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15203
23 June 2017

Mr Julio Assuncao
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via email: jassuncao@fairfieldcity.nsw.gov.au

Dear Julio

PLANNING PROPOSAL 400-404 CABRAMATTA ROAD WEST, CABRAMATTA

1.0 INTRODUCTION

We write on behalf of TCON Constructions in response to Fairfield City Council's (Council) initial assessment of the planning proposal (letter dated 10 June 2016 and email dated 7 February 2017) for the above site. This letter is an addendum to the planning proposal. It sets out the amendments to the previous indicative concept, responds to Council's matters, and provides a summary assessment against the relevant strategic planning considerations. This letter should be read with reference to the following:

- Initial Assessment of the Planning Proposal (Council, **Attachment 1**);
- Amended Urban Design Report (Aleksandar Design Group, **Attachment 2**);
- Revised Fairfield Local Environmental Plan 2013 zoning maps (JBA, **Attachment 3**);
- Flood Assessment (ANA Civil P/L, **Attachment 4**); and
- Drains model (ANA Civil P/L, **Attachment 5**).

2.0 AMENDED PLANNING PROPOSAL

The scale, density and land use zoning originally proposed has been amended to address the matters raised in Council's letter (**Attachment 1**). The following table compares the key components of the original planning proposal with the amended planning proposal. Refer to **Attachment 2** for further design details and **Attachment 3** for the revised zoning maps.

Table 1 – Comparative analysis

Initial Planning Proposal & Indicative Concept	Amended Planning Proposal & Indicative Concept
Rezone the site to R1 General Residential with 'office' and 'business premises' as additional permitted uses.	Rezone the site to R4 High Density Residential. Remove 'office' and 'business premises' as additional permitted uses.
Increase the maximum building height for the site to part 14 metres and part 27 metres;	Allow heights to permit a range of 4, 6 and 8 storey buildings. Level 7 and 8 on the taller buildings fronting Orange Grove Road and Cabramatta Road West are setback from the street façade.
FSR 2:1	FSR 1.9:1
GFA: 30,780m ² incorporating: <ul style="list-style-type: none"> ▪ 29,580m² residential; and ▪ 1,200m² non-residential. 	GFA: 28,557m ² incorporating: <ul style="list-style-type: none"> ▪ 27,357m² residential; and ▪ 1,200m² non-residential.
Approximately 340 x 2 bedroom apartments	Approximately 327 x 2 bedroom apartments, and 18 x 1 bedroom apartments

3.0 RESPONSE TO COUNCIL COMMENTS

The following section summarises and responds to the matters raised by Council.

3.1 Fairfield Residential Development Strategy

"This FRDS generally takes a centres based approach where criteria such as areas in close proximity to an established town centre, availability of public transport as areas where higher forms of residential development can be accommodated..."

It is acknowledged that part of the submitted proposal relies on housing delivery as justification for the increase in density sought for the site. The site also has access to regular public transport. However, these criteria alone cannot be relied upon as justification given the zone and densities sought on the subject site."

Response

In November 2016, the State Government determined that the Orange Grove planning proposal should proceed through the Gateway, and that the amending LEP is to be finalised within 12 months (i.e. November 2017). The Orange Grove planning proposal is likely to result in an additional 21,000m² floor space for 'shops'. This will result in Orange Grove accommodating approximately 40,000m² retail floor space a 10-minute walk from the site.

In this context, Council acknowledge that the site is proximate to a future 'sub-regional town centre', and it is strategically appropriate and justified to consider high density residential development on the site.

3.2 Status of the Orange Grove Road, Warwick Farm Planning Proposal

"The additional use of 'shops' [to a maximum GFA of 21,000m²] will essentially contain facilities such as those defined as 'Sub Regional (Town) Centre' under the Fairfield City Centres Policy 2015..."

In order for Council Officers to take into account the Orange Grove Megacentre and the facilities that it is likely to provide similar to those of a 'Town Centre',...the subject Planning Proposal would not proceed until the amendment to the Liverpool LEP is formally amended (Gazettal) to allow 'shops' on the Orange Grove site."

