

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

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

### The Pre-Gateway Review:

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

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

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

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

### Declaration of Interest

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

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

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

In conclusion:

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

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

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

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

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

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

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

#### Economic Impact on Fairfield Heights Local Town Centre

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

#### Precedent

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

#### Traffic

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

**Date of Recommendation:** 20 February 2014

Signed by:



**Chair**  
**Sydney West Joint Regional Planning Panel**

