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|  | | | | | **PRE-GATEWAY REVIEW**  Information Assessment and  Recommendation Report | | | | |
| **Purpose:** | To identify whether the information provided by a proponent with their request for a pre-Gateway review of a proposed instrument is sufficient for assessment purposes and whether the request should proceed to the JRPP for consideration. | | | | | | | |
| **Dept. Ref. No:** | PGR\_2013\_FAIRF\_001\_00 | | | | | | | |
| **Address/**  **Location:** | 131 Polding St, Fairfield Heights | | | | | | | |
| **LGA:** | Fairfield | | | | | | | |
| **LEP to be Amended:** | Fairfield Local Environmental Plan 2013 | | | | | | | |
| **Reason for review:** | Council notified proponent it will not support proposed amendment | | | | | | | Council failed to indicate support for proposal within 90 days |
| **Assessment Fee:** | Provided & correct  Not provided / incorrect | | **Comment:** | | |  | | |
| **Summary of proposal:**  **Zoning**  The proposal seeks to rezone 131 Polding St, Fairfield Heights from R3 Residential Medium Density to B2 Local Centre to accommodate mixed use development with a height limit of 9 metres and maximum floor space ratio of 1:5:1.  **Current and Intended Site Use**  The 1716 m² site is currently occupied by a single storey cottage, located at the front part of the site, and a shed to the rear. The remainder of the site is vacant and used as private open space. Access to the site is from a vehicular crossing and driveway located on the eastern side of the property.  **The development proposes 950 m² ground floor commercial use (retail and non-retail) and two additional storeys, comprising 15 one, two and three bedroom units for residential use**. There is potential for basement parking and an active street frontage.  **Location and Transport**  Polding Street is a main collector road in the Fairfield Local Government Area which runs east – west between The Horsley Drive and the Cumberland Highway. Bus stops nearby link the site to Cabramatta and Fairfield town centres and provide transport to Fairfield railway station.  **Adjoining Development**  On the eastern side, the site adjoins 127-129 Polding St, comprising a 14-dwelling medium density townhouse and villa development. Car parking for this development is accommodated on site.  Development to the south is a vacant allotment (No.50 Stanbrook Street), recently approved by Council for use as a 58-space at grade car park, associated with the Assyrian Sports and Cultural Club. The site is zoned R3 – Medium Density Residential. There is potential for the site to be used for commercial uses under existing use rights.  To the west, the site adjoins 133 Polding St, comprising a single storey dwelling and forming the north-eastern fringe of the Fairfield Heights business site (zoned B2 Local Centre). Council granted consent (21 August 2012) for 133 Polding St to be developed for mixed use development comprising of ground floor commercial and shop top housing comprising of 16 x 2 bedroom units. 133 Polding Street has similar characteristics in terms of size and topography to the subject site.  Additional commercial development is situated further west, including a Dominos Pizza and shop top housing.  To the north, 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.  The subject site is one of the last and only allotments supporting a single dwelling on this stretch of Polding Street.  **Prohibition of ‘*food and drink premises’***  The applicant made a submission to Council in April 2013, 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, in particular short term pick-up of fast food.  Council has been advised that prohibition of certain land uses 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. Mandated uses provided by the Standard Instrument Order must be retained. | | | | | | | | |
| **Copy of initial request to council to prepare planning proposal:** | | Provided  Not provided | | **Comment:** | | |  | |
| **Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?** | | Provided  N/A | | **Comment:** | | |  | |

**Required for all proposals** *(under s55(a) – (e) of the EP&A Act)*

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| **Requirement** | **Yes** | **No** | **Comments** |
| * **Objectives and intended outcome**   Is it clear what the proposal is trying to achieve? |  |  |  |
| * **Explanation of provisions**   Does the proposal include details about the provisions in the LEP that may/will need to be amended to deliver desired outcome? |  |  |  |
| * **Justification and process for implementation (including initial compliance assessment against relevant section 117 direction/s)**   Does the proposal include information about consistency with strategic planning framework including regional/sub-regional strategies and s117 Directions etc? |  |  |  |
| * **Mapping**   Does the proposal include sufficient (draft) mapping and other material such as aerial photographs to clearly identify the site, current and proposed zoning, etc to clearly explain the intent of the proposal? |  |  | FSR Maps are not included. The proposal includes an FSR of 1:5:1, however the Department recommends removing FSR controls to align with the existing Fairfield Heights B2 Local Centre. |
| * **Community consultation (including agencies to be consulted)**   Does the proposal contain details relating to any agencies that will need to be consulted to progress the proposal? Does it include details about any consultation that has already occurred with agencies/stakeholders? Does the proponent discuss any potential future community consultation? |  |  | The Pre-Gateway Review Application does not outline any specific details relating to consultation. Council’s Outcomes Committee report of 14 May 2013 states that  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. |

