

Planning Proposal

Amendment to the Fairfield LEP 2013

**400-404 Cabramatta Road West, 2-18 Orange Grove Road
& 6 Links Avenue, Cabramatta**

Proposal to amend zoning, building height and floor space ratio controls

Submitted to Fairfield City Council
On Behalf of TCON Constructions

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Executive Summary

This report has been prepared by JBA on behalf of TCON Constructions, the landowners of the site at 400-404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue, Cabramatta, in support of a Planning Proposal to amend the *Fairfield Local Environmental Plan 2013*. Specifically, this Planning Proposal seeks to:

- Rezone the site to R1 General Residential;
- Increase the maximum building height for the site to part 14 metres and part 27 metres;
- Increase the maximum floor space ratio for the site to 2:1; and
- Allow 'office premises' and 'business premises' as additional permitted uses on the site.

An indicative design concept has been prepared to demonstrate the site's capacity to accommodate higher density development that reflects the proposed amendments. The concept provides:

- 6 x buildings ranging height from 4 storeys to 8 storeys;
- Approximately 340 x 2 bedroom apartments;
- 30,780 sqm of gross floor area incorporating:
 - 29,580 sqm of residential floor area; and
 - 1,200 sqm of non-residential floor area at the corner of Cabramatta Road West and Orange Grove Road;
- Basement parking;
- Vehicular access via a new internal road connecting to Links Avenue; and
- Communal open space and landscaping including the retention of the existing trees around the perimeter of the site.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the former NSW Department of Planning and Infrastructure including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposals*".

The Site

The site of this Planning Proposal is a significant site of approximately 15,349 sqm under single ownership. It is located at a prominent gateway to the LGA on the fringe of the Liverpool Regional City Centre. It is:

- adjacent to bus stops that provide a short 8 minute trip to Cabramatta railway station and a 12 minute journey to the Liverpool CBD during the weekday peak hours;
- opposite the Cabramatta Golf Course and Club;
- a five minute walk to Cabramatta West Public School;
- a five minute walk to Panorama Reserve and Cabramatta Creek;
- a 10 minute walk to Cabramatta West village centre;
- a 10 minute walk to the Orange Grove MegaCenta; and
- a 13 minute walk to Cabramatta High School.

Further, the site is not burdened by any environmental constraints that would prevent or restrict development of the site.

Strategic Justification

The State Government has set the Fairfield Local Government Area a target to provide an additional 24,000 dwellings from 2007 – 2031. Council have identified that 52% of the housing target (approx. 12,590 dwellings) can be accommodated as new high and medium density housing in and around the eastern LGA town centres (Fairfield, Cabramatta, Canley Vale, Canley Heights and Villawood).

However, there are significant barriers to delivering new medium and high density housing in the short to medium term (in Cabramatta and Fairfield in particular) due to multiple sites under strata ownership, multiple sites requiring amalgamation, and insufficient road infrastructure. This is reflected by the low annual dwelling approval rate (549 on average) which needs to increase by 131% (721 dwelling approvals) per year to 2031 to achieve the State Government's target.

Council need to begin considering suitable alternative locations for increased density to ensure the dwelling target is achieved to meet the future needs of the local population.

The site represents an ideal opportunity to deliver over 300 new dwellings in a suitable location with good access to public transport, open space, shops and schools. The Planning Proposal will not undermine the Council's centres based planning strategy or reduce the planned density of the established centres and corridors.

Key Assessment Issues

Impacts on the neighbouring dwellings

The massing and layout of the indicative design concept has been arranged to ensure that:

- The buildings are setback between 9 – 20 metres from the common boundaries to maintain acoustic and visual privacy between dwellings.
- The boundary setbacks can accommodate appropriate landscape zones including the retention of existing trees which will further enhance the visual and acoustic privacy between dwellings and maintain the existing character of the boundary interface.
- The neighbouring dwellings will still receive a minimum of two hours direct sunlight to their rear living areas and backyards in mid-winter.
- All traffic will access the site via Links Avenue directly from Orange Grove Road. There will be no impact on traffic flow or parking on Smiths Avenue and Links Avenue.

Impacts on the economic viability of the surrounding centres

Permitting 'neighbourhood shops', 'business' and 'office' premises on the site will not reduce the viability or role of the existing centres in the Fairfield LGA for the following reasons:

- The retail floor space on the site will be limited to 80sqm (i.e. one neighbourhood shop) and is located in accordance with the criteria outlined in the Fairfield City Centres Policy 2015. Permitting one neighbourhood shop on the site will not impact the retail trade areas of the surrounding centres.
- Access to the site is constrained. There is no convenient on street parking nearby; visitors have to enter the site via Links Avenue south of Cabramatta Road West. This arrangement is unsuitable for any businesses that rely on foot

traffic, colocation and convenience for trade. Therefore, these types of business will not locate at the site and permitting business and office premises up to 1,200sqm floor space will not undermine the role and function of the surrounding centres or reduce the demand for commercial floor space in the centres.

Impacts on the surrounding road network

The Orange Grove Road intersection with Cabramatta Road West is proposed to be upgraded as part of the RMS 'Pinch Point' Program. The proposed upgrades are planned to be completed by early 2017. Any future development facilitated by the Planning Proposal will be completed following the upgrades and the forecast traffic demand generated by the indicative design concept would be adequately accommodated with no material increase in delays at the key intersections.

Residential amenity

The indicative design concept has been designed with reference to the Apartment Design Guide criteria and demonstrates that the site can accommodate a higher density residential development that will achieve good levels of residential amenity with regard to solar access, cross ventilation, privacy and communal open space.

The buildings along Cabramatta Road West and Orange Grove Road have a pleasant outlook across the Cabramatta Golf Course towards the Blue Mountains and will be designed to ensure that internal areas are not affected by traffic noise.

Planning Process and Next Stages

It is requested that Council consider the proposed amendments to the *Fairfield Local Environmental Plan 2013* contained in this Planning Proposal and, if Council forms the view that there is strategic merit in proceeding with the recommended amendments, refer the proposal to the NSW Department of Planning & Environment's Gateway Determination Panel.

Following the issuing of a Gateway Determination, additional design and technical assessment would be prepared in collaboration with the Fairfield City Council in order to support the final version of the Planning Proposal for public exhibition in order to obtain community and stakeholder input.

1.0 Introduction

This Planning Proposal is submitted to Fairfield City Council (Council) on behalf of TCON Constructions. The Planning Proposal is written in support of a proposed amendment to the *Fairfield Local Environmental Plan 2013* (the Fairfield LEP) as it applies to 400 - 404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue, Cabramatta (the site).

The Planning Proposal is informed by the indicative design concept prepared by Aleksandar Design Group (included at **Appendix B**) which demonstrates that the site's location and size is suitable for increased density without generating any unacceptable environmental impacts. Therefore, this Planning Proposal seeks to:

- Rezone the site to R1 General Residential;
- Increase the maximum building height for the site to part 14 metres and part 27 metres;
- Increase the maximum floor space ratio for the site to 2:1; and
- Allow 'office premises' and 'business premises' as additional permitted uses on the site.

The Planning Proposal will facilitate the provision of approximately 340 additional dwellings and a 1,200sqm component of non-residential floor space in an appropriate location on the fringe of the Liverpool Regional City Centre and adjacent to frequent peak hour bus services providing short connections to Liverpool and Cabramatta.

This Planning Proposal describes the site, the proposed amendments to the Fairfield LEP and provides an environmental assessment. The report should be read in conjunction with the Urban Design plans (**Appendix B**) and specialist consultant reports appended to this proposal (refer to the Table of Contents).

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant guidelines prepared by the former NSW Department of Planning and Infrastructure including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposals*".

1.1 Background

TCON Constructions met with Council's Strategic Planning team on 14 October 2015 to discuss rezoning the Site to allow a residential development up to nine storeys in height with a retail commercial component at the corner of Cabramatta Road West and Orange Grove Road. **Table 1** summarises the matters raised by Council at the meeting.

Table 1 – Summary of Council meeting held 14 October 2015

Issue	Comment
The subject site is outside the areas identified by the draft Fairfield Residential Development Strategy, i.e. centres and corridors approach to increasing densities.	It is acknowledged that the site is outside the centres and corridor areas identified for greater density in the Fairfield Residential Strategy. It is noted that the Residential Strategy was developed by Council to deliver housing to meet a target of 24,000 new dwellings from 2007 - 2031. There is currently a pronounced shortfall in the approval and delivery of new dwellings to meet the target. The Planning Proposal demonstrates that the site's location and proximity to services makes it suitable for increased density.
Distance to frequent public transport (railway line or bus transit)	The site is currently serviced by frequent peak hour bus connections to Cabramatta and Liverpool railway stations. The travel times to

way) and services contained within a major town centre.	<p>Cabramatta and Liverpool are between 8 – 12 minutes making the site highly accessible to the local centres.</p> <p>The site is a 10 minute walk to the Cabramatta West neighbourhood centre and the Orange Grove MegaCenta.</p>
Council officers advised of a number of previous proposals where there was significant objection to proposed density increase. It was advised that these proposal either did not proceed or where scaled back to lower densities as a result of community submissions.	<p>The indicative scheme has been designed to minimise impacts on the neighbouring properties. It retains the existing trees around the site's perimeter, and to minimise overlooking and over shadowing to adjoining residential dwellings by reducing building heights and setting back the built form from the common boundaries.</p> <p>The site has direct access to Links Avenue which has a signalised intersection with Orange Grove Road thereby removing the potential for significant impacts on the local residential road network.</p>

Reports required by Council to be provided as part of any planning proposal (but not limited to):

Traffic, transport and impact on Links Avenue:

A Traffic Impact Assessment is submitted as **Appendix C**.

