

OUTCOMES COMMITTEE

Meeting Date 8 February 2011

Item Number. 5

SUBJECT:

Issue: Proposed Redevelopment Fairfield Chase – Draft Site Specific Development Control Plan
Premises: Lot 1 DP 730010 being 49 - 61 Spencer Street, Fairfield
Applicant: Urbis Pty Ltd (Refer to Attachment A for Directors)
Owner: The Fairfield Chase Centre Pty Ltd (Refer to Attachment A for Directors)
Zoning: 3(a) - Sub-Regional Business Centre
Submissions: Nil

FILE NUMBER: 10/03144

REPORT BY: Robert Cologna, Manager Strategic Land Use Planning

RECOMMENDATION:

1. Council exhibit an amendment to the Fairfield Town Centre DCP 2006 to include the draft Site Specific Development Control Plan controls (SSDCP) included as Attachment D for the redevelopment of the Chase Site in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.
2. Should the development application be submitted in sufficient time it be exhibited concurrently with the draft SSDCP.
3. The draft SSDCP be further considered by Council after the exhibition period.

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

SUPPORTING DOCUMENTS:

AT-A	Ownership Details	1 Page
AT-B	Locality Plan	1 Page
AT-C	Zoning Plan	1 Page
AT-D	Draft Site Specific DCP	11 Pages
AT-E	Draft Site Specific DCP & Justification Originally Submitted by Applicant	27 Pages

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SUMMARY:

Council has received a draft Site Specific Development Control Plan (SSDCP) and associated conceptual development drawings for Lot 1 DP 730010 being 49 - 61 Spencer Street, Fairfield otherwise known as the Fairfield Chase. A locality plan is provided as Attachment B.

The Fairfield Chase site has been identified as a SSDCP site in the Fairfield Town Centre Development Control Plan 2006 (FTCDP2006).

The SSDCP process allows Council the flexibility to consider other, possibly more suitable options, within a structure that allows Council to set the policy objectives and to permit the owners greater design flexibility for larger sites where a site-specific response is likely to generate an outcome better suited to the needs of both the owner and the community.

The originally submitted draft SSDCP provides the development controls that would facilitate the redevelopment of the Chase site incorporating the following major components:

- Active street frontages along Spencer and Smart Streets,
- Building podium of 6 storeys with 22 metre height above Natural Ground Level, zero street setback,
- Exclusion of the two (2) lots on the corner of Spencer and Smart Street as inclusion negotiations have failed, and recommended controls for such lots to increase their future redevelopment potential,
- Maintenance of required ground floor pedestrian linkages.
- Vehicle access mid block in Smart Street and removal of the existing access ramps.
- Retention of the commercial building on the corner of Smart Street and Council Lane, as well as substantial sections of the existing building. A total of 7,750 of retail and commercial floor space proposed.
- Provision for the construction of two (2) residential towers having maximum height of 66 metres or 14 storeys above the podium for Tower 1 and 55 metres and 10 storeys above podium for Tower 2. Towers proposed to contain 104 units.
- Floor Space Ratio of 4:1
- Car parking in accordance with Council DCP requirements.

Council Officers in consultation with the applicant have negotiated amendments to the originally submitted proposal. The more significant amendments relate to vehicle access, height of the podium and the location of the towers on the subject site. The reasons for these changes are detailed in the report.

The FTCDP 2006 provides a process for the development of SSDCP that would be applicable to certain large sites i.e. those having a consolidated area of 4000m² or more within the CBD. Applicants choosing the SSDCP process must follow a defined process which includes the negotiation of controls with Council staff and Council considering the controls followed by exhibition and then further consideration as required by the Environmental Planning and Assessment Act. The applicants commenced this process in

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late 2010 and the SSDCP and indicative development concept has now reached the stage where it warrants consideration by Council. The following report sets out the context in which Council should consider the SSDCP as well as providing comments on the merits of what is proposed.

REPORT

FAIRFIELD TOWN CENTRE - REGIONAL CONTEXT

The NSW Metropolitan Strategy has classed Fairfield Town Centre as a potential Major Centre. A Major Centre contains major shops and business centres serving the subregion with large shopping malls, specialist retail, medical services, taller office and residential buildings, council offices, central community facilities and a minimum of 8,000 jobs.

DRAFT COMPREHENSIVE FAIRFIELD LOCAL ENVIRONMENTAL PLAN 2010

Council is currently preparing its Standard Instrument Local Environmental Plan. The Fairfield Chase site is proposed to be zoned B4 – Mixed Use Zone which is equivalent to the 3(b) Town Centre Zone under the Fairfield LEP 1994. (Refer to Attachment C)

The draft Comprehensive Fairfield LEP 2010 reflects the recommendations of Council's draft Residential Development Strategy 2009 and Retail and Commercial Centre Study of 2005.

The standard instrument includes development standards for *Height of Buildings and Floor Space Ratios (FSR)*. The Department have advised that higher order centres (such as the Fairfield Town Centre) must have FSR and building height controls included in Council's Comprehensive LEP and as part of Council's review of its LEP to comply with the State Government Standard Instrument Template.

The Draft Comprehensive LEP is currently awaiting endorsement from the Department of Planning to allow it to be publicly exhibited.

The FTCDP does not have FSR controls, as the built form controls are based on building envelopes and height limits. Council engaged the services of an external urban designer to obtain FSRs for all the built forms provided in the FTCDP for inclusion in its Standard Instrument LEP. Once the draft Comprehensive LEP is endorsed by Council the FSR controls will be inserted into the FTCDP to ensure the two plans are consistent.

The following table is a comparison of the Height and FSR controls as found in the FTCDP and the Draft Comprehensive Fairfield LEP 2010.

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Controls applicable to Fairfield Chase Site Specific DCP Site		
	Building Height	Floor Space Ratio
Fairfield Town Centre DCP	<ul style="list-style-type: none"> 39 Metres if using general Ware St precinct controls 42 Metres if preparing a SSDCP 	No Floor Space Ratio controls (built form controls are based building heights and setbacks)
Draft Comprehensive Fairfield LEP 2010	<ul style="list-style-type: none"> Building Height Map shows a maximum of 42 metres subject to the requirements of <i>Clause 4.3A Fairfield Town Centre Height of Buildings</i> 	The Floor Space Ratio Map provides for a maximum FSR of 4:1 subject to the requirements of <i>Clause 4.4B Fairfield Town Centre Floor Space Ratio</i>

There is no legislative requirement for the SSDCP to comply with the controls in the unexhibited Draft LEP at the present time. Therefore it is open to Council to consider the relative merits of a proposal that whilst compliant with the proposed FSR control does not comply with the 42 metre height limit. Should Council ultimately endorse the SSDCP then it follows that it will need to give further consideration to this matter when considering submissions to the draft LEP once exhibited.

BACKGROUND - FAIRFIELD TOWN CENTRE DEVELOPMENT CONTROL PLAN 2006

The Fairfield Town centre is characterised predominantly by two storey shop-top buildings. These buildings typically have awnings and active frontages which provide a safe and active streetscape for pedestrians. The two-storey height allows good sun access into the street, which is the principal public domain experience in the town centre. Prior to the adoption of the Fairfield Town Centre DCP 2006 some development occurred within the town centre which compromised this character.

Reinforcing the character of the Fairfield Town Centre was a key recommendation of the Fairfield Town Centre Strategic Plan 2004.

Fairfield Town Centre Strategic Plan 2004

The Fairfield Town Centre Strategic Plan in 2004 is the base strategic document that sets out the vision for the Fairfield Town Centre. The plan sets out a number of key directions for the revitalisation of the town centre. Some of the actions arising from the plan were to:

- Develop a new Development Control Plan for the Town Centre
- Reinforce the Town Centre character

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- Protect and enhance public domain
- Integration with the Sydney Metropolitan Strategy

Fairfield Town Centre Development Control Plan 2006 (FTCDGP)

One of the key objectives of the Fairfield Strategic Plan 2004 was to reinforce the character of the town centre as well as achieve the targets set out by the Sydney Metropolitan Strategy.

The objectives of the FTCDGP are to:

- Implement the aims and objectives of the Fairfield Local Environmental Plan (LEP) 1994.
- Contribute to the implementation of the Fairfield Town Centre Strategic Plan 2004.
- Provide guidelines and controls for development in the Fairfield Town Centre.
- Explain the development application process to assist interested parties in understanding the process and to provide consistent advice to prospective developers, residents, local business owners and other users of the town centre.
- Promote redevelopment of the centre that is economically, environmentally and socially sustainable.
- Provide for high quality open space and public domain areas.
- Encourage an appropriate land use pattern and built form.
- Ensure any new development takes into account the history of the town centre.
- Providing for efficient and safe movement into, out of, and within the centre.

Site Specific Development Control Plans

The FTC DCP 2006 identifies key sites as Site Specific DCP Sites (in Appendix 4) which can benefit from the process of establishing their own Site Specific DCP. Other landowners can benefit from the same process if they can amalgamate a site of not less than 4000m²

Due to the size, orientation and nature of these sites there are other design responses that could still achieve Council's objectives for the centre that would not be otherwise permitted under the FTCDGP's general controls.

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The SSDCP process allows Council the flexibility to consider other, possibly more suitable options within a structure that allows Council to set the policy objectives and to permit the owners greater design flexibility for larger sites where a site-specific response is likely to generate an outcome better suited to the needs of both the owner and the community.