**Summary:**

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| Is there sufficient (preliminary) information provided to address relevant key issues associated with the proposal? | **Yes** | **No** |
| **Additional Comments:**   * The proponent’s Pre-Gateway Review Application was prepared in July 2013. No agencies have been consulted at this stage. | | |

**Views of council**

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| **Date council / agency advised of request:** | **26.08.13** |
| **Date of council / agency response:** | **26.09.13** |
| **Council / agency response:**  List issues / points provided in response | Fairfield City Council resolved not to support the proposal based on the following criteria:  **Undesirable Precedent**  A number of additional sites in the area could also support higher residential and/or business development. Rezoning 131 Polding Street, in the absence of any current strategic land use and development framework, could potentially set an undesirable precedent for these sites to seek redevelopment in an ad-hoc, piecemeal manner.  **Lack of Strategic Plan and DCP**  The Fairfield Heights Town Centre DCP has had no significant review since 1995. A comprehensive strategic review should be completed to encompass the entire Town Centre and adjoining residential lands.  In addition, Fairfield LEP 2013 mandates neighbourhood shops in a number of residential and industrial zones. At this stage there is uncertainty regarding the degree of impact neighbourhood shops will have on the demand for additional zoned commercial lands in the locality.  The most recent comprehensive, Council-commissioned study of commercial land in Fairfield Heights is the 2005 Fairfield City Retail and Commercial Centres Study. The study did not specifically review Fairfield Heights Local Centre, other than recommending its classification as a Neighbourhood Centre. In October 2013 the Department’s Planning Reform Fund granted $100,000 to Council for preparation of a Retail and Commercial Centres Study. The study will provide a framework for broader consideration of future proposals for the expansion of commercially zoned land.  Due to the lack of a comprehensive review of built form and urban design issues for the Fairfield Heights Town Centre, the potential and desired nature for infill development and urban renewal are yet to be fully analysed and understood.  **Traffic**  Any rezoning in or around the town centre should be accompanied by a comprehensive review of traffic management issues.  **Floor Space Ratio** (FSR)  The site is currently restricted to an FSR of 0:45:1 under Fairfield LEP 2013, however the proponent has requested the FSR be amended to 1:5:1 to provide for a transition between the B2 Local Centre zone to the west and R3 residential medium density zone to the east. Council has requested that, should the proposal proceed to Gateway, the FSR restrictions be removed altogether as this would ensure consistency with the existing Fairfield Heights Town Centre and majority of other land zoned B2. Height restrictions of 9 metres would remain. The Department supports Council’s request for the FSR restrictions to be removed.  **Administration**  In addition, Council seeks clarification in respect to the following processes:   1. Appointment of the relevant planning authority to consider the planning proposal, given Council’s objections to the proposal proceeding 2. Preparation of a planning proposal, including public exhibition, consideration of submissions and further reporting to the relevant planning authority 3. Preparation of site specific and City Wide DCP amendments that are required to regulate future development on the site.   **Background**  It should be noted that in September 2010 Council planners advised the proponent that the site was potentially suitable for high density residential development as it is consistent with the principles of the draft Fairfield Residential Development Strategy (FRDS), which seeks to provide additional density in and around existing centres.  The proponent’s original request to Council to prepare a planning proposal was made on 12 October 2011. On 14 June 2013 Council wrote to the proponent, advising that they did not support the proposal.  During the period between the original lodging of the proposal in October 2011 and Council’s advice not to proceed in June 2013, resolution was delayed due to:   1. Council’s request for the proponent to prepare an Economic Impact Statement (EIS). Council then contracted a peer review of the proponent’s EIS. The proponent then submitted Supplementary Advice to support the Economic Impact Statement. 2. Council advising the proponent to wait until the draft FRDS and draft Fairfield LEP 2013 were put on public exhibition, then make a submission regarding rezoning the site to R4. 3. The Applicant requesting deferral of the proposal due to community concerns relating to traffic issues 4. Consultation between Council and the DPI relating to the prohibition of ‘*food and drink premises*’ on the subject site   The report to Council recommended supporting the proposal for B2 rezoning and mixed use development at the Outcomes Committee meeting on 14 May 2013, given the mixed use and medium density development adjoining the site. In addition, the report considered that the proposal is consistent with the applicable themes of the Fairfield City Plan and draft FRDS and the relevant directions of the Metropolitan Plan for Sydney 2036.  Council, at its meeting of 28 May 2013 resolved not to support the proposal for the following reasons:   1. Setting an undesirable precedent for land for zoning land for commercial purposes outside the Fairfield Heights town centre, given that there is already sufficient land zoned for commercial uses in the centre. 2. There is no planning strategy or commercial study which supports rezoning of sites for commercial purposes outside the town centre. 3. The existing locality is already affected by adverse traffic impacts. |