Vegetation / Ecological impact of the development on the site.

An Aboricultural Assessment is submitted as **Appendix D**.

An Ecological Assessment is submitted as **Appendix E**.

Residential Development Strategy (RDS) – Justification for out of centre increase in residential density, which is in conflict with RDS.

A review and analysis of the Residential Strategy has been submitted as **Appendix F**.

Retail/Commercial Centres Study – Justification for introduction of retail/commercial development which is not supported by current draft Study.

The indicative concept proposal accommodates approximately 1,200sqm non-residential gross floor area. The Council's Centres Policy 2015 is discussed at **Section 5.5** and the economic impacts of the proposal are discussed at **Section 7.2**.

2.0 The Site

2.1 Site Description

The site comprises six amalgamated lots on the corner of Cabramatta Road West and Orange Grove Road, Cabramatta. It has a secondary frontage to Links Avenue to the south. Refer to **Figure 1** below. The consolidated allotments that comprise the site are listed **Table 2**.



Figure 1 – Aerial view of the site location
Source: JBA

Table 2 – Site details

Address	Legal Description
400 Cabramatta Road West	Lot 1 DP 29449
402 Cabramatta Road West	Lot 1 DP 503339
402A Cabramatta Road West	Lot 2 DP 503339
404 Cabramatta Road West	Lot 6 DP 709126
2-18 Orange Grove Road	Lot 7 DP 709126
6 Links Avenue	Lot 3 DP 30217

In summary, the site:

- Has a site area of approximately 15,349sqm (1.5 hectares) and is a prominent corner site at the southern gateway to Fairfield Local Government Area;
- Has a 42m frontage to Cabramatta Road West; a 203m frontage to Orange Grove Road; and a 14m frontage to Links Avenue;
- Has a minimum width of 42m which increases to a maximum width of 96m at the southern boundary;
- Is relatively flat at the Cabramatta Road West frontage and then develops a pronounced cross fall of approximately 11m south towards to Links Avenue (refer to Site Survey at **Appendix A**);

- Is currently vacant with remnant trees and vegetation from previous low density residential development;
- Is immediately adjacent to a bus stop towards the Liverpool CBD on Orange Grove Road and approximately 140m walk (2 minutes) from a bus stop towards Cabramatta on Cabramatta Road West;
- Is not burdened by environmental constraints including:
 - Heritage and conservation;
 - Critical habitats;
 - Road widening, realignment or Council land acquisition;
 - Bushfire;
 - Acid Sulfate Soil; and
 - Flooding or overland flow.

The long street frontages and substantial site area establish the site as one of the most unique and prominent landholdings in the local area. Development sites of this size and nature are extremely uncommon in the LGA. Creating a site with similar characteristics in any of the town centres would require the amalgamation of multiple sites currently under strata ownership.

Site photographs are provided as **Figures 2 – 5**.



Figure 2 – The site looking south from Cabramatta Road West



Figure 3 – The site looking west from Orange Grove Road



Figure 4 – The site at the corner of Cabramatta Road West and Orange Grove Road



Figure 5 – The existing site frontage to Links Avenue

2.2 Public Transport

The current bus services that stop at the site are summarised in **Table 3** below. The bus timetable for these services indicates that the site is a short bus ride to the surrounding centres during the key week day peak periods. The bus journey to Cabramatta is approximately eight minutes and the journey to the Liverpool CBD is approximately 12 minutes. Liverpool and Cabramatta railway stations provide frequent connections to key metro centres including Campbelltown, Fairfield, Bankstown, Parramatta and the Sydney CBD.

Table 3 – Summary of bus services

Route	Destination	Frequency
Orange Grove Road Bus Stops		
801	Badgerys Creek to Liverpool via Bonnyrigg	2 services to Liverpool in AM + one in PM 3 service from Liverpool in afternoon/evening
819	Prarieewood to Liverpool	Every 0.5 hours to Liverpool from 6:42am to 8:42am Every 0.5 hours from Liverpool from 3:45pm to 6:15pm
Cabramatta Road West Bus Stops		
815	Cabramatta to Mt Pritchard	Approx. 20 services to/from Cabramatta Station per weekday
816	Greenfield Park to Cabramatta	Approx. 20 services to/from Cabramatta Station per weekday

2.3 Current Planning Controls

The key planning controls that currently apply to the site under the Fairfield LEP are outlined in Table 4 below.

Table 4 – Current Fairfield LEP planning controls

Consideration	Existing Control
Land use zoning	The site is zoned R2 Low Density Residential which permits a range of residential uses (attached dwellings, dual occupancies, dwelling houses, secondary dwellings, semi-detached dwellings and seniors housing) and non-residential uses (child care centres, community facilities, educational establishments, health consulting rooms, information and education facilities, places of public worship and public administration buildings).
Additional permitted uses	Multi-dwelling housing is permitted as an additional use on the site under Schedule 1 of the Fairfield LEP.
Building height	The maximum building height on the site is nine metres above existing ground level (i.e. three storeys).
Floor space ratio	The floor space ratio for the site is 0.45:1 which allows a maximum gross floor area of approximately 6,907sqm.

3.0 The Surrounding Area

The surrounding area contains a number of land uses that support the strategic merit of the Planning Proposal. Key locations and their distance from the site are outlined in **Table 5** below. The site's locational context is shown in **Figures 6** and **7**.

Table 5 – The site's distance from key locations in the surrounding area

Location	Travel distance from the site
Cabramatta West Public School	350m (4 min. walk)
Panorama Reserve & Cabramatta Creek	400m (5 min. walk)
Cabramatta West neighbourhood centre	750m (10 min. walk)
Orange Grove MegaCenta	800m (10 min. walk)
Cabramatta High School	1.1km (13 min. walk)
Cabramatta town centre and railway station	1.8km (approx. 8 min. bus journey)
Liverpool CBD and railway station	2.1km (approx. 12 min. bus journey)
Future Badger's Creek airport site	20km (approx. 25 min. drive)

