

Proposal: Demolition of existing structures and the construction of a single storey retail building comprising a supermarket, specialty shops and associated basement car park

Location: Lot A, DP 415922 & Lot 2, DP 519170, No. 176-186 The Boulevarde, Fairfield Heights

Owner: Fabcot Pty Ltd

Proponent: Fabcot Pty Ltd

Capital Investment Value: \$13.35 million

File No: DA 435.1/2011

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Fairfield City Council

RECOMMENDATION

1. That the application proposing the demolition of existing structures and the construction of a single storey retail building comprising a supermarket, specialty shops and associated basement car park be approved subject to draft conditions as outlined in Attachment F of this report.
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SUPPORTING DOCUMENTS

AT-A	Locality Plan	1 page
AT-B	Architectural Plans	11 pages
AT-C	Statement of Environmental Effects (includes Economic & Traffic Reports)	113 pages
AT-D	Proposed Town Square	3 Pages
AT-E	Letters of submissions	5 pages
AT-F	Draft conditions of consent	23 pages

EXECUTIVE SUMMARY

This application proposes the demolition of existing structures and the construction of a single storey retail building comprising a supermarket, specialty shops and associated basement car park upon 176-186 The Boulevarde, Fairfield Heights, within the Fairfield Heights Local Business Centre. The site presently contains a 'Food for Less' supermarket with an

associated at grade car park. It is proposed that the existing supermarket be replaced with a new full-line Woolworths supermarket along with 2 specialty shops with an associated basement and at-grade car park.

The proposed development is a permissible use with consent within the 3(c) – Local Business Centre zone under Fairfield Local Environmental Plan 1994. In addition, the applicant has demonstrated that the development is consistent with the objectives of the zone.

The proposed development complies with all the requirements of Fairfield Heights Local Business Centre DCP, except for a provision in the DCP that identifies part of the site as a proposed civic open space. The proposed development does not provide a civic open space in the terms as outlined in the Fairfield Heights DCP which applies to the site. Council, at its Outcomes Committee meeting dated 12 July 2011, resolved not to implement the Fairfield Heights DCP provisions that identify part of the site being converted into an open space. As a result of Council's Policy decision, the requirement for the provision of a civic open space at the subject site is no longer a relevant consideration in the assessment of the application in relation to this aspect of the DCP.

Notwithstanding the above, the proposed development does provide an open forecourt area between the proposed supermarket and proposed new tenancy and as such, discussions about future civic uses was undertaken between Council staff and the applicant. Accordingly, the applicant has agreed to conditions of consent in relation to its use and function within the Fairfield Heights Town Centre. This includes 24 hour pedestrian access through the forecourt area from The Boulevard to the adjoining property (Brown Jug Hotel site), use of the forecourt area for community events and gatherings and the construction of a public art installation within this space. Appropriate conditions have been included in relation to this matter.

The application was advertised in the local newspaper and notified to neighbouring property owners in accordance with Fairfield City-Wide DCP 2006. Three (3) submissions were received in response to the public consultation process, two (2) of which objected to the proposal. In addition, a submission received from Fairfield City Council supports the proposal, given that all the issues in Council's resolution related to the application have been satisfied.

The issues of concern to adjoining property owners/occupiers include: dust impact associated with demolition; request that dilapidation report for adjoining sites be prepared; and impact on the structural stability and integrity of adjoining buildings. These matters have been considered and addressed in the assessment of the application.

The application has been referred to the Joint Regional Planning Panel for consideration pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, as the development has a capital value in excess of \$10 million.

An assessment of the application has found the development to be satisfactory and represents a form of development that appropriately responds to its urban development context within the Fairfield Heights Town Centre. It is considered that the development has been conceived with regard to surrounding retail and commercial developments within the Fairfield Heights Town Centre and the built form and scale of the development is unlikely to prejudice neighbouring properties from being appropriately re-developed.

Overall, it is considered that the proposed development is likely to positively contribute to the low scale character of the Fairfield Heights Town Centre. Accordingly, it is recommended that the application be approved subject to the imposition of standard conditions.

SITE DESCRIPTION AND LOCALITY

The context for the development is the Fairfield Heights Town Centre. The Fairfield Heights Town Centre is a local business centre that runs along The Boulevard between Polding Street and Station Street, and is located to the north-west of the Fairfield Sub-Regional Business Centre. The Fairfield Heights town centre is characterised by low scale one and two-storey retail and commercial buildings that are generally built to the street edge, with the exception of the subject site that presently contains a 'Food for Less' supermarket and at grade car park, that breaks up the continuous shop fronts along The Boulevard, between Station Street and Stanbrook Street.