**Background supporting information**

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| List information provided by the proponent:  1. The proponent’s Pre-Gateway Review Application, prepared by Gat & Associates in July 2013, including:   1. Pre-Gateway Review 2. Appendix A: Chronology of Events 3. Appendix B: Rezoning Application to Fairfield Council, dated 12.10.11 4. Appendix C: Correspondence from Fairfield Council to Gat & Associates dated 23 December 2011 and correspondence from Fairfield Council to Gat & Associates dated 23 September 2010. 5. Appendix D: Fairfield City Council Outcomes Committee Report, dated 14 May 2013, including: 6. Minutes of the Meeting 14 May 2013 7. Attachment A: Location Map, Aerial Photo, Zoning Maps under Fairfield LEPs 1994 and 2011 (now 2013) 8. Attachment B: Chronology of Progression of the Proposal 9. Attachment C: Correspondence from Gat & Associates to Fairfield Council, dated 12 April 2013 10. Attachment D: A Peer Review of the Economic Capability Assessment, prepared by Norling Consulting for Council in November 2012). 11. Attachment E: The Original Planning Proposal, dated September 2011, prepared by Gat & Associates, including:  * Correspondence from Gat & Associates to Fairfield Council, dated 8 August 2012 * An Economic Capability Assessment, requested by Council and prepared by Don Fox Planning in July 2012.  1. Appendix E: Correspondence from Fairfield Council to Gat & Associates dated 14 June 2013 2. Appendix F: Supplementary Advice to Economic Capability Report from Don Fox Planning dated July 2013.   Correspondence from Fairfield Council to Gat & Associates, dated 14 June 2013.  2. Massing Diagrams (2 sheets)  3. Site Analysis Plan  4. Signed JRPP Application, dated 23 July 2013  5. Cover Letter from Gat & Associates to the Department, dated 23 July 2013. | | |
| Is the supporting information provided more than 2 years old? | **Yes** | **No** |
| If ‘yes’, explain/detail currency of information   |  | | --- | |  | | | |
| Is there documented agreement between the proponent and the council regarding the scope/nature of supporting information to be provided?  **Comment:**  Council requested that the proponent prepare an Economic Impact Statement. An Economic Capability Assessment was prepared by Don Fox Planning in July 2012. | **Yes** | **No** |
| Is there evidence of agency involvement in the preparation of any supporting information or background studies?  **Comment:** | **Yes** | **No** |

