

**41: SUBJECT:** Planning Proposal seeking to amend Planning Controls for Fairfield Heights Town Centre  
**Premises:** Fairfield Heights Town Centre  
**Applicant:** Bolden Pty Ltd (Director - Mr Frank Carioti)  
**Owner:** Multiple land owners of Fairfield Heights Town Centre  
**Zoning:** B2 Local Centre  
File Number: 15/21650

**A Confidential Memorandum was circulated by the Co-ordinator Strategic Planning to Councillors prior to the meeting providing further information on this matter.**

| Councillor | Type of Interest          | Nature of Interest  | Action Taken/<br>Explanation Given                                       |
|------------|---------------------------|---|--|
| Saliba     | Significant Non-Pecuniary | I am employed by the owners of one of the properties in the report. | Councillor Saliba left and took no further part in debate or discussion. |

**Councillor Saliba left (7.25pm) the meeting.**

**MOTION:** (Ly/Le)

That:

1. Council endorse the Planning Proposal for Fairfield Heights Town Centre (Attachment A of the report) to amend the Fairfield Local Environmental Plan (FLEP) 2013 as follows:
  - 1.1 Amend the Height of Buildings map from 9m to a range between 14m-20m for the sites within the B2 Local Centre zoned land at the Fairfield Heights Town Centre.
  - 1.2 Introduce a Design Excellence clause within the FLEP 2013 to allow for further 6.5m Height of Buildings subject to satisfying Design Excellence Principles for selected gateway sites to develop up to 8 storeys within the Town Centre.
  - 1.3 Amend the Town Centre Precinct, Minimum Site Area map within the Fairfield Heights Town Centre to ensure both design excellence and car parking requirements are met.
2. Council refer the Planning Proposal to the Department of Planning and Environment (DP&E), requesting a Gateway Determination and that the Planning Proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report and the Conditions set out in the Gateway Determination.
3. Council, in requesting the Gateway Determination, advise the DP&E

that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP& A]).

4. The delegated functions be undertaken by the Group Manager City Strategic Planning who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.
5. The outcome of the public exhibition of the Planning Proposal be reported back to Council following completion of the exhibition period.

A division was taken with the following results:

| Aye                  | Nay       |
|----------------------|-----------|
| Mayor Carbone        |           |
| Councillor Grippaudo |           |
| Councillor Kazi      |           |
| Councillor Khoshaba  |           |
| Councillor Le        |           |
| Councillor Ly        |           |
| Councillor Wong      |           |
| Councillor Yilmaz    |           |
| Total=(8)            | Total=(0) |

**CARRIED UNANIMOUSLY**

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

**SUBJECT:** Planning Proposal seeking to amend Planning Controls for Fairfield Heights Town Centre  
**Premises:** Fairfield Heights Town Centre  
**Applicant/Owner:** Applicant: Bolden Pty Ltd (Director - Mr Frank Carioti)  
Owner: Multiple land owners of Fairfield Heights Town Centre  
**Zoning:** B2 Local Centre

---

**FILE NUMBER:** 15/21650

---

**REPORT BY:** Sunehla Bala, Senior Strategic Land Use Planner

---

That:

1. Council endorse the Planning Proposal for Fairfield Heights Town Centre (Attachment A of the report) to amend the Fairfield Local Environmental Plan (FLEP) 2013 as follows:
  - 1.1 Amend the Height of Buildings map from 9m to a range between 14m-20m for the sites within the B2 Local Centre zoned land at the Fairfield Heights Town Centre.
  - 1.2 Introduce a Design Excellence clause within the FLEP 2013 to allow for further 6.5m Height of Buildings subject to satisfying Design Excellence Principles for selected gateway sites to develop up to 8 storeys within the Town Centre.
  - 1.3 Amend the Town Centre Precinct, Minimum Site Area map within the Fairfield Heights Town Centre to ensure both design excellence and car parking requirements are met.
2. Council refer the Planning Proposal to the Department of Planning and Environment (DP&E), requesting a Gateway Determination and that the Planning Proposal be placed on public exhibition in accordance with the consultation strategy detailed in the report and the Conditions set out in the Gateway Determination.
3. Council, in requesting the Gateway Determination, advise the DP&E that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP& A]).
4. The delegated functions be undertaken by the Group Manager City Strategic Planning who has been delegated these powers by Council and the City Manager under Section 377 of the Local Government Act 1993.