Response

As stated above, the Orange Grove planning proposal received a positive Gateway determination from the Delegate of the Greater Sydney Commission. Prior to the Gateway determination, the planning proposal was reviewed by the Planning Assessment Commission (PAC), who supported its progress. This should provide Council with an appropriate level of certainty that the Orange Grove planning proposal has been assessed comprehensively, is supported at both Local and State Government level, and will proceed within the required timeframe.

Therefore, it is reasonable for Council to consider the Orange Grove planning proposal as part of their strategic assessment of the planning proposal for the subject site. Waiting for the formal amendment of the Liverpool LEP will unnecessarily delay the opportunity to rezone land that will enable the future delivery of approximately 340 additional dwellings in the Fairfield LGA.

Further, proceeding with the planning proposal for the subject site is consistent with the State Government's recently released package of measures to improve housing affordability across NSW. These measures include boosting housing supply in Sydney by accelerating rezoning in the right areas. The subject site is in the right area for rezoning and delaying the progress of the planning proposal at this stage is not consistent with the objectives of the State Government's housing affordability package 'to accelerate the supply of available housing capacity by rezoning urban renewal sites'.

3.3 Additional Flood Information

“...a detailed flood analysis (including flood modelling) is required in order for Council to adequately address this aspect of the proposal.

...the findings of this detailed study may impact on the building envelopes proposed as part of this proposal. The flood analysis should also review the provisions of the [DCP] to inform the design building envelopes proposed for the subject site at this early stage.”

Response

Flooding analysis and modelling has been undertaken with regard to the amended indicative concept design (refer **Attachments 4 and 5**). The analysis concludes that overland flow can be managed by the existing and future stormwater drainage infrastructure and swales. In this regard, there will be no additional impact on surrounding properties and the analysis does not identify any requirement to adjust the indicative building layout or raise finished floor levels.

3.4 Additional Permitted Uses of Business Premises and Office Premises

“An assessment of the documentation submitted has concluded that a case for the additional permitted uses...has not been made”

Response

The planning proposal has been amended to omit the additional permitted uses.

3.5 Built Forms

The following table addresses Council’s built form comments.

Table 2 – Summary of Council meeting held 14 October 2015

Comment	Response
The flood modelling that is required to be undertaken for the subject site may necessitate amendments to the built forms as submitted as part of the proposal.	Refer to Section 3.3 above. No amendments are required.
<p>The FRDS generally provides for a transition between the residential zones as follows, R4 High Density Residential transitions into R3 Medium Density Residential which in turn transitions to R2 Low Density Residential.</p> <p>Council does not currently have a framework that looks at the future zoning of that locality, therefore in lieu of any established framework, the built forms submitted as part of this proposal (adjoining neighbouring properties) will have to take into account the transition methodology referred to above.</p>	<p>The proposed built forms reflect the Council’s transition methodology. The indicative concept design transitions from the surrounding R2 land (9m) by proposing a 4 storey (14m) height limit on built forms adjacent to the shared boundaries with R2 land. The built form transitions again to a higher density six storey (19m) height limit to an eight storey (27m) height limit on the prominent corner buildings.</p> <p>The upper levels of the two 8 storey buildings are setback from the street facade to reduce the perceived bulk and scale of the built form.</p>
<p>The maximum height available in the R4 High Density Residential Zone (located around existing centres) within the Fairfield Local Government Area is 20 metres (6 storeys) which is currently the maximum height across all residential zones (excluding those within town centres).</p> <p>Consideration of any maximum height and floor space ratio controls for the subject site will likely reflect its location in relation to town centres and other established R4 High Density Residential zones across the Fairfield LGA.</p>	<p>As discussed at Sections 3.1 and 3.2 above, the subject site is located within the walking catchment of the Orange Grove centre which has received a positive Gateway determination to permit an additional 21,000m² retail floor space. Council acknowledge that the additional retail floor space will result in the Orange Grove centre assuming the retail characteristics of a sub-regional town centre.</p> <p>The Fairfield Centres Policy 2015 identifies Prairiewood and Bonnyrigg as sub-regional town centres. The following considers the planning proposal against the development standards for land in Prairiewood and Bonnyrigg.</p>