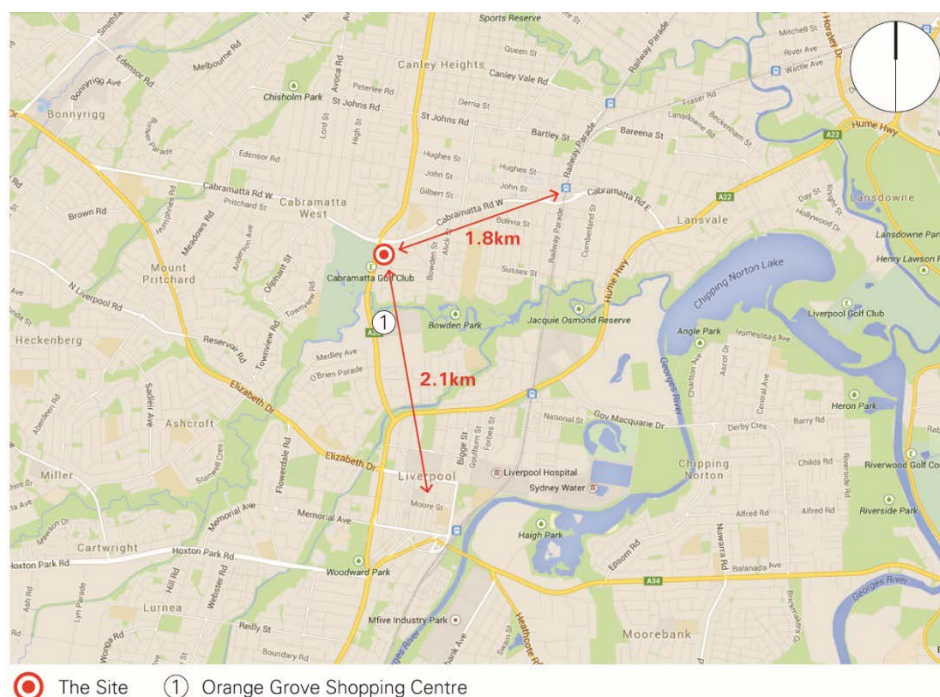


Figure 6 – Location plan
Source: JBA

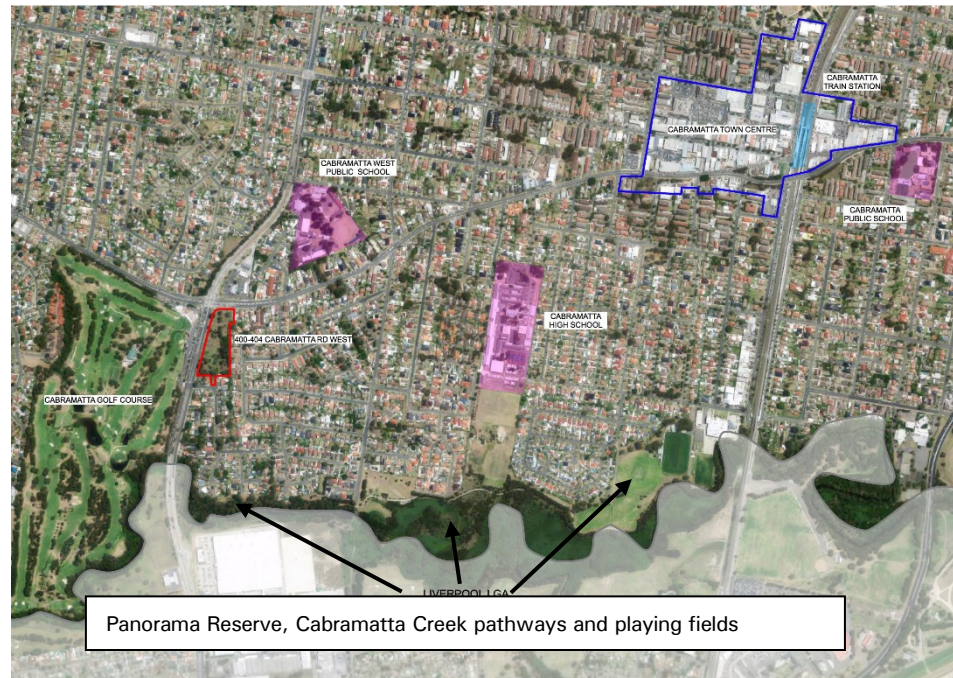


Figure 7 – The site and the surrounding context
Source: Aleksandar Design Group

The surrounding area is described in further detail below.

North

A BP service station and Hungry Jacks restaurant lie immediately north of the site across Cabramatta Road West. Low density housing lies to the north east and west. Cabramatta West Public School is approximately 350m walking distance north-east of the site.



Figure 8 – Hungry Jacks and BP service station north of the site

South

Low density housing borders the southern edge of the site and extends to the Panorama Reserve neighbourhood park which is approximately 400m walk south of the site. The Reserve is connected to an extensive network of parks and sports fields via the Cabramatta Creek Trail. The Orange Grove MegaCenta lies further south beyond Cabramatta Creek.



Figure 9 – Existing houses adjacent to the site’s southern boundary on Links Avenue

The Orange Grove MegaCenta currently accommodates approximately 29,000 sqm of net leasable area predominantly taken up by retail and bulky goods, it also accommodates a variety of other premises. The uses located at the MegaCenta include:

- Service NSW;
- Restaurants and takeaway food outlets;
- Fitness centres;
- Homemaker retailers;
- Electrical retailers;
- AMF Bowling; and
- Stationery retailers.

Liverpool City Council, at its meeting on 16 December 2015, resolved to support a Planning Proposal to permit up to an additional 21,000 sqm of gross floor area to permit ‘shops’ at the MegaCenta site. The Planning Proposal has been forwarded to the Department of Planning and Environment for Gateway determination.

Gazettal of the Planning Proposal would allow the MegaCenta to accommodate discount department stores (i.e. Kmart), full-line supermarkets and specialty retail shops to meet the needs of the surrounding residential community.

The site is within walking distance and ideally located to take advantage of the existing and proposed retail facilities and services available at the MegaCenta.



Figure 10 – The MegaCenta looking south from Orange Grove Road



Figure 11 – The MegaCenta looking north

East

Low density housing along Smiths Avenue borders the eastern edge of the site. Cabramatta High School lies further beyond approximately 1.1km walking distance. There are two churches located along Cabramatta Road West.



Figure 12 – Existing dwellings on Smiths Avenue east of the site

West

The Cabramatta Golf Course and Club (including restaurant and bar) lies immediately west of the site across Orange Grove Road. The Golf Course accommodates 'Red Gums' which are listed as a heritage item in the Fairfield LEP.



Figure 13 – Cabramatta Golf Club opposite the site at the corner of Cabramatta Road West and Orange Grove Road

The Road Network

Cabramatta Road West is a sub-arterial road that connects the site to the Cabramatta town centre 1.8km to the east; and to Elizabeth Drive which connects to the future Badgery's Creek airport site 20km to the west.

Orange Grove Road forms part of the Cumberland Highway which is major arterial road connecting Liverpool and Parramatta.

4.0 The Indicative Design Concept and the Planning Proposal

4.1 Indicative Design Concept

The intended outcome of this Planning Proposal is to enable the development of the site to accommodate a mixed use residential development comprising six buildings ranging in height from four to eight storeys. Aleksandar Design Group have undertaken an indicative design exercise to understand the site's opportunities and constraints and have developed an indicative design scheme. A copy of their Urban Design Report is submitted as **Appendix B**.

The key features of the indicative design concept are outlined in **Table 6** below.

Table 6 – Indicative design concept – key features

Element	Detail
No. of buildings	6
Building height	Minimum 14m (4 storeys) Maximum 27m (8 storeys)
Gross floor area	30,780 sqm incorporating: ■ 29,580 sqm residential; and ■ 1,200 sqm non-residential.
FSR	2:1
Setback to Orange Grove Road	6m
Setback to Cabramatta Road West	3.5m
Setback to southern boundary (Links Avenue properties)	Minimum 9m – maximum 18m
Setback to eastern boundary (Smiths Avenue properties)	Minimum 9m
Uses	<ul style="list-style-type: none"> ■ Residential apartments; and ■ Non-residential uses including: <ul style="list-style-type: none"> – Neighbourhood shops; – Business premises; and – Office premises
Apartments	Approximately 340 x 2 bedroom apartments
Vehicular access	Via a new two-way internal road connecting to Links Avenue.
Communal open space	Approximately 4,170sqm (27% of the site area)
Deep soil	Approximately 4,600sqm (30% of the site area)

4.1.1 Built form

The eight storey buildings

Three eight storey buildings are located on the Orange Grove Road and Cabramatta Road West frontage to define the street edge. The buildings are characterised by a four storey podium with a four storey massing above. They step down Orange Grove Road to respond to the topography of the site and transition to a four storey form at the interface with the neighbouring properties to the south on Links Avenue and to the east on Cabramatta Road West. The separation between the buildings provides relief, enhances the street edge articulation and allows a visual connection into the site.

The northernmost building addresses the corner which provides a landmark statement at the gateway to the LGA. Approximately 1,200 sqm of non-residential floor space is proposed to be accommodated on the ground floor of the corner building.

The four storey buildings

Three 4 storey residential buildings are proposed east of the new internal road. The lower building heights and boundary setbacks respond to the scale of the existing residential dwellings to the east and south.

Refer to **Figures 15 – 19** below for perspectives and indicative layout plans.

4.1.2 Non-residential uses

The proposed non-residential uses at the corner of Cabramatta Road West and Orange Grove Road will provide activation to the street in a location unsuitable for residential dwellings. The floor space is flexible and able to accommodate a range of tenancies and uses to meet the needs of the residents and surrounding community. The Planning Proposal seeks to enable neighbourhood shops, office and business premises to occupy the ground floor space in addition to the number of non-residential uses permitted with consent under the current zoning.

4.1.3 Access

All vehicular access to the site is proposed via a two-way internal road connecting to Links Avenue. Access to the basement levels is proposed from the internal road via a single point. The internal road will be designed to allow Council's waste vehicles to enter and collect rubbish and recycling at street level. A cul-de-sac will be provided to allow Council's vehicles to enter and exit in a forward direction (refer to **Figure 14**).

Pedestrian access is proposed from Orange Grove Road and Cabramatta Road West in locations which connect to internal pathways.



Figure 14 – Site access Source: Aleksandar Design Group

4.1.4 Parking

The concept includes a typical basement level with the capacity to accommodate approximately 300 cars. The Traffic Impact Assessment Report prepared by Ason Group (**Appendix C**) indicates that the indicative concept will require 455 parking spaces. The total parking requirement can easily be provided across two basement levels.

4.1.5 Tree retention and open space

The proposal retains the significant number of trees located around the site's perimeter. This will contribute to the provision of deep soil and continue to provide a buffer to the neighbouring properties to the east and south. New and

existing planting will be provided along the Orange Grove Road frontage within the 6 metres setback zone.

Large areas of landscaped communal open space for residents are provided in the spaces between the buildings and along the eastern boundary.