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

5. The outcome of the public exhibition of the Planning Proposal be reported back to Council following completion of the exhibition period.

**Note:** This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

---

### SUPPORTING DOCUMENTS:

|             |   |          |
|-------------|---|----------|
| <b>AT-A</b> | Planning Proposal for Fairfield Heights Town Centre | 43 Pages |
| <b>AT-B</b> | Fairfield Heights Town Centre Urban Design Study    | 38 Pages |

---

### CITY PLAN

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

---

### SUMMARY

The Planning Proposal seeks to implement the recently adopted Urban Design Study (UDS) for Fairfield Heights Town Centre (Item No.21) (**Attachment B**) by amending the Height of Building map and introducing minimum site area provisions within Fairfield Heights Town Centre. The Planning Proposal seeks to increase the height identified on the Height of Building map from 9m to a range of 14m (4 storeys) to 20m (6 storeys) for the B2 Local Centre land in Fairfield Heights Town Centre.

Additionally, allowing further 6.5m Height of Building to certain sites, subject to satisfying Design Excellence principles for selected gateway sites to develop up to 8 storeys within the Town Centre.

At the moment, FLEP 2013 does not contain provisions for Design Excellence. However, the Fairfield Heights Urban Design Study recommends that Council seek to introduce a model Design Excellence clause for the Town Centre in conjunction with discussions with the Department of Planning and Environment.

The Planning Proposal also seeks to introduce a minimum site area for certain sites within the Town Centre to ensure that appropriate development is achieved at gateway sites and key opportunity sites within the Centre.

It should be noted that this Planning Proposal does not seek to change the land zoning for Fairfield Heights Town Centre.

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

The Planning Proposal is consistent with the recommendations and findings of the UDS for the Town Centre. Accordingly, it is recommended that the Planning Proposal be submitted to the Department of Planning and Environment (DP&E) for Gateway Determination.

### Background

On 21 December 2015, Council received a Planning Proposal for the entire Fairfield Heights Town Centre. The applicant, Bolden Pty Ltd owns 6 properties within the Fairfield Heights Town Centre. The Planning Proposal sought to amend Fairfield Local Environmental Plan (FLEP) 2013 as follows:

- increase the Height of Buildings map from 9 metres to a range between 14m (4 Storeys) to 20 metres (6 storeys) and 26 metres (8 storeys, subject to design excellence) for the B2 Local Centre zoned land in Fairfield Heights Town Centre; and
- rezone certain land from B2 Local Centre to SP2 Infrastructure (Local Road) to facilitate improved service lane access through the town centre.

The Planning Proposal did not seek to increase the retail and commercial capacity of the Centre.

At the time of submission of the Planning Proposal, Council had limited strategic planning direction for the Fairfield Heights Town Centre. This was due to the Fairfield Heights Town Centre DCP being an older document in need of review.

As a result, it was determined that there was a need for an urban design study to inform Council's further consideration of revised development standards for the centre. Given the significant land holdings of the proponent and their timeline, it was agreed that the urban design study would be fully funded by the applicant.

On 14 June 2016, the Outcomes Committee endorsed the preparation of an applicant funded urban design study for Fairfield Heights Town Centre.

In November 2016, Council engaged town planning (TPG), urban design (LFA) and economic feasibility (AEC) specialist consulting firms to undertake the urban design study.

The Urban Design Study for Fairfield Heights Town Centre is now adopted and informs the development standards within this Planning Proposal.

### Land to which the Planning Proposal Applies

The land to which the Planning Proposal applies is known as Fairfield Heights Town Centre. The Planning Proposal applies to all the B2 Local Centre zoned within the town centre as shown in the location diagram (over page).

Approximately 101 properties are affected by this Planning Proposal.

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41



Figure 1: Aerial view of the subject site and surroundings

### Current Land Uses

The uses within the subject site includes a range of mixed use developments accommodating retail floor space at ground level, opportunities for office floor space on the first level and shop-top housing.

The Fairfield Heights Town Centre is well established along a main spine, The Boulevarde. The buildings within the town centre are predominantly single storey and include some shop-top housing ranging up to 3 storeys.