FAIRFIELD CHASE - SITE SPECIFIC DCP REQUIREMENTS

Appendix 4 of the FTCDCP provides the strategic framework for SSDCP sites. The following table details the issues that the SSDCP should consider as well as the applicants proposed response to such issues.

<u>Fairfield TCDP 2006 Requirements for SSDCP – Chase Site</u>	<u>Applicants Response</u>
Active frontages along Spencer Street and Smart Street required.	Street frontages substantially activated.
Development should not involve overshadowing of the public domain or adjoining properties between 9am and 3pm on 21 June any greater than that expected if the site was developed under the controls set out in Section 4 of the FTCDCP.	Proposed towers whilst being higher than envisaged controls will result in different shadow impacts. Shadow will be cast further into station precinct however because of towers slender form and separation between towers, may produce some reduced impacts.
The massing of any buildings along the street edge should be consistent with and complimentary to the scale of buildings proposed in the building envelope in Section 4 of the FTCDCP for adjoining sites. A maximum of four storeys along the street edge is considered desirable.	Applicants whilst initially proposing 5 – 6 storeys have agreed to comply with a 4 storey maximum podium height.

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<u>Fairfield TDCDP 2006 Requirements for SSDCP – Chase Site</u>	<u>Applicants Response</u>
<p>A maximum height of 14 storeys (42m maximum height) will be permitted subject to compliance with other design issues.</p>	<p>The southern tower is proposed to have a height of 10 storeys above a 6 storey podium whereas the northern tower will have height of 14 storeys above the podium. The height exceedance is a maximum of 6 storeys or 24 metres above that permitted for the southern tower or 13 metres for the northern tower. These towers will have heights similar to those permitted in centres such as Parramatta, Chatswood, Wolli Creek, St Leonards and Willoughby.</p> <p>The increased height is a function of the applicant seeking to maximise the 4:1 proposed FSR as well as wanting to design a living environment that benefits from the increased setbacks and orientation advantages associated with tower development.</p> <p>Towers of this height represent a significant departure from Councils built form vision for the Fairfield CBD but are not intrinsically an inappropriate development response especially given the site is in the centre of the CBD.</p>
<p>The sites on the corner of Spencer and Smart Street are included in the SSDCP site and are in separate ownership from the Fairfield Chase Site. The SSDCP process must make adequate provision for these sites to be developed independently from the rest of the Fairfield Chase Site if the owner/s do not agree to become formally involved in the SSDCP process.</p>	<p>The applicant has made some attempts to negotiate the incorporation of these properties but has not succeeded. The response proposed consists of a preliminary analysis of design scenarios that would be generated within the context of a 4:1 FSR. This issue is discussed in more detail in the assessment section of this report.</p>
<p>Pedestrian linkages as indicated in Section 5.2 of the FTCDP through the site must be maintained and all vehicular access should be from Council Lane</p>	<p>Adequate and suitable pedestrian linkages have been provided.</p>
<p>Car Parking Access from Council Lane</p>	<p>Two access options have been identified to replace the applicants initially preferred mid block Smart Street access way proposal.</p>

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Council Officers assessment of all the issues listed in the table are provided in the following sections of this report.

ASSESSMENT OF SUBMITTED DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

Review of the draft SSDCP

To assist in the assessment of the urban design and proposed built form Council engaged Timothy Williams & Associates Pty Ltd. The firm principal Mr Timothy Williams is an acknowledged expert urban designer.

The review of the original submitted draft SSDCP identified issues in regards to the urban design and traffic issues.

A meeting between Council Officers and the applicant was convened with the aim of finding common ground regarding the above issues so that the matter could proceed. At the conclusion of this meeting the applicant agreed to provide Council Officers with revised concept plans and an amended draft SSDCP that addresses the urban design and traffic issues.

The urban design assessment by Mr Timothy Williams of the revised draft SSDCP recommended the following in relation to the building envelope for the subject site:

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RECOMMENDATIONS- Built form

The following recommendation aims to provide continuity between the objectives of the DCP and the aspirations of the applicant for the yield of the site as expressed in their proposal. The suggested setback from Spencer Street does not match exactly the setbacks for other parts of the DCP but we feel that in order to allow the southern tower to move further northwards and thereby reduce impacts on properties and public domain to the south, this proposed setback will be sufficient to maintain the desired streetscape qualities.

- 1. Enforce a 9m podium with a 3m setback for the perimeter building along Spencer Street.*
- 2. Enforce a 9m podium with a 6m setback along the Southern Boundary of Council lane to ensure that future development south of Council Lane is not unduly overshadowed. The 6m setback may be reduced if overshadowing and separation within Sepp.65 guidelines can be demonstrated.*
- 3. Reposition Towers so that they are a minimum of:-*
 - 9m from the Spencer Street boundary*
 - 5m from the western Council Lane boundary*
 - 9m from southern Council Lane boundary*
 - 24m between towers within the site.*
- 4. Height of towers restricted to avoid additional overshadowing of railway station.*

Council Officer's comments in regards to the draft SSDCP are provided below:

HEIGHT

The draft SSDCP proposes a significant variation to the height limit provided by the FTCDP2006. The key factor that defines the sites inability to achieve the desired FSR of 4:1 whilst conforming to the height limit of 42 metres, is the applicants decision to retain the existing 6 storey office tower. Council Officer's advised the applicant that there would be far greater flexibility and hence scope for meeting the above controls if the existing structures were demolished (such as underground car parking and choice and position of towers). The applicant was also advised that the purpose of a SSDCP is to offer the developer the opportunity to design an innovative solution to the site because it is less encumbered by constraints.

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In negotiations with Council Officer's the applicant advised that demolition of the existing office building is not an option as this would result in the entire proposal becoming economically unviable. It appears based on this advice that the viability of any redevelopment is based on the FSR being retained with the existing structure and this can not be achieved if the height control is retained.

In considering whether the height is appropriate the following issues have been taken into consideration

Precedent

It is the opinion of Council Officer's that allowing this proposal which significantly proposes a variation in Council's height controls will not result in other sites within the town centre seeking similar concessions. As mentioned above this variation is a result of the retention of a significant portion structure on the site in the office tower. It is unlikely that a similar scenario exists elsewhere in the town centre.

It is unlikely that redevelopment of other sites within the town centre would be able to retain any existing structures in a similar format. These sites will more likely to benefit from a developing a site that is free from constraints and as such more flexible design options will be available, such as the provision of underground car parking etc. These sites will be able to achieve the maximum FSR whilst remaining within the respective height controls provided by the FTCDP2006.

This does not in the opinion of Council Officers set a precedent for other sites to increase their FSR by requesting additional height. The subject site is still achieving the same FSR as would be permitted if the site was completely redeveloped without any of the existing building being retained.

Overshadowing

By allowing an increased height the issue of shadow impact needs to be considered. The applicant has provided Council Officers with analysis on the shadows generated from the proposed tower built forms in the form of a comparative study which demonstrates the difference between a shadows generated by a built form that is within Council's height controls and shadows generated by the build forms as proposed in the draft SSDCP.

The applicants shadow analysis shows that a tower that is designed within Council's height controls already encroaches on the public domain along The Crescent. The analysis shows that the additional shadows generated by the increased height will cast longer shadows but the impact on the public domain is substantially the same.

It should be noted that the shadows generated by slender tower forms pass more quickly when compared to those generated from squat building forms.

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The impact generated from the extra height does not significantly add to the shadows generated if the site was developed within Council's height controls.

Council's Urban Designer has recommended the repositioning of the towers within the site in order to further improve the amenity of the public domain along The Crescent. The analysis below concludes that the tower will not be relocated as far as recommended by the Urban Designer. The change to the setback ultimately recommended will contribute to a small reduction in the shadow impact but on the whole the issue is not considered significant enough to warrant not proceeding with exhibition of the SSDCP.

Benefits from Redevelopment

As part of the redevelopment Council Officers have negotiated for access to be moved from the existing location which is not working efficiently or safely into the lane and associated road widening to improve access arrangements.

The development will also contribute more residential development to the centre which is consistent with the plan.

The retention of the existing building retains the only large floor plate commercial building in the centre which might have been lost if the site was completely redeveloped.

Conclusion of Height Assessment

Council in its decision on height will need to take into the consideration the benefits of development that the draft SSDCP facilitates against the objectives of the FTCDP2006 outlined earlier in the report. The benefits from the redevelopment in the opinion of Council Officers balance the shadow impacts and given it is not considered that it will result in a significant precedent the Council Officer consider that the DCP should be permitted to be exhibited with the heights as proposed by the applicant.

SETBACK ISSUES

Setback of levels 3 and 4 of the Building

The FTCDP 2006 requires a setback of 3m for the third and fourth levels for the following reasons:-

- Usually this form of development is encouraged to be residential and so the setback provides a setback from the street and associated noise and activity and provides a space for a balcony to be provided overlooking the street
- For streetscape reasons to maintain a 2 storey scale to the street and avoid the visual impact of large four storey walls right on the boundary

The Urban Designer recommends the following setbacks apply for the third and fourth storey of the building

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- Spencer Street 3m
- Smart Street – Nil because retaining existing building which does not have a setback
- Western Boundary (fronting Council Lane) – Nil setback
- Southern Boundary (fronting Council lane – 6m

Along the southern section of Council lane at the southern end of the site the urban designer suggests 6m for the third and fourth storey to improve the building separation to future residential buildings which can be constructed on sites to the south of the subject site.