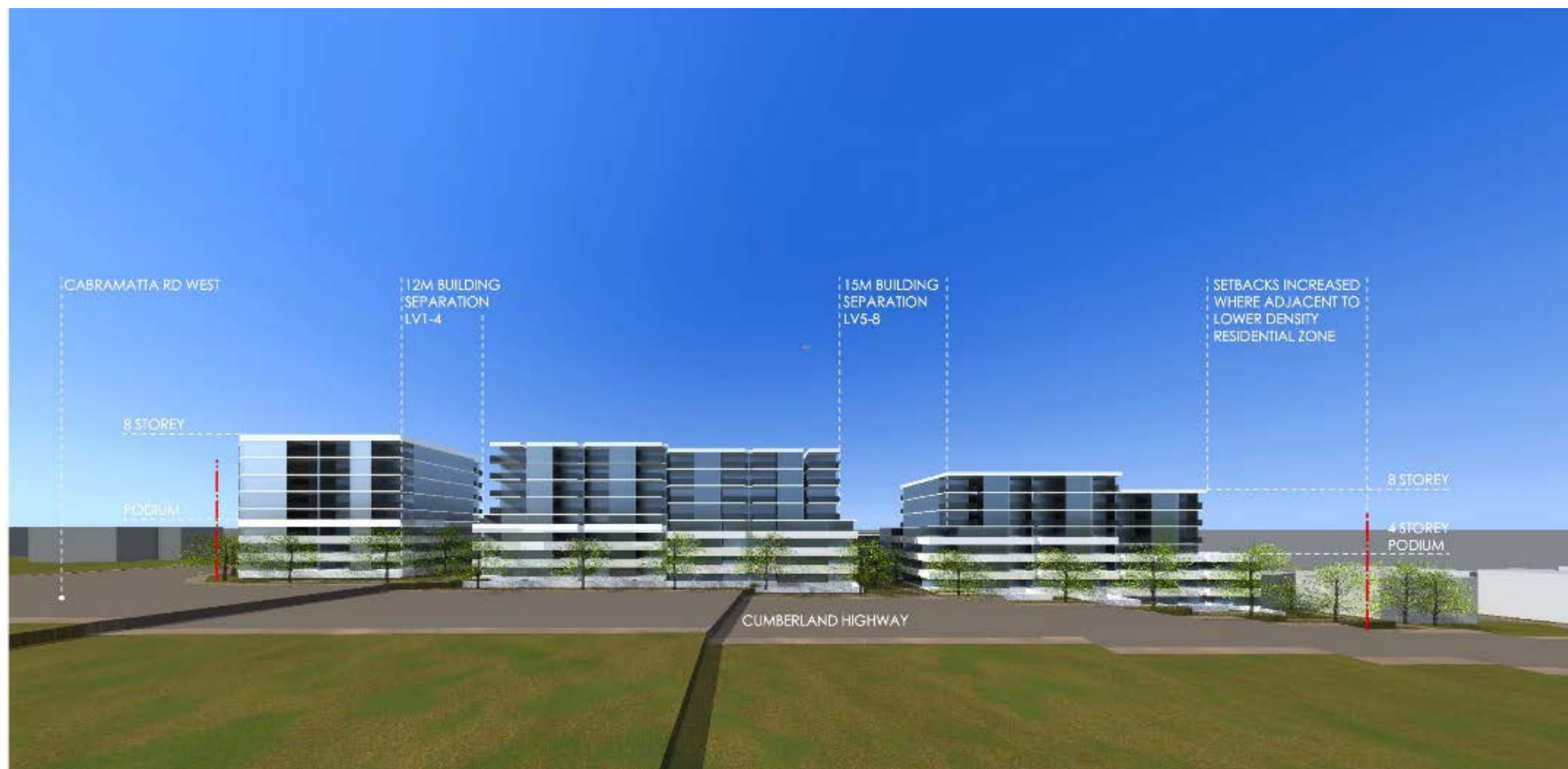


Figure 15 – View looking east from Cabramatta Golf Course
Source: Aleksandar Design Group



Figure 16 – View looking north along Orange Grove Road
Source: Aleksandar Design Group



Figure 17 – View looking west from the eastern boundary
Source: Aleksandar Design Group



Figure 18 – Indicative ground floor plan
Source: Aleksandar Design Group



Figure 19 – Indicative typical upper floor plan (L4-L8)
Source: Aleksandar Design Group

4.2 Proposed amendments to the Fairfield Local Environmental Plan 2013

To enable the site to accommodate the concept design, the following amendments area required to the Fairfield LEP:

- Rezone the site to R1 General Residential;
- Increase the maximum building height for the site to part 14 metres and part 27 metres;
- Increase the maximum floor space ratio for the site to 2:1; and
- Allow 'office premises' and business premises as additional permitted uses on the site.

It is noted that the concept design prepared by Aleksandar Design Group shows maximum building heights of approximately 12 metres and 24 metres; however the maximum Fairfield LEP height is proposed to be part 14 metres and part 27 metres to allow for changes in ground levels, and to provide flexibility for floor to ceiling heights and building plant to be determined during any future detailed design of the site.

The maps provided at **Appendix G** illustrate the proposed amendments to the Fairfield LEP. Council may also wish to consider an alternative Planning Proposal option that includes the lots immediately south of the Site fronting Links Avenue. Whilst these lots are under separate ownership, including them as part of any future rezoning of the Site represents a logical extension of the proposed controls.

5.0 Strategic Justification

5.1 A Plan for Growing Sydney

The NSW Government's *A Plan for Growing Sydney* sets the future vision for Sydney as a 'strong global city, a great place to live'. In order to achieve this vision the following four goals are set out, which are further underpinned by directions and actions:

1. *a competitive economy with world class services and transport;*
2. *a city of housing choice with homes that meet our needs and lifestyles;*
3. *a great place to live with communities that are strong, healthy and well connected; and*
4. *a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

The Plan identifies Liverpool as a 'Regional City Centre'. The previous draft South West Subregional Strategy identifies a 'regional centre' as having a catchment radius of 2km. The site sits on the immediate fringe of the Regional City Centre catchment being located 2.1km from the Liverpool CBD centre. This places the site in a strategically appropriate location to take advantage of the services expected to be provided by a Regional City Centre namely a full range of office, government, retail, cultural, entertainment and recreational activities.

The Planning Proposal will assist in achieving goals two and three of the Plan by meeting the strategic directions outlined below.

Direction 2.1: 'Accelerate housing supply across Sydney'

This direction seeks to remove barriers to increased housing production by implementing flexible planning controls to enable housing in feasible locations to reach the metropolitan target of 664,000 new dwellings across Sydney by 2034. The Council has rezoned land in the centres however, the Fairfield Residential Strategy (refer **Section 5.3**) acknowledges that significant development in the centres is constrained by barriers (strata ownership, traffic constraints and land fragmentation). The site is not burdened by any of these material barriers and the primary objective of the Planning Proposal is to amend the current planning controls for the site to enable an appropriate increase in housing density in a suitable location.

Direction 2.2: 'Accelerate urban renewal across Sydney – providing homes closer to jobs'

This direction seeks to support urban renewal in or near centres on the public transport network to utilise existing infrastructure and employment lands. The Plan identifies the major renewal corridors along Parramatta Road and the North West Rail Link as accommodating significant housing growth. On a smaller scale, the site's location on public transport routes connecting to the Liverpool CBD and the Bankstown to Liverpool Enterprise Corridor will deliver on the direction to provide housing close to employment land. The site is also a relatively short distance (20km) from the future Badgerys Creek airport site which is anticipated to create approximately 30,000 jobs.

The Plan includes actions to ensure long term employment growth in the Liverpool CBD and increase economic activity and jobs growth in the Liverpool to Bankstown Corridor. The site is a short bus ride from Liverpool and can contribute to the achievement of the strategic direction to locate new housing closer to jobs.

Direction 2.3 – ‘Improve housing choice to suit different needs and lifestyles’

Council have acknowledged that the delivery of smaller housing types needs to be prioritised to meet the changing needs of the local community. The Planning Proposal will facilitate the provision of apartments which will increase the range and choice of dwelling types and price points to meet the increased demand from sole parents, older couples and single residents.

Direction 3.1 – ‘Revitalise existing suburbs’

This direction seeks to prioritise the delivery of housing in or near established urban areas to help more people to live where they want. The Planning Proposal provides the opportunity to revitalise a vacant site and the surrounding area. It is at the gateway to the Fairfield LGA on the fringe of the Liverpool Regional City Centre and a short distance from Cabramatta town centre. The provision of high density residential buildings at the corner of Cabramatta Road West and Orange Grove Road will create a landmark building that will increase the legibility of the area and activate the vacant corner site. Furthermore, the Indicative Scheme is considered to be in accordance with the principles for a well-designed centre as it will:

- make it easy for residents and visitors to move around and travel to local and surrounding areas due to its highly accessible location;
- include private, semi-private spaces that will interface with the public domain; and
- contribute to the population and mix of uses in the local area which will increase activity, surveillance and safety for everyone.