Most sites have not been developed to the maximum 9m building height limit currently provided under the FLEP 2013. Development within the town centre has been limited. In recent years, the Woolworth's supermarket site and small shops fronting The Boulevarde were redeveloped or refurbished.

### Existing planning controls

Table 1 below summarises the current planning controls applicable to the subject lands.

| Zone            | Height of Building | Floor Space Ratio | Minimum Site Area |
|-----------------|--------------------|-------------------|-------------------|
| B2 Local Centre | 9m                 | No FSR            | No Min Site Area  |

Table 1: Current planning controls



## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

Uses permitted within the B2 Local Centre zone include boarding houses, child care centres, entertainment facilities, function centres, information and education facilities, medical centres, passenger transport facilities, indoor recreation facilities, registered clubs, respite day care centres, restricted premises, roads, service stations, shop-top housing and tourist and visitor accommodation.

Figure 2: Height of Buildings map for the subject site



### Open space and civic space in the town centre

The town centre and surrounding area lacks open space for passive recreation purposes. The centre does not have a central civic plaza.

The Fairfield Heights Park is located close to the subject site between Camden and Station Streets. The park is well maintained and embellished with play equipment, seatings and a public toilet. The park has capacity to be further embellished to cater for the additional population generated by the Planning Proposal. This would be subject to Council identifying works and expenditure of development contributions.

There is a larger active recreation area along Polding Street known as Prospect View Reserve utilised predominantly by local sporting clubs.

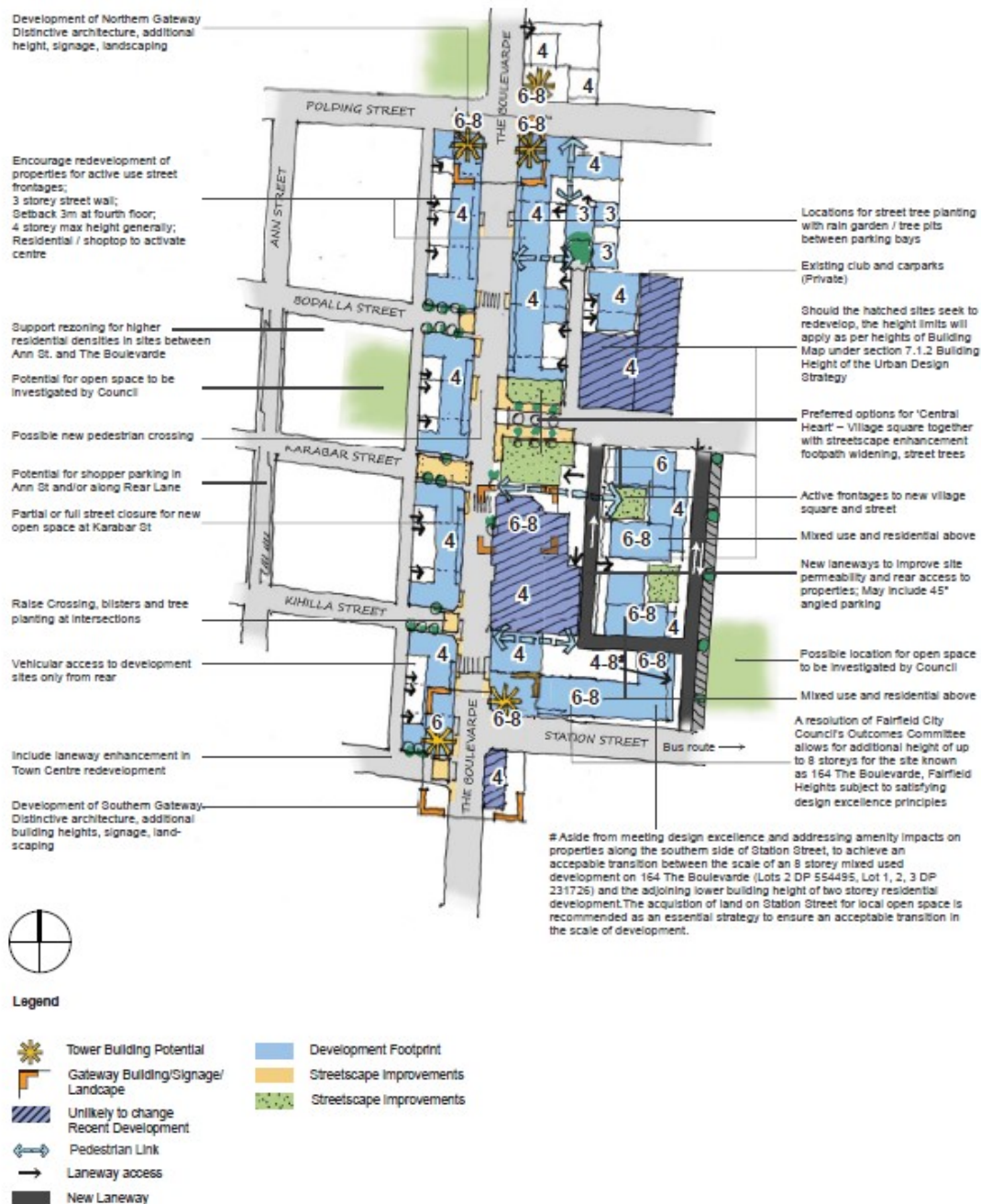
# OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

