

OUTCOMES SUPPLEMENTARY REPORTS

Meeting Date 24 May 2016

Item Number. 55

42 and SUP 55: **Subject:** Planning Proposal - Rezoning of 17-21 Longfield Street, Cabramatta from B5 Business Development to R4 High Density Residential
Premises: 17-21 Longfield Street Cabramatta
Applicant/Owner: FTD Holdings (Frank D'Agostino - Director; Teresa D'Agostino - Secretary)
Zoning: B5 Business Development
File Number: 15/10738

MOTION: (White/Karajcic)

That:

1. Council adopt the amendment to the Planning Proposal as outlined in Option C of the report.
2. Council endorse the Planning Proposal as amended and inform the Department of Planning and Environment (DP&E) that it wishes to commence the Gateway process in conjunction with Outcomes Committee Item 42.

CARRIED UNANIMOUSLY

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SUBJECT: Planning Proposal - Rezoning of 17-21 Longfield Street, Cabramatta from B5 Business Development to R4 High Density Residential
Premises: 17-21 Longfield Street, Cabramatta
Applicant/Owner: FTD Holdings (Frank D'Agostino - Director; Teresa D'Agostino - Secretary)
Zoning: B5 Business Development

FILE NUMBER: 15/10738

PREVIOUS ITEMS: 42 - Planning Proposal - Rezoning of 17-21 Longfield Street, Cabramatta from B5 Business Development to R4 High Density Residential - Outcomes Committee - 10 May 2016

REPORT BY: Chris Shinn, Coordinator Strategic Planning

RECOMMENDATION:

That:

1. Council adopt the amendment to the Planning Proposal as outlined in Option C of the report.
2. Council endorse the Planning Proposal as amended and inform the Department of Planning and Environment (DP&E) that it wishes to commence the Gateway process in conjunction with Outcomes Committee Item 42.

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	Amended Planning Proposal - 17-21 Longfield Street, Cabramatta	65 Pages
AT-B	Supporting Information from Applicant	5 Pages

CITY PLAN

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

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SUMMARY

This report has been prepared to provide additional information requested at the 10 May 2016 Outcomes Committee regarding Item 42 Planning Proposal for 17-21 Longfield Street, Cabramatta, which seeks to rezone the site from B5 Business Development to R4 High Density Residential and introduce 2 additional permitted uses, indoor recreation facility (i.e. gym) and take-away food and drink premises to the site.

Upon reviewing the potential impacts of the additional permitted use for food and drink premises on site it is recommended that the planning proposal be amended to introduce a maximum floor area for the take away food and drink premises and neighbourhood shops to 160 square metres. The scale of these uses combined will generally be consistent with the intent of the Fairfield Retail and Commercial Centres Study and Policy.

BACKGROUND

At the Outcomes Committee meeting on 10 May 2016, Council considered a report which proposed the rezoning of 17-21 Longfield Street, Cabramatta, from B5 Business Development to R4 High Density Residential and introduce 2 additional permitted uses, indoor recreation facility (i.e. gym) and take-away food and drink premises to the site.

The Applicant's consultant addressed the Committee on the proposal, with further discussion occurring regarding the intent of the introduction of 'take away food and drink premises' as an additional permitted use to the site.

As a result, the Committee resolved:

That the matter be deferred with a supplementary report being submitted to the Ordinary Council Meeting to be held on 24 May 2016 addressing the permitted use for the take-away food and drink premises.

The deferral would allow Council Officers to clarify the recommendation and quantify the floor space to ensure that the Planning Proposal is consistent with the Fairfield City Retail and Commercial Centres Strategy and Policy.

CLARIFICATION OF PROPOSED TAKEAWAY FOOD AND DRINK PREMISES USE

Council Officers have reviewed the proposal and provide the following information to further clarify the proposed additional permitted use of take away food and drink premises.

- Currently permissible on the site – Take away food and drink premises are currently a permissible use on the site through its current B5 Business Development zone. The proposal seeks to maintain the use when the site is rezoned to R4 High Density

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Residential to provide for some of the needs of the residents of the proposed development.

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- Neighbourhood shops – The proposal seeks to rezone the site to R4 High Density Residential. Neighbourhood shops are a mandatory use within the R4 High Density Residential zone. However, Fairfield LEP 2013 provides for a restriction of a maximum neighbourhood shop size of 80 square metres. Accordingly, the site may be able to accommodate up to 2 Neighbourhood Shops as the site currently consists of 2 separate lots (i.e. 1 neighbourhood shop on each lot). This would result in a total potential maximum of 160 square metres of neighbourhood shop as part of the development.

Neighbourhood shops, as defined by the Standard Instrument, do not permit take away food and drink premises and are therefore not permissible in the R4 High Density Residential zone. The introduction of the take away food and drink premises use will allow for the development to service the needs of the future residents, particularly the residents of the seniors housing and aged care facility.