	<p>Prairiewood</p> <p>Opportunities for urban renewal within the walking catchment of Prairiewood town centre is constrained in the short -medium term due to the balance of land already accommodating low density single dwellings. Nevertheless, the Fairfield LEP 2013 permits development up to 26m with an FSR of 3:1 on certain land. The planning proposal to increase the maximum height on the subject site to between 14m and 27m with an FSR of 1.9:1 is not inconsistent with the Council's approach to land use in Prairiewood.</p>
	<p>Bonnyrigg</p> <p>The Council planning proposal for the Bonnyrigg town centre is currently on exhibition. The planning proposal will amend the Fairfield LEP 2013 to permit development in the R4 zone up to 26m. No FSR controls are proposed. The planning proposal to increase density on the subject site is not inconsistent with Council's strategic approach to residential land use in Bonnyrigg.</p>
Preparation of a Site Specific Development Control Plan...may be required to ensure the orderly development of the site and manage any potential impacts on the adjoining dwellings.	The Urban Design Report (Attachment 2) demonstrates that the indicative design concept will not create any unreasonable shadow or privacy impacts to the existing or future residential dwellings east and south of the site. The preparation of a site specific DCP can occur post Gateway and prior to public exhibition if required.
It is Council Officers preference that the removal of existing trees should be minimised where possible in order to maximise the visual screening of any built form when viewed from the adjoining low density dwellings.	<p>The built form in the indicative concept design has been sited to minimise the number of significant trees required to be removed. In this regard, a Preliminary Arboricultural Assessment was submitted with the initial planning proposal.</p> <p>The indicative design concept is setback from the shared boundaries with adjacent R2 land in accordance with the requirements of the Apartment Design Guide. This allows the existing trees along the eastern and southern boundary to be retained which will maximise the visual screening of any future built form when viewed from the adjoining R2 land.</p>
The Proposal is unlikely to be supported until Council reviews the FDRS to take into account the Orange Grove Megacentre should the Liverpool LEP be formally amended to permit 'shops'.	<p>As outlined at Section 3.2 above, the Orange Grove planning proposal is supported at both Local and State Government levels and has received a positive Gateway determination. It is reasonable for Council to consider the planning proposal for the subject site within that strategic context now, rather than wait until the Liverpool LEP is formally amended.</p> <p>The balance of land in the Fairfield LGA within walking distance of Orange Grove accommodates typical suburban low-density dwellings. The likelihood of this land being developed in the short-medium term is relatively low regardless of whether Council determine to rezone the land following their review of the FRDS.</p> <p>The proposed controls and indicative concept design for the subject site are generally consistent with the scale and type of residential development the Fairfield LEP 2013 envisages in locations within sub-regional town centres that have capacity for change.</p> <p>The planning proposal has been designed to comply with the relevant residential design criteria. It will not restrict</p>

future development on the adjoining properties. The planning proposal demonstrates that the site can accommodate the scale and density of residential development proposed without generating unreasonable environmental impacts.

Undertaking a review of the FDRS prior to proceeding with the planning proposal imposes an unnecessary additional step in the rezoning process.

4.0 DRAFT SOUTH WEST DISTRICT PLAN 2016

Following the submission of the initial planning proposal, the Greater Sydney Commission released the *Draft South West District Plan 2016* (draft District Plan). For completeness, the relevant strategic considerations are addressed below.

Housing targets and delivery are a key strategic objective of broader metropolitan plans. The metropolitan and regional targets inform Council housing strategies and LEPs. The draft District Plan identifies that the Fairfield LGA population is projected to grow by 20,450 by 2036. In response, the Plan sets an initial housing target of 3,050 new dwellings in Fairfield before 2021. The draft District Plans' approach to housing delivery is underpinned by a set of liveability priorities. The planning proposal will directly address three key liveability priorities as outlined below, and is considered to be consistent with the intent of the draft District Plan.