The applicant has indicated the 3m and 6m setbacks are unnecessary and all third and fourth storey parts of the building should be permitted a nil setback. The reasons given are that the setbacks significantly impact on the viability of the development because it results in the development being unable to provide additional parking. Also in relation to the setbacks to Council lane they argue the setbacks are much greater than those proposed under SEPP 65.

Council Officer Assessment:-

Given that the proposal does not involve residential development but instead seeks to provide parking at this level (which is the current use of the roof of the existing building) the amenity objectives of the 3m setback are not relevant. Therefore the issues to be balanced are the streetscape issue versus the impact on carparking levels and the associated viability of the development.

Given Neeta City and an apartment building located on the opposite side of Smart Street, both of which were approved prior to the current DCP, and the new police station building do not have a step in the building at the three storey level there is an established character issue that also must be taken into consideration.

Balancing out the streetscape versus parking issue taking into consideration the existing character it is not considered that the 3m setback can be justified in this case in Spencer Street. In terms of the precedent this does not set a precedent for any development involving residential development at the third level as these sites will still require the 3m setback to protect the residents. In other cases where residential development is not proposed an assessment of the existing character in that locality will need to be made to determine whether the 3m setback can be justified on streetscape grounds alone. The 6m setback to Council Lane is greater than that required by SEPP 65 and is not supported for the same reasons.

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Setbacks of Towers

The applicant has agreed with the amendment proposed by the Council's Urban Design consultant which moves the northern tower 9m from the Spencer Street boundary and moves both the towers 5m from the western boundary (fronting Council Lane)

In relation to the southern tower the urban design consultant has recommended that the tower should be setback 9m from the southern boundary to minimise the shadow impact on The Crescent and maximise the distance between this tower and future development to the south.

The applicant has in most recent discussion has indicated that a 5m setback is more appropriate. They argue the 9m setback is greater than required under SEPP 65 and that it impacts on the design of the tower and results in wasted space being created that can not be put to any functional use.

Given that 5m provides building separation from future buildings on adjoining sites that will satisfy SEPP 65 Council Officers consider that a 5m setback from Council lane is acceptable. The shadow reduction achieved by increasing the setback to 9m is not sufficient to outweigh the impacts on the design of the development.

In order to avoid any confusion the setback of 5m will be measured from the new boundary created for the site as a result of the proposed road widening discussed later in his report so that the final development has a 5m setback from all parts of Council lane for all the new towers on the site.

AMALGAMATION

The draft SSDCP submitted by the applicant does not actively promote amalgamation with the two sites at the corner of Spencer and Smart Street. The subject site does not have the potential to be independently developed given its size but the isolation of adjoining sites is an issue.

The applicant has provided letters from two real estate agents acting on their behalf advising Council of their inability to amalgamate with or purchase the abovementioned sites.

One of the key requirements of the draft SSDCP site is for adequate provisions to be made to show the development potential of the excluded sites if they were to be developed independently from the Fairfield Chase site.

Council Officers preference would be for all the sites on the block to be amalgamated and developed as one entity.

Inability to amalgamate the two corner sites will result in the following:

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- The ability to obtain vehicle access from the laneway for the two corner sites would be lost. If these sites were to be developed in the future it would mean an access point from either the Spencer Street or Smart Street frontage. This is not a preferred option as it will result in introducing a pedestrian/vehicle conflict point.
- The sites would not have access to a loading dock as a result all the loading and unloading would be done on the street. This could also affect how waste generated on the sites would be managed.
- The sites may not be able to achieve the maximum development potential outlined in the FTCDP without some sort of amalgamation or Council being requested to consider further development control concessions.

In order for the development potential of the isolated Spencer / Smart Street site to be reasonably preserved Right Of Way (ROW) provisions are proposed by Council Officer's to be incorporated into the draft SSDCP. This will require as a condition of any development consent granted for the developer to register access rights of way over driveways in favour of the isolated lots. If these ROW are created it will enable future car parking on these lots to be accessed from the Fairfield Chase site. Similarly should the isolated sites be developed in the future then ROW provisions would be required over these sites in favour of the Fairfield Chase site. Such provisions if able to be achieved will resolve the additional access way concern and assist in increasing the redevelopment potential of the isolated sites. Nevertheless Section 5.2 of the FTCDP2006 permits access from both the Spencer St and Smart St frontages for these sites.

Council Officers accept the ability of the site to be independently developed from the two sites at the corner of Spencer and Smart Street and acknowledge the difficulties associated in amalgamation.

However the owners of the adjoining sites need to be advised of the exhibition process that as a result of the failure to amalgamate their future development potential will be limited to an FSR of between 2.5:1 and 3:1.

The applicant has provided other design options which they argue increases the development potential of the adjoining sites to approximately 4:1 (these options are discussed in Attachment E Pages 8-10). However, these options are not viable and would require further DCP variations/amendments (and if the Draft Comprehensive LEP is in force an amendment to the provisions of the new LEP as well).

If the adjoining owners did want Council to consider any of the options identified by the applicant or any other option that does not confirm with the existing DCP a separate Site Specific DCP process (and potential LEP amendment) would be required. They should be given the opportunity to comment on these options as part of the exhibition of the plan.

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ACCESS AND TRAFFIC MANAGEMENT

Car Park Access

Section 5.2 of the FTCDP2006 places a restriction on access from either the Spencer St and Smart St frontages of the Fairfield Chase Site due to the site's access to the Council Lane.

Negotiation with the applicant has resulted in the driveway location be moved from the Smart street frontage as originally proposed to Council Lane which is in accordance with the existing DCP.

This option would also require widening of the Council Lane to the point of access to permit two-way vehicular traffic. This will allow vehicles associated with the retail, commercial and residential uses (excluding service vehicles) to enter and exit the site from the Council Lane. The advice from Council's Traffic Engineers indicated that the preferred arrangement would be for access from Council Lane across the southern boundary of the site with the part of the road between Smart Street and the Driveway widened in order to facilitate two-way traffic with a minimum pavement width of 7.

Appropriate controls have been included in Section 1.8 of the Draft DCP (see Attachment D)

.Pedestrian Access

The draft SSDCP and submitted development concept scheme maintain the existing north – south and east- west pedestrian access linkages as required by Section 5.2.2 of FTCDP2006.

The plans also propose access to the residential lobby for the south tower via the Council Lane. Council Officers advised the applicant that the draft SSDCP should contain provisions for the improvement of the Council Lane in the form of improved lighting and dedication of land on the development site for the construction of a formal pedestrian path along the Council Lane to the point of access. The widening of the Council Lane together with an enlarged open forecourt area proposed by the applicant south of the development site will further reinforce the north- south pedestrian linkages envisaged in the FTCDP2006.

In short Council Officers required that the draft SSDCP specify a minimum laneway pavement width of 7 metres and an additional minimum 3 metre wide footpath. This will require road widening of 4.1 metres to be dedicated to Council along the site's frontage to Council Lane from Smart Street to the vehicle access point.

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LOADING FACILITIES AND WASTE MANAGEMENT

Loading facilities for the Chase development are currently provided from a recessed loading bay located with access of Council Lane. The design and size of the existing loading facilities are inadequate to satisfactorily service the existing development. Facilities such as waste separators and garbage bins have also been located in the dock area further reducing the amount of space available for vehicle unloading.

The applicants are proposing to retain the loading dock in the same area as it currently exists but increasing its size by removing some of the encroachments that have been added i.e. waste separator. Insufficient details have been submitted with the draft SSDCP submission to determine the extent to which the existing loading dock will be modified. This will be a matter for detailed assessment with the DA. The applicants have however been advised that the existing situation for loading and waste management are unsatisfactory.

The draft SSDCP requires adequate provision to be made for the off street loading and unloading of goods and for the storage and disposal of waste. A detailed Waste Management Plan will be required with any DA submitted. This plan will need to examine the waste storage requirements of the various development components and make adequate provision for this in the design. It is also likely that the existing dock, apart from having encroachments removed, will be required to be enlarged in depth and width so as to ensure that vehicles can be unloaded while standing wholly on the development site.

CAR PARKING

Rates

The applicant in its draft SSDCP submission provides an argument for reduced car parking rates details of which are provided in Attachment E (page 6-7). The applicant argues that Council should review its car parking rates as they are too high but in conclusion that the Site Specific DCP lodged does not seek to amend the parking rates contained in the current DCP.

Unrelated to this matter a parking assessment has been undertaken by Council. A separate report in regards to issues within the FTCDP2006 in relation to car parking rates has also been prepared for consideration by Council. Below is an extract of that report that addresses issues with large masterplan sites (ie the Fairfield Chase Site)

These sites are identified in Schedule 4 of the Fairfield Town Centre DCP and are larger sites (generally greater than 4000m²) like Fairfield Forum, Neeta City etc. In relation to these sites it is argued that the existing rates of 1 per 25m² retail and 1 per 40m² commercial should be retained for the following reasons:-

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- *These major traffic generators and destination sites in their own right and significant expansions of these centres can significantly increase in traffic demand compared to extensions to existing sites*
- *If the economic conditions in Fairfield improve significantly these sites would benefit most significantly and generate the greatest increases in traffic generation*
- *These large sites are where it is most economical to provide parking in a cost effective manner*

If as part of any redevelopment of these sites the owners/developers wish to undertake their own parking study to demonstrate specifically that the development and mix of uses they intend to add to their centre do not require the level of parking required by the current rate then that application can be considered on its merits but a reduced rate should not be locked into Council's policies for the reasons described above.