The UDS for Fairfield Heights has identified a number of sites in the surrounds of the town centre as potential open space to be investigated by Council in the future. The UDS has also identified two sites (188 and 190 The Boulevard) as a preferred option for "Central Heart"- Village Square together with streetscape enhancement footpath widening and street trees. The future Village Square will further investigated in detail. See Figure 3 below for potential open spaces and civic square.

Figure 3: Fairfield Heights Town Centre Urban Framework





## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

### Surrounding Developments

The surrounding properties are zoned R3 Medium Density Residential and developments consists of mostly single storey and double storey (brick veneer) detached dwellings, dual occupancies and pockets of medium density villa/ town house type housing.

In 2016, Council rezoned 147-153 Polding Street and 1-9 Bodalla Street, Fairfield Heights from R3 Medium Density Residential to R4 High Density Residential, increased the Height of Building provision to 13 m (four storeys) and increased the Floor Space Ratio to 1.25:1 to allow a three block residential flat building development. In total, the proposed development will provide 40 dwellings.

### Comparison of Heights of Buildings (HOB) provisions with other town centres of similar scale within Fairfield LGA

Table 3: Comparison of Height of Buildings with other centres

| Town Centre       | Zone                    | HOB   | FSR                               |
|-------------------|-------------------------|---|-----------------------------------|
| Fairfield Heights | B2 Local Centre         | 9m  | No FSR                            |
| Canley Heights    | B2 Local Centre         | 20m<br>17m<br>18m   | No FSR                            |
| Canley Vale       | B2 Local Centre         | 26m<br>23m<br>10m   | No FSR                            |
| Fairfield West    | B2 Local Centre         | 18m   | No FSR                            |
| Bonnyrigg         | B1 Neighbourhood Centre | Deferred Matter<br><i>FLEP 94</i><br>23m for 6 storeys<br>15.5m for 4 storeys | Deferred Matter<br><i>FLEP 94</i> |
| Prairiewood       | B4 Mixed Use            | 18m   | 0.57:1                            |

The comparison of Height of Buildings indicates that Fairfield Heights is the only significant centre that is being constrained by height provisions within the FLEP 2013. Fairfield Heights Town Centre is a similar scale town centre to Canley Heights Town Centre, however there is significant disparity in the HOB provisions between the 2 Centres.

It is proposed through this Planning Proposal that the Height of Building map be amended to bring it closer to the scale that can be achieved in Canley Heights given the similarities.

The Fairfield Heights Urban Design Study recommended a HOB provision for Fairfield Heights Town Centre to a range of 14m-20m; with additional height of buildings provisions of 6.5m for selected gateway sites subject to satisfying design excellence principles.

### Fairfield Heights Urban Design Study (UDS)

The UDS identifies a number of opportunities to enhance the Centre as follows:

- Increase street trees, street furniture and public art along The Boulevard;

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

- Existing private car parking for the Brown Jug Hotel (47 Stanbrook St) could accommodate future residential development;
- Opportunities for new public open space adjoining the Centre along Station Street, corner of Polding Street and The Boulevarde and the western service lane and Ann Street; and
- New laneways to provide greater connectivity, servicing and traffic flow.