5.1.1 Summary

The Planning Proposal is consistent with the above objectives of ‘*A Plan for Growing Sydney*’ as it will deliver new homes on the Liverpool Regional City Centre fringe and a short distance to Cabramatta town centre. The site is adjacent to frequent bus services, close to public open space and retail services. The site’s proximity to Liverpool CBD, the MegaCenta and Cabramatta town centre make it a suitable location for the delivery of higher density housing.

5.2 Fairfield City Plan 2012 – 2022

The Fairfield City Plan 2012 – 2022 is a community strategic plan which defines the goals that will inform Council’s long term strategic planning. Specifically, the plan identifies the goal for building and infrastructure to meet the changing needs of the community. The plan also specifies the need to encourage development that allows members of the community to live locally.

The proposal is considered to be consistent with the strategic objectives of this plan in that the proposal is located on the fringe of the Liverpool Regional City and a short bus ride to Cabramatta. It will therefore provide housing close to employment opportunities, encouraging members of the community to live locally. Further, the proposal will address the changing needs of the community by contributing to housing diversity and demand through the provision of a range of smaller dwellings to suit single and two person households.

5.3 Fairfield Residential Development Strategy

The NSW Government's draft West Central Sub Regional Strategy (NSW Department of Planning 2007) required the Fairfield City LGA to provide 24,000 new dwellings by 2031.

Council resolved in May 2008 to prepare a Residential Development Strategy in a two stage approach. Stage 1 focuses on the LGA east of the Cumberland Highway (Orange Grove Road) and in particular, the centres of Fairfield, Cabramatta, Canley Vale, Canley Heights, Fairfield Heights and Villawood. Stage 2 will address the LGA west of the Cumberland Highway and has not been undertaken to date.

In 2009 the draft Residential Development Strategy East (the Fairfield Residential Strategy) was prepared to establish a sustainable development framework to guide decision making for the provision of 14,400 new dwellings in the eastern part of the LGA by 2031 (60% of the 24,000 required). The Fairfield Residential Strategy proposes that new dwellings will be located primarily within the established centres and corridors with opportunities for medium density growth on the fringes of the centres. A detailed review and analysis of the Residential Strategy has been undertaken and is submitted as **Appendix E**. The key matters are:

- The Residential Strategy states that rezoning existing centres and corridors within the eastern half of the LGA will provide capacity for 11,520 new high and medium dwellings to 2031. The balance of the 14,400 (2,880) are to be located as medium density on the fringe of the centres.
- Council have identified that their strategies to deliver medium density dwellings on the fringe of the centres have the capacity to deliver approximately 1,069 new dwellings. This results in a shortfall of 1,811 dwellings in the out of centre / fringe areas.
- The major centres of Fairfield and Cabramatta are severely constrained by various factors (existing strata development, small sites that require amalgamation, traffic impacts and environmental factors) and the practical ability for large scale residential redevelopment of both centres prior to 2031 is uncertain. There is no planned alternative to meeting the new dwelling requirements.
- LGA wide dwelling approvals from financial years 2007-08 to 2015-16 total 4,940 at an average of 549 per year (source: profile.id.com.au/Fairfield/building-approvals). This means another 19,060 new homes need to be approved from 2016 – 2031 at an average of 1,270 new dwellings per year. The number of approvals per year needs to increase by 721 on average to 2031 to meet the target.
- The Residential Development Strategy to locate 9,600 new dwellings by 2031 in the western half of the LGA has not been undertaken and there is no clear timeframe for this to occur.

In summary

- The market is not delivering new dwellings to meet the target under the existing planning controls. Council need to begin considering alternative locations to ensure the dwelling target is achieved to meet the future needs of the local population. In this regard, the site represents an ideal opportunity to deliver over 300 new dwellings in an appropriate location.
- This Planning Proposal does not seek to undermine the centres and corridors strategy adopted by Council. The Council's forecast target identifies an anticipated shortfall of 1,800 new dwellings through the implementation of Residential Strategy in the eastern LGA. The Planning Proposal will contribute

to meeting the 1,800 shortfall and the overall target – it will not undermine the hierarchy, or reduce the density of the established centres and corridors.

5.4 Fairfield City Centres Study and Policy 2015

Council adopted the Fairfield City Centres Study 2015 and the Fairfield City Centres Policy 2015 (Centres Policy) on 9 February 2016. The purpose of the Centres Policy is to outline and protect the role of the commercial and retail centres in the LGA and provide consistent criteria for the assessment of proposals that include the provision of retail/commercial floor space.

The closest centres to the site identified by the Centres Policy are Cabramatta and Cabramatta West. Cabramatta is identified as a Specialist Centre which is characterised by:

- *The provision of a wide range of retail and commercial services to a large ethnic community;*
- *The presence of the widest range of specialty shops targeting the needs of the ethnic community;*
- *Its location on a major public transport network;*
- *Generally containing in the order of 60,000sqm of retail floor space together with a wide range of non-retail services including office space, community services, health facilities and education services targeting the ethnic community;*
- *Providing for specialist shopping needs of the ethnic community; and*
- *Its ability to attract large numbers of day-trippers from outside LGA seeking a special shopping and cultural experience.*

Cabramatta West is located approximately 750m west of the site and identified as a Neighbourhood Centre. Neighbourhood Centres are characterised by:

- *The provision of retail and commercial services to the surrounding neighbourhood or suburb within Fairfield LGA (usually up to 10,000 persons);*
- *Generally containing <2,000sqm of retail floor space;*
- *Providing convenience retail services to the residents of the neighbourhood or suburb in which it is located and may contain a small grocery/supermarket store- usually of <500sqm; and*
- *Providing a limited range of non-retail services such as a medical practice or post office.*

The Centres Policy applies as the Planning Proposal seeks to amend the Fairfield LEP to permit 'neighbourhood shops', 'business premises' and 'office premises' on up to 1,200sqm of non-residential floor space.

The Planning Proposal will not have any adverse impact on the role and function of either Cabramatta or Cabramatta West as the characteristics of the site (i.e. the absence of convenient access and parking) and the anticipated size and nature of any future uses are highly unlikely to draw trade from the surrounding centres. The economic impacts of the proposed uses are discussed further at Section 7.2.

6.0 State Legislation and Planning Policies

6.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EPA Reg.) set out amongst other things the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 55 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

Section 117 Directions

Ministerial directions under Section 117 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. A summary assessment of the Planning Proposal against the Directions issued by the Minister under Section 117 of the *EP&A Act* is provided in **Table 7** below.

Table 7 – Assessment against 117 Directions

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			Refer to Section 5.4 and 7.2 for further discussion.
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
2. Environment and Heritage				
2.1 Environment Protection Zones	✓			The land is not located within an environmental protection zone or land identified for environmental purposes.
2.2 Coastal Protection			✓	Not applicable
2.3 Heritage Conservation	✓			The site is not a heritage listed item nor is it within a heritage conservation zone. The site is not located in the vicinity of any heritage items and therefore is not expected to have any adverse impacts on heritage conservation.
2.4 Recreation Vehicle Areas			✓	Not applicable
3. Housing, Infrastructure and Urban Development				

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
3.1 Residential Zones	✓			The site is proposed to be rezoned R1 General Residential. The Planning Proposal is consistent with this direction as it seeks to increase the residential density on the site which will make better use of infrastructure and services. The Planning Proposal will also increase the choice of building and housing types, in an area that is strategically located close to transport, opens space, schools, services, employment in Cabramatta and the Liverpool CBD.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The Planning Proposal, will facilitate a high density residential mixed use development to support the existing bus routes connecting the site, and improve access to housing, jobs and services by walking, cycling and public transport.
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
4. Hazard and Risk				
4.1 Acid Sulphate Soils			✓	The site is not identified under the Fairfield LEP as being potential Acid Sulphate Soils.
4.2 Mine Subsidence and Unstable Land			✓	Not applicable
4.3 Flood Prone Land			✓	The site is not identified as being located on flood prone land.
4.4 Planning for Bushfire Protection			✓	Not applicable
5. Regional Planning				
5.1 Implementation of Regional Strategies			✓	Not applicable
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport: Badgerys Creek			✓	Not applicable
5.9 North West Rail Link Corridor Strategy			✓	Not applicable
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			No new road reservation is proposed.

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
6.3 Site Specific Provisions	✓			The LEP amendment does not impose any restrictive site specific provisions.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			Refer to Section 5.1 .

6.2 State Environmental Planning Policies

The consistency of the Planning Proposal with the relevant State Environmental Planning Policies (SEPPs) is addressed in **Table 8** below.