The site is situated on the eastern side of The Boulevard, approximately 50m from its intersection with Stanbrook Street. Pedestrian access to the site is from The Boulevard, but vehicular access to the existing car park is from the Stanbrook Street frontage of the site.

The site comprises two allotments, being Lot A in Deposited Plan 415922 and Lot 2 in Deposited Plan 519170, and is known as No. 176-186 The Boulevard, Fairfield Heights. The land benefits from and is burdened by a right-of-carriageway over Lot 3, Section 6 in Deposited Plan 957 to the east of the site, known as The Brown Jug Hotel. The site presently contains a single storey 'Food for Less' supermarket (1,330m²) and an associated at grade car parking area for 118 car spaces.

The site adjoins two properties to the north on the corner of The Boulevard and Stanbrook Street, being a 1 and 2 storey commercial building that is being used as a 'TAB' and a public toilet block. The adjoining properties to the south contain a number of retail/commercial buildings on the corner of The Boulevard and Station Street, continuously built to the street edge. The property to the east is the Brown Jug Hotel, being a 1 and 2 storey rendered brick building with an open car park facing the site. The properties on the opposite side of The Boulevard comprise a series of small one and two storey retail buildings, continuously built to the street edge.

The site is a rectangular shaped allotment, except for an access driveway at the north-eastern corner of the site that provides vehicular access to the site. It has a frontage of 97.8m to The Boulevarde, a depth of 50.4m and a total site area of approximately 5,027.3m². It is a relatively flat site and does not contain any vegetation, except for that located on the north-western corner of the site, directly opposite the Pedestrian Crossing along The Boulevarde.

BACKGROUND

- On 12 May 2011, the subject application was received for the re-development of the existing 'Food for Less' supermarket into a full-line supermarket with specialty shops and associated car parking.
- The application was advertised in the local newspaper and notified to neighbouring properties for a period of twenty-one (21) days from 1 June to 22 June 2011. Three (3) submissions were received during the notification process, two (2) objected to the proposal.
- On 7 July 2011, the Sydney West Joint Regional Planning Panel was briefed of the proposal where a number of issues were discussed, including the impact of the proposal on the proposed town square identified in the Fairfield Heights DCP; the compatibility of the proposal with the character of the area; and how the proposal would add to the vibrancy of the town centre.
- At its Outcomes Committee meeting dated 12 July 2011, Council considered a report in relation a potential submission to the JRPP with respect to the re-development of the site into a supermarket. The Council resolved as follows:
 1. *That Council advise the Joint Regional Planning Panel (JRPP) that Council does not seek to implement the Fairfield Heights DCP provisions which identify part of the site being converted into open space, and that Council consider that securing a new modern supermarket is considered a higher priority for the town centre in the short term than providing the civic open space shown in the DCP.*
 2. *That subject to Woolworths:-*
 - *Formally submitting the new design for the forecourt area (submitted by Woolworths on 12 July 2011 and attached to the memo circulated to Councillors on the same date) as an amendment to their development application DA 435.1/2011; and*
 - *Writing to Council and the JRPP acknowledging that they will accept relevant conditions related to on going access by the community to the forecourt area and management of this area as well as provision in the e-mail of 12 July 2011) as conditions of any consent issued;*

Council raise no objection to the design of the forecourt with the JRPP.

- 2. That Council commit in principle to the footpath widening as indicated in attachment E of the report of 12 July 2011 and funding being provided via Section 94A subject to the concept being publicly exhibited to allow community comment before Council makes a final commitment.*
- 3. That the officers from the Development Assessment Team preparing the report for the JRPP be advised of concerns in relation to pedestrian access through the at-grade car parking/loading area and the issue of treatment of the eastern façade so that these issues can be addressed as part of their assessment.*
- 4. Options for the provision of any future civic space (in addition to that identified in Attachment E of the report) in Fairfield Heights shall be considered when the Fairfield Heights DCP is reviewed.*
- 5. That Council continue negotiations with Woolworths regarding the funding for public artwork and inform panel members of the outcome of these negotiations.*

PROPOSAL

Details of the application can be summarised as follows:

- The application seeks approval for a retail re-development of the existing 'Food for Less' supermarket, involving:
 - Demolition of all existing structures;
 - Bulk earthworks for excavation of a basement car parking level, provision of new access driveway and improve site infrastructure;
 - Construction of a retail building comprising 3,458m² of supermarket, two specialty shops of approximately 362m² and loading docks;
 - Basement car parking for 139 cars and at-grade for 7 cars; and
 - Signage.
- The applicant has advised that the proposal does not involve any development upon the Brown Jug Hotel site.
- No changes are proposed to the trading hours of the existing supermarket. That is, 7.00am to 9.00pm Monday to Sunday.