Provision of Car Parking

The draft SSDCP does not propose to provide at least 1 level of car parking below ground as required by the FTCDP2006. This is a function of the fact that the existing buildings on the site are substantially proposed to be retained. As mentioned earlier on in the report the applicant has advised Council Officers that retention of the existing structures is required for the proposed redevelopment of the site to be economically viable as a result Council Officers consider that non compliance with this section of the FTCDP2006 is accepted. The issue of precedence this may set has also been covered earlier on in the report.

In terms of the number and design of car parking spaces these matters have not been addressed in the SSDCP and will therefore require compliance with the relevant provisions contained within Part 5.2.5 of the FTCDP2006. If the applicant chooses to vary the car parking rates they will be required to undertake their own parking study as mentioned above.

OTHER DEPARTURES FROM EXISTING FAIRFIELD TOWN CENTRE DCP

The building envelope controls discussed above provide heights setback and other controls that will apply to the subject site in place of the existing controls in the FTCDP 2006

The controls in Chapter 5 of the FTCDP 2006 will apply except where they are amended by the controls in Section 1.8 of the Draft SSDCP (see Attachment D)

These amendments are supported but the following issues should be noted-

Activation of Street in Podium – Where parking is proposed in upper levels (as proposed in this SSDCP) the FTCDP requires that a 10m strip be provided along the

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boundaries for retail and commercial use to activate the frontages. The other reason for this is to avoid all the capacity for second storey commercial being lost to parking uses.

The applicant is seeking to amend this requirement and add flexibility by amending the control so that the 10m retail commercial strip is provided along the boundary OR that the area be designed so that it is capable of being transferred to this use in the future.

Given the applicant is retaining the office tower which retains significant commercial floor space it is considered that the contribution of this site to commercial development in the short term is acceptable without the 10m strips being required. The flexibility proposed by the applicant is considered appropriate but the design detail at development application stage should ensure blank walls or inappropriate materials are avoided where carpark walls are seen from a primary street to protect the visual amenity of the street

Residential Unit Mix – The current DCP requires that a mix of units be provided and that so that a minimum of 10% of the units are 1 bedroom 20% two bedroom and 20% of the units as three bedroom. Given market conditions developers prefer two bedroom units over three bedroom units and the applicant has proposed to drop the requirement for 20% of the units to be three bedroom units.

The policy was implemented to ensure units mix to meet local needs and given that Fairfield has larger than average family sizes there is a need for 3 bedroom units which may not be met by the market if it is not included in the DCP accordingly Council Officers have amended the applicants proposal in the Draft DCP to reiterate that 20% of units should be 3 bedroom units.

CONCLUSION

The applicants have demonstrated that they are able to achieve retention of existing building elements in a development scheme that will yield the maximum 4:1 FSR and therefore provide sufficient floor space to economically redevelop the site. Retention of existing buildings is a sound strategy but also poses numerous challenges in adapting the new to old building elements. One particular challenge relates to the resolution of car parking access and improved loading dock / waste management facilities, while another challenge will be the integration of the new and old so that the overall completed development presents as a landmark high quality building.

Council should note that the complete redevelopment of the site was discussed with the applicant and site owner but was ruled out as making the project economically unviable.

The applicants originally submitted draft SSDCP has been amended by negotiation and also through the incorporation of provisions that will ensure the right balance is maintained between the applicants legitimate development expectations and the communities expectations relating to well planned high quality development. These amendments include the recommendations made by the consultant urban designer.

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Council when considering this matter has the following options available:

1. Endorse the draft SSDCP as being suitable for advertising in accordance with the provisions of the Environmental Planning and Assessment Act.
2. Endorse the draft SSDCP as being suitable for advertising in accordance with the provisions of the Environmental Planning and Assessment Act, subject to such other amendments as Council may determine.
3. Reject the draft SSDCP and require full adherence to the principles contained within FTCDP2006.
4. Reject the draft SSDCP and require further negotiations to take place to achieve some other urban design outcome.

In respect to the above options it is Option 1 that is preferred. This option will enable the draft SSDCP to proceed to advertising and for Council to then give further consideration to this document with the benefit of any submissions that may be received. If required the draft SSDCP can then be amended prior to adoption.

The intention is to incorporate these site specific controls into Attachment 4 of the FTCDP 2006.

Council should also note that the site owner has indicated that he is keen to lodge a DA for the proposed development once he is aware of the controls Council is contemplating in the draft SSDCP. It is therefore likely that a DA will be submitted shortly. Ideally the advertising of the DA and draft SSDCP should proceed concurrently. This matter will be discussed with the applicant once Council has determined its position with respect to the SSDCP.

Council should also note that whilst the adoption of a draft SSDCP is a matter for Council the determination of the DA will be a matter for the Joint Regional Planning Panel.

Robert Cologna
**Manager Strategic Land Use
 Planning**

Authorisation:
 Executive Manager Environmental Standards

Outcomes Committee - 8 February 2011

File Name: **OUT080211_20**

***** END OF ITEM 5 *****

ATTACHMENT A

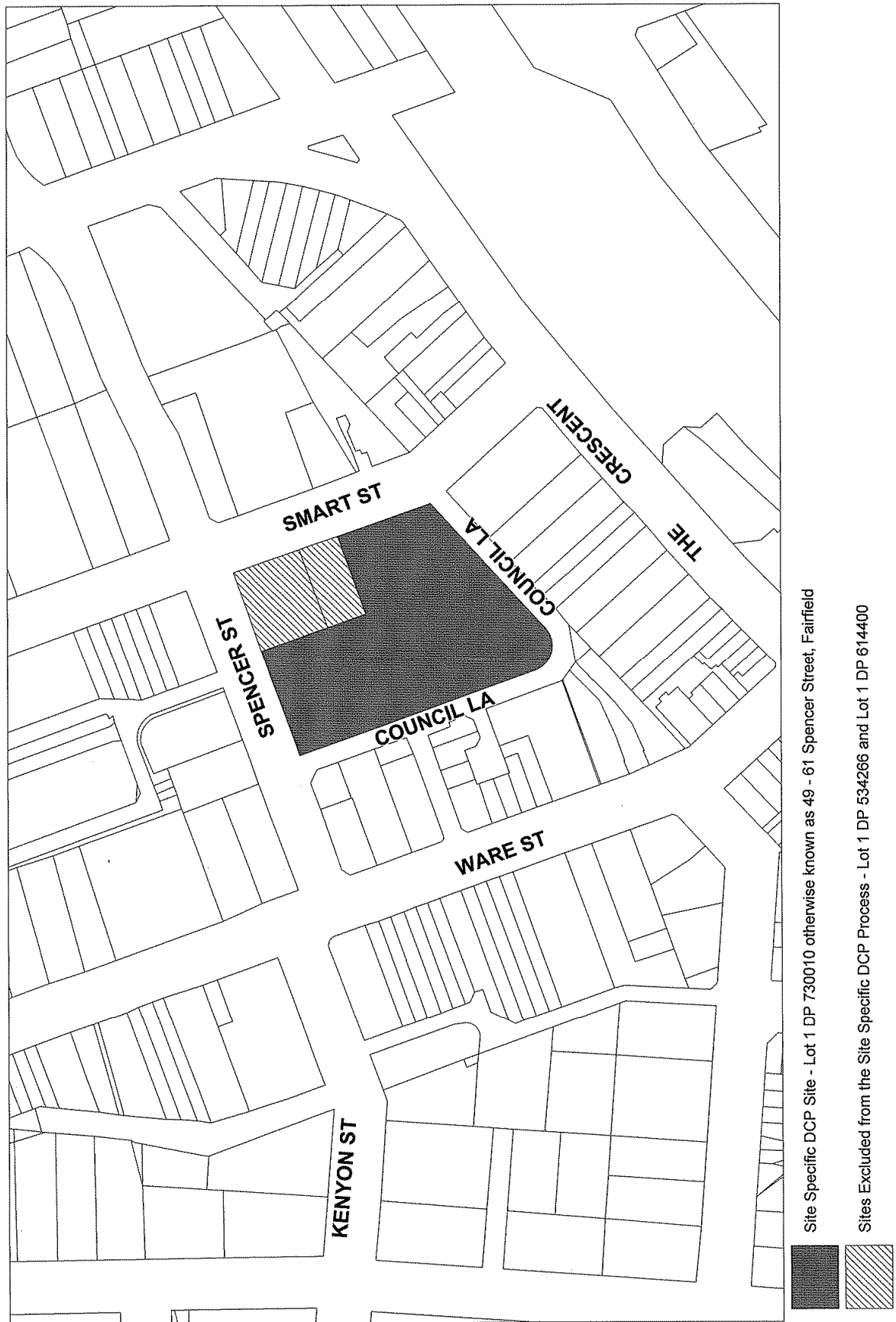
Site Ownership, Applicant details

Premises	Lot 1 DP 730010 otherwise known as 49 - 61 Spencer Street, Fairfield
Owner	The Fairfield Chase Pty Ltd Director – Sam Krslovic
Applicant	Urbis Pty Ltd Directors: <ul style="list-style-type: none"> ▪ Kate McCann Non Executive Director (Chair) ▪ John Wynne Managing Director ▪ Tim Blythe Director ▪ Sarah Emons Director ▪ Simon Rumbold Director ▪ Roger Scrivener Director ▪ David Usasz Non Executive Director ▪ Paul Quinlan Company Secretary

A120199

Location Plan - Attachment B

ATTACHMENT B



ATTACHMENT C

Zoning Map - Attachment C



ATTACHMENT 'D'**Site Specific DCP Controls**

Lot 1 DP 730010 (otherwise known as
49-61 Spencer Street, Fairfield)

To be included in Appendix 4 of the Fairfield Town Centre DCP 2006

ATTACHMENT 'D'

1 Draft Site Specific DCP Controls

1.1 Overall Objectives

The general objectives including the Urban Design Principles and Vision in Section 3 for Fairfield Town Centre are adopted for the site.

