site at No.133 Polding Street is currently zoned commercial and has been approved as a mixed use development. Based on the two sites, 150m² of retail floor space on No.131 Polding Street is a minimal amount of retail space and would have no impact.

The assessment and comment by Council Officers concluded that the potential commercial impact resultant from the rezoning of the site is not significant enough to warrant not proceeding with the planning proposal.

The request for deferral of this matter mainly stemmed from our awareness of community concerns relating to traffic issues along Polding Street from high traffic generating retail uses. We are of the understanding that there is a concern with high traffic generating uses, particularly in relation to fast food premises and the need to undertake short term pick up.

Although we have formed the view that our proposal will not exacerbate this existing issue, we felt it was prudent to review our proposal in light of this information. To support this view, we note that Council's Traffic branch have also reviewed the planning proposal and have raised no concerns, and the comments in the Council report indicate that the amount of traffic that could be generated by such a development would have a minimal impact on the surrounding road network.

In an effort to be proactive, we request that Council maintain its support for the rezoning of the site to B2 – Local Centre with the inclusion of a restriction on high traffic generating uses, namely food and drink premises whilst still permitting other retail, business and commercial uses. This will be detailed further in this submission.

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Further to the above, we note the following in relation to the report and kindly request that these items be clarified in any subsequent report to the Outcomes Committee or Council:

1. Attachment B – Chronology insert a bullet point as follows:

"August 2012 – applicant submits and amended planning proposal to:

- ☐ *Rezone the site to B2 – Local Centre;*
- ☐ *Seek a height limit of 9m as suggested in Council in their letter of 23 December 2011; and*
- ☐ *Seek a Floor Space Ratio (FSR) of 1.5:1."*

As suggested in our letter dated 8 August 2012, Council may wish to remove the FSR control for the subject site. This would be in keeping with the current floor space ratio controls for the B2 Local Centre zone in the Fairfield Heights town centre. Therefore, any development of the subject site would rely upon height and solar access controls amongst others, to determine the ultimate built form.

We note that the recommendation in the report does not impose a floor space ratio restriction. We support this approach by Council on this particular aspect of the planning proposal.

2. Referring to the option of R4 High Density Residential canvassed in the report, we are aware that Council when considering submissions to draft Fairfield LEP 2012 in relation to the proposed R4 High Density Residential zoning of land on the opposite side of Polding Street –resolved to adopt the following:

"Council request that the R4 High Density Residential Zone from Fairfield Heights (as identified on page 15 of the report) be designated as a deferred matter in the Comprehensive LEP forwarded to the Department of Planning and Infrastructure (DPI) to retain the existing Residential 2(a1) Zone in this area and that a Planning Proposal be forwarded to the DPI immediately, proposing to zone the identified area to R3 Medium Density Residential requesting that Council be permitted to exhibit that planning Proposal to zone this area Residential R3."

In lieu of the above, we respectfully suggest that the option tabled in the Council report to rezone the subject site to R4 High Density Residential is not desirable and request it be omitted as an option.

The economic report submitted supports the rezoning of the site to B2 - Local Centre; which means that the site would and should be included as part of any strategic and planning review of the Fairfield Heights Town Centre. Such a review would maintain a holistic approach to the planning controls for the town centre.

We note that development approval was recently granted by Council for a car park at No.50 Stanbrook Street as an extension to the Assyrian Sports and Cultural Club. Clearly this non-residential use makes the realignment of the zone boundary as

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referred to in Figure 1 a logical extension and provides a transition between residential and commercial uses. (Refer to Figure 1)



Figure 1: Zoning extract based on draft Fairfield LEP 2011

3. Lastly, the recommendation to rezone the site to a B2 – Local Centre zone is amended to also include a clause in the LEP which restricts high traffic generating uses, namely food and drink premises whilst still permitting other retail, business and commercial uses.

This would not be too dissimilar to local environmental plans in other LGA's which exclude certain uses or impose other restrictions relating to a specific site, locality or uses. Such a restriction can be facilitated under the "*Local Provisions*" part of the standard LEP template. Examples of LEP's which include such restrictions but not limited to are Strathfield: Location of sex services; Sydney City: Retail development outside of Green Square Town Centre and other planned centres – limiting floor area; Camden: Child care centres.

From a strategic context, we are of the view there is no impediment to restrict high traffic generating uses, namely food and drink premises whilst still permitting other retail, business and commercial uses on the subject site.

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Conclusion

Rezoning of the subject site to B2 – Local Centre 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.

The economic report has identified a demand for additional retail floorspace, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The additional floorspace 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 amendment sought to this Planning Proposal to restrict high traffic generating uses, namely food and drink premises whilst still permitting other retail, business and commercial uses on the subject site will address the community concerns noted in this letter.

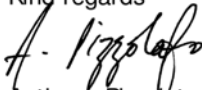
We respectfully request that the R4 High Density Residential option for the subject site as tabled in the December 2012 Outcomes Committee report be removed for the reasons canvassed in this letter.

We therefore kindly request that the revised Planning Proposal be tabled to the next available Council Committee meeting for its consideration and include the amendments requested in this letter.

The rezoning of the site now 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 whilst also providing an opportunity to act as a transition between the approved mixed use development at 133 Polding Street to the west and medium density residential development at 127-129 Polding Street to the east.

Should you have any questions or require additional information, please do not hesitate to contact me.

Kind regards



Anthony Pizzolatto
GAT & Associates
Plan 1627

ATTACHMENT D

Norling Consulting^{Pty Ltd}

Business & Property Economics

Our Ref: 12068/231112.JN

23 November 2012

Mr Julio Assuncao
Strategic Land Use Planner
Fairfield City Council
PO Box 21
Fairfield NSW 1860
Email: jassuncao@fairfieldcity.nsw.gov.au

Dear Julio

RE: FAIRFIELD HEIGHT TOWN CENTRE

Following previous correspondences, I provide this Peer Review of an Economic Capability Assessment in respect of a proposed expansion of Fairfield Heights Local Centre. It was prepared by dfp Planning Consultants in July 2012.

Background

The Economic Capability Assessment assessed the level of support for commercial facilities at 131 Polding Street and 50 Stanbrook Street, Fairfield Heights. Both sites adjoin the Fairfield Heights Local Centre. It found that there was support for an additional 600m² of retail space and 1,900m² of non-retail commercial space on these sites, totalling 2,500m² of commercial space.

Since completion of the Economic Capability Assessment, you have now advised that the application in respect of 50 Stanbrook Street has been withdrawn such that the assessment now only relates to 131 Polding Street, which is a 1,716m² site. This site is contained within the Residential A1 zone by the existing LEP and in the Medium Density Residential zone by the draft LEP.

The Retail & Commercial Centres/Activities Policy No.1-203 defines Local Centres as:

- (a) Generally containing between 5,000m² to 10,000m² of retail space;
- (b) The presence of a medium to full-line supermarket (1,000m² to 3,000m²);
- (c) Providing for the major weekly food shopping and convenience retail needs and providing a range of non-retail professional and personal services; and
- (d) Possibly including ancillary services such as a tavern, hardware store, community facilities and post office.

It is understood that the relevant test for the application is the Evaluation Criteria set out in the Retail & Commercial Centres/Activities Policy No.1-203:

- (a) That any expansion proposal not alter the role of the Local Centre within Fairfield City's retail system;
- (b) That any expansion proposal not unacceptably affect the range of services available in nearby sub-regional centres or neighbourhood centres;
- (c) That any proposed development does not rely on an expansion of the existing trade area for its viability;

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ATTACHMENT D

Norling Consulting^{Pty Ltd}
Business & Property Economics

- (d) That a development proposal would result in an outcome consistent with the current role of the centre; and
- (e) That a development proposal would strengthen the viability of a centre, particularly its core function of providing supermarket services.

It is further understood that recent changes imposed by the State Government restrict the ability of Council to control the mix of retail development within a Business zone. That is (and using numbers applicable to the subject application), Council may support a rezoning on the basis that it has been demonstrated that there is a need for an additional 600m² of retail space and 1,900m² of non-retail space, but then not be able to prevent the site from being developed with 2,500m² of retail space subsequently.

Economic Capability Assessment

Despite not addressing the Evaluation Criteria nor estimating economic impacts of the proposed development, the Economic Capability Assessment has otherwise adopted an appropriate methodology.

Other weaknesses of the Economic Capability Assessment are considered as follows:

- (a) It refers to a Secondary Trade Area without defining it or illustrating it on a map, which makes it difficult to follow the remaining logic. However, I consider that the Primary Trade Area is the relevant catchment area and that references to the Secondary Trade Area should be ignored;
- (b) It projects a future population growth from 2006 of 0.5% per annum without any reference to historic growth or how the new growth can be accommodated. I have reviewed the 2006 and 2011 Census data to arrive at an annual inter-Census growth rate of 1.6% per annum for the Primary Trade Area. Whilst I do not consider that such a rate can be maintained into the future, I am satisfied that it supports the notion of the ability of this Primary Trade Area to obtain future population growth through infill development;
- (c) It adopts 1% per annum real growth in retail expenditure. This is optimistic, especially given the recent increased propensity of Australian households to save, with a consequential dampening effect on retail sales growth in Australia; and
- (d) It adopts a local-serving non-retail floorspace provision of 0.75m² per household without referencing this provision or providing any corroborating support.

Whilst the Economic Capability Assessment addresses some of the relevant issues, it is my opinion that it stops short of demonstrating that there is a compelling case to rezone 131 Polding Street at this time.