Table 8 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	The Provisions of SEPP 1 are replaced with Clause 4.6 of the Fairfield LEP and it does not apply to the Planning Proposal.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal.
SEPP No 6 Number of Storeys			✓	The Standard Instrument definition for the number of storeys applies.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities. Refer to Section 2.
SEPP No 55 Remediation of Land			✓	The site is not known to be contaminated and is currently zoned for residential uses. Notwithstanding this, contamination will be further addressed at the DA stage.
SEPP No 64 Advertising and signage			✓	SEPP 64 is not relevant to the Planning Proposal. The SEPP may be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓			Detailed compliance with SEPP 65 will be demonstrated in a future DA for any building facilitated by this Planning Proposal. Testing of SEPP 65 and the Apartment Design Guide (ADG) was conducted throughout the design of the indicative scheme which is capable of satisfying the requirements of the SEPP and associated Apartment Design Guide. As outlined in the Urban Design Report (Appendix A) the proposal is capable of achieving solar access and natural ventilation requirements of the ADG and achieves compliant building separation and setbacks to the surrounding residential development. It is demonstrated that a high level of residential amenity can be achieved on the site under the Planning Proposal.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	SEPP 70 is not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	SEPP (Affordable Rental Housing) is not relevant to proposed amendment.

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓			SEPP (Exempt and Complying Development Codes) may apply to the future development of the site.
SEPP (Infrastructure) 2007	✓			SEPP (Infrastructure) will apply to any future development of the site facilitated by the Planning Proposal.
SEPP (State and Regional Development) 2011	✓			The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.
Sydney Regional Environmental Plan No 18– Public Transport Corridors			✓	This SREP is not applicable to the land subject to this Planning Proposal.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	Not applicable.

6.3 Fairfield Local Environmental Plan 2013

The Fairfield LEP is the key environmental planning instrument that applies to the site. It was implemented on 17 May 2013. Table 9 - 11 demonstrate that the Planning Proposal is consistent with the overall aims and relevant objectives of the Fairfield LEP.

Table 9 – Consistency with the relevant aims of the Fairfield LEP

Aim	Proposal
(a) to ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,	The Planning Proposal is consistent as it seeks to increase the number of dwellings permitted on the site. This will increase the range and diversity of housing opportunities the LGA.
(b) to ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,	The Planning Proposal is consistent as the site: <ul style="list-style-type: none"> Occupies a prominent location at the gateway to the LGA and a range of non-residential land uses are currently permitted under the R2 Low Density Residential zone. The Planning Proposal will facilitate the development of up to 1,200 sqm of non-residential land uses in a suitable location as outlined at Section 7.2. Is walking distance to Cabramatta West Primary School and Cabramatta High School.
(c) to ensure that the recreational and social needs of the existing and future community are appropriately planned for,	The Planning Proposal is consistent as it will utilise the site's proximity to the Panorama Reserve and Cabramatta Creek walking and cycle paths which connect to a wider network of parks and recreational facilities.
(d) to ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities,	The Planning Proposal is consistent as it utilises its proximity to the existing public transport infrastructure and will not have adverse on impacts on the operation of the local road network.
(f) to conserve the environmental heritage of Fairfield,	The Planning Proposal is consistent as it will not have any impact on the preservation of the environmental heritage of Fairfield.

(g) to protect and manage areas of remnant bushland, natural watercourses and threatened species.	The Planning Proposal is consistent as it will not have any adverse impact on the sensitive ecological systems located in Fairfield. Refer to Section 7.4 .
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Table 10 – Consistency with the objectives of the R1 General Residential zone

Objective	Proposal
• To provide for the housing needs of the community.	The Planning Proposal will facilitate the development of the site for approximately 340 new homes in the LGA. The provision of higher density housing on the site will make a direct contribution to meeting an identified shortfall in housing supply as demonstrated at Section 5.3
• To provide for a variety of housing types and densities.	The Planning Proposal will facilitate a range of two bedroom apartments to meet the shortfall in smaller dwellings identified by Council in the Residential Strategy.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The Planning Proposal will facilitate the provision of floor space to accommodate uses (i.e. neighbourhood shops) that can meet the day to day needs of the local community.
• To permit a range of non-residential land uses that are capable of integration with the surrounding locality.	The Planning Proposal will facilitate the provision of up to 1,200sqm of non-residential floor space to accommodate uses that are complementary to the location and surrounding land uses.

Table 11 – Consistency with the Fairfield LEP height objectives

Objective	Proposal
(a) to establish the maximum height for buildings,	The Planning Proposal seeks to amend the maximum height for buildings on the site.
(b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,	The site is large and has extensive street frontage to Cabramatta Road West and Orange Grove Road. The proposed 14 metre building height at the shared boundaries combined with the suitable building setbacks will provide an appropriate transition from the taller buildings along the street frontages to the lower scale residential development adjacent to the site.
(c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.	The site comprises six amalgamated lots and has a large site area that will enable future development on the site to be appropriately setback from the adjoining properties while accommodating a larger building form. The potential impacts to the neighbouring dwellings is addressed at Section 7.1 .

Summary

The Fairfield LEP is the principal planning instrument for the site. The assessment above demonstrates that the Planning Proposal and the indicative design concept are consistent with the relevant aims and objectives of the Fairfield LEP. In summary, the Planning Proposal will:

- Provide appropriate housing types to meet a range of lifestyles and cultures;
- Provide non-residential uses that will meet the day-to-day needs of residents without generating any adverse impacts to the surrounding centres;
- Provide a built form that is sensitive to the existing character of the surrounding residential properties and will not generate any unacceptable impacts on the amenity of the neighbouring dwellings.

7.0 Environmental Impacts

This chapter of the Planning Proposal draws on the work undertaken by specialist consultants and summarises the existing environment of the site. The purpose is to provide an understanding of how the existing physical conditions and features of the land have shaped and informed the rezoning proposal and how, in turn, the rezoning proposal potentially impacts on these environmental features and conditions.

7.1 Impact on Neighbouring Dwellings

Privacy

The indicative design concept will maintain visual and acoustic privacy to the neighbouring dwellings. The eight storey buildings are located on Cabramatta Road West and Orange Grove Road away from the neighbouring dwellings to prevent opportunities for direct overlooking. The eight storey component of the building immediately north of Links Avenue has been setback a minimum of 24 metres from the common boundary 22 Orange Grove Road and 4 Links Avenue which complies with the requirements of the Apartment Design Guide which achieves good visual and acoustic separation between the existing and proposed dwellings.

The four storey buildings adjacent to the common boundaries with the Smiths Avenue properties are setback a minimum of nine metres from the boundary. This complies with the requirements of the Apartment Design Guide and the Fairfield Development Control Plan (DCP) and will ensure good separation between habitable areas of neighbouring properties to maintain visual and acoustic privacy. The existing trees along the boundary are proposed to be maintained which will further obscure views and prevent opportunities for direct overlooking.

Overshadowing

Shadow studies are included with the Urban Design Report prepared by Aleksandar Design Group (**Appendix B**). The shadow studies demonstrate that the indicative design concept will;

- Maintain existing solar access to all the neighbouring properties in mid-summer;
- Maintain the existing solar access to the Smiths Avenue properties in mid-winter between 9am and 12pm, with a marginal increase in overshadowing between 1pm and 2pm;
- Maintain a minimum of two hours solar access to the Links Avenue properties during mid-winter.

The level of solar access to the neighbouring properties is generally consistent with the requirements of the Fairfield DCP and it is noted that the design is indicative and massing to the south west can be revised to increase solar access to 22 Orange Grove Road and 4 Links Avenue. Therefore, the shadow impacts associated with the proposal can reasonably be considered minor and acceptable.

Traffic and parking

The Planning Proposal will accommodate all resident and visitor parking in basements on site. There will be no impact on the existing availability of on-street parking on Links Avenue or Smiths Avenue.

The Traffic Impact Assessment Report (**Appendix C**) indicates that the Planning Proposal will have an unnoticeable impact (maximum 1.5 second increase) on the existing waiting times at the intersection of Links Avenue. The intersection will maintain the existing level of service.

7.2 Economic Impacts

The indicative design scheme proposes 1,200sqm of non-residential floor space at the ground floor on the Cabramatta Road West corner. Locating dwellings on the ground floor at the corner is considered inappropriate as the amenity is poor adjacent to the intersection. Providing non-residential uses will activate the streetscape and deliver an improved urban outcome at this prominent location and in this regard, locating non-residential uses on the corner is consistent with the land uses on the other corners of the intersection (i.e. service station and Golf Club).

The following non-residential uses (amongst others) are currently permissible with consent on the site under the existing R2 Low Density Residential zone:

- Child care centres;
- Community facilities;
- Educational establishments;
- Health consulting rooms;
- Information and education facilities;
- Places of public worship; and
- Public administration buildings.

In addition to the uses listed above, 'neighbourhood shops' are permitted with consent under the proposed R1 General Residential zone. The Planning Proposal does not propose to amend Clause 5.4(7) of the Fairfield LEP which restricts the maximum retail area of a neighbourhood shop to 80sqm.