- Deliveries to the supermarket are proposed to occur between 6.00am and midnight.
- The applicant anticipates that the proposed development will employ an additional 100 persons within the supermarket: permanent full-time, part-time and casual staff.
- The use of the specialty shops is unknown at this stage.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. Fairfield Local Environmental Plan 1994

The subject site is zoned 3(c) Local Business Centre pursuant to Fairfield LEP1994. The proposed development is defined as a 'shop' under Fairfield LEP 1994, which is a permissible use within the 3(c) zone with consent.

The FLEP defines 'shop' as:

Shop means a building or place used for the purpose of retail sale, auction sale, hire or display for the purpose of sale or hire of goods, materials and merchandise, but does not include a building or place elsewhere defined in this plan.

The objectives of the zone are as follows;

- a. to provide for the establishment of a business centre of retail, commercial, professional and community service activities to serve local residents; and
- b. to provide for residential development to support business activity in the centre.

Having regard to the nature of the application and the context of the site, the proposed development is considered to be consistent with the objectives of the prevailing 3(c) zone. The proposed development would meet objective (a) of the zone by proposing additional retail, commercial, professional or community service activities to serve the needs of the local community.

State Environmental Planning Policy (Infrastructure) 2007

The purpose of Statement Environmental Planning Policy (Infrastructure) 2007 is to provide a consistent planning regime for infrastructure and the provision of services across NSW. The SEPP repealed a number of State Environmental Planning Policies, including SEPP 11 – Traffic Generating Development. It is applicable to the application, as the proposed development proposes shops that exceed 2,000m² in size.

Under the SEPP (Infrastructure), shops exceeding 2,000m² in area are required to be referred to the Roads and Traffic Authority for concurrence.

Accordingly, the application, as an integrated development under the EPA Act, 1979, was referred to the RTA.

The application was accompanied by a traffic and parking report, prepared by Colston Budd Hunt and Kafes. The report concludes that the proposal is unlikely to have an adverse impact upon the local road network with respect to traffic and provides more than adequate parking for the development.

The RTA advised that it has no objection to the proposal but requested that the following matters be considered in the assessment of the application:

1. *It is highly undesirable on road safety grounds to locate parking spaces, particularly disable parking spaces within the proposed truck turning area. In accordance with AS2890.2 – 2002, there should be physical separation of the truck turning area from car parking and pedestrian activity.*
2. *The proposed turning areas within the car park are to be kept clear of any obstacles, including parked cars, at all times.*
3. *The layout of the proposed car parking area associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.*
4. *The swept path of the longest vehicle (include garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSROADS.*
5. *The proposed development will generate additional pedestrian movements within the vicinity of the subject site.*

In this regard, consideration should be given to providing pedestrian kerb extensions at the existing marked foot crossing on Stanbrook Street at The Boulevard to comply with Ausroads and RTA supplements.

6. *Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 – 2004 for light vehicles and AS 2890.2 – 2002 for heavy vehicles.*
7. *A Loading Dock Management (LDMP) shall be undertaken to Council's satisfaction and shall implement appropriate measures to prevent additional trucks entering the site when the loading dock is full. In addition, the LDMP shall outline measures to ensure trucks can always enter and exit in a forward direction. The LDMP shall be submitted to Council for approval, prior to the release of the Occupation Certificate.*

8. *A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a construction certificate.*
9. *All vehicles are to enter and leave the site in a forward direction.*
10. *All vehicles should wholly contained on site before being required to stop.*
11. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.*

Having reviewed the above and the submission received from the applicant, Council's traffic engineer has advised that the issues raised by the RTA have been addressed as follows:

1. The disabled parking have been relocated to the basement car park and all parking adjacent to the truck turning area has been designated as staff parking. A pedestrian path has been provided along the northern side of the staff car parking spaces. Thus, staff using these spaces can access the forecourt area without having to walk through the truck turning area. As a result, point 1 has been satisfied.
2. In relation to points 2-4 and 6-11, Council's Traffic Engineer advised that these can be dealt with via conditions of consent.
3. In relation to point 5, Council's Traffic Engineer do not consider the provision of kerb extensions at the existing marked foot crossing on Stanbrook Street at The Boulevard to be warranted.

DEVELOPMENT CONTROL PLAN NO. 10/98 – FAIRFIELD HEIGHTS LOCAL BUSINESS CENTRE

The submitted Statement of Environmental Effects, as prepared by the Planning Group NSW, has provided an analysis of the proposal against the provisions of Fairfield Heights Local Business Centre DCP 10/98 and Fairfield City Wide DCP 2006.

The following provides a summary of an assessment of the application against the development standards of the Fairfield Heights DCP.