Norling Consulting Analysis

As this is a Peer Review and not an Economic Impact Assessment, it is not considered appropriate for Norling Consulting to fully rework the Economic Capability Assessment. However, based upon the information contained within it, it is useful to set out some logical parameters in the consideration of the application:

- (a) The Fairfield Heights centre is one of nine Local Centres, sitting below only the four Sub-Regional Centres;
- (b) Fairfield Heights Local Centre is located only 1.2km from the much larger Fairfield Sub-Regional Centre, which provides a very wide range of retail and non-retail facilities, including three supermarkets. It therefore operates very much in its shadow;

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- (c) The Fairfield Heights Local Centre trades to a catchment comprising the Primary Trade Area defined by the Economic Capability Assessment. However, due to its proximity to Fairfield Sub-Regional Centre and the existence of two supermarket-anchored centres on the Primary Trade Area boundary, its market share from that Primary Trade Area may be of a modest scale;
- (d) The old and small Food For Less at the Centre is currently in the process of being converted to a full-line modern Woolworths supermarket. This can be expected to lift the popularity of Fairfield Heights Local Centre, leading to improved productivity at the supermarket and surrounding shops and non-retail facilities. At least theoretically, it should be able to support more shops and non-retail facilities than the old Food For Less could support;
- (e) The Economic Capability Assessment estimates that Fairfield Heights Local Centre would provide (upon completion of the Woolworths supermarket) 8,800m² of retail space, 2,300m² of non-retail space and 900m² of vacant space, totalling 12,000m²;
- (f) The Fairfield Heights Local Centre is considered to satisfy the definition of a Local Centre, albeit that it retail and vacant space places it close to the upper boundary of retail floorspace;
- (g) Assuming that the vacant space will be occupied by retail shops (supported by the expectation that the opening of Woolworths would improve trade at the Centre), the Centre could only support an additional 300m² of retail space before exceeding the upper limit of the Local Centre definition (10,000m²);
- (h) Based upon an assessment of the components of similar sized centres, the retail facilities at Fairfield Heights Local Centre should be able to support non-retail facilities in the order of 0.3m² to 0.5m² of non-retail space per 1m² of retail space. However, in view of the proximity of Fairfield Sub-Regional Centre and the wide array of non-retail facilities it provides, a provision at the lower end of this scale is considered appropriate; and
- (i) A review of the Fairfield Heights Local Centre reveals one allotment that is under-utilised. The adjoining site, 133 Polding Street, is occupied by an old residential dwelling. This appropriately zoned site has the potential to deliver a similar scale of retail/commercial facilities proposed for the 131 Polding Street site without necessitating a rezoning.

Conclusion

I therefore conclude that the addition of 300m² of retail space and 700m² of non-retail space is likely to be supported at Fairfield Heights Local Centre and would satisfy the Evaluation Criteria. The appropriately zoned 133 Polding Street site is able to accommodate much or all of this addition, depending upon the building design without necessitating a rezoning.

I also observe that, with the adjoining 127-129 Polding Street site being a modern medium density residential development, the optimal development outcome for the narrow 131 Polding Street would be via an amalgamation with 133 Polding Street. It is suggested that Council could look more favourably upon a mixed use proposal over these two sites, if received.

Yours faithfully
 Norling Consulting Pty Ltd



Jon Norling
 Director

ATTACHMENT E

Planning Proposal

PLANNING PROPOSAL

Prepared by

GAT & Associates
Town Planners
BASIX/Energy Assessors
ABGR Assessors

Proposed Amendment to
Fairfield Local Environmental Plan 1994
(131 Polding Street, Fairfield Heights)

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SEPTEMBER 2011

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*GAT & Associates
131 Polding Street, Fairfield Heights*

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ATTACHMENT E*Planning Proposal***1.0 INTRODUCTION****1.1 Preamble**

This Report has been prepared to explain the intended effect of, and justification for, a Planning Proposal in relation to 131 Polding Street, Fairfield Heights.

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 site is currently has 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 bottom south eastern corner.

Our office has also been engaged to prepare a Planning Proposal for No.50 Stanbrook Street which abuts the subject site at the rear; and on this basis a holistic and positive approach has been undertaken by our office for both sites.

The site is currently zoned Residential 2A1 (Refer to Figure 1) under Fairfield Local Environmental Plan 1994 (FLEP 1994). It is noted that under draft Fairfield Local Environment Plan 2011 (DFLEP 2011) that the site is proposed to be R3 – Medium Density Residential. (Refer to Figure 2)

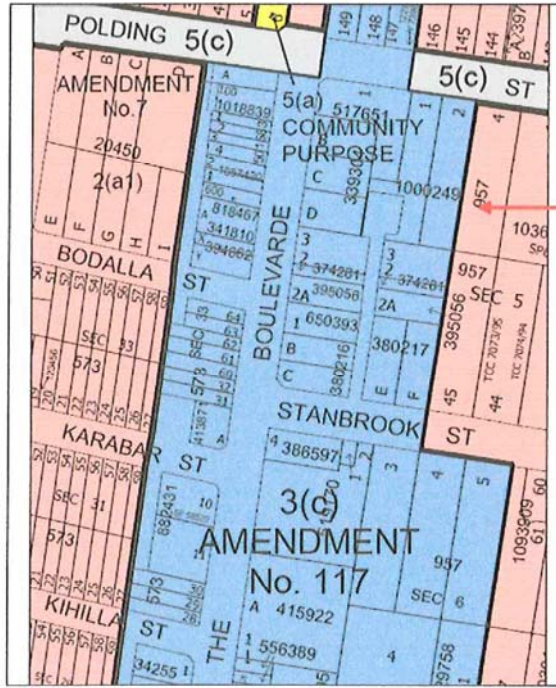
This Report has been prepared to accompany a formal Council request to prepare a Planning Proposal to amend the current LEP and proposed draft LEP to:

- Rezone the site to B2 – Local Centre;
- Seek a height limit of 20m;
- Seek an FSR of 2:1; and
- Amend Schedule 1 of the LEP to permit residential uses on the ground floor of the southern (rear) tower

In the circumstances, the purpose of the Planning Proposal is to implement the adopted planning initiatives of Council in a timelier manner, and remedy the zoning of the land which is unnecessarily restricting the redevelopment potential of the site.

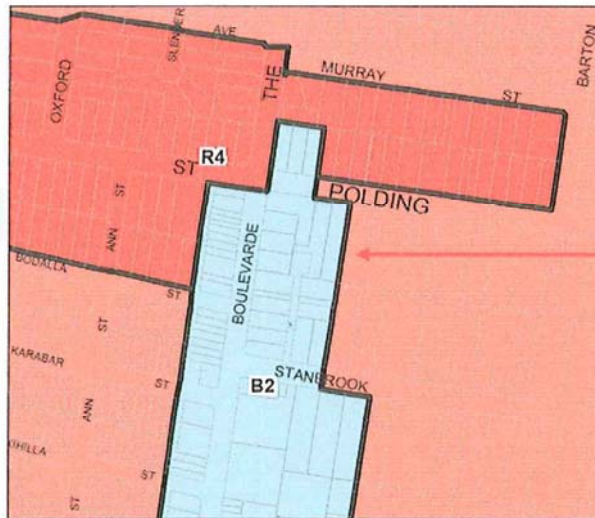
ATTACHMENT E

Planning Proposal



Subject site

Figure 1: Zoning extract from Fairfield LEP 1994



Subject site

Figure 2: Zoning extract from draft Fairfield LEP 2011

ATTACHMENT E*Planning Proposal***1.2 Purpose**

This Report has been prepared pursuant to the provisions of the Environmental Planning & Assessment Act 1979 and accompanying Regulation. To that end, it:

- identifies the site and describes the surrounding locality;
- describes the nature and purpose of the proposed Local Environmental Plan amendment;
- identifies the relevant planning controls and land use strategies; and
- provides a preliminary assessment of the proposed Local Environmental Plan amendment against the provisions of Section 55(2) of the Environmental Planning & Assessment Act 1979 to assist in the preparation of a formal Planning Proposal.

ATTACHMENT E*Planning Proposal***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

ATTACHMENT E*Planning Proposal***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.

subject
site



Aerial Photo of Subject Site (No.131 Polding Street)
Source: Google Maps

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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

To the west is another single storey dwelling and adjoining this dwelling 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 single storey cottage at No.133 Polding Street & adjoining commercial development.

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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 which is being used as a car park for the Assyrian Sports and Cultural Club. It is noted that this site being No.50 Stanbrook Street is also the subject of a rezoning request to Fairfield Council.



Photograph 6: Adjoining Development to the South – No.50 Stanbrook Street which is currently vacant and has access to Stanbrook Street.

ATTACHMENT E*Planning Proposal***3.0 BACKGROUND****3.1 Context**

The site is located within the area affected by Draft Fairfield LEP 2011 (FLEP 2011). At the time of writing this submission, draft FLEP 2011 is at a stage where it is almost ready for exhibition, pending approval from the Department of Planning in the form of a Section 65 Certificate.

Under draft FLEP 2011, the subject site is to be zoned R3 – Medium Density Residential; and the site immediately to the west (No. 133 Polding Street) to be zoned B2 – Local Centre.

As noted previously in this report, our office has also been engaged to prepare a Planning Proposal for No.50 Stanbrook Street. This site is proposed to be rezoned to R3 – Medium Density Residential under the draft FLEP 2011. Our office is seeking to also have this re-zoned to B2 – Local Centre.

The Sub Regional Metropolitan Strategy (west central) has identified Fairfield Heights as a small village with commercial uses including industry types for property / business. Conversely, it is noted that Council is seeking reclassification of Fairfield Heights and upsize it to a village.