1.2 Land to which the Site Specific DCP controls apply

This Site Specific DCP applies to Lot 1 DCP 730010 (otherwise known as 49 - 61 Spencer Street, Fairfield)

1.3 Environmental Planning Instruments that apply to the site

The Site Specific DCP Site identified above is zoned 3(a) Sub-Regional Business Centre under the Fairfield Local Environmental Plan 1994 (FLEP 1994). All development undertaken in accordance with this Site Specific DCP must meet the objectives of the zone and be permissible in the zone and comply with all relevant clauses of the plan.

At the time of preparation of these controls a draft Fairfield Comprehensive Local Environmental Plan (draft Plan) that will seek to replace FLEP 1994 amending the zoning and introducing FSR and building height controls for the subject site has been prepared and forwarded to the Minister for Planning so that the draft Plan can be certified and publicly exhibited. Until the plan is publicly exhibited it is not a formal head of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 that must be considered when a development application for the subject site is assessed.

Once the draft Plan is exhibited the provisions of the draft Plan will become a head of consideration under Section 79C and once the plan is made and replaces the FLEP 1994 the provision of this plan will apply to the site.

When preparing or assessing a development application in relation to the subject site the status of the abovementioned plans will need to be determined to ensure the application is assessed against the appropriate Local Environmental Plan provisions.

State Environmental Planning Policy No 65 and the associated Residential Flat Design Code will apply to this development as well as other relevant SEPPs.

1.4 Ware Street Precinct Objectives

The objectives of the Ware Street Precinct as contained in Section 4.2 of the Fairfield Town Centre (FTCDP 2006) are adopted for the site.

ATTACHMENT 'D'**1.5 Site-Specific Objectives**

The objectives for the subject site are:-

- 1.5.1 Active frontages must be provided along Spencer Street and Smart Street;
- 1.5.2 Development should not involve the overshadowing of the public domain or adjoining properties between 9am and 3pm on 21 June any greater than expected if the site was developed under the controls set out in Section 4 of the FTCDP 2006. For the avoidance of doubt, a slender built form, locating a taller tower to the north of the site, and a shorter tower to the south of the site that complies with Section 1.6 (Building Envelopes) is taken to comply with this requirement.
- 1.5.3 The massing of any buildings along the street edge should be consistent with and complimentary to the scale of existing buildings proposed in the building envelope of Section 4 of the FTCDP 2006 for adjoining sites, being 4 storeys along the street edge. However, nothing in this objective requires the demolition of a pre-existing non-compliant built form.
- 1.5.4 The sites on the corner of Spencer and Smart Street are excluded from this Site Specific DCP. These sites will be required to comply with the provisions of the FTCDP 2006 unless a separate site specific DCP process as identified in Appendix 4 of the FTCDP2006 to determine the appropriate building form is undertaken. Rights of Way should be provided on the subject site to enable future access to these sites.
- 1.5.5 Pedestrian linkages as indicated in Section 5.2.2 of the FTCDP 2006 through the site must be maintained and all vehicular access should be from the Council Lane.

ATTACHMENT 'D'

1.6 Building Envelopes

The development of the land is to conform with the following principles:

- (1) The existing office building may be retained to enable continuity of commercial occupation in the Fairfield Town Centre;
- (2) Maintain consistent zero setback at ground floor level to define street edge except where road widening is required along Council Lane where the building should define the new street edge taking into account the new vehicle and pedestrian access arrangements
- (3) Establish a 4 storey height for the street wall along Spencer Street and Council Lane as indicated in Table 1.6.1 – Building Envelope Controls
- (4) Establish tall slender towers located as close to the centre of the site as possible to:-
 - Minimise the shadow impacts and the impact on the amenity of the primary streets.
 - Maintain good separation between residential towers on site and adjoining sites by adopting the setbacks set out in Table 1.6.1 – Building Envelope Controls.
 - Allow height of development greater than permitted on adjoining sites that encourages redevelopment of the subject site in a manner that allows for retention of components of the existing building subject to modifications that improve the safety and amenity of the area.

Table 1.6.1 – Building Envelope Controls

The following controls apply to the site-specific DCP site:

Land Uses

- Podium – retail/commercial with an active frontage to the street – residential not permitted.
- Perimeter – retail/commercial and parking permitted. Residential not permitted.
- Tower – Retail, commercial or residential uses permitted.
- Car parking – see section 5.2.5 of the FTCDP 2006, as modified in accordance with Section 1.8 below.

ATTACHMENT 'D'

- Pedestrian Links – must be maintained through the site in accordance with diagram 5.2.2 of the FTCDP 2006, being: East - West connecting the Civic Centre Arcade to Smart Street, and North - South connecting The Crescent Arcade to Spencer Lane.

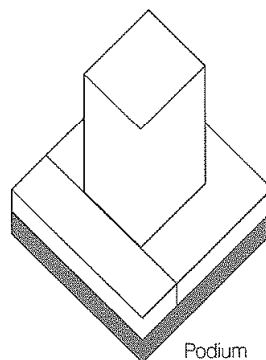
PODIUM:

Height – maximum 4.5m above natural ground level - 1 storey
 Setbacks to all boundaries – zero required except to the southern section of the Council Lane where a setback is required to facilitate road widening and a further 3 metre recess from the new proposed boundary for access purposes.

Refer to Section 1.8.2 below

Floor to Ceiling Height – to match existing retail

Refer to Figure 1.6.2

**PERIMETER:**

Height – maximum 15m above natural ground level - 3 storeys above podium level (total 4 storeys)

Setbacks

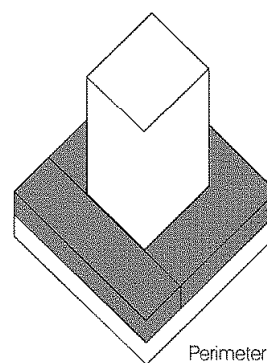
Spencer Street - nil setback

Western Boundary fronting Council Lane
 - nil for all storeys

Southern Boundary fronting Council lane
 – nil setback measured from proposed new boundary arising from the road widening discussed in Section 1.8.2

Floor to Ceiling Height – to match existing office

Refer to Figure 1.6.2



ATTACHMENT 'D'

TOWER:**First Tower (Northern end of site)**

Height - maximum 66m above natural ground level and 16 storeys above perimeter component (so maximum of 20 storeys)

Setback Spencer Street – 9m

Setback Council Lane – 5m

Second Tower (Southern end of site)

Height - maximum 55m above natural ground level and 10 storeys above perimeter component (so maximum of 16 storeys)

Setback – Southern section of Council lane - 5m from new boundary created as a result of road widening in Section 1.8.2

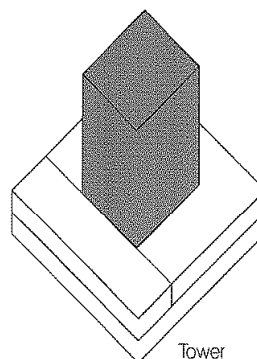
Setback – western section of Council lane – 5m

Floorplate - a maximum 450sqm GFA floorplate applies to the towers for slender tower forms