CRITERIA	PERMITTED REQUIRED	/	PROPOSED	COMPLIANCE
Streetscape and Building Design				
Facades	Windows should be recessed by a minimum of 150mm to create play of light		The façade treatment to the building is considered satisfactory and	Yes

	and shade	achieves the intent of the DCP.	
Building Heights	Maximum permitted building height is 3 storeys	1 storey	Yes
Building Materials	New buildings in the centre should incorporate predominantly masonry materials above the awning level, in order to retain the character of the Fairfield Height Centre.	The proposed building materials are considered appropriate and satisfactory.	Yes
Side Walls	To minimise visual impact of side walls, consideration should be given to treatments that are both attractive and improve the building's viability or utility to occupants.	<p>A small part of the building facing the The Boulevarde is unglazed. However, it is divided into a series of vertical bandings, in the form of feature battens, corrugated profile to concrete panel and paint finish, designed to address the blank appearance of the wall.</p> <p>The proposed treatments are considered appropriate and would add interest and balance to façade of the building.</p> <p>Similar treatments are proposed to the rear (east elevation) of the building, facing the Brown Jug Hotel car park.</p>	Yes
Awnings	To maintain and enhance awning network, new buildings must incorporate awnings	The proposal satisfies the criteria for awnings.	Yes

	along all facades fronting roadways (excluding laneways). Awnings should be parallel to the pavement and be of metal construction.		
Signs	Signs must be integrated with the building and be visually subservient to it.	The proposed signs shown on the drawings are considered to appropriately integrate with the building and are subservient to the building.	Yes
Building Setbacks	The first 2 floors of any new building facade must be aligned with the front property boundary similar to existing buildings in Fairfield Heights.	The building is proposed to The Boulevard front alignment, consistent with adjoining buildings.	Yes
Solar Access	New development should ensure that the windows of all nearby dwellings and the majority of their open space receive at least 4 hours of daily sunlight in winter.	Minimal solar access impact upon all adjoining properties. Adjoining properties would receive the required 4 hours of direct sunlight in winter.	Yes
Town Square and Tower			
Town Square & Tower	<p>A town square and tower is proposed in the parking area of the subject site fronting The Boulevard (refer to Attachment C for details).</p> <p>The town square and tower elements would only be constructed as part of a re-development of this privately owned car park. It would require Council buying the</p>	<p>The proposal does not provide the proposed town square and tower upon part of the site.</p> <p>However, Council at its Outcomes Committee meeting of 12 July 2011 resolved not to pursue the implementation of the DCP for the provision of the identified civic open space. As such, the</p>	No longer relevant as a result of Council resolution of 12 July 2011.

	land and constructing these features as part of any re-development.	proposed town square and tower features identified are no longer relevant in the assessment of the application.	
Pedestrian Amenity			
Pedestrian Movement	New development must incorporate sealed pavement between the parking areas and the building to achieve continuous and convenient pedestrian links between various parts of the centre.	Sealed pavement is provided between the parking areas and the building and a continuous pedestrian links are provided to the various parts of the centre.	Yes
Access	New buildings should flush with footpath levels in consideration of access needs of the disabled, people with disability, shoppers with trolleys and the frail-aged.	The floor levels of the building are flushed with the footpath.	Yes
Provisions for the disabled.	Where public toilet is provided as part of a development, toilet facilities for the disabled must be provided.	Public toilets are not provided within the development.	N/A
Parking and Loading			
Parking	Open car park should be landscaped to minimise hard paving and summer sun. Car spaces to be provided at a rate of 1 space per 40m ² of GLA: 3820 / 40 = 95.	As the proposal does not provide for an open car park, apart from the 7 at-grade staff parking and truck manoeuvring area, there is limited scope for providing landscaping within the car park. Car spaces proposed – 148	Yes
Loading and servicing	Loading and servicing areas should be provided for vans.	Loading docks have been incorporated into the development both semi-trailers	Yes

		and small rigid trucks.	
Uses & Activities			
Local retail & professional services	Local retail and professional services encouraged in Fairfield Heights includes: Food shops, including Fruit & vegetable shops and supermarkets.	Proposal provides for a full-line supermarket and 2 specialty shops	Yes

Council's assessment of the application has found that the proposed development achieves compliance with all of the requirements of the Fairfield Heights Local Business Centre DCP, with the exception of a provision that identifies part of the site as a town square and tower site.

As outlined in Attachment D of the report, the DCP identifies part of the subject site as a proposed town square for the Fairfield Heights town centre. The proposed town square is located in front of the existing car park between the existing supermarket and the property on the corner of The Boulevard and Stanbrook Street, which was previously occupied by Westpac Bank (as shown in the DCP) but is now being used as a 'TAB'.