At present there are approximately 1,300 dwellings within Fairfield Heights which is short of the dwelling target for villages at 2,100 to 5,500 dwellings within a 600m radius. The draft FLEP 2011 notably zones land across the road on the northern side of Polding Street and east of The Boulevard, Fairfield Heights to R4 - High Density Residential which would facilitate increased dwelling development to achieve this target. Such an increase would also generate a strong need for additional retail and commercial services in the immediate and surrounding area.

It is interesting to note that the Fairfield Heights' main trade area generates above average spending on fresh food and other food and grocery categories. In addition, the average household size is larger than the Sydney metropolitan average.

Therefore, it is important to provide a range of convenience facilities within close proximity to these residents, including a choice of location and variety for food and grocery shopping and support services, specialists and the like.

It is noted that the subject site is one of the last and only allotment of undeveloped residential land on this stretch of Polding Street. Given it is

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adjacent to the business zone, there is merit to have this land re-zoned to a business zone.

Based on the above, support for this rezoning will assist in Councils request for the reclassification of Fairfield Heights as a village under the Metropolitan Strategy.

We submit that the proposed rezoning of the site for commercial purposes will complement the character of the surrounding development. Clearly the draft Local Environmental Plan provides for an opportunity to rectify this relationship.

ATTACHMENT E*Planning Proposal***4.0 LEGISLATIVE CONTEXT**

The Environmental Planning & Assessment Amendment Act 2008 and the Environmental Planning & Assessment Amendment (Plan Making) Regulation 2009 commenced on 1 July 2009, and incorporate amended provisions relating to the making of environmental planning instruments.

The amended provisions introduced a system known as the '*gateway plan-making process*', intended to streamline the plan making process so that environmental planning instruments can be prepared, considered and approved in a much shorter timeframe.

Section 55(1) of the Environmental Planning & Assessment Act, 1979 specifies that before an environmental planning instrument is made, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument, and sets out the justification for its making ("the Planning Proposal").

Section 55(2) specifies that the Planning Proposal is to include a statement of objectives and intended outcomes of the proposed instrument, an explanation of the provisions that are to be included in the proposed instrument, the justification for those objectives, outcomes and provisions, maps to be adopted by the proposed instrument, and details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Further, the Department of Planning has published '*A Guide to Preparing Planning Proposals*' (July 2009), to explain the format and content of a Planning Proposal to be prepared by the relevant planning authority.

4.1 Objectives or Intended Outcomes

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.

4.2 Explanation of Provisions

The provisions of the Planning Proposal comprise the amendment to Fairfield LEP 1994 and draft Fairfield LEP 2011 in the following manner:

- Amend the relevant zoning map to extend the B2 zone further east to incorporate No.131 Polding St;

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- Amend the relevant Floor Space Ratio map to provide for an FSR of 2:1 for the subject site;
- Amend the relevant height limit map to 20m; and
- Allow residential uses on the ground floor of the southern (rear) tower. Our office is of the view that this can be achieved by amending Schedule 1 of the LEP to permit such uses.

4.3 JustificationNeed 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. In order to achieve this, it is noted the draft LEP 2011 up-zones an area to the north from medium density residential to high density residential with a height limit of 20m. In addition, 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.

3. Is there a net community benefit?

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.

ATTACHMENT E

Planning Proposal

- 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.

By way of note, the standard LEP Template – *Clause 5.3: Development near zone boundaries* provides flexibility where investigation of a site and its surroundings reveal that a use allowed on the other side of a zone boundary (i.e. No.133 Polding Street) would enable more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. On this basis Council has the flexibility to utilise this clause contained in the LEP.

- The proposed increased in density as identified in the draft FLEP 2011 across the road to north of Polding Street and further west would increase the number of persons on the immediate and surrounding locality. Therefore this would generate additional demand for commercial / business related uses and services to meet such needs.
- 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 height and floor space ratio will provide for better relationship, synergy and built form relationship to the development immediately across the road and along Polding Street. The draft LEP proposes a 20m height limit and FSR of 2:1 is identified for this area.
- It is considered that an increase in the commercial floor area as noted in the block diagrams submitted (refer to Appendix 1) will not have a significant or detrimental impact on the economic viability of the Fairfield Heights area.

ATTACHMENT E*Planning Proposal*

- 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 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.
- An increase in height and amendment to the zoning / land use table to permit RFB's would not only apply to the subject site, but also to land as identified in the Figure 4 below (including No.131 Polding Street). This would provide for a corridor style of development and a far better relationship with adjoining built form; and transition from the proposed R4 – High Density zone to surrounding areas.



Figure 4: Suggested height control amendment to draft FLEP 2011 to provide for a corridor style of development and better relationship with respect to built form along Polding Street.

ATTACHMENT E*Planning Proposal*

- The subject site should accommodate increased residential density by virtue of compatible land immediately across the road and as far east as Barton Street proposed to be zoned R4 – High Density Residential under draft FLEP 2011.
- Provision and opportunities for additional services and uses will encourage nearby existing and future residents to walk and cycle in the locality.

Relationship to strategic planning framework

4. *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 2031, 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 2031, 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.

5. *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

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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'.

Notably, Council's 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.

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

6. *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 land's 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 residential flat buildings of three (3) or more storeys, 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

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dimensions of the site are such the compliance with the provisions of SEPP No. 65 can reasonably be anticipated.

7. 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 be 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.

ATTACHMENT E*Planning Proposal**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.

ATTACHMENT E*Planning Proposal**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. In this respect it is sought to adopt this control for this site, together with the 20m height limit control. 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.

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.

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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.

State and Commonwealth interests

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

The site is serviced by all necessary public infrastructures.

12. *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.

4.4 Community Consultation

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

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Planning Proposal

5.0 SCHEMATIC DIAGRAMS / MASSING CONSIDERATIONS

To assist Council in its consideration of this Planning Proposal our client has engaged Bongiorno Hawkins & Associates to prepare indicative schematic diagrams (not to scale) to illustrate what form of development is likely to occur should give favourable consideration to the rezoning of No.131 Polding Street, Fairfield Heights.

On this basis, the diagrams depict and demonstrate the following:

- A part five (5), part four (4) part three (3) storey buildings (See Figure 5) providing for commercial floor space at ground level; residential apartments above (levels 1 to 4) with an opportunity for basement parking and an active street frontage

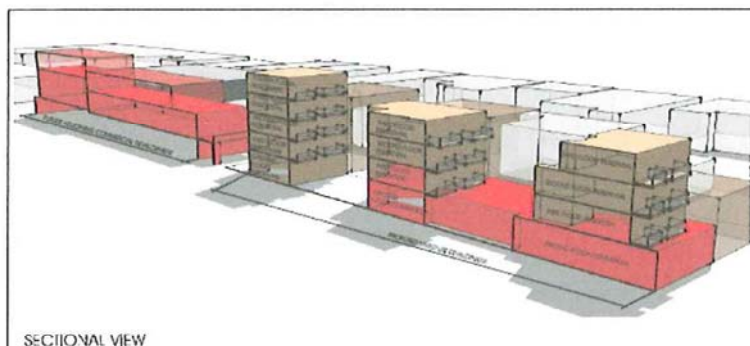


Figure 5: Image showing part four (4) storey and part three (3) storey building

- A building height of approximately 20m
- A floor space ratio of approximately 2:1
- A six (6) metre separation distance to the proposed development at the south, and a 13m separation distance between the middle and southern towers. (see Figure 6)
- The relationship of the proposed development to neighbouring properties, with indicative setbacks. On this basis it is noted that the front portion of the development has a zero setback to the street boundary.

A 3m rear setback and 7m separation distance to the existing townhouse development to the east is also proposed. (See Figure 7)

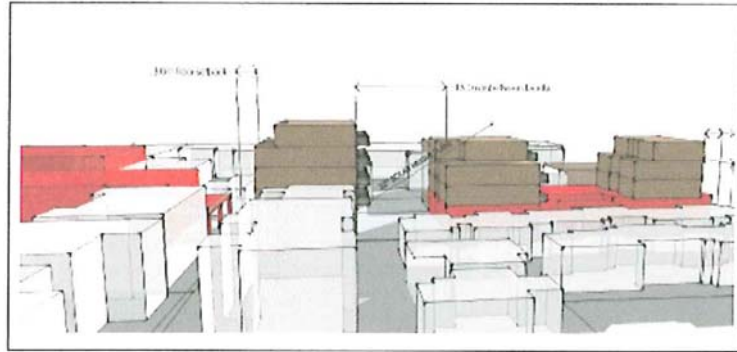
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Figure 6: Image showing six (6) metre separation distance to the proposed development at the south and 13m separation distance between the middle and southern towers

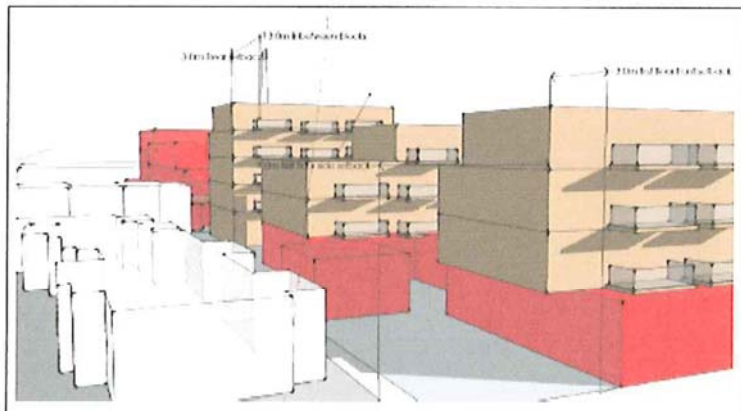


Figure 7: Image showing seven (7) metre separation distance to the adjoining townhouse development to the east and 3m rear setback to the south

- Provision of a ground and first floor level open space podiums between the towers. This podium provides for separation between towers, accommodating a 3m front setback to the first floor residential level.
- The context of the proposed development to the Fairfield Heights area (see Figure 8) should it be developed to its full potential.