Building Separation between two proposed towers – minimum 24m

Floor to ceiling height – minimum 2.7m

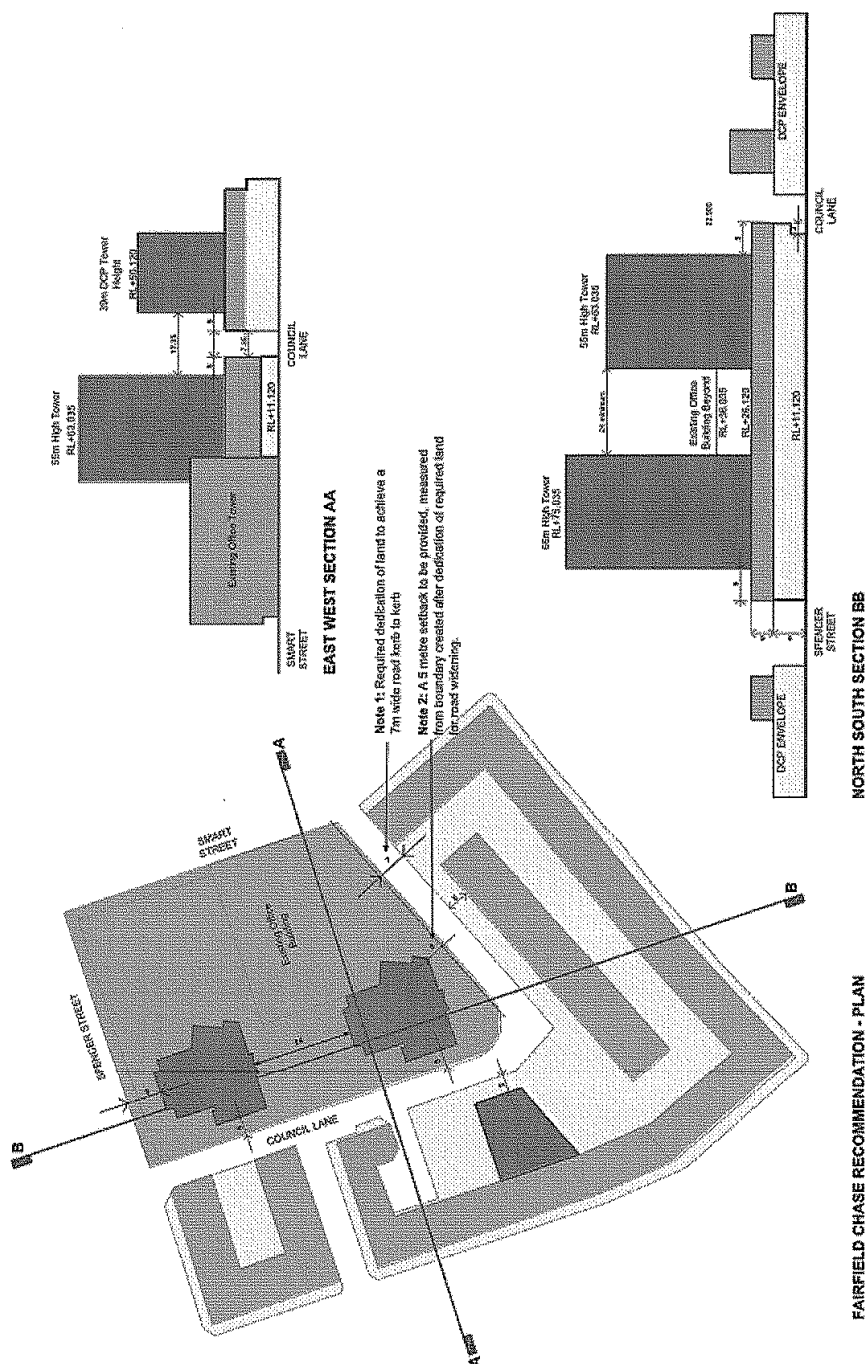
Refer to Figure 1.6.2



ATTACHMENT 'D'

ATTACHMENT 'D'

Figure 1.6.2 – Building Envelope Diagrams



ATTACHMENT 'D'**1.7. Floor Space Ratio**

The maximum Floor Space Ratio achievable on the site is 4:1.

1.8 Modifications to Section 5 of the Fairfield Town Centre DCP 2006

Any development should comply with all the requirements of Section 5 of the FTCDP 2006 except where it is amended by the following:-

1.8.1 Open Space

In addition to the meeting the requirements of Section 5.1 Private and Communal Open Space a small public plaza will be located between The Crescent Arcade on Council Lane and the southern retail entrance of the development.

1.8.2 Vehicular and Pedestrian Access

In addition to the controls for the core area in Section 5.2.4 of FTCDP 2006 Street Network and Vehicular Access and 5.2.2 Pedestrian Links/Arcades. The development must provide the following:

- (a) a setback sufficient for the widening of Council Lane to a 7m carriageway, to permit two way access, for the distance from the car park entrance to the nearest street (being Spencer Street or Smart Street, as appropriate); and
- (b) a 3m wide public pedestrian path for the distance from the entrance to any residential lobby and the nearest street (being Spencer Street or Smart Street, as appropriate).

1.8.3 Activation of Street in Podium Building

In Section 5.2.5 on site parking Objective 5.2.5(c) of the FTCDP 2006 is replaced with the following:

- “(c1) *where parking is permitted above natural ground level, the car parking areas must be screened from any adjacent primary street or public open space. A zone extending 10m from any primary street frontage boundary should be used for active retail or commercial functions, or designed with sufficient floor heights to permit the conversion to such uses in the future. The exception to this is in a basement where the parking area may extend to any boundary.*”

ATTACHMENT 'D'

1.8.4 Site Access, Parking and Servicing

The following site servicing controls apply in addition to those included in the FTCDP 2006 Section 5.2.6 Site Servicing:

"Core Area"

- (c) at least one loading dock, 20m long or of such other dimension and size required to meet the goods loading needs of the development must be provided on site, that is accessible by all tenants (commercial and residential), and includes sufficient space for unloading of goods within the site.*
- (d) separate commercial and residential waste areas must be provided, sufficient to accommodate all waste generated by the development. However, any medical use may manage its own waste (due to the special requirements of medical waste), provided that it has its own access to Council Lane. A detailed Waste Management Plan is required to be submitted with the Development Application such plan is to detail the waste management needs of the various uses proposed to be accommodated on the site, as well as the waste management strategies to be employed during the construction phase.*
- (e) A right of carriage way to benefit the two sites located between the subject site and Smart and Spencer Streets is to be established. The objective is to avoid additional driveway access having to be provided across Smart or Spencer Street to service any future redevelopment of the subject sites and instead allow vehicle access to these sites from Council Lane.*

Note : In Section 5.2.5 On – Site Parking , Control (e) makes reference to DCP No 19/1996 – Car Parking which has now been incorporated into Council's city wide DCP as Chapter 12. Therefore the requirements of this Chapter will apply in relation to the design and layout issues.

1.8.5 Residential Unit Mix, Area and Room Size

The mix of units will be as required by section 5.4 Residential Unit Mix, Area and Room Size

ATTACHMENT 'D'

1.9 Supporting Documentation

In addition to the requirements of the Appendix 3 of the FTCDP 2006, the following documentation is also required when submitting a Development Application:

- Acoustic Assessment
- Traffic and Parking Report
- Wind Impact Report
- Waste Management Report for future development as well as during construction
- BASIX Certificate
- Design Verification Statement – SEPP 65 Compliance
- CPTED Assessment
- Quantity Surveyors Report assessing value in accordance with Capital Investment Value Definition.
- 2 Soft Copies of all plans and documentation provided on a CD.

1.9.2 Notes

- Note 1: The determining authority for this proposal will be the JRPP and as such the minimum number of plans and documentation required is 8 sets.

ATTACHMENT 'D'**1.10 Amalgamation Issues**

The subject DCP only applies to the subject site identified in Section 1.2 of this Site Specific DCP. Two sites isolated between the subject site and the corner of Smart and Spencer Street are not included in this Site Specific DCP.

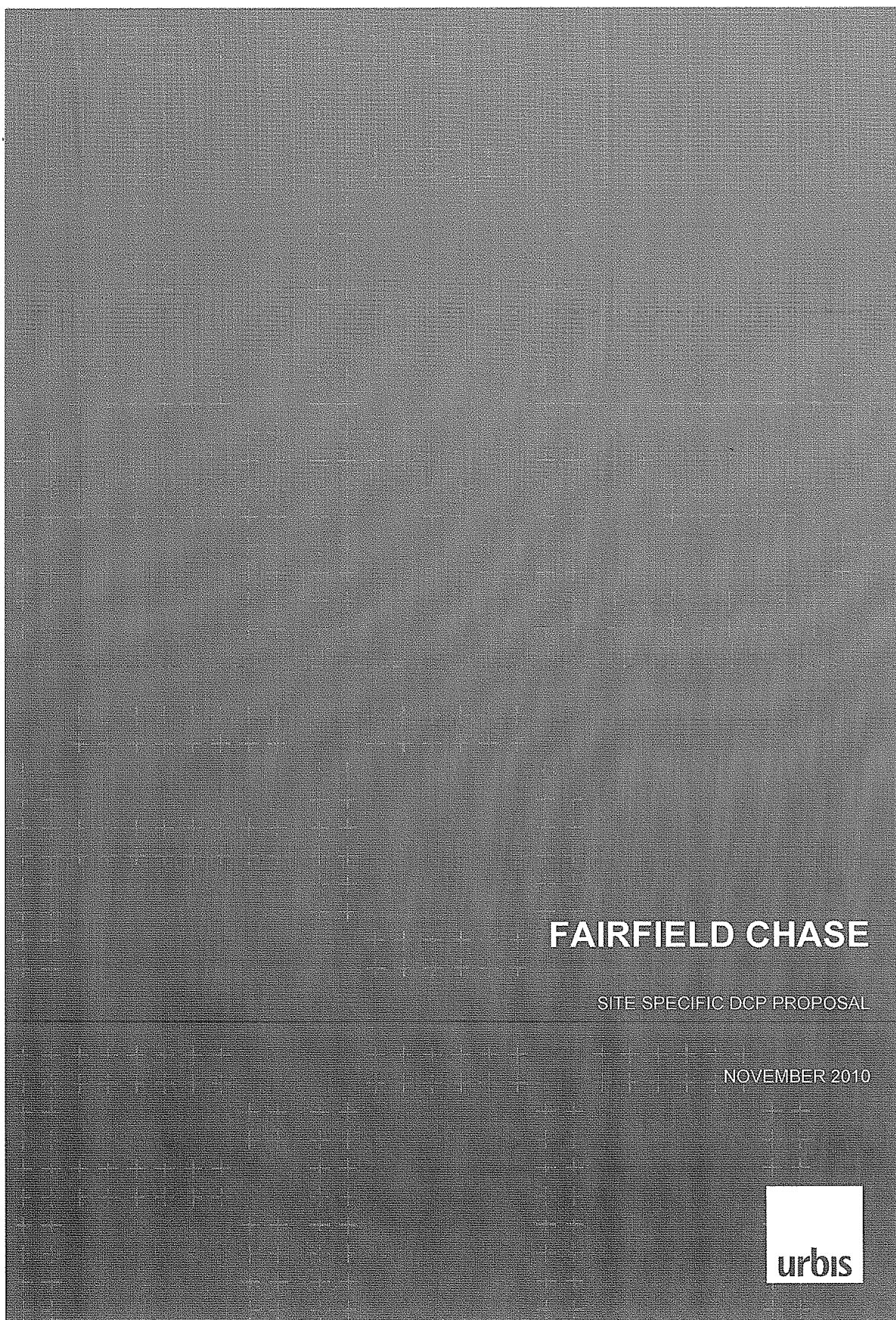
These sites cannot (individually or as a pair amalgamated together) meet both the minimum site area and site width requirements contained in the Fairfield Town Centre DCP (or Draft Fairfield Comprehensive LEP discussed in Section 1.3 above) to achieve a tower development or a height greater than 15m. This Site Specific DCP does not impart or attach any special development concessions or benefits, apart from the right of way referred to in Clause 1.7.4(e), to the future redevelopment of these isolated sites. Applicants seeking the redevelopment of these sites in the future may however seek to develop a Site Specific DCP in accordance with the process outlines in Appendix 4 of FTCDP 2006.