- Fairfield Retail and Commercial Centres Study and Policy

Fairfield Retail and Commercial Centres Study outlines the issues associated with Neighbourhood Shops which are a permissible use in the R4 High Density Residential zone and are separately defined from shops which are permissible in commercial zones. Neighbourhood Shops are to provide a convenience function and not compete against existing centres.

The Policy provides guidance on assessing applications that propose neighbourhood shops. These include restricting neighbourhood shops to 1 per allotment, not locating neighbourhood shops within 1km of another shop or other shops on the same side of the road and not co-locate with other retail type outlets (such as fast food outlets).

- Quantify floor space – The initial planning proposal did not quantify the maximum floor space provision that a take away food and drink premises could be developed on the site. It was not the intention of the proposal to allow for a significant take away food and drink premises development for the site. A further review by Council officers has identified that a maximum floor space should be introduced as part of the proposal. This would be the best way to control the impact of a potential take away food and drink premises and neighbourhood shop would have on the existing centres within proximity to the site.

Additionally, the adjoining B5 Business Development zone already permits take away food and drink premises. The B5 zone along with the existing centres would provide for the needs of the future residents of the development and as such there is no need for a large floor area dedicated to take away food and drink premises. As outlined above, the small amount of floor space being proposed will allow residents of the aged care facility and seniors living easy access.

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As a result, it is proposed to amend the Planning Proposal in accordance with **Attachment A**, to introduce a floor space restriction to ensure that any development of a take away food and drink premises and neighbourhood shops do not impact on amenity of adjoining residents and future potential residents of the development as well as the economic viability of adjoining centres. The restriction will ensure the proposal is consistent with the Fairfield Retail and Commercial Centres Strategy and Policy.

MOVING FORWARD

As a result of the deferred decision and further review, there are 4 options available to Council as outlined below:

OPTION A – Proceed with the Planning Proposal as originally proposed.

As the site is quite large, there is the potential for the site to be developed to contain a large number of take away food and drink premises. This was not the intention of the original proposal as this could potentially impact the amenity of future and existing residents as well as impact on the viability of take away food and drink premises within other centres in proximity to the site. Therefore, this option is not supported.

OPTION B – Maintain the additional permitted use of takeaway food and drink premises, however, restrict the maximum floor area permitted as proposed by the Applicant (refer to **Attachment B**).

The Applicant has proposed a maximum floor space restriction of 300 square metres of gross floor area for the site. The Applicant advises that this would allow development of a coffee shop/sandwich shop and an Asian take away. While this proposal seeks to restrict the floor space, it is Council Officer's opinion that this is still too large and would potentially impact on the amenity of residents of the proposed development and the economic viability of surrounding centres.

OPTION C – Maintain the additional permitted use of takeaway food and drink premises, however, restrict the maximum floor area permitted as proposed by Council Officers.

As outlined above, it is recommended that the maximum floor area for both neighbourhood shops and take away food and drink premises be restricted to a maximum 160 square metres. This will ensure that the take away food and drink premises does not expand to a size that would create a "take away precinct" and detract from existing town and neighbourhood centres such as Lansvale neighbourhood shops or Cabramatta Town Centre.

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The Fairfield City Retail and Commercial Centres Policy 2016 identifies that neighbourhood shops should not co-locate with other retail type outlets such as fast food uses. The proposed restriction to 160 square metres will limit the site to either a maximum of 2 neighbourhood shops over site, as it consists of 2 allotments or allow development of 1 neighbourhood shop and 1 small take away food and drink premises equivalent to 2 neighbourhood shops. This will ensure that the proposal does not achieve anything greater than what would be permissible under the zone and is consistent with the Policy.

This would also ensure that the scale of the take away food and drink premises does not impact on the amenity of the residential dwellings and aged care component of the proposal.

As a result, it is recommended that a maximum floor space of 160 square metres for both neighbourhood shop and take away food and drink premises be included within the revised Planning Proposal. This approach would achieve a good balance between any proposed neighbourhood shop and take away food and drink premises, servicing the needs on the residents of the development while restricting the floor area to a point that is reasonable and acceptable under the Fairfield City Retail and Commercial Centres Study and Policy.

OPTION D – Remove the additional permitted use of take away food and drink premises from the Planning Proposal all together.

This option would remove the additional permitted use of take away food and drink premises from the Planning Proposal. This option would reduce any impact of the proposal on the existing centres, however, not allow the opportunity for development of a take away food and drink premises which would service some of the need of the future residents such as those in the seniors living and aged care facility.

CONCLUSION

After further reviewing the impact a takeaway food and drink premises will potentially have on the locality it is recommended that the planning proposal be amended to introduce a maximum floor area for the take away food and drink premises and neighbourhood shops to 160 square metres.

Chris Shinn
Coordinator Strategic Planning

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Authorisation:

Manager Strategic Planning

Outcomes Supplementary Reports - 24 May 2016

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