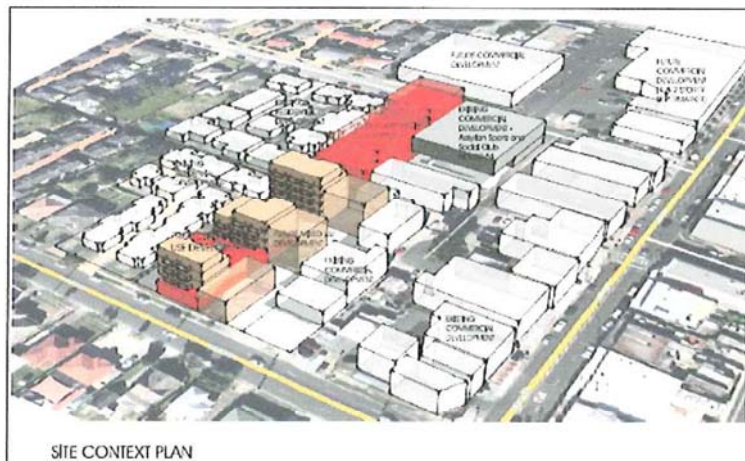
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Figure 8: Image showing development of subject site in context of Fairfield Heights

Further to the above, any development of the site will have regard to, and respect the adjoining medium density development to the east. As such, the diagrams include a shadow analysis at hourly intervals which demonstrate that solar access to those dwellings immediately to the east will not be compromised as a result of the proposed development.

The schematic designs demonstrate that development of the subject site will not be out of character with the immediate and surrounding area should the Planning Proposal be supported.

ATTACHMENT E*Planning Proposal***6.0 CONCLUSION**

This Report has been prepared to explain the intended effect of, and justification for a Planning Proposal in relation to No.131 Polding Street, Fairfield Heights.

The site is located within an established commercial area, all be it 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.

We submit that the proposed rezoning of the site for commercial purposes, with an increase in the height limit, FSR limit and allowing residential uses will complement the character of the surrounding development; whilst also providing a corridor style of development and better relationship with respect to built form along Polding Street. Clearly the draft Local Environmental Plan provides for an opportunity to rectify this relationship.

In addition to the above, a practical observation from a site context perspective would clearly indicate that such an amendment to Fairfield LEP, of No.131 Polding Street would not be out of character and therefore, any incentive to allow the site to be redeveloped including No.50 Stanbrook Street for commercial purposes should be encouraged.

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.

Anthony Pizzolato
GAT & Associates
Plan 1627

ATTACHMENT E



Consultant Town Planners
Accredited NATHERS Assessors

8 August 2012

General Manger
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Attention: Mr Julio Assuncao - Strategic Land Use Planner

Dear Julio,

RE: PLANNING PROPOSAL – 131 POLDING STREET, FAIRFIELD HEIGHTS

I refer to Council's letter dated 23 December 2011 relating to the Planning Proposal for the above site. Following our meeting of 16 February 2012, we engaged the services of Don Fox Planning (incorporating Hirst Consulting) who have undertaken an economic assessment of our proposal.

In reference to the issues raised in Council's letter we make the following comments in no particular order:

Economic Assessment

We note Council's comments regarding the need for an economic assessment to demonstrate and justify that the additional floor space provided by our Planning Proposal, above the current supply of 3(c) zoned land (to be zoned B2 – Local Centre under the draft Fairfield LEP) in the Fairfield Heights town centre.

Reference is made to the Economic Capability Assessment prepared by Don Fox Planning (incorporating Hirst Consulting), Project No: 8275A, date July 2012 annexed to this letter. Don Fox Planning (incorporating Hirst Consulting) was engaged to undertake an assessment of not only the subject site, but also No.50 Stanbrook Street. This is in keeping with the holistic approach taken by our office for the Planning Proposals for both sites.

The purpose of the Don Fox Planning (DFP) report was to assess the ability of the Fairfield Height local centre to support additional business/commercial floorspace in relation to existing uses within the centre. The report also reviewed the redevelopment

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FAIRFIELD CITY COUNCIL

15 AUG 2012

TO:	J. Assuncao
FILE:	11/03497
DOC ID:	
CRM:	
SCAN DATE:	

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capacity of zoned sites within the centre and evaluated any impacts such an increase would pose relative to its position in the retail hierarchy.

The assessment provided by DFP identified that there is a shortfall in both retail and non retail floorspace 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. This can be accommodated in the estimated additional 2,500m² of commercial floorspace proposed by this Planning Proposal to be shared with No.50 Stanbrook Street as an expansion of the existing commercial centre, without impacting on the function and operation of other centres.

The 2,500m² of commercial floorspace has been considered by DFP (at the request of Council) as the maximum possible available area. Although the majority of this area may be taken up by the adjoining club site, our client's intention is to develop No.131 Polding Street as a mixed use development, providing commercial floor space on the ground floor with shop top housing above. It should be noted that the economic assessment excludes ancillary centre uses such as hotels, clubs, etc. from the additional floor space consideration.

Floor space ratio & height

To address and alleviate the concerns of Council regarding the overall floor space and height, we have reviewed the Planning Proposal against the current status of the draft Fairfield LEP and the report considered by the Council at its meeting of 17 April 2012.

We note that Council, in relation to the proposed R4 – High Density Residential zoning of land on the opposite side of Polding Street resolved the following:

"Council request that the R4 High Density Residential Zone from Fairfield Heights (as identified on page 15 of the report) be designated as a deferred matter in the Comprehensive LEP forwarded to the Department of Planning and Infrastructure (DPI) to retain the existing Residential 2(a1) Zone in this area and that a Planning Proposal be forwarded to the DPI immediately, proposing to zone the identified area to R3 Medium Density Residential requesting that Council be permitted to exhibit that planning Proposal to zone this area Residential R3."

Taking the above into consideration and our discussions with Council Officers, the amendment to the LEP now sought by this Planning Proposal is to:

- ☐ Rezone the site to B2 – Local Centre;
- ☐ Seek a height limit of 9m as suggested in Council in their letter of 23 December 2011; and
- ☐ Seek a Floor Space Ratio (FSR) of 1.5:1.

We are of the view that the B2 Local Centre zoning, coupled with the height and FSR controls will result in a development which will not be out of context with the immediate area or the desired future character as prescribed by the draft LEP.

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A floor space ratio of 1:5:1 would be compatible in terms of scale to the development application (DA 7.1/2012) for a mixed use development proposed at No.133 Polding Street (currently with Council for determination). In addition, 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 give Council some level of comfort that any development of the site would not be out of context with the surrounding area.

Alternatively, Council may wish to remove the FSR control for the subject site. This would be in keeping with the current floor space ratio controls for the B2 Local Centre zone in the Fairfield Heights town centre. Therefore, any development of the subject site would rely upon height and solar access controls amongst others, to determine the ultimate built form.

Notwithstanding the above, we also seek clarification and some level of assurance from Council that should this Planning Proposal receive favourable support, resulting in the subject site being rezoned to B2 - Local Centre; that the subject site will be included as part of any strategic and planning review of Fairfield Heights Town Centre. Such a review would maintain a holistic approach to the planning controls for the town centre.

Conclusion

Rezoning of the subject site to B2 – Local Centre 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.

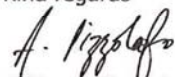
The economic report has identified a demand for additional retail floorspace, identifying a considerable shortfall of non-retail services in the Fairfield Heights town centre.

The additional floorspace 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.

Lastly, the rezoning of the site, coupled with the height now 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.

Should you have any further questions please do not hesitate to contact me.

Kind regards



Anthony Pizzolato
GAT & Associates
Plan 1627

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planning consultants

Incorporating
Hirst Consulting Services

Economic Capability Assessment

Proposed Expansion of Fairfield Heights Local Centre



131 Polding Street and 50 Stanbrook Street, Fairfield Heights

Prepared for: Peter Storok
Project No: 8275A
Date: July 2012



ATTACHMENT E**Economic Capability Assessment
131 Polding Street and 50 Stanbrook Street, Fairfield Heights**

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 Project Manager: Ellen Robertshaw
 Client: Peter Storok
 Project Number: 8275A

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Economic Capability Assessment
131 Polding Street and 50 Stanbrook Street, Fairfield Heights

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ATTACHMENT E**Economic Capability Assessment
131 Polding Street and 50 Stanbrook Street, Fairfield Heights****1 Introduction**

This report has been prepared by DFP (incorporating Hirst Consulting) for the owners of the subject properties.

The properties are No. 131 Polding Street and No. 50 Stanbrook Street, Fairfield Heights. There is an existing single level dwelling house located on No. 131 Polding Street and No. 50 Stanbrook Street is currently vacant land adjoining the Assyrian Club. The land is used as a car park.

The two properties back onto each other and extend through from Polding Street to Stanbrook Street. They are located immediately east of and adjoin the Fairfield Heights local centre.

A planning proposal for each property has been lodged with Fairfield Council. The planning proposals seek to rezone the land to B2 Local Centre as per the adjoining Fairfield Height local centre.

Based on these planning proposals, it is envisaged that No. 131 Polding Street could be developed for a mixed use development, comprising ground floor retail/commercial uses with residential development above and No. 50 Stanbrook Street could be developed for commercial purposes. Effectively, the new commercial floorspace would represent an expansion of the existing centre.