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Draft Site Specific DCP & Justification Orginally Submitted by Applicant

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DISCLAIMER

This report is prepared on the instructions of the party to whom or which it is addressed and is thus not suitable for use other than by that party. As the report involves future forecasts, it can be affected by a number of unforeseen variables. It represents for the party to whom or which it is addressed the best estimates of Urbis Pty Ltd, but no assurance is able to be given by Urbis Pty Ltd that the forecasts will be achieved.

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Rohan Dickson
Senior Consultant	Marc Lane
Consultant	Celeste Martin
Job Code	SD1051
Report Number	201029-A

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ATTACHMENT 'E'

PRELIMINARY ANALYSIS

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1 Preliminary Analysis

1.1 Purpose

This report sets out the proposed site specific DCP applicable to a portion of The Fairfield Chase Site, as defined in Appendix 4 "Site Specific DCP Sites" of the Fairfield Town Centre DCP 2006, in accordance with Step 2 outlined in that Appendix. Section 1 contains the preliminary analysis of the relevant controls, and Section 2 sets out the draft Site Specific DCP.

This proposal should be read together with the Inception Meeting presentation provided to council on 20 October 2010, as modified by this proposal in response to council's comments in that meeting.

1.2 Land to which this Plan applies

This Plan applies to the land on Lot 1, DP 730010, Smart Street, Fairfield.

1.3 Consistency with Local Environmental Plan

The Fairfield LEP 1994 applies to the land.

The land is zoned 3(a) Sub-regional centre. The objectives of the zone are:

- (a) to provide for and encourage the development of business activities which will contribute to economic and employment growth within the City of Fairfield,
- (b) to encourage comprehensive development and growth which will reinforce the role of the Fairfield Town Centre as a subregional centre and the dominant business centre in the City of Fairfield, and
- (c) to provide for residential development to support business activity in the centre.

No development is permitted without development consent.

The following uses are prohibited: Abattoirs, amusement parks, animal establishments, brothels, camping grounds and caravan parks, extractive industry, forestry, generating works, hazardous industry, hazardous storage establishments, industry, institutions, intensive agriculture, junkyards, mines, offensive industry, offensive storage establishments, plant hire, roadside stalls, rural industry, sawmills, stock and sales yards, transport depots, vehicle body repair workshops, warehouses.

Any other development is permitted with development consent.

No amendments to LEP 1994 are required or proposed.

1.4 Consistency with Draft Local Environmental Plan

A draft comprehensive Fairfield LEP 2010 has been exhibited.

The site is proposed to be zoned B4 Mixed Use. The draft objectives of the zone are;

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the development of the main Town Centres as the principal location for specialist cultural, retail, business, tourist and entertainment facilities and services.

The following uses are permitted without consent: Environmental protection works; Home-based child care; Home occupations

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The following uses are permitted with consent: Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Seniors housing; Shop top housing and any other development not permitted without consent or prohibited

The following uses are proposed to be prohibited: Agriculture; Airports; Airstrips; Air transport facilities; Attached dwellings; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Earthworks; Environmental facilities; Exhibition villages; Extractive industries; Farm stay accommodation; Forestry; Freight transport facilities; Hazardous industries; Hazardous storage establishments; Heavy industries; Helipads; Heliports; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Industries; Light industries; Liquid fuel depots; Mining; Mortuaries; Multi dwelling housing; Offensive industries; Offensive storage establishments; Recreation facilities (major); Research stations; Rural industries; Rural supplies; Rural workers dwelling; Secondary dwellings; Self-storage units; Semi-detached dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies.

No amendments to the proposed zoning are required for the site specific DCP. However, for consistency with the objectives, **it is recommended that council amend "Home businesses" in the definition of B4 Mixed Use from 'prohibited' to 'permitted without consent'.**

There is no heritage item, environmentally sensitive land, acid sulphate or unstable soil, minimum lot size controls, key site identification, land reservation acquisition, dual occupancy control or minimum site area identified in relation to the site. The site is identified as being in the Town Centre Precinct. No additional controls are imposed on this designation other than in relation to height and FSR as specified below.

FSR

The site is proposed to have an FSR category X (4:1) subject to clause 4.4B, which relevantly reads:

Despite Clause 4.3(2), the maximum floor space ratio shown on the Floor Space Ratio Map can only be achieved by complying with the site requirements detailed in Table 4.4A and floor space distributions shown in Table 4.4B below:

Precinct	Minimum Lot Size	Minimum Lot Depth	Minimum Lot Width
Ware Street	1360 m2	34m	-

Attachment K of the Draft FLEP (Local Strategy) identifies the employment and residential targets underpinning the zoning in Fairfield Town Centre. The numeric employment and residential targets are related back to FSR targets in the Local Strategy. While it is difficult to undertake site-by-site analysis, it is generally noted that the predominant FSR around Fairfield Town Centre, the locus of density increases, is 0.45:1, rising to 2:1 adjacent to Fairfield Town Centre and then to 4:1 in the Town Centre. Within the Core (as defined by the Town Centre DCP 2006), about 5% of sites have a density of 2:1, 50% of sites have a density of 3:1, and 45% of sites are assigned a density of 4:1. The strategy therefore relies on a concentration of density on those sites lying within the Core. This is consistent with the wording of the Draft Residential Strategy 2009. At a preliminary analysis, the density of the Core appears appropriate minimum density required to meet the targets set.

No amendments to the proposed FSR are required or proposed for the site specific DCP.

Height

The site is proposed to have a height category of W, subject to clause 4.3A. No height has been identified in the key corresponding to W, although the standard LEP nominates a height of 40 – 44.9, and the current DCP control for height is 42m. It is assumed that a height of 42m is proposed. Clause 4.3A relevantly provides, in the same manner as in relation to FSR, the following minimum criteria:

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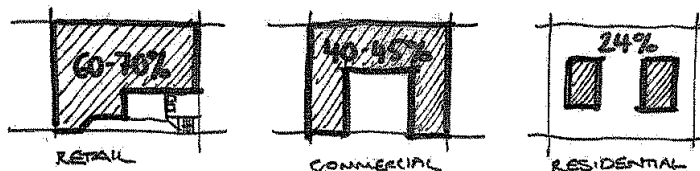
PRELIMINARY ANALYSIS

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Precinct	Minimum Lot Size	Minimum Lot Depth	Minimum Lot Width
Ware Street	1360 m ²	34m	-

Height is necessarily a function of FSR and building envelopes, and must be rigorously checked to ensure that the intended residential and employment targets can be met. This is particularly the case in respect of the site-specific DCP sites, which represent the most likely sites to change over time, having regard for ownership patterns and the necessary amalgamation required for large commercially viable buildings with the appropriate amenity (separation, orientation etc). As a preliminary analysis, the following rules of thumb are relevant:

- For podium configurations, the maximum building efficiency is 60 – 70% allowing for structure, loading docks, waste areas, and lobbies for upper floors. This equates to an **FSR of 0.7:1 per floor**. Generally, full site coverage would only suit retail uses, where light penetration to the core is not necessary. While multiple levels of retail are possible in shopping centres, the general rule of thumb for retail viability would be that retail would only occur on the ground floor.
- For perimeter configurations, the maximum depth of buildings is 18m with light on two sides, based on natural light penetration and construction standards. While the possible site coverage would depend on the perimeter length of street frontage and narrowness of the block, as a rule of thumb, a maximum of 40 – 45% site coverage is achievable with this configuration. If the perimeter was a commercial use, best practice would be retain a zero setback to the street, and it is likely that 90% efficiency would be achievable. If the perimeter was a residential use, then a small setback to the street may be appropriate (as envisaged by the Town Centre DCP), and an 85% efficiency is more likely. In other words, a maximum FSR of **0.4:1 per floor for commercial uses, or 0.34:1 per floor for residential uses** would be achievable.
- For office tower configurations, a commercially feasible floorplate is currently 1400sqm (35x40m), with a recommended minimum building separation of 20m, equating to a maximum 42% site coverage. At 90% efficiency, a maximum **FSR of 0.38:1 per floor** is achievable.
- For residential tower configurations, the likely maximum floorplate of a tower is 635sqm, on the basis of a maximum 8 apartments per floor permitted by the RFDC, and an average apartment GBA of 81sqm (with a mix of 25% x 1br, 65% x 2br and 10% x 3br). Configured as 35m wide x 18m deep floorplates, this permits only 24% site coverage, and at an average 85% efficiency, equates to a maximum realisable **FSR of 0.2:1 per floor**.