The UDS recommends the following provisions for the height of buildings (HOB):

- Increase the HOB from 9m to 14m to allow a minimum of 4 storey developments to be achieved throughout the Town Centre;
- Increase the HOB from 9m to 20m for the Brown Jug Hotel site (47 Stanbrook Street) to allow developments up to 6 storeys; and
- An additional provision may be considered under Clause 4.3 for this site to allow for additional HOB up to 6.5m (2 storeys) subject to achieving design excellence and public benefits such as public open space, affordable housing, laneway provision and community facility.

The recommendations of Fairfield Heights Urban Design Study provide a mechanism to unlock the development potential of the Fairfield Heights Town Centre. It is anticipated that future growth as well as that associated with the uplift in zoning identified in the Fairfield Residential Strategy 2009 will generate developer contributions in the study area that can be directed to funding additional community infrastructure identified in the Study. This is in addition to any other potential voluntary planning agreements that may be negotiated with landowners seeking to redevelop.

### Assessment of consistency with Ministerial Direction Section 9.1

Planning Proposals are required to demonstrate consistency with Section 9.1 Ministerial Directions under the NSW Environmental Planning and Assessment Act (EP&A Act) 1979. The attached Planning Proposal contains a detailed review of the proposal against all the relevant Section 9.1 Directions. Below are two key Ministerial Direction associated with this Planning Proposal:

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

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

The Planning Proposal is consistent with this direction as it seeks to provide high density shop-top housing within the Fairfield Heights Town Centre to satisfy existing and future housing needs. The proposal will provide approximately 660-735 additional dwellings (assuming 2 bedroom units, approximately 90-100m<sup>2</sup>).

Accordingly, the Planning Proposal adequately addresses the direction and is consistent with the intent to provide for more dwellings and a mix of dwelling types.

**Direction 7. Metropolitan Planning, 7.1 Implementation of A Plan for Growing Sydney/ A Metropolis of Three Cities**

**7.1 Implementation of A Plan for Growing Sydney/ A Metropolis of Three Cities** – the objective of this direction is to ensure that Planning Proposals give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The Planning Proposal is consistent with Goal 2: a city of housing choice, with homes that meet our needs and life style. Direction: Accelerate housing supply across Sydney. Action: Accelerate housing supply and local housing choices.

A Metropolis of Three Cities - is guided by 10 overarching directions, which provide:

- Interconnected infrastructure;
- Productivity;
- Liveability; and
- Sustainability.

The Planning Proposal is consistent with the Directions, Potential indicators and Objectives of a Metropolis of Three Cities: a City for People; Housing the City and a City of Great Places.

The Planning Proposal seeks to amend the FLEP 2013 by increasing the Height of Buildings provision in the Fairfield Heights Town Centre to enable shop-top housing development.

**CONSULTATION STRATEGY**

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

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

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

Following public exhibition, a report would be referred back to Council for consideration of public submissions received and results of consultation with the State Agencies and utility providers.

## OUTCOMES COMMITTEE

Meeting Date 10 April 2018

Item Number. 41

### Delegation

In addition to the above, the recommendations to this report include a request being made to the Department of Planning and Environment for Council to exercise its delegation in the final steps in processing of the LEP for amendment of the Height of Buildings provisions. This includes the Group Manager of the City Development signing off on the LEP maps to bring it into force.

### CONCLUSION

The Planning Proposal provides social and economic benefit to the community by increasing the Heights of Building provisions to allow for more housing stock in Fairfield Heights Town Centre without altering the zoning of the land. The Planning Proposal is supported by the Urban Design Study and Council Officers.

Accordingly, it is recommended that Council endorse the Planning Proposal to proceed to Gateway Determination to permit community consultation, and in its request advise NSW DP&E that Council seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979).

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

---

---

Sunehla Bala  
**Senior Strategic Land Use Planner**

#### Authorisation:

Coordinator Strategic Planning  
Group Manager City Strategic Planning

Outcomes Committee - 10 April 2018

File Name: **OUT10042018\_2.DOCX**

\*\*\*\*\* END OF ITEM 41 \*\*\*\*\*