The provision of the proposed civic open space, as shown in the DCP, would have significant implications for the re-development of the site. Council at its Outcomes Committee meeting dated 12 July 2011 considered a report with respect to a potential submission to the JRPP with respect to the subject application. At that meeting Council resolved, inter-alia, not to proceed with the implementation of the proposed civic open space identified in the DCP in that the provision of a new modern supermarket is a higher priority for the town centre in the short term than providing the civic open space as shown in the DCP.

Council also resolved to negotiate with Woolworths in relation to the design of the forecourt area of the development, as follows:

2. That subject to Woolworths:-

- *Formally submitting the new design for the forecourt area (submitted by Woolworths on 12 July 2011 and attached to the memo circulated to Councillors on the same date) as an amendment to their development application DA 435.1/2011; and*
- *Writing to Council and the JRPP acknowledging that they will accept relevant conditions related to on going access by the community to the forecourt area and management of this area as well as provision in the e-mail of 12 July 2011) as conditions of any consent issued;*

Council raise no objection to the design of the forecourt with the JRPP.

As a result of point 2 of Council's resolution, amended plans incorporating amendments to the forecourt area of the development have been submitted. The amendments involve widening of the forecourt area, removal of a previously approved ATM machine from the forecourt area, replacing the external seating with slim design seating and the provision of an area for public art/mural.

In addition, the disabled car space within the at-grade car parking area has been relocated to the basement car park, the loading zone within the at-grade car park has been enlarged, the 7 car parking spaces are now designated as staff parking and a marked pedestrian access is now provided to the north of these car parking spaces.

Council's Strategic Planning Branch has advised that the amendments have satisfied the issues in Council's resolution and Woolworths has agreed to the following draft conditions of consent being imposed upon any consent:

1. *Pedestrian Linkages between Significant Sites and the Main Street - Access through the Forecourt Area*

Pedestrian access facilitating a pedestrian thoroughfare through the forecourt area of the development shall be provided in a west-east direction from The Boulevard frontage of the property to the adjoining land/properties being of 47 Stanbrook Street

This access shall be available on a permanent basis, twenty four hours a day and not be restricted in any way without the prior written approval of Council.

2. *Council Use of Forecourt Area*

The forecourt area proposed as part of the development will be made available for the carrying out of community events/gatherings, including those facilitated by Council.

The use of the forecourt area will be subject to approval from the Manager of the subject site upon requests being made by Council Officers subject to such events being carried out in a manner not detrimental to the operations of the retail tenancies.

3. *Public Art*

The applicant is to prepare, construct and install, at the applicants cost, a public art installation in the area shown in Drawing No. NO6-021 DA05 dated 3rd August 2011 which has minimum dimensions of 4m by 2.75m. The public arts installation shall:-

- fill no less than 75% of the area identified in Drawing No NO6-021 DA05 dated 3rd August 2011 for the art installation;*

- *Be constructed from 3mm Dibond with 23mm aluminium frame or other equivalent materials to the satisfaction of Council;*
- *incorporate images/content provided by Council with the layout and design to be prepared by Woolworths but agreed with Council prior to installation; and*
- *be installed prior to the issue of the final occupation certificate."*

Accordingly, Council's Strategic Planning Branch raises no objection to the design of the proposal.

Given that Council has now clarified its policy position with respect to the proposed civic open space identified in the DCP where Council resolved not to proceed to acquire part of the subject site for the purpose of a civic open space, the provision of the DCP with respect to the proposed civic open space is no longer relevant in the assessment of the application.

Fairfield City Wide Development Control Plan 2006

Chapter 8 – Commercial Development in Local Centres and Chapter 12 – Car Parking, Vehicle and Access Management of Fairfield City Wide Development Control Plan are applicable to the proposed development.

Chapter 8 – Commercial Development in Local Context

Matters Council will consider?

The DCP requires Council to assess development applications for commercial development in local centre 3(c) zoned to have regard to the findings of the Fairfield Retail and Commercial Centres Study.

Retail & Commercial Centres/Activities Policy No. 1-203

This policy outlines the retail/commercial role of each of the types of centres in Fairfield City and provides criteria against which rezoning or development applications for new retail/commercial proposals will be assessed by Council.

Fairfield Heights Local Business Centre is classified as a Local Centre within the system of centres identified by the Policy.

The Policy applies to the whole of Fairfield City and is required to be taken into consideration in the preparation and assessment of development and rezoning applications for:

1. *Large scale retail/commercial proposals, such as new supermarkets, shopping centres;*
2. *Development proposal for retail strips which are deemed to have significant inconsistencies or departures with the provisions of a local environmental plan or development control plan;*

3. *Development which proposed to rely upon existing use right provisions under the Environmental Planning and Assessment Act, 1979 to establish or expand retail/commercial development on a site;*
4. *Rezoning proposals that provide for or relate to retail/commercial development regardless of the scale of the project;*
5. *All retail/commercial development (including bulky goods salesrooms or showrooms) with a floor space area greater than 200m² located in a non-business zone.*

As the proposal involves the re-development of the existing 'Food for Less' supermarket into a retail development containing a full-line supermarket, this Policy is relevant to the proposal.