Council has prepared and exhibited a draft comprehensive LEP prepared in accordance with the Standard Instrument template. The subject properties are proposed to be zoned R3 – Medium Density Residential under the exhibited draft LEP.

The purpose of this report is to assess the capacity of the Fairfield Height local centre to support additional business floorspace having regard to existing uses within the centre and the redevelopment capacity of zoned sites within the centre, and to evaluate any impacts an increase in the Fairfield local centre might have, particularly in terms of its position in the retail hierarchy.

In this regard, the existing centres network and the impact of the proposed additional floorspace on existing centres in the locality will be assessed.

In order to assess the above, the following aspects will be discussed in this report:

- The extent and function of existing centres in the area including the function of the network and the position occupied by Fairfield Heights within that network;
- Identification of a trade area;
- Population characteristics of the trade area including the capacity for that population to increase;
- Retail expenditure characteristics and trends in the trade area;
- A assessment of the demand for additional floorspace; and
- An assessment of the impacts of the proposed rezoning, including implications for other business centres.

For the purposes of analysis, it will be assumed that the total additional commercial floorspace that could be developed on these properties could be in the vicinity of 2,500m². The concept plans submitted with the planning proposal application for 50 Stanbrook Street is based on a proposal wherein the bulk of the required car parking for the development is provided on site. Therefore, the commercial floorspace component will only occupy a proportion of any development proposal for this property.

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Economic Capability Assessment
131 Polding Street and 50 Stanbrook Street, Fairfield Heights

2 Existing Retail Network

2.1 Introduction

The Fairfield City Retail and Commercial Centres Study undertaken by Leyshon Consulting in June 2005 (Leyshon 2005) identified four major business centres within the Fairfield LGA:

- Fairfield CBD;
- Cabramatta;
- Bonnyrigg Town Centre, and
- Prairiewood (Stockland Wetherill Park).

"A key objective of the study was to develop strategies designed to promote the future economic well-being of these four centres"¹

These major centres are supported by a network of smaller centres.

2.2 Major centres

The Fairfield Heights local centre is located between the Fairfield Town Centre and Prairiewood.

The **Fairfield Town Centre** contains three major shopping malls:

- Fairfield Forum which has a total retail floorspace of almost 18,000m². Major tenants in this centre include K-Mart, Coles and Food for Less;
- Neeta City with a total retail floorspace of 24,386m². Major tenants in Neeta City are Big W, Woolworths and Best & Less; and
- Fairfield Chase which has twenty shops occupying a total of 2,168m² of floorspace. This centre comprises mainly non-retail tenancies.

In recent years the dominance of the Fairfield town centre as the major retail centre for the LGA has been usurped by the Stockland centre at Wetherill Park (**Prairiewood**) and Bonnyrigg.

The Fairfield City Retail and Commercial Centres Study (Leyshon 2005) identifies the long term economic role for the Fairfield town centre as being:

- A provider of sub regional retail services.
- A centre for LGA wide and regional serving administrative functions.
- A centre for specialised professional and personal service providers.
- A location for medium and high density residential development.

From a retail perspective, the Fairfield Heights centre is influenced by its location in relation to the Stockland centre at Wetherill Park. Notwithstanding, there is a reasonable range of retail services available within the Fairfield Heights local centre and the centre is well patronised.

2.3 Local Centres

Other retail centres in the vicinity the Fairfield Heights local centre include:

- **The Smithfield local centre.** This centre is located on the north-western corner of The Horsley Drive and Cumberland Highway. The indicative catchment area for the Smithfield local centre is identified in the Retail and Commercial Centres/Activities Policy No. 1-203. Parts of the Smithfield local centre catchment area overlap with the

¹ Leyshon, June 2005.

ATTACHMENT E

Economic Capability Assessment

131 Polding Street and 50 Stanbrook Street, Fairfield Heights

notional trade area estimated for the Fairfield Heights local centre. The Leyshon Consulting Retail and Commercial Centres Study, June 2005 identified that the residential catchment of the Smithfield local centre was restricted but that due to its location, a significant amount of trade at the centre is attracted from the Smithfield and Wetherill Park industrial areas.

- The **Fairfield Market Plaza**, Hamilton Road. This centre comprises an ALDI store and Coles supermarket and around 1,700m² of specialty retail floorspace.

There are three **neighbourhood centres** within the catchment of the Fairfield Heights local centre:

- **Fairfield West**, located on either side of Hamilton Road near The Boulevard. This centre comprises approximately 2,000m² of floorspace, the bulk of which is occupied by retail outlets.
- **Hamilton Road**, corner Nangar Street. This is a small centre comprising 5 tenancies occupying an estimated total of 350m² of floorspace.
- **Brenan Street**, corner Marlborough Street. There is a mix a uses within this centre including a dance studio and a funeral director. The centre comprises approximately 900m² of floorspace.

Each of these centres is identified as a neighbourhood centre in Appendix A to Fairfield Council's Policy No. 1-203 Retail and Commercial Centres/Activities, July 2006.

2.4 Fairfield Heights Local Centre

The **Fairfield Heights** local centre is located along both sides of The Boulevard and extends from Polding Street in the north to beyond Station Street in the south.

Table 1 is a summary of a recent field inspection of the centre.

Table 1 – Existing provision of Uses within Fairfield Height Local Centre	
Use	No. of Premises
Retail Uses	
Food (including specialist grocery, liquor, tobacconists)	24
Supermarket (under construction)	1
Restaurants/cafes/take away food	15
Large Household Goods (hardware, bicycle sales, whitegoods, window coverings, computers)	5
Small Household Goods (including 2 nd hand clothing, newsagency, florist and gift stores)	10
Personal Services	12
Retail sub-total	67
Non-Retail Uses	
Medical	12
Other Commercial (including PO, banks, real estate agencies, solicitors, accountants)	13
Non-retail sub-total	25
Vacant shops/offices (including 7 vacant shops within an arcade at 164-168 The Boulevard and 3 vacant premises within a recently completed development at 196/198 The Boulevard)	16
Total	108
Source: DFP survey, June 2012	

ATTACHMENT E**Economic Capability Assessment****131 Polding Street and 50 Stanbrook Street, Fairfield Heights**

A development comprising a 3,450m² Woolworths supermarket and 360m² of specialty retail floorspace is currently under construction at 176 – 186 The Boulevard. This development replaces a 1,300m² Food for Less supermarket and the adjoining open/at grade car park.

Taking this development into consideration, it is estimated that there is almost 12,000m² of retail and commercial (non retail) floorspace within the Fairfield Heights local centre (not including uses such as the hotel, club, car wash and auto electrician which are located on land zoned B2 under the draft LEP). This estimate includes floorspace which was vacant at the date of the survey.

Including the Woolworths development, it is estimated that there is approximately 8,800m² of retail floorspace and 2,300m² of non-retail floorspace in Fairfield Heights.

Vacant floorspace occupies approximately 900m² (or some 7.5%) of the floorspace within the Fairfield Heights local centre.

The greater proportion of vacant floorspace within the Fairfield Heights local centre is located within an arcade development at 164-168 The Boulevard (near Station Street). A development approval for a 2,200m² supermarket and 150m² of specialty retail floorspace, together with commercial/non retail floorspace above has recently lapsed without being acted upon. Presumably leases for these premises were not renewed pending the proposed redevelopment of the site.

3 Population**3.1 Identification of Catchment Area**

Catchments, or trade areas, can vary depending on the different services and/or retail facilities provided within a centre. Although Fairfield Heights is classified as a local centre,² many of the uses within the centre, such as the hotel and club, have the ability to draw 'trade' from outside the local catchment. Their ability to draw people to the centre could have a synergistic effect to the extent that people using these services may also patronise retail facilities in the centre.

Notwithstanding this apparent anomaly in the way in which some components of the Fairfield Heights local centre may operate, an indicative trade area for the overall centre has been estimated, taking into account:

- The general role and function of the centre in the retail hierarchy; and
- The availability of retail facilities in other locations and centres.

The notional primary catchment area for the Fairfield Heights local centre is therefore estimated to comprise that area bound generally by Orphan School Creek in the south, Sackville Street to the east, Prospect Creek to the north and the Cumberland Highway to the west.

We would also expect this centre to have some influence, albeit limited, over areas to the west of Cumberland Highway including parts of Smithfield and Fairfield West.

3.2 Population Characteristics

The most recent complete population statistics for the primary catchment area are derived from the 2006 Census. These have been used in this analysis and updated, where appropriate, by more recent estimates.

Key characteristics of the 2006 population of the notional primary catchment area include:

² Retail & Commercial Centres/Activities Policy No. 1-203 July, 2006

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- On the night of the Census, 96% of respondents were at home. Therefore, the data is considered to be representative of the community;
- In 2006, there were 19,700 persons living in 6,200 dwellings;
- In terms of proportions of population, almost 20% of the population comprised 0 – 14 year olds. Only 18.6% of the local area population was aged more than 60 years of age in 2006.
- Around 70% of dwellings in the primary catchment were detached dwellings and 16% were town houses or villas. 14% of dwellings in the notional trade area were apartments. The occupancy was 3.1 persons per dwelling;
- Home ownership in the local area was reasonably high with 66% of homes either owned outright or mortgaged;
- 34% of households in the primary catchment were renting in 2006;
- The dominant household type in the local area was couples with dependent children (47%), and 11.4% of households comprised single parent with dependent children. Only 6.3% households were lone person households;
- The median weekly rent in the local area was \$205 which was higher than of the LGA;
- In 2006, the average annual income was \$55,200 per household. For the purposes of comparison, the average annual income per Sydney household was \$82,300.
- Approximately 15% of households had no motor vehicle.