The Planning Proposal includes a request to allow 'business premises' and 'office premises' as additional permitted uses.

The Fairfield LEP defines business premises to mean:

a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

The Fairfield LEP defines office premises to mean:

'a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used'

Business and office premises are complementary and compatible with residential uses and the range of other non-residential uses currently permissible on the site. The Planning Proposal seeks to permit these uses to provide additional flexibility to the use of the non-residential space by increasing the range of permissible non-residential uses without increasing the provision of retail space. Locating neighbourhood shops, business and office premises on the site will not undermine the role and function of the closest centres at Cabramatta and Cabramatta West for the reasons discussed below.

7.2.1 Neighbourhood Shops

The Centres Policy places three restrictions on the location of neighbourhood shops to prevent adverse impacts on surrounding shopping centres. **Table 12** below demonstrates that any future neighbourhood shop on the site is able to meet the locational criteria.

Table 12 – Centres Policy – neighbourhood shops locational criteria

Criteria	Comment
Maximum of 1 shop per allotment	The Planning Proposal does not seek to amend this restriction.
Not to be located within 1km of another shop or shops on the same side of the road	There are no shops operating on the southern side of Cabramatta Road West within 1km east of the site (i.e. to the Aladore Avenue intersection), and there are no shops operating on the southern side of Cabramatta Road West within 1km west of the site (i.e. to the Lime Street intersection).
Not to co-locate with other retail and quasi retail outlets (such as fast food, video hire, automotive services and the like)	It is acknowledged that the site is immediately south of the Hungry Jacks and BP service station at the intersection. Notwithstanding this, the provision of a neighbourhood shop on the site is not considered to be co-locating with the existing retail uses as the absence of on-street parking in the immediate area and the physical barrier created by Cabramatta Road West prevent any increase in shared trade that would be created by convenient access and co-location.

7.2.2 Business and Office Premises

It is noted that business and office premises are two of a number of non-residential uses that would be permissible with consent on the site. In this regard business and office space may accommodate a proportion, none, or all of the non-residential floor space. This assessment considers the impact of 1,200sqm of business and office space on the role and function of the surrounding centres.

The provision of up to 1,200 sqm of business and office space at the site will not have any impact on the role and function of the surrounding centres for the following reasons:

- Access to the site is constrained. There is no convenient on street parking nearby; visitors have to enter the site via Links Avenue south of Cabramatta Road West. This arrangement is unsuitable for any businesses that rely on foot traffic, colocation and convenience for trade. Therefore, these types of business will not locate at the site and permitting business and office premises on up to 1,200sqm floor space will not undermine the role and function of the surrounding centres or reduce the demand for commercial floor space in the centres.
- Up to 1,200sqm is equivalent to approximately 1.2% - 2% of the retail and commercial floor space in the major centres (Fairfield, Prairiewood, Bonnyrigg and Cabramatta). This represents a negligible proportion of the commercial floor space accommodated in the centres and will have no material impact on

their economic viability or reduce the supply and demand for business and office space in the major centres.

- Office premises offer a different consumer service to retail premises and can be conducted via email, video link and telephone. There is no reliance on passing trade and no commercial requirement to be located within the centre. Therefore offices do not rely on a defined trade area for customers.

7.2.3 Summary

The Planning Proposal will facilitate the provision of 80sqm of retail floor space and a component of non-residential uses that can include business and office premises. The site's accessibility constraints will restrict the range of business and office premises attracted to the site. Uses that typically locate in centres due to locational factors would not be commercially viable at the site. Therefore, the provision of 1,200sqm of non-residential floor space will not undermine the Council's Centres Policy, impact on retail trade areas or reduce demand for commercial floor space in the surrounding centres.

7.3 Traffic Impacts

A Traffic Impact Assessment Report has been prepared by Ason Group (**Appendix B**). The Report assessed the future development of the site for the purpose of 340 dwellings and 1,200sqm of commercial (office or business) premises. The key findings of the Report are summarised below.

7.3.1 Proposed RMS Upgrades

The road network at the Orange Grove Road intersection with Cabramatta Road West is proposed to be upgraded as part of the RMS Pinch Point Program. The following works are anticipated to be completed by early 2017:

- Extension of the third northbound lane on the Cumberland Highway from Cabramatta Road West intersection to the bridge over Cabramatta Creek. This would include widening in the Links Avenue intersection.
- Extension of the Cumberland Highway southbound and northbound right-turn bays.
- Conversion the southbound bus lane on the Cumberland Highway to an additional through lane.
- Extension of the Cabramatta Road West westbound right-turn bay.
- Conversion of the Cabramatta Road West eastbound right-turn bay into a dual right-turn bay.
- Conversion of the Cabramatta Road West eastbound left-slip lane into a through and left-turn lane.
- Improvements to traffic light phasing on the Cumberland Highway at the intersections of Cabramatta Road West and Links Avenue.
- Removal of shrubs in the median and replacement of the grass median with a concrete median.

Recognising that the program for the Planning Proposal estimates that (subject to approvals) the site would be occupied by early to mid-2019 – some 2 -2.5 years following the estimated completion of the upgrades, the analysis in the Ason Report assumes completion of the upgrade works and accordingly the traffic impacts of the Planning Proposal are assessed against this scenario.

7.3.2 Parking and Access

Parking

The indicative concept design for approximately 340 apartments and 1,200sqm of non-residential floor space generates a requirement for 455 parking spaces in accordance with the Fairfield DCP. The site is able to accommodate the required parking across two basement levels.

Access

All general and service vehicle access will be provided via a two-way road connecting to Links Avenue through the vacant lot at No.6 Links Avenue, a location which would comply with the design requirements of AS2890.1 and Austroads GRD4A. The location ensures adequately visibility (and inter-visibility) is provided between vehicles exiting the access road and vehicles on Links Avenue.

The indicative basement access point would be from the internal road via a single access point. The driveway would provide access to all parking and servicing areas, and all vehicles will enter and depart the site in a forward direction.

It is envisaged that waste servicing of the site would be provided at the street level on the internal access road connecting from Links Avenue. A cul-de-sac would be designed to ensure Council's waste collection vehicle could turn around and egress the site in a forward direction.

7.3.3 Trip Generation

The indicative concept design is anticipated to generate 126 additional trips during the weekday peak hours. Ason have used the 2011 Journey to Work data provided by the Bureau of Transport Statistics to determine the trip distribution and impacts of the indicative concept design on the operation of the local road network during the morning and afternoon peak hours. Ason's analysis determined the following:

- The Orange Grove Road intersection with Links Avenue will maintain a 'good' level of performance during peak times; and
- The Orange Grove Road intersection with Cabramatta Road West will experience a minimal increase in delay (0.7 seconds) during peak times.

In summary, Ason concluded that:

"the forecast traffic demand arising from the Proposal would be adequately accommodated on the local road network with no material increases in delays at the key intersections."

Therefore, the Planning Proposal can be supported on traffic and parking grounds.

7.4 Residential Amenity

The indicative design concept has been designed to meet the requirements of the Apartment Design Guide (ADG) and will achieve good levels of residential amenity for the future residents. Notably, the indicative design concept demonstrates that the site can accommodate higher density residential development that will provide:

- A pleasant outlook for residents across the Cabramatta Golf Course to the Blue Mountains;
- Apartments that are approximately 75 sqm which exceeds the ADG minimum requirements for two bedroom apartments;

- A minimum of two hours solar access to 71% of the proposed apartments;
- Natural cross ventilation to 68% of the proposed apartments;
- Separation distances between buildings in accordance with the minimum requirements of the ADG;
- Circulation cores that service no more than eight apartments per floor;
- 4,170sqm of communal open space (27% of the site area) of which 47% receives two hours of direct sunlight in mid-winter;
- 30% of the site is deep soil, which will allow the continued growth of the existing trees, future trees and assist with stormwater management;

It is noted that design prepared by Aleksandar Design Group is indicative for the purposes of understanding the opportunities on the site. Further design detail regarding apartment layouts would be resolved as part of any future development application. Any future detailed design would also ensure that facades and glazing on the apartments facing Cabramatta Road West and Orange Grove Road were designed to mitigate any traffic noise and achieve the relevant internal noise standards.

7.5 Social Impacts

The Residential Development Strategy identifies that the demand for the additional 24,000 dwellings will be driven by increased demand for smaller houses as the demographic changes and the average household size decreases (i.e. one parent families, lone person households and couples without children). The Planning Proposal will facilitate the provision of smaller apartments in a location that is close to public transport, open space, shops and schools. The Planning Proposal will have a positive social impact on the Fairfield LGA.