The application was accompanied by an economic impact report prepared by Duane Location IQ. This report was referred to Council's Economic consultant, Norling Consulting Pty Ltd, to provide an independent review of the proposal and its suitability for the locality.

The assessment by Council's Economic Consultant concurs with the findings of the applicant's economic report and has concluded as follows:

- *Council is seeking to have Fairfield Heights reclassified from Small Village to Village in the Metropolitan Plan for Sydney 2036, thereby recognising the higher role and function that the centre currently provides.*
- *The Fairfield Heights Town Centre Development Control Plan identified Fairfield Heights as one of four "Town Improvement Centres." Some improvement measures were carried out in 1993 and 1994. According to the DCP further improvements may include creating a town square and tower and additional beautification of the area with the focus as well as: "Maintaining and improving the economic viability and vitality of the centre, and the range of services."*
- *The Fairfield Residential Strategy identified that the Fairfield Centre should provide a cluster of shops including a small supermarket.*
- *The Retail and Commercial Centres/Activities Policy No. 1-203 identifies Fairfield Heights as a Local Centre providing a supermarket and catering to the major weekly food and convenience retail needs of the surrounding population.*
- *The proposal is for only a small increase in size over the existing facility and the impacts would therefore not be substantial;*
- *The provision of a new larger supermarket would benefit residents providing a wider choice, competitive pricing and new facility thus improving the shopping experience;*

- *The site for the proposal has good visibility and is located on a major road and proximate to additional major roads within the area;*
- *The site is within an existing strip centre and is planned to provide shop tenancies along The Boulevard thereby activating the street and increasing its integration with surrounding commercial facilities;*
- *There are other uses proximate to the site which contribute to the sales at the store including the Brown Jug Hotel, the medical centre, a kindergarten, TAB and Fairfield Heights Public school;*
- *Development on this site is appropriate, it is zoned Local Centre, identified by the Leyshon study as a Neighbourhood centre and satisfies each of the Leyshon requirements for expansion of neighbourhood centres;*
- *The existing facilities are trading well (demonstrated by the low vacancy rate, strong performance of the Food For Less and as recorded in the Fairfield Heights DCP), the shopping precinct is popular and receives strong patronage from local residents; and*
- *The proposal would allow shopping facilities to more effectively compete with its closest competitors being the new Coles supermarket at Fairfield Market Plaza (recently constructed shopping centre located on the corner of Hamilton Rd and Tasman Parade) and the Coles supermarket at Smithfield.*

In view of the above findings, Council's assessment concludes that the proposed development is unlikely to alter the role of the local centre within Fairfield City's retail system and the proposal is satisfactory, having regard to the following:

- That the proposal is unlikely to affect the range of services available in nearby sub-regional centres or neighbourhood centres;
- That the proposal does not rely on an expansion of the existing trade area of a local centre for its viability;
- That the proposal is likely to result in an outcome consistent with the current role of the centre; and
- That the proposal will strengthen the viability of a centre, particularly its core function of providing supermarket services.

Chapter 12 – Car Parking, Vehicle and Access Management

The intention of Chapter 12 of the DCP is to ensure that adequate car parking is provided for developments that are physically attractive yet visually and functionally subservient to the buildings they serve and the environment in which they are set, meets the needs to users, functions efficiently and safely.

Chapter 12 of Fairfield City Wide DCP 2006 requires car parking for shop/retail developments outside Cabramatta, Fairfield, Bonnyrigg and

Prairiewood (Stockland) town centres to be provided at a rate of 1 car space per 40m² of leasable floor area. In this regard, the proposed development, involving 3,820m² of leasable floor area (3,458m² supermarket and 362m² specialty shops), requires a minimum of 95 car parking spaces to be provided on site. The development proposes 148 car spaces. Therefore, the proposal provides more car spaces than required.

In terms of loading facilities, the development proposes a loading facility, capable of accommodating a semi-trailer for the supermarket and a loading facility for small rigid vehicles for the specialty shops. The loading facilities proposed are considered to be satisfactory and large enough allow trucks to enter, turn and exit the site in a forward direction.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	No objection, subject to standard conditions
Development Engineering	No objection, subject to standard conditions
Open Space Branch	No objection, subject to standard conditions
Environmental Management Branch	No objection, subject to standard conditions
Traffic and Road Safety Branch	No objection, subject to standard conditions See below for a more detailed assessment
Strategic Planning Branch	No objection, subject to standard conditions See below for a more detailed assessment

Road and Traffic Safety Branch

Council's Traffic and Road Safety Branch initially requested that the development be amended to address the following:

- The suitability of the location of the disabled parking spaces within the at-grade car park, given the potential conflict with truck manoeuvring.
- The size of the loading zone proposed on the ground level was inadequate for small rigid trucks.