The above statistics indicate that the 2006 population of the local area were generally low to medium-low income earners. Given the economic circumstances of some of the local population, coupled with their limited mobility it is considered that this local centre which is less than 2km from most households in the local catchment, would be well patronised.

3.3 Population Projections

Although there has been some in-fill redevelopment occurring throughout the area – with some single dwellings being replaced by duplexes and medium density developments, the capacity of the area to absorb significant additional population is limited.

It is anticipated that the population is only likely to increase at a rate of 0.5% per annum over the next 15 years. This would result in the population of the primary catchment area of the centre being approximately 20,700 in 2016 and 21,230 in 2021. These estimates include the potential residential development on No. 131 Polding Street.

As noted above, it is likely that the influence of a number of uses within the Fairfield Heights local centre extends to areas beyond the notional primary catchment area.

Based on the availability of such services (or lack thereof) in other nearby centres, it is anticipated that this centre could also attract residents from areas to the west of Cumberland Highway including Smithfield and Fairfield West. These areas have been nominated as a notional secondary trade area for the Fairfield Heights local centre.

Applying the same growth rate of 0.5% per annum to the population of these areas and adding this to the population growth estimates for the primary catchment area, by 2016 there could be 32,450 persons living within the estimated total catchment area for the Fairfield Heights centre. This could increase to 33,200 by 2021.

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4 Expenditure Potential

4.1 Distribution of Expenditure

The way in which household expenditure is distributed throughout the retail hierarchy can vary from area to area and region to region, depending on the nature of the retail centre network, and limitations of accessibility, mobility and expenditure.

Given the relatively reduced expenditure capacity of households in this local area, the amount of money directed to regional and sub-regional centres is likely to be less than it would be in a more affluent area, ie households in this local area are more likely to spend their (limited) expenditure on necessities which are more generally provided in their local centre, rather than non-essential items which are usually sourced at larger centres.

This observation, coupled with the relatively low car ownership in the primary catchment area, suggests that this local centre could attract a higher than usual portion of household expenditure.

It is therefore possible in our opinion that expenditure distribution in the Fairfield Heights local area is likely to demonstrate the following pattern:

- 50% to higher level centres including Prairiewood, Cabramatta, Fairfield and Liverpool;
- 35% to the local Fairfield Heights centre and other smaller centres in the catchment; and
- 15% to 'out-of-centre' and other retail facilities.

4.2 Retail Expenditure

Table 2 is an estimate of the total retail expenditure available from households in the primary catchment area in 2013, 2016 and 2021. These estimates have been calculated using a technique which categorises a community in terms of household income and combines these characteristics with the general expenditure on specific retail items as noted in the 2009/10 Household Expenditure Survey, updated by applying the Consumer Price Index and factoring in an annual growth rate in spending of 1.0% for the years 2016 and 2021.

Table 2:
Estimated Retail Expenditure per Primary Catchment Area H'hold and In Total, 2012-2021

Retail Commodity Group	\$per Household	Total all households 2013 (\$mil)	Total all households 2016 (\$mil)	Total all households 2021 (\$mil)
Food for Home	\$7,073.1	\$47.9	\$49.6	\$53.4
Clothing	\$1,954.2	\$13.2	\$13.7	\$14.8
Small Household Goods	\$4,481.2	\$30.4	\$31.4	\$33.9
Large Household Goods	\$6,075.2	\$41.2	\$42.6	\$45.9
Personal Services	\$2,060.9	\$14.0	\$14.5	\$15.6
Food Restaurants	\$1,423.2	\$9.6	\$10.0	\$10.8
Take Away Food	\$1,336.0	\$9.1	\$9.4	\$10.1
TOTAL (\$)	\$24,403.9	\$165.4	\$171.2	\$184.4

Source: ABS: Basic Community Profile, Household Income Data.

ABS: Household Expenditure Survey, 2009/10

Detailed Expenditure Items, Cat. No. 6535.0

Base Data: ABS Consumer Price Index, March 2012

Totals: Annual Growth Rate of 1.0% factored in

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The estimates in **Table 2** suggest that:

- In 2012, each household in the primary catchment area could expend an average of \$24,400 per annum on retail commodity items.
- Based on the estimated number of households in the catchment area, this could result in there being \$165.4 million of expenditure available to support retail centres and outlets in 2013.
- By 2016, as a result of a growth in spending and population, there could be \$171.2 million of total expenditure available; and
- By 2021, the amount of available expenditure from these households could have increased to \$184.4 million.

4.3 Available Expenditure

If 35% of this available expenditure is directed to local retail facilities, there could be:

- Almost \$60 million to support these retail facilities in 2016; and
- By 2021 there could be \$64.4 million.

Not all of this expenditure will be directed to retail outlets within the Fairfield Heights local centre. As previously identified, there are 3 other neighbourhood centres within the estimated notional primary catchment area of the Fairfield Heights local centre. It is likely that a proportion of this 'local' money could also be directed to those facilities, however given the range of retail services (and non retail services) available within the Fairfield Heights centre, it is considered that the greater proportion of this expenditure would be directed to that centre, particularly once the Woolworths development is operational.

Furthermore, the capacity of the Fairfield Heights local centre to attract a proportion of expenditure from households in the secondary trade area (as previously discussed) must also be taken into account in terms of available support expenditure.

We would anticipate that at least \$20 million could be directed to the Fairfield Heights local centre from households in the secondary trade area. This represents less than 15% of available retail expenditure from these households in 2016.

In addition, the centre also has the capacity to attract a proportion of retail expenditure from those visitors to the centre from areas beyond the estimated catchment areas, particularly given the eclectic mix of other uses such as the club and hotel within the centre. There is the potential for retail outlets within the centre to benefit from the synergistic effect that people using these services may also patronise retail facilities in the centre. For the purposes of this assessment, it will be assumed that up to 10% of centre sales (or around \$6 million in 2016) could originate from sources beyond the primary area.

5 Demand Assessment

5.1 Retail Floorspace Demand

5.1.1 Retail Turnover Estimates

Depending on the location, degree of competition, size of centre and range of outlets available, shopping centres and outlets within shopping centres can experience significantly different turnovers.

In our experience, shops in a local centre such as Fairfield Heights could expect an average turnover of \$5,500/m² per annum in 2016, with some outlets experiencing a lower, and some a higher, turnover.

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Traditionally, supermarkets are one of the highest turnover retail outlets (in terms of \$/m²), whilst large floorspace users such as furniture and hardware stores, experience much lower turnovers.

For the purposes of this assessment, the turnover of the supermarket currently under construction is estimated to be \$9,500/m² in 2016.

It is estimated that there is approximately 5,500m² of specialty retail floorspace within the Fairfield Heights local centre. This excludes the supermarket facility under construction but includes the specialty floorspace being developed with that supermarket.

Based on these estimates, total retail sales in the Fairfield Heights local centre in 2016 could be \$62 million.

Factoring a potential growth in retail sales, by 2021 total centre sales could be \$66 million.

5.1.2 Retail Sales vs Available Expenditure

In Table 2, we estimated there could be \$171.2 million of total retail expenditure from primary catchment area households in 2016. We also estimated that approximately \$60 million, or 35% of this expenditure could be directed to local and neighbourhood centres within the catchment.

If a proportion, say 70%, of this \$60 million was directed to the Fairfield Heights local centre, as the dominant centre within the local catchment, an estimated \$42 million could be available from these households to support retail outlets in the Fairfield Heights centre in 2016. This \$42, together with the estimated \$20 million from households in the secondary trade and \$6 million from areas beyond the notional trade area, suggests that there could be an estimated \$68 million of expenditure available to support retail outlets in the Fairfield Heights local centre in 2016.

In section 5.1 we estimated that the total turnover of all existing retail outlets (including those under construction which will be trading by 2016) could be \$62 million.

Therefore, based on the above estimates there is a theoretical surplus of \$6 million available to support the centre. This \$6 million could support an additional 1,000m² of retail floorspace in 2016, based on an average turnover of \$5,500/m².

5.2 Non Retail Floorspace Provision

In order for a local centre to function appropriately as a comprehensive centre, a range of retail and non-retail services need to be available.

Excluding uses such as the hotel and club, currently only 25 out of 92 premises are occupied by non-retail activities in the Fairfield Heights local centre. These uses occupy an estimated 2,300m², or almost 30% of the total floorspace within the centre. The bulk of this floorspace would be occupied by local serving businesses.

Local serving office space is that floorspace occupied by businesses generally referred to as 'business support services'. They are the type of business required by local residents and other business operators on a regular basis and can include uses such as banks, accountants, solicitors, and medical professionals.

In our experience, local-serving business floorspace is generally provided at a rate of 0.75m² per household. Based on this estimate, by 2016, a total of 5,000m² of such floorspace could be 'demanded' by the primary catchment area population. This estimate does not include any demand for the services provided by this floorspace that might be generated by residents within the secondary trade area or by visitors to the centre from beyond the trade area.

The above estimates suggest that an additional 2,700m² could be supportable in the Fairfield Heights local centre in the near future. The provision of such floorspace within

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this centre is unlikely to impact on the more specialised and regional serving functions provided within the Fairfield town centre.

6 Development Potential

6.1 Retail Development

Any increase in retail floorspace within the Fairfield Heights local centre must be considered in the context of potential impacts on the trading patterns within that centre and in other surrounding centres.