7.6 Ecological Impacts and Tree Retention

Ecological Impacts

An Ecological Issues and Assessment Report has been prepared by Gunninah (**Appendix D**) to support the Planning Proposal. The Report considers the existing flora, fauna and vegetation on the site in the context of the Planning Proposal and the indicative design concept. In summary the assessment concluded that,

- The site is located within a significant area of existing urban development and has been substantially cleared and developed in the past. The existing vegetation on the site is described as 'synthetic' and is dominated by introduced species and horticultural plantings.
- The development area is not considered critical or important for the survival of a viable local population of any threatened biota or threatened or migratory species.
- Therefore, the removal or modification of vegetation and trees from the site is not of particular concern. Where possible, trees around the periphery of the site should be retained for aesthetic and amenity reasons – they do not have any notable ecological value or function.

The Planning Proposal to facilitate higher density development on the site is supportable on ecological grounds.

Tree Retention

A Preliminary Arboricultural Assessment has been prepared by Urban Forestry Australia (**Appendix C**). The assessment identified 75 trees on-site. None of the trees are listed as threatened under the *Threatened Species Conservation Act*

1995 or the *Environmental Protection and Biodiversity Conservation Act* 1999. Of the 75 trees, 32 (i.e. 42%) are located around the perimeter of the site and are able to be successfully retained subject to detailed design at any future development application stage.

7.7 Flooding

A Flood Analysis Report has been prepared by KD Stormwater (**Appendix G**). The Reports states that the site is not affected by mainstream flooding or overland flow flooding. Therefore, the flood risk management requirements as per Schedule 6, Chapter 11 of the Fairfield City Wide DCP are not applicable to the development of the site. If the Planning Proposal proceeds to a positive 'Gateway' determination, further studies can be undertaken to determine the impact of the indicative design concept on stormwater runoff to the surrounding environment.

8.0 NSW Department of Planning and Infrastructure Guidelines

A guide to preparing planning proposals published by the former Department of Planning and Infrastructure (October 2012) outlines the components ('Parts') Planning Proposals must include to accord with Section 55 (2) of the EP&A Act. These are addressed below.

8.1 Part 1 – The Intended Outcome

The intended outcome of this Planning Proposal is to facilitate a mixed use redevelopment of the site as detailed in **Section 3**. The intended outcome will achieve the following:

- **provide more homes in the Fairfield LGA in a suitable location:** the Planning Proposal will provide approximately 340 new homes in a location close to schools, parks and shops. The site is adjacent to frequent bus connections to Liverpool and Cabramatta during the weekday peak hours;
- **provide greater housing choice for the Fairfield community:** the Planning Proposal will deliver new apartments that will meet the changing needs of the local population;
- **increase housing affordability:** the Planning Proposal will deliver apartments that will be more affordable than the existing or new detached houses in the area; and
- **increase employment opportunities:** the Planning Proposal will deliver the potential for up to 1,200sqm of business and office floor space without undermining the Council's centres hierarchy or the retail viability of the Cabramatta West and Cabramatta town centres.

8.2 Part 2 - Explanation of Provisions

The intended outcome can be achieved by amending the Fairfield LEP as follows:

- Amend the Land Zoning Map Sheet LZN_017 by rezoning the site to R1 General Residential;
- Amend the Height of Buildings Map Sheet HOB_17 by applying a part height limit of 14 metres and part height limit of 27 metres to the site; and
- Amend the Floor Space Ratio Map Sheet FSR_17 by applying a floor space ratio of 2:1 to the site.
- Amend Schedule 1 item 3 to delete 'multi dwelling housing' as an additional permitted use on the site;
- Amend Schedule 1 item 3 to include 'business premises' and 'office premises' as an additional permitted use on the site;

The R1 General Residential land use table and the proposed amendments to Schedule 1 and the Fairfield LEP maps are submitted as **Appendix F**.

8.3 Part 3 – Justification

8.3.1 The need for the Planning Proposal

Q1 - Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report. The NSW State Government have set Council a target to provide 24,000 new

homes in the LGA by 2031. The Planning Proposal will deliver approximately 340 new dwellings to meet an identified 1,800 dwelling shortfall without undermining the Council's Residential Strategy (refer to **Appendix F**).

Q2 - Is the Planning Proposal the best means of achieving the intended outcome?

The Planning Proposal is the best means of achieving the intended outcome - the current land use zoning, height and FSR controls prohibit the proposed redevelopment of the site.

8.3.2 Relationship to the strategic planning framework

Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes – refer to Section 5.1.

Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the Fairfield City Plan 2012 – 2022 (refer to Section 5.2) and will not undermine the objectives of the Fairfield Residential Strategy (refer to Section 5.3).

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes – refer to Section 6.2.

Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes – refer to Section 6.1.

8.3.3 Environmental, social and economic impact

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats (refer to Section 7.6).

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

An assessment of the environmental impacts of the Planning Proposal is provided in Section 7.0. No unacceptable impacts will result from the achievement of the intended outcome.

Q9 – Has the Planning Proposal adequately addressed any social and economic effects?

An assessment of the social and economic effects of the Planning Proposal is provided in Sections 7.4 and 7.2. The Planning Proposal will have a positive social impact and will provide additional employment generating uses without undermining the Council's Centres Policy.

8.3.4 State and Commonwealth Interests

There are no significant Commonwealth or State interests in the Planning Proposal other than the general objective to achieve an appropriate planning and development outcome on the site that has considered the State's regional and subregional strategic planning framework as described in this report.

Q10 – Is there adequate public infrastructure for the Planning Proposal?

The site is immediately adjacent to bus routes that provide direct access to Liverpool and Cabramatta. These bus routes run frequently during peak times and have travel times of no more than approximately 12 minutes.

The RMS upgrades to the immediate road network are proposed to be completed by 2017 and will accommodate the proposed increase in vehicle movements generated by the Planning Proposal without creating any significant impact on the operation of the surrounding road network.

Additionally, the site is well serviced by social infrastructure in the form of schools, recreational and sporting facilities.

Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No formal consultation, at the time of writing this Planning Proposal, has been undertaken with Commonwealth or State authorities. Where necessary, consultation with relevant authorities will be undertaken in accordance with the initial Gateway determination.

8.4 Part 4 – Mapping

Maps of the proposed amendments to the Fairfield LEP zoning and height controls applying to the site are provided in **Appendix G**.

8.5 Part 5 - Community Consultation

It is proposed that in accordance with 'A guide to preparing local environmental plans' that the Planning Proposal undergo a 28 day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with the Council's notification requirements at which time the public and relevant authorities can make further comments on the redevelopment of the site.

9.0 Conclusion

The Planning Proposal seeks to:

- Increase the maximum floor space ratio standard from 0.45:1 to 2:1;
- Increase the maximum height standard from 9 metres to part 14 metres and part 27 metres;
- Rezone the site to R1 General Residential; and
- Include 'office premises' and 'business premises' as additional permitted uses on the site.

The reasons for the Planning Proposal are:

- The State Government has set the Fairfield Local Government Area a housing target of providing an additional 24,000 dwellings from 2007 – 2031. Council have identified that 52% of the housing target (12,589 dwellings) can be accommodated in the Fairfield LEP in the eastern LGA town centres, on narrow lot precincts and by adopting the draft large lot policy. This leaves a shortfall of 11,411 dwellings in the LGA. The Fairfield LEP does not make provision for the shortfall. The Planning Proposal will contribute approximately 340 additional dwellings to the LGA housing target.
- Council have identified Fairfield, Cabramatta, Canley Vale, Canley Heights and Villawood as the key locations for increased density in the LGA. However, the centres generally contain a very limited number of suitable development sites due to multiple sites under strata ownership, multiple sites requiring amalgamation, and insufficient road infrastructure. Therefore, these centres are unable to be reasonably developed to achieve the required quantum of high and medium density residential dwellings.
- The subject site of this Planning Proposal is a significant site of approximately 15,349 sqm under single ownership. It is located on a prominent gateway to the LGA and on the immediate fringe of the Liverpool Regional City Centre. It is:
 - adjacent to bus stops that provide a short 8 minute trip to Cabramatta railway station and a 12 minute journey to Liverpool CBD;
 - a five minute walk to Cabramatta West Public School;
 - a five minute walk to Panorama Reserve and Cabramatta Creek;
 - a 10 minute walk to Cabramatta West village centre and a 10 minute walk to the Orange Grove MegaCenta; and
 - a 13 minute walk to Cabramatta High School.
- The proposed building heights will ensure an appropriate transition in scale to the existing lower density residential dwellings to the east and south. The Planning Proposal will not create any unacceptable or unreasonable overshadowing impacts to the surrounding dwellings and the existing perimeter trees can be maintained to preserve the existing edge character and privacy to neighbouring dwellings.
- The proposed residential flat buildings can meet the residential amenity requirements of the Apartment Design Guide.
- The proposal to include 'business premises' and 'office premises' as additional permitted uses will not have any impact on the economic viability, hierarchy, role or function of the existing centres in the LGA.
- The Planning Proposal will not have any adverse impacts on the future operation of the surrounding road network.

- The Planning Proposal will not have any adverse impact on any ecological systems.

The site is suitable location for the proposed mixed use residential flat development. We therefore request that Council progress the proposal to Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act* 1979.