The disabled car spaces have now relocated to the basement car park and the loading bay on the ground level has been enlarged, as shown on the amended plans. In addition, the 7 car spaces adjacent to the truck manoeuvring area are now designated as staff car spaces.

Council's Traffic and Road Safety Branch has advised that the amended plans have satisfactorily resolved their concerns and accordingly, raise no further objection to the proposal. In addition, Council's Traffic and Safety Engineer is satisfied that the proposed development is unlikely to result in any adverse impact upon the performance of surrounding road intersections, particularly the intersection of The Boulevard and Stanbrook Street.

EXTERNAL REFERRALS

NSW Police Force – Fairfield Local Area Command

The Police have no objection to the proposal.

Roads and Traffic Authority

In accordance with Section 104 of State Environmental Planning Policy (Infrastructure) 2007, comments were sought from the Roads and Traffic Authority with respect to the proposal. The RTA has raised no objection to the proposal but requested that certain matters be taken into consideration in the assessment of the application, as detailed above.

As articulated earlier in the report, the issues identified by the RTA have been satisfactorily addressed.

PUBLIC NOTIFICATION

In accordance with Fairfield City-Wide Development Control Plan 2006, the application was advertised in the local press and notified to adjoining and surrounding owners and occupiers for a period of twenty-one (21) days. Three (3) submissions were received in response to the public consultation process, two (2) of which objected to the proposal. It is noted that a submission was also received from Fairfield City Council in support of the proposal.

The following comments are provided with respect to the issues of concern as raised in the submissions:

Impact of dust from demolition upon adjoining medical centre, as concerns were raised that dust is likely to compromise the infection control standards including air quality within the facility and sterility of medical equipment;

It is a standard requirement of any development consent that appropriate conditions be imposed requiring all demolition works to be carried out in accordance with the requirements of Workcover at all times in order to ensure that all demolition works are carried out in a safe and satisfactory manner without causing nuisance to neighbouring properties, including dust impact. Accordingly, a condition is to be incorporated upon any consent requiring all demolition and construction works to be carried in accordance with Workcover's requirements and all adjoining property owners/occupiers be notified in writing by the applicant/developer at least two (2) weeks prior to the commencement of any demolition/construction works on site.

A dilapidation report be prepared for an adjoining site and submitted before commencement and on completion of works

The objector's request is not considered to be unreasonable. A condition of consent shall be imposed stipulating that a dilapidation report be prepared for the adjoining sites prior to the commencement and upon completion of construction works. A copy of the dilapidation report shall be forwarded to Council and the adjoining property owners.

Detailed engineering drawings and specifications be submitted

It is a standard requirement that detailed engineering drawings and specifications for the development application are submitted to form part of the Construction Certificate documentation. Conditions of consent will be included that engineering drawings and specifications prepared in accordance with the Building Code of Australia be submitted with any Construction Certificate for the proposal.

Impact on the structural stability of adjoining buildings and potential damage and loss of trade to adjoining businesses

This matter can be dealt with via conditions of consent stipulating that appropriate protection shall be provided on site to ensure that the construction of the proposed development does not affect the structural integrity of adjoining properties. Also, any building work would need to be checked and signed off by a qualified structural engineer and the builder would have insurance to cover any accidental damage to any adjoining properties, should it occurs.

SECTION 94A CONTRIBUTIONS

Fairfield Council's Section 94A Developers Contributions Plan is applicable to the proposed development. The payable Section 94A Developer Contributions fee for the proposed development is \$133,530, which is equivalent to 1% of the total cost of the development.

Section 79C Considerations

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take

into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

Comment:

The subject site is zoned 3(c) – Local Business Centre under Fairfield LEP 1994, within which the proposal is permissible with consent. Also, the proposal meets the objectives of the zone.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

Comment:

Draft State Environmental Planning Policy (Competition) 2010

Draft State Environmental Planning Policy (Competition) 2010 is applicable to the development. However, the applicant has demonstrated that the proposal is consistent with the provisions of the Draft SEPP.

Draft Fairfield Local Environmental Plan 2010

At the time of writing, Council was still awaiting for a Section 65 Certificate from the Department of Planning and Infrastructure for the Draft comprehensive LEP to be placed on public exhibition.