The bulk of vacant floorspace within the centre is floorspace which would generally be occupied by retail outlets. It is estimated that there is approximately 500m² of vacant retail floorspace within the Fairfield Heights local centre (based on our recent survey) with the majority of these vacancies within an arcade development at 164-168 The Boulevard.

In addition to these vacant premises, we understand that Council is currently assessing a development application for a mixed use development comprising 2 shops and 18 residential units on No. 133 Polding Street. For the purposes of this assessment, it will be assumed that these proposed shops could have a floorspace of 200m².

We previously estimated that around 2,500m² of commercial floorspace could be developed on Nos. 131 Polding Street and No. 50 Stanbrook Street.

The planning proposals for these sites indicate that No. 131 Polding Street could be developed as a mixed use development. The concept development demonstrated in the planning proposal provides for 3 buildings with ground floor retail/commercial uses within the building fronting Polding Street and the building immediately to the rear of this building. The indicative development proposal for No. 50 Stanbrook Street indicates a commercial development of 2/3 storeys across the site, together with on site car parking.

If the ground floor frontage of the building on No. 50 Stanbrook Street and the ground floor of the building on No. 131 with frontage to Polding Street are occupied by retail outlets, approximately 600m² of retail floorspace could be provided. It is unlikely that the extent of retail floorspace that might be provided on these sites will exceed 600m² due to a lack of street presence and only limited demand for additional retail floorspace (as discussed below).

When this potential additional floorspace is combined with the current vacant floorspace within the centre and the proposed development on No. 133 Polding Street, the resultant additional retail floorspace would be 1,300m².

We previously estimated that there was a theoretical undersupply of retail floorspace in the order of approximately 1,000m² (by 2016) within the Fairfield Heights centre. Therefore, the provision of some retail floorspace as part of any redevelopment proposals on No. 131 Polding Street and No. 50 Stanbrook Street is, in our opinion, supportable.

The notional 'oversupply' of 300m² assumes that all retail floorspace within the centre is occupied and trading – a situation which rarely occurs. Through natural attrition and in order to maintain rents at reasonable and affordable levels, there is always likely to be a proportion of premises which are vacant within a centre. Generally this is in the order of around 5% of floorspace. 5% of retail floorspace within the Fairfield Heights local centre represents approximately 500m² of retail floorspace. Therefore, based on these estimates, it is considered that additional retail floorspace is supportable on the subject site and is unlikely to result in any adverse impacts on other centres in the locality as it does not rely on expansion of the catchment area of the centre in order to support this floorspace.

The planning proposals for No. 131 Polding Street and No. 50 Stanbrook Street which could result in the provision of approximately 600m² of retail floorspace are also

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131 Polding Street and 50 Stanbrook Street, Fairfield Heights**

considered to be consistent with the evaluation criteria as set out in Policy No. 1 – 203 in that:

- The additional retail floorspace will not alter the role of the centre;
- The additional retail floorspace is unlikely to impact on the range of services available within nearby sub-regional and neighbourhood centres;
- The estimated trade area is consistent with the role of a centre such as this as identified in the June 2005 Leyshon Consulting Study; and
- The proposed development will strengthen the current role of the Fairfield Heights local centre.

We have reviewed the Economic Impact Assessment prepared by Duane Location IQ in relation to the proposed Woolworths supermarket development which is currently under construction. The findings of that assessment demonstrate that although there is and will continue to be a demand for that facility, a second such facility could not be supported by the catchment population. Therefore, there is unlikely to be the potential for such a development on the subject sites. Furthermore, the development of a functional supermarket facility would be difficult due to the configuration of the sites.

In our opinion, there is latent demand for limited additional specialty retail floorspace within the Fairfield Heights local centre and the rezoning of the subject sites to B2 would assist in addressing that demand.

6.2 Non Retail Development

The recent inspection of the Fairfield Heights local centre revealed an undersupply of non-retail uses within that centre. Furthermore, the Smithfield local centre also appears significantly undersupplied in terms of local serving office uses (based on the floorspace survey results reproduced in the 2005 Leyshon Study).

We estimate that there are currently three non-retail vacancies within the centre (with two of these within a development only just completed). This suggests that the lack of supply is due to a lack of available space, rather than a lack of demand.

Of the estimated 2,500m² of commercial floorspace that could be developed on the subject sites (based on the concept proposals included with the planning proposal submissions), we estimate that 1,900m² of this could comprise non-retail/commercial related uses. The bulk of this floorspace would be provided on No. 50 Stanbrook Street, with less than 10% being provided within the ground floor of the middle building of the mixed use development on No. 131 Polding Street.

In section 5.2 we estimated that based on the current supply of non-retail floorspace in the centre, an additional 2,500m² of such floorspace might be supportable in 2016. This estimate is based on that floorspace being occupied by businesses providing services to the local population. Therefore, the provision of around 1,900m² of floorspace that would be available for non-retail uses within the Fairfield Heights local centre will assist in addressing this apparent shortfall in commercial/non-retail floorspace to service the needs of the local population.

In addition to local serving office type uses, there is a variety of other activities which are large floorspace users which could be appropriately located within a centre such as Fairfield Heights. Many of these uses would be more appropriately located in a commercial centre, rather a residential location, due to amenity considerations associated with noise and traffic generation.

Uses such as a child care centre, function centre, place of public worship and/or indoor recreation facility are uses which would require significant floorspace provision and would be appropriate activities within a commercial centre.

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131 Polding Street and 50 Stanbrook Street, Fairfield Heights

It is considered that the provision of such uses within the Fairfield Heights local centre would support the existing range of uses within that centre and would not impact on the function and operation of other centres within the Fairfield retail network.

7 Conclusion

It is proposed to rezone two residential allotments adjacent to the existing Fairfield Heights local centre to allow these properties to be developed for business purposes as an expansion of the commercial area.

Should this rezoning proceed, it is estimated that up to 2,500m² of additional commercial floorspace could be provided.

Although the retail health of the Fairfield Heights local centre is considered to be good, it is also considered that it can be improved by the provision of additional commercial land adjacent to the centre. Rezoning of the subject sites B2 will allow the identified additional floorspace demand to be accommodated within the centre without impacting on the function and operation of other centres.

This assessment has demonstrated that there is a shortfall in both retail and non retail floorspace which will not be met by the current centre in the future. There are only limited redevelopment opportunities within the centre with the majority of existing developments having an economic life beyond the medium term.

Therefore, the only opportunity to expand the floorspace provision to meet the identified demand will be through the rezoning of the subject land.

The subject sites form a logical expansion of the existing centre and, unlike the land on the north eastern intersection of Polding Street and The Boulevarde, are connected to the centre.

Rezoning of the subject sites to B2 will allow the sites to be developed for a variety of uses including retail, commercial and residential development. Whilst there is only limited demand for additional retail floorspace, there is a demonstrated significant shortfall of non-retail services in the Fairfield Heights centre and that demand could only be satisfied through the zoning of additional land for commercial purposes.

The additional floorspace:

- Can be achieved without relying on any expansion of the catchment area;
- Will meet a demonstrated demand;
- Will not alter the role and function of the Fairfield Heights centre or its position in the retail hierarchy.

It is considered that the proposals will be of benefit to the local community and will assist in enhancing the role of Fairfield Heights as a comprehensive local centre.



Appendix E

**Correspondence from Fairfield City to GAT & Associates
Dated 14 June 2013 advising not to proceed**

In reply please quote: 11/03497
Your Ref: 131 Polding Street, Fairfield Heights

Contact: Julio Assuncao on 9725 0228

14 June 2013

Mr Anthony Pizzolato
GAT & Associates Pty Ltd
PO Box 96
Haberfield 2045

cc: Mr Peter Storok

Dear Anthony,

PROPOSED REZONING OF 131 POLDING STREET, FAIRFIELD HEIGHTS TO B2 LOCAL CENTRE

You are advised that Council at its meeting held on 28 May 2013 resolved not to proceed with the Planning Proposal to rezone the abovementioned site from R3 Medium Density Residential Development to B2 Local Centre.

The Council resolution in respect to this matter is reproduced below:

That Council refuse the planning proposal to rezone 131 Polding Street, Fairfield Heights (Lot 4 Section 5 DP 957) to B2 Local Centre for the following reasons:

- 1.1 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.*
- 1.2 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.*
- 1.3 The existing locality in 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 these existing adverse traffic conditions in Polding Street and the adjoining streets, the proposal is not supported on the grounds of traffic.*

In accordance with Council's resolution, the Planning Proposal will not be referred to the Department of Planning and Infrastructure to seek a Gateway Determination.

You should be aware that the Joint Regional Planning Panel (JRPP) has functions to consider appeals of rezoning applications in instances where they have not been supported by Council. Should you require more information regarding the appeals of rezoning applications please contact the JRPP Secretariat on 9228 2060 or visit their website located at <http://www.jrpp.nsw.gov.au/>.

If you have any questions in respect to this correspondence, please do not hesitate to contact the undersigned on 9725 0228.

A handwritten signature in dark ink, appearing to read 'Julio Assuncao', with a stylized, flowing script.