**Proposal assessment**

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| **STRATEGIC MERIT ASSESSMENT** | |
| Relevant regional strategy | The Draft West Central Subregional Strategy identifies that Fairfield should accommodate 24,000 dwellings and capacity for 15,000 new jobs by 2031. The draft Strategy requires that a mix of housing be located around centres, town centres, villages and neighbourhood centres (C2).  The draft Strategy identifies Fairfield Heights as a Small Village. Council, as part of its draft Fairfield Residential Development Strategy (FRDS), is seeking reclassification of Fairfield Heights as a Village. The FRDS also proposes the preparation of an Urban Renewal Master Plan for Fairfield Heights, to support the application for reclassification. |
| Relevant local strategy | The draft Fairfield Residential Development Strategy 2009 (FRDS) proposes a 100% increase in Fairfield Heights, in order to achieve at least 2,100 dwellings within a 600m radius of the commercial core. Although the draft FRDS does not identify the subject site for high density residential, a key Structure Plan Principle within the FRDS is to “*Reinforce Polding Street as a key axis through provision of high density over the medium term*”. In addition, the Strategy states that an Urban Renewal Master Plan for Fairfield Heights should incorporate the following consideration, being “*High density around the core should be considered in the medium along with a corridor of medium density towards Fairfield*”.  Council officers have previously advised the applicant (in September 2010) that the site may be suitable for 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.  Although the draft FRDS Residential Development Strategy has not been adopted by Council to date, Council has confirmed that it is still their intention to apply for reclassification of Fairfield Heights as a Village, however an application has not been prepared to date.  Council requested that the proponent prepare an Economic Impact Statement after initial review of the planning proposal. The proponent submitted an Economic Capability Assessment (ECA), prepared by Don Fox Planning in July 2012 with Supplementary Advice in July 2013, which identified a projected demand for 1000m2 of retail floorspace and 2500m2 of non-retail floorspace by 2016. Council commissioned a Peer Review of the ECA (prepared by Norling Consulting) which found that the existing Fairfield Heights local centre could support future demand (being 300m2 retail and 700m2 non-retail floorspace) to include the rezoning of 133 Polding St as a mixed use development. However, Don Fox Planning provided supplementary advice in July 2013 which confirmed the existing shortfall of commercial floorspace and found that the development of 131 Polding St could accommodate 300m2 of retail and 650m2 of non-retail floorspace.  The most recent comprehensive, Council-commissioned study of commercial land in Fairfield Heights is the 2005 Fairfield City Retail and Commercial Centres Study. The study did not specifically review Fairfield Heights Local Centre, other than recommending its classification as a Neighbourhood Centre. In October 2013 the Department’s Planning Reform Fund granted $100,000 to Council for preparation of a Retail and Commercial Centres Study. The study will provide a framework for broader consideration of future proposals for the expansion of commercially zoned land. |
| Relevant s117 Directions | **Direction 1.1 - Business and Industrial Zones**  The proposal is consistent with the objectives of Direction 1.1, as it:   1. encourages employment growth in suitable locations, next to an existing business zone) 2. protects employment land in business and industrial zones by retaining the existing business zone 3. supports the viability of identified strategic centres, as the increase in commercial floorspace is minor and is unlikely to affect the viability to Fairfield Heights local centre as a whole.   The proposal is inconsistent with Direction 1.1 (4)(e) as the proposed new employment area is not in accordance with a strategy that is approved by the Director General. It is considered that the proposal, should it proceed as mixed use development, is permitted to be inconsistent with the terms of the direction as it is justified by a study (Economic Capability Statement prepared by Don Fox Planning, and Supplementary Advice) which gives consideration to the objectives of this direction. However, it is noted that Fairfield Council has stated its intention to review the 2005 Fairfield City Retail and Commercial Centres Policy. Should the reviewed Policy support the rezoning of additional sites adjunct to the existing local centre, the proposal would then be consistent with Direction 1.1 (4) (e).  **Direction 3.1 - Residential Zones**  The proposal is consistent with the objectives of Direction 3.1, as it:   1. encourages a variety and choice of housing types to provide for existing and future housing needs, through providing additional housing in an existing residential zone 2. makes efficient use of existing infrastructure and services and ensures that new housing has appropriate access to infrastructure and services, through being located close to bus and train transport, and the M4 and M7 and being located in an existing residential, serviced area. 3. Minimises the impact of residential development on the environment and resource lands as it is located within an existing medium density residential zone.   **Direction 3.4 - Integrating Land Use and Transport**  The proposal is consistent with Direction 3.4, as it:   1. Improves access to housing, jobs and services by walking cycling and public transport, through being located next to an existing business zone and close to bus and train transport. 2. Increases the choice of available transport and reduces dependence on cars, through being located close to bus and train transport 3. Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car, through being located close to bus and train transport and being next to an existing business zone 4. Supports the efficient and viable operation of public transport services by being located close to bus and train transport 5. Provides for the efficient movement of freight, as the location of the site and minor increase in traffic movement would not impact on freight movement.   **Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036**  The proposal is considered to be consistent with Direction 7.1. The additional housing will contribute to the dwelling targets of 96,000 by 2036 in the West Central subregion. The commercial area would assist in reducing the high 10.6% Fairfield LGA unemployment rate. The proposal supports a key aim of the 2036 Metropolitan Plan, being the location of 80% of new housing within walking distance of centres with good public transport. |
| Additional supporting information provided | **Draft Metropolitan Strategy**  The proposal is considered to be consistent with the draft Metropolitan Strategy. The additional housing will contribute to the dwelling targets of 60,000 by 2021 and 141,000 by 2031 in the South West subregion, providing housing choice and integrating with infrastructure and transport. The site would be incorporated into the existing Fairfield Heights local centre and would provide additional capacity for retail, if required (Objective 15).  **SEPP No. 65 – Design Quality of Residential Development**  SEPP No. 65 requires consideration of a range of design quality principles. 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 and subject to controls under Council’s Development Control Plan for Fairfield Heights. It is therefore considered that the proposal will conform to the requirements of SEPP No. 65 during the planning proposal process. |
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| **SITE-SPECIFIC MERIT ASSESSMENT** | |
| Natural environment | The site is located in a residential and commercial area and redevelopment is unlikely to cause adverse impact to the natural environment. |
| Existing, approved, likely future use of land | The 1716 m² site is currently occupied by a single storey cottage, located at the front part of the site, and a shed to the rear. The remainder of the site is vacant and used as private open space. Access to the site is from a vehicular crossing and driveway located on the eastern side of the property.  The development proposes 950 m² ground floor commercial use (retail and non-retail) and two additional storeys, comprising 15 one, two and three bedroom units for residential use. There is potential for basement parking and an active street frontage. |
| Services and Infrastructure | **Transport**  Polding Street is a main collector road in the Fairfield Local Government Area which runs east – west between The Horsley Drive and the Cumberland Highway, linking the City of Fairfield and Bossley Park. The draft Fairfield Regional Development Strategy cites the potential for Polding St to be a key east-west public transport link within the LGA, linking the two major centres of Prairewood and Fairfield. Bus stops nearby link the site to Cabramatta and Fairfield town centres and provide transport to Fairfield railway station.  Access to the M4 and M7 is approximately 10 minutes drive from the site. Fairfield Heights sits outside the regional bike network.  **Traffic Impact**  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. As the result of advice from Council officers in relation to the built form, the applicant revised the FSR of the proposal (previously 2:1) to 1.5:1. Council and the Department are recommending a removal of the FSR restrictions, consistent with the adjoining B2 Local Centre zone. Should the FSR restrictions be removed, as additional traffic assessment may be required, however this can be addressed at DA stage.  **Utilities**  No comment is made in relation to power and water supply, however the subject site’s existing dwelling and location in a residential/commercial area indicates that there is likely to be adequate supply available. |
| Other relevant matters | There are no flooding or acid sulphate soil constraints within Fairfield Heights. |
| **Department’s assessment - Summary** | The proponent’s Economic Capability Assessment (ECA prepared by Don Fox Planning) and Supplementary Advice identify a projected demand in Fairfield Heights for 1000m2 of retail floorspace and 2500m2 of non-retail floorspace by 2016. The ECA found that the development of 131 Polding St could accommodate 300m2 of retail and 650m2 of non-retail floorspace to address the shortfall in available commercial floorspace.  It is considered that the site has merit for progression as a planning proposal. Council’s request to remove the FSR limit, to provide consistency with the adjoining B2 Local Centre zone, is supported. | |

**Information assessment**

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| **Criteria** | **Yes** | **No** | **Comments** |
| Has all information referred to by proponent in their application been provided? |  |  |  |
| Is information appropriate to support review? |  |  |  |
| Is further information required? |  |  | **List additional information required:**  The proposal does not contain any details related to stormwater management of the site or potential noise impact, however these can be addressed by Council at DA stage. |
| Any additional requirements: |  | | |

**RECOMMENDATION**

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|  | The request **is eligible** for review and sufficient information **has been** provided. The request **may proceed** to review by JRPP. | Any additional comments: |

**Prepared by:**

**Georgina Ballantine**

**Planning Officer, Sydney West**