The subject site is proposed to be zoned B2 – Local Centre under the Draft FLEP. A review of the zoning table indicates that the proposal would constitute a ‘retail premises’ under the DFLEP, which is a permissible use with consent, and the proposal is not inconsistent with the objectives of the zone.

(iii) any development control plan, and

Comment:

The proposal is consistent with the provisions of Fairfield Heights Local Business Centre DCP 10/98 and Fairfield City Wide DCP 2006, particularly Chapters 8 and 12, as outlined earlier in the report.

(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

Comment:

The application satisfies the statutory requirements of Fairfield LEP 1994.

- b the likely impact of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

Comment:

It is considered that the proposal will not result in a negative impact on the natural and built environment. The proposal will provide social and economic benefits to the community.

- c the suitability of the site for the development,*

Comment:

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

- d any submissions made in accordance with this Act or the regulations,*

Comment:

All submissions made with regard to the application have been considered in the assessment of the application.

- e the public interest*

Comment:

It is considered that the public interest has been taken into account with regard to the assessment of the application.

TOWN PLANNING ASSESSMENT

- 1. Compliance with relevant codes and policies applicable to the site.**

The subject site is zoned 3(c) – Local Business Centre under Fairfield Local Environmental Plan 1994, within which the proposal is permissible with consent. The applicant has demonstrated that the proposal meets the objectives of the zone.

The proposal complies with the requirement of Council's Fairfield Heights Local Business Centre DCP and City Wide DCP, except a provision that identifies part of the site as a proposed civic open space

area. Council, at its Outcomes Committee meeting of 12 July 2011 resolved not to acquire the subject land for the purposes of constructing a civic open space and instead accepts that securing a new modern supermarket would provide a greater benefit to the community than providing a civic open space. In addition, the development has been amended incorporating amendments to the forecourt area of the development that is consistent with Council's resolution with respect to the matter.

Otherwise, the proposed development is a compliant development.

The matter pertaining to the provision of a civic open space will be subject to a future review of the DCP for Fairfield Heights Local Business Centre.

2. Compatibility with the Character of the area

The Fairfield Heights Local Business Centre is characterised by one and two storey small scale retail and commercial buildings, continuously built to the street edge. The large at-grade car park associated with the existing 'Food for Less' supermarket at the subject site creates a void in the commercial centre. The Fairfield Heights Local Business Centre DCP identified the desired character for the centre as a *vibrant centre in which people can enjoy spending business and leisure time. The desired scale of development for the centre is boutique scale retailing and small scale commercial activity, supported by necessary larger operations such as supermarkets.*

It is considered that the proposed retail development has been conceived having sufficient regard to the prevalent character of the area and whilst it is a large building in comparison to existing small scale retail and commercial buildings in the centre, the proposed treatment of the building is considered to be sympathetic and compatible with the existing character of the area. The building incorporates appropriate glazing along The Boulevard frontage of the site, designed to activate the street frontage and is considered to be of a scale that relates well to the streetscape.

The forecourt area of the development makes provisions for outdoor dining, as well as a place that will allow residents/shoppers to meet and socialise, that are likely to contribute to the desired vibrancy of the centre, as desired by the DCP.

Overall, it is considered that the built form, scale and height of the building are compatible with the surrounding retail and commercial buildings and will provide a form of development that would positively contribute to the character of the area. In addition, the proposed development contains a built form void presently existing along The Boulevard. The proposed development will therefore result in a

continuous shopfront been provided along The Boulevard between Station Street and Stanbrook Street.

3. Impact of the surrounding area

It is considered that the proposed development would not result in any adverse impact upon surrounding retail/commercial buildings. The built form and scale of the development is unlikely to prejudice the development potential of neighbouring site from been re-developed.

CONCLUSION

Based on the assessment of the application against the relevant planning controls, it is considered that the proposed development appropriately responds to its development context. The development is considered to be a suitable outcome for the site and locality and the development represents high quality commercial development unlikely to adversely impact on adjoining development.

In terms of civic open space, Council has resolved not to pursue this part of the Fairfield Heights DCP in relation to this development. Notwithstanding, the application provides for a forecourt area which can be used for these purposes to some degree. Discussions with the applicant regarding the use of this area have occurred and conditions have been added in relation to this issue with the agreement of the applicant. Accordingly, it is considered that this area will provide the desired focal point to the Fairfield Heights Town Centre.

Overall, it is considered that the development is likely to make a positive contribution to the area. Accordingly and notwithstanding the submissions received, the application is considered worthy of support.

RECOMMENDATION

That the application proposing the demolition of existing structures and the construction of a single storey retail building comprising a supermarket, specialty shops and associated basement car park be approved subject to draft conditions as outlined in Attachment F of this report.