Julio Assuncao
LAND USE PLANNER



Appendix F

**Supplementary Advice to Economic Capability Report
from Don Fox Planning dated July 2013**



22 July 2013
Our Ref: 8275A.1ER.doc

Mr Peter Storok
c/- Bongiorno Hawkins
PO Box 491
CONCORD NSW 2137

Attention: Lino D'Onofrio

**Supplementary Advice – Economic Capability Assessment
Planning Proposal for 131 Polding Street Fairfield Heights**

Dear Lino,

We have been provided with a copy of the report to Council's Outcomes Committee meeting of 14 May 2013 and the minutes of that meeting. Although the report recommended that Council support the preparation of a planning proposal to rezone the land at 131 Polding Street Fairfield Heights to B2 – Local Centre, the Council resolved not to support the proposal on the following grounds:

- 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 zone, 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 in 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 these existing adverse traffic conditions in Polding Street and the adjoining street, the proposal is not supported on the grounds of traffic.*

We also understand that the proponent is seeking to have the Council's decision reviewed by the Joint Regional Planning Panel in accordance with the recent planning proposal review provisions introduced by the Department of Planning and Infrastructure in November 2012.

The purpose of this advice is to consider the proposal from an economic planning perspective on the basis that the planning proposal will now only apply to 131 Polding Street Fairfield Heights. This assessment will be undertaken as supplementary advice to the Economic Capability Assessment undertaken by DFP in July 2012.



Changes to the Proposal

We understand that since undertaking our assessment in July 2012, the property known as 50 Stanbrook Street, Fairfield Heights has been withdrawn from the planning proposal and approval for the construction of an at grade car park in conjunction with the adjacent club has been granted by Council.

The other change that has occurred since the preparation of our original assessment has been the publishing of Fairfield LEP 2013. The subject site, 131 Polding Street, is zoned R3 under Fairfield LEP 2013. We note that the land on the northern side of Polding Street, between Prospect View Park and Barton Street and land on the southern side of Polding Street between the western edge of the centre and Montague Street has been deferred from the LEP and is subject to a further study by Council.

Our July 2012 assessment considered the capacity of both 50 Stanbrook Street and 131 Polding Street to accommodate up to 2,500m² of commercial floorspace. It was assumed that the bulk of this floorspace would be developed on 50 Stanbrook Street. We understand that 50 Stanbrook Street no longer forms part of this planning proposal. Instead the site known as 50 Stanbrook Street has been developed as an at grade car park associated with the adjacent club. This development was approved under the provisions of the previous Fairfield LEP 1994 which permitted the development. The provisions of Fairfield LEP 2013 are such that the car park would not be permitted.

This supplementary advice will therefore consider the capacity of the Fairfield Heights local centre to support any additional commercial floorspace that might be able to be developed on 131 Polding Street.

Capability Assessment of 131 Polding Street

We estimate that there is capacity for approximately 950m² of commercial floorspace to be developed on 131 Polding Street. This would generally comprise a mix of street frontage retail floorspace and commercial/nonretail floorspace where that floorspace does not have a street presence.

We previously estimated (in July 2012) that there was capacity within the Fairfield Heights local centre to support an additional 1,000m² of retail floorspace. Taking into account vacant retail floorspace and the approved development on 133 Polding Street, together with the potential to develop approximately 300m² of retail floorspace on 131 Polding Street, this would account for the estimated shortfall of 1000m².

Similarly, we also identified that an additional 2,700m² of non retail floorspace could be supportable in the Fairfield Heights local centre by 2016. The provision of approximately 550m² of non retail floorspace as part of the development of 131 Polding Street would assist in addressing this shortfall.

As part of their assessment of the proponent's request to prepare a planning proposal, Council engaged Norling Consulting to peer review our July 2012 Economic Capability Assessment. Whilst Norling Consulting did not agree with all our conclusions in relation to the capacity of the Fairfield Heights local centre to accommodate additional commercial floorspace, they did conclude that *an additional 300m² of retail floorspace and 700m² of non retail floorspace could be accommodated on 131 and 133 Polding Street Fairfield Heights.*

Retail Floorspace Assessment

The Norling Consulting conclusion regarding the quantum of additional retail floorspace that could be accommodated is based on our estimates of there being 8,800m² of retail floorspace in the centre and 900m² of vacant floorspace. We estimate that approximately 500m² of this vacant floorspace could reasonably be occupied as retail floorspace. Therefore, there is an estimated 9,300m² of available retail floorspace within the Fairfield Heights local centre. Apart from the development on 133 Polding Street, it is considered that there is very little development potential of existing zoned land within the centre to provide additional retail floorspace.

Norling Consulting reference the description of a Local Centre as noted in Council's Retail and Commercial Centres/Activities Policy No. 1-203. That policy notes that Local Centres **generally** contain between 5,000m² and 10,000m² of retail space [our emphasis].

In our opinion, the range of retail floorspaces referred to in the policy is not prescriptive. They are an indication of the role and function of the centre but should not be interpreted such that a local centre with greater than 10,000m² of retail floorspace would necessarily function as a town centre, being the next highest centre in terms of hierarchy. The policy indicates that town centres would generally have a catchment area with a population of greater than 50,000 persons. The population of the primary catchment of the Fairfield Heights local centre is estimated to be 20,700 persons in 2016.

It appears that Norling Consulting has assumed that the 900m² of vacant floorspace within the Fairfield Heights local centre is retail floorspace. On that basis Norling Consulting has assumed that there is 9,700m² of retail floorspace in the centre and based on the 'cap' of 10,000m² of retail floorspace for local centres, only 300m² of additional retail floorspace is able to be accommodated.

This limitation on the retail floorspace does not take into account the expenditure available from the catchment area; it is based purely on a theoretical floorspace cap. Based on our expenditure estimates, we calculate that up to 1,000m² of additional retail floorspace would be supportable in the centre by 2016.

The development proposal for 133 Polding Street provides for 2 shops and 16 residential units. We previously estimated the floorspace of these shops to be 200m². However we understand that the approval for the development of 133 Polding Street only provides for 163m² of commercial floorspace. Based on Norling Consulting's estimates therefore, only 100m² of retail floorspace could be supported on 131 Polding Street.

Despite our estimate that up to 1,000m² of additional retail floorspace was supportable in the short term based on the available expenditure, if the retail floorspace within the Fairfield Heights local centre was capped at 10,000m², up to 537m² of additional retail floorspace could be supported in the Fairfield Heights local centre. This is based on there being 8,800m² of occupied retail floorspace, together with 500m² of vacant retail floorspace and the 163m² of floorspace approved on 133 Polding Street.

Therefore, it is considered that the provision of 300m² of additional retail floorspace on 131 Polding Street is supportable and is not inconsistent with the evaluation criteria set out in Policy No. 1-203 in that:

- The additional retail floorspace will not alter the role of the centre;
- The additional retail floorspace is unlikely to impact on the range of services available within nearby sub-regional and neighbourhood centres;
- The estimated trade area is consistent with the role of a centre such as this as identified in the June 2005 Leyshon Consulting Study; and



- The proposed development will strengthen the current role of the Fairfield Heights local centre.

Non Retail Floorspace Assessment

We previously concluded that there was a shortfall of around 2,700m² of non retail floorspace within the Fairfield Heights local centre. Norling Consulting did not agree with our methodology for the purposes of estimating the demand for non retail floorspace and considered that such floorspace should be provided at a rate of 0.3m² – 0.5m² for every 1m² of retail space. And based on the proximity of the Fairfield Heights local centre to the Fairfield town centre, the lower end of the scale in terms of non retail floorspace provision was appropriate.

Fairfield Heights is a comprehensive local centre. The bulk of the catchment of the Fairfield Heights local centre is more than 2km from the Fairfield town centre. We previously identified in our July 2012 Economic Capability Assessment that the population of the catchment comprised low to medium income earners with only limited mobility in terms of access to a motor vehicle. Therefore in our opinion, a median rate of supply of non retail floorspace using Norling Consulting's range of 0.3m² – 0.5m² for every 1m² of retail space is reasonable and appropriate.

Based on there being 9,300m² of retail floorspace within the centre (and the potential for this to increase to 9,763m² due to development of additional retail floorspace on 131 and 133 Polding Street), around 3,900m² of non retail floorspace is theoretically supportable if this is provided at a rate of 0.4m² for every 1m² of retail floorspace.

In July 2012 we estimated that approximately 2,300m² of the floorspace within the Fairfield Heights local centre was occupied as non retail floorspace. Taking into account the 400m² of vacant floorspace, there is a shortfall of 1,200m² of non retail floorspace within this centre. The development of around 650m² of non retail floorspace on 131 Polding Street will go part of way to addressing this shortfall.

Therefore, even based on Norling Consulting's conservative range in terms of non retail floorspace provision, the development of around 650m² of non retail floorspace on 131 Polding Street is supportable and appropriate having regard to the role and function of the Fairfield Heights local centre.

Conclusion

The above assessment has considered a planning proposal to rezone land at 131 Polding Street Fairfield Heights to B2 to coincide with the zoning of the Fairfield Heights local centre.

This assessment has concluded that additional retail and non retail floorspace 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 floorspace.

The development of 131 Polding Street to accommodate approximately 300m² of retail floorspace and 650m² of additional commercial/non retail floorspace is appropriate and supportable. There is a demonstrated shortfall of retail and non-retail floorspace in the Fairfield Heights centre and that demand could only be satisfied through the zoning of additional land for commercial purposes. The provision of additional commercial floorspace on this site is consistent with the evaluation criteria of Council's Policy 1-203 in that:

- It can be achieved without relying on any expansion of the catchment area;
- It will meet a demonstrated demand;
- It will not alter the role and function of the Fairfield Heights centre or its position in the retail hierarchy.



It is considered that the proposal will be of benefit to the local community and will assist in enhancing the role of Fairfield Heights as a comprehensive local centre.

We trust the above advice is of assistance. Should you have any further questions regarding this issue, please contact Ellen Robertshaw of DFP Planning Consultants on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'ER', is written over a faint, larger signature that appears to be 'Ellen Robertshaw'.

ELLEN ROBERTSHAW
PARTNER

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