Table 3 – Draft District Plan liveability priorities

Priority	Comment
Improve housing choice	The planning proposal will contribute approximately 340 new dwellings to meeting the five-year target. It has been prepared in response to a design-led strategic analysis of the site's locational qualities proximate to a future sub-regional centre.
Improve housing diversity and affordability	The planning proposal will provide a mix of 1 and 2 bedroom apartments. Smaller housing of this type caters to broad range of the population at various stages of their lives. The provision of apartment dwellings will enable a greater proportion of the local community to remain in the LGA throughout their lives. The planning proposal will improve housing diversity and affordability in the LGA.
Create great places – not just building houses	The planning proposal will facilitate the creation of a design-led development that responds to and respects the existing residential amenity and character of the surrounding streets. It will also facilitate the provision of approximately 340 new dwellings within walking distance of the Orange Grove centre and the Cabramatta Creek recreation corridor.

5.0 STRATEGIC MERIT ASSESSMENT

The Department of Planning and Environment have established strategic and site-specific merit tests to assess whether planning proposals should proceed to a Gateway determination. The following discussion assesses the planning proposal against the relevant strategic and site-specific merit considerations.

5.1 Strategic Merit Test

The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. The Department has strengthened the Strategic Merit Test and proposals will now be assessed to determine if they are (among others):

“responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls”.

The planning proposal meets this criteria for the following reasons:

- The FRDS is the strategic planning document that generally informs Council’s decisions regarding land rezoning for residential purposes in the Fairfield LEP 2013. The FRDS was prepared 8 years ago in 2009.
- The planning proposal is responding to a recent change in circumstances that was not a consideration for Council when they were preparing the FRDS in 2009. Namely, the positive Gateway determination to proceed with the Orange Grove rezoning represents a significant change to the strategic context and character of the surrounding area. Council acknowledge that once rezoned, Orange Grove will have the characteristics of a sub-regional town centre. The subject site is within easy walking distance of the Orange Grove site. This planning proposal seeks to amend the Fairfield LEP 2013 to facilitate the future delivery of appropriate housing types that will reflect the subject site’s strategic location.

For these reasons, the planning proposal clearly meets the DPE’s strategic merit test.

5.2 Site-Specific Merit Test

The table below considers the planning proposal against the DPE’s site-specific merit considerations.

Table 4 – Site-specific merit test

Consideration	Assessment
The natural environment (including known significant environmental values, resources or hazards);	Ecological
	An Ecological Issues and Assessment Report has been prepared by Gunninah (Appendix D to the initial planning proposal). In summary the assessment concluded that, <ul style="list-style-type: none"> ■ 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. <p>The Planning Proposal to facilitate higher density development on the site is supportable on ecological grounds.</p>
	Tree retention
	A Preliminary Arboricultural Assessment has been prepared by Urban Forestry Australia (Appendix C to the initial planning proposal). 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.
	Flooding and overland flow

	<p>Flooding analysis and modelling has been undertaken with regard to the amended indicative concept design (refer Attachments 4 and 5). The analysis concludes that overland flow can be managed by the existing and future stormwater drainage infrastructure and swales. In this regard, there will be no additional impact on surrounding properties and the analysis does not identify any requirement to adjust the indicative building layout or raise finished floor levels.</p>
<p>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and</p>	<p>The surrounding land to the east and south is zoned R2 Low Density Residential and generally accommodates typical suburban single lot dwellings. The indicative concept design complies with the relevant boundary separation and solar access requirements to the adjoining properties.</p> <p>As outlined above, the subject site is within walking distance of the Orange Grove site to the south. The Orange Grove site currently accommodates the following:</p> <ul style="list-style-type: none"> ▪ Service NSW; ▪ Restaurants and takeaway food outlets; ▪ 'Fashion Spree' (40 well-known brands) ▪ Fitness centres; ▪ Homemaker retailers; ▪ Electrical retailers; ▪ AMF Bowling; and ▪ Stationery retailers. <p>Liverpool City Council, the Planning Assessment Commission and the Greater Sydney Commission support the current planning proposal for the Orange Grove site to allow approximately 21,000m² additional retail floor space. The planning proposal received a positive Gateway determination in November 2016. The Delegate of the Greater Sydney Commission included an instruction to finalise the amending LEP within 12 months of the Gateway determination (i.e. November 2017).</p> <p>Therefore, in a matter of months, the Orange Grove site is likely to be zoned to facilitate retail development that Fairfield City Council acknowledge will make it equivalent to a sub-regional town centre.</p> <p>The planning proposal for the subject site seeks to provide additional residential development at a scale and density that is appropriate for a location within walking distance of a sub-regional town centre without creating any unreasonable impacts on existing or future development in the surrounding area.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>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 to each centre.</p> <p>The RMS recently upgraded the Orange Grove Road and Cabramatta Road West intersection. The Traffic Impact Assessment Report (Appendix B in the initial planning proposal) determined that the proposed increase in vehicle movements generated by the planning proposal can be accommodated without creating any significant impact on the operation of the surrounding road network.</p> <p>Additionally, the site is well serviced by social infrastructure in the form of schools, recreational and sporting facilities (refer to the initial planning proposal).</p>

The Council's Direct Development Contributions Plan 2011 (Amendment 10) outlines the funding and infrastructure required to support the population growth identified in the FRDS (i.e. 14,400 additional dwellings in the eastern side of the LGA).

The FRDS identifies that approximately 12,600 new dwellings can be accommodated within the existing centres or as medium density on the fringe of centres. The planning proposal has the potential to deliver approximately 340 of the 1,800 dwellings that the FRDS does not seek to accommodate. Therefore, the demand for infrastructure that the planning proposal will create is already accounted for in the existing Development Contributions Plan. No additional funding mechanisms are required at this stage.

The planning proposal clearly meets the site-specific merit test.

6.0 CONCLUSION

We thank Council for the opportunity to respond to the matters raised following their initial review of the planning proposal. In conclusion, we believe that the proposed amendments address Council's concerns and the planning proposal can proceed to Gateway for the following reasons:

- The planning proposal responds to a recent change in circumstances that was not a consideration for Council when they were preparing the FRDS in 2009. Namely, the positive Gateway determination to proceed with the Orange Grove rezoning represents a significant change to the strategic context and character of the surrounding area. Council acknowledge that once rezoned, Orange Grove will have the characteristics of a sub-regional town centre. The subject site is within easy walking distance of the Orange Grove site. This planning proposal seeks to amend the Fairfield LEP 2013 to facilitate the future delivery of appropriate housing types that will reflect the subject site's strategic location.
- The Orange Grove rezoning is supported by Liverpool City Council, the Planning Assessment Commission and the Greater Sydney Commission. Fairfield City Council can reasonably consider the quantum of likely future land uses at Orange Grove to determine the strategic suitability of the planning proposal for the subject site.
- The proposed amendments to the land use zone, FSR and building heights provide a density and scale that is generally consistent with Council's existing and proposed controls for residential development on comparable land within walking distance of Prairiewood and Bonnyrigg sub-regional centres.
- Undertaking a review of the FRDS imposes an unnecessary additional step in the rezoning process. The balance of land in the Fairfield LGA within walking distance of Orange Grove accommodates typical suburban low-density dwellings. The likelihood of this land being developed in the short-medium term is relatively low regardless of whether Council determine to rezone the land following their review of the FRDS.
- The planning proposal meets the relevant strategic merit test and site-specific merit test criteria.

Should you have any queries about this matter, please do not hesitate to contact me on 02 9956 6962 or jmurray@jbaurban.com.au.

Yours faithfully



Jim Murray
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