- Carparking will add additional bulk to the building while being excluded from FSR. Generally, 30sqm per space must be allowed including circulation. At parking rates of 1 per 25sqm, 1 per 40sqm for commercial and an equivalent to 0.68 per 40sqm equivalent for residential, equals another 120% of retail GFA, 75% of commercial GFA and 50% of residential GFA for parking.

A development of FSR 4:1, with ground floor retail will require 0.84 x floor for retail carpark, and either 2.48 floors for commercial carpark, or 1.65 floors for residential carpark. In other words, with FSR of 4:1, between **2.49 floors (for residential) to 3.28 floors (for commercial) of parking will be required** under the current code. If the DCP requirement of conversion of carparking to commercial floorspace is to be retained, then floor heights of 3.2m (required for commercial) should be allowed accordingly. If parking is to be sleeved, then 0.27:1 of FSR per floor would be required for sleeving (30% x 90% efficiency), and parking efficiency is likely to reduce to about 70%, or 3.55 levels for residential, and 4.68 levels for commercial.

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PRELIMINARY ANALYSIS

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A desktop analysis would indicate the following minimum heights were required for a 4:1 FSR, based on the rules of thumb above and the Town Centre DCP heights (using the floor to ceiling height + 300mm of structure). A four storey street wall has been adopted, consistent with the Town Centre DCP:

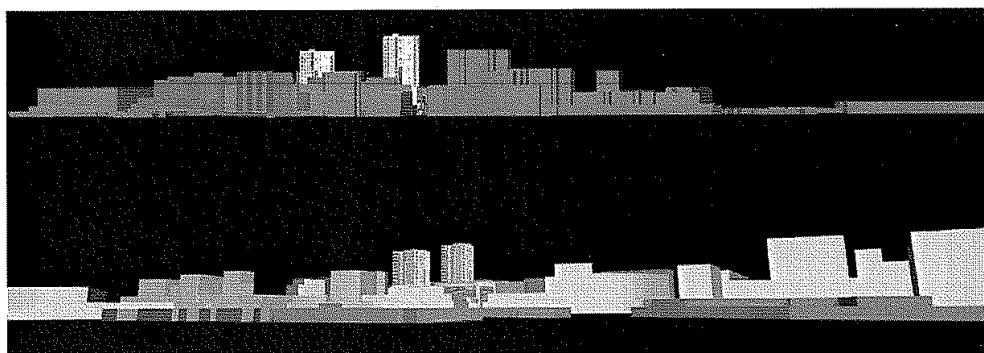
	Example 1 – Office			Example 2 – Perimeter office, residential tower			Example 3 – Residential tower, no basement		
	FSR	Floors	Height	FSR	Floors	Height	FSR	Floors	Height
Basement Carpark		2			1			0	
Ground – Retail (4.5m)	0.7	1	4.5m	0.7	1	4.2m	0.7	1	4.2m
Perimeter – Carpark (3.5m)							3		10.5m
Perimeter – Sleeved Carpark (3.5m)	0.81	3	10.5m	0.81	3	10.5m			
Tower – Office (3.5m)	2.49	6.55 (7)	24.5m						
Tower – Residential (3.3m)				2.49	12.45 (13)	42.9m	3.3	16.5 (17)	56.1m
TOTAL	4:1	11	39.5m	4:1	17	57.6m	4:1	21	70.8m

This demonstrates that while the height control may be adequate for office development with multiple levels of basement, it is insufficient for a single basement and mixed use, and significantly insufficient for constrained sites where no basement is possible, even if the sleeving control is not adhered to. It may be that the effect of this can be mediated by adopting a reduced parking rate, and by adopting less ambitious floor to floor heights, as discussed below.

Additional Considerations for Height

Notwithstanding the above analysis, which relates to the minimum standard, merit arguments for height should be considered. There are three primary merit arguments to be made, as follows:

1. The core of Fairfield Town Centre has a special status in the Town Centre DCP, but no recognition is given to this in the draft LEP. In particular, height can be used on key sites to create a centre to Fairfield that is visible from a distance. It would also be consistent with the FSR strategy adopted in the draft LEP to have height 'crescendo' towards the core of the Town Centre, rather than adopting a flat top, as can be seen in the following illustration of the skylines as seen from the railway and the Horsley Drive, if the site specific DCP were adopted:



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2. Secondly, the assumption in the table above are premised on a maximum residential building floorplate of an 18x25m building being built. At 13 to 17 stories, an 35m building has a 1:1 to 1.5:1 height to width ratio – more of a stub than a tower. Conversely, slender buildings have long been understood as being preferable, as they allow for light on more sides, have a better silhouette on the skyline, and benefit from the 'fast moving shadow', so that even when the quantum of overshadowing is the same, the effect is more transient than a short squat building. The ratio of height to bulk in the site-specific DCP is more comparable to best practice built form in Sydney, as illustrated on page 5 of our Inception Meeting presentation.
3. The DCP envisages generous floor-to-floor heights. However, the LEP, as the primary control, only considers the overall height of the buildings. Where generous FSR allocations have been made to the Town Centre, care should be taken to ensure that the maximum FSR is still achievable adopting those standards, as what could be achieved using the minimum standard permitted by the BCA and RFDC (a likely consideration of the Land and Environment Court):

Use	DCP floor to ceiling height + 300mm	Outcome	RFDC / BCA floor height + 300mm	Outcome
Retail (1 floor)	4.5m	4.5m	3.6m	3.6m
Commercial (2 floors)	3.5m	7.0m	2.7m	5.4m
Parking (2 floors)	3.5m	7.0m	2.4m	4.8m
Residential (9 floors)	3.3m	29.7m	3.0m	27m
TOTAL		48.2m (non compliant)		40.8m (compliant)

Ultimately, however, unless a strong basis can be found for varying the standards set out in SEPP65 and the BCA, the controls should not seek to exceed those comprehensive standards.

1.5 Consistency with Development Control Plans

The requirements for a site-specific DCP on the Fairfield Chase site are spelt out in page 144 of the Town Centre DCP. A comparison table is set out below, with comments:

Control	Compliance	Comments
Any Site Specific DCP should provide for active frontages along Spencer Street and Smart Street	Yes	Active frontages are provided to both streets. An existing vehicle crossing is relocated to reduce the impact of that crossing on pedestrian movement.
The proposal should not involve overshadowing of the public domain or adjoining properties between 9am and 3pm on 21 June any greater than that expected if the site was developed under the controls set out in Section 4 of this DCP.	Yes	Impact of additional overshadowing has been provided to council.
The massing of any buildings along the street edge should be consistent with and complimentary to the scale of buildings proposed in the building envelope in Section 4 of this DCP for adjoining sites. A maximum of four storeys along the street edge is considered desirable.	Partial	Massing of buildings on street edge is consistent with the existing office building on site on Smart Street. A maximum of four storeys is not achievable given the current parking requirements and water table issues pertinent to the site unless a parking contribution is used. Note that this is desirable only, not a control.

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This site is located in the central zone. As discussed in Section 3, this is the central retail/commercial hub of the centre and the building form reflects this. To ensure this context is respected and a uniformity of height is maintained across the centre a maximum height of 14 storey (42m maximum height) will be permitted subject to compliance with the other design issues above.	Partial	The first phrase indicates that, as a central zone, tall buildings are desirable. Secondly, the clause sets a maximum height 'subject to compliance with design issues above'. While these are not articulated, a technical reading would imply all design factors above, including the objectives in clause 4.2, to be relevant. In such case, the form satisfies the objectives. Otherwise, the height control is more fully dealt with in s1.4 above.
The sites on the corner of Spencer and Smart Street are included in the Site Specific DCP site and are currently in separate ownership from the Chase Site. The Site Specific DCP process must make adequate provision for these sites to be developed independently from the rest of the Chase Site if the owner/s do not agree to become formally involved in the Site Specific DCP process.	Yes	The Applicant has amalgamated a site greater than 4000sqm. Council have been provided with letters relating to their participation in the site-specific DCP process. In relation to provision for these sites, refer to section 1.6 (Amalgamation)
Pedestrian linkages as indicated in Section 5.2 through the site must be maintained and all vehicular access should be from Council Lane.	Partial	Pedestrian linkages are maintained. Loading dock access is maintained and improved in Council Lane. Carpark access is maintained and improved from Smart Street, as currently exists. Car parking access from Council lane is impractical if the through site links and loading accesses are all to be maintained. Refer to report by Varga Traffic Planning.

5.25 On Site Parking

In the Inception Meeting, Fairfield council indicated that non-compliance with the parking provisions in Appendix 5 of the Town Centre DCP would not be accepted in the site-specific DCP without a parking survey of the whole of the Town Centre being undertaken by the Applicant.

We submit that such a survey ought to more properly be undertaken by council and applied to all of Fairfield Town Centre, rather than on a case-by-case basis. We further note that Samsa Consulting (<http://samsaconsulting.com/page11.php>) state that they have already undertaken such a study for Fairfield Council and that in such circumstances, further study would be redundant.

We also note an inconsistency in the calculation of on-site parking vs off-site contribution, which for example anticipates only 1 space per 66sqm if paid by way of contribution. All things being equal, the net effect on car parking availability in the Town Centre under a contribution scheme should be the same. This may be an unintended effect of the complexity of Appendix 5, and a wholesale review by council is recommended.

If council is mindful to review car parking requirements, we note the general trend in councils is to reduce car parking requirements, and particularly note the pre-exhibition draft of the City of Sydney LEP, which now set a **maximum** parking rate for the city that is tiered to proximity to commercial centres, and public transport accessibility. We also note that in the accompanying notes of the government agencies to which the LEP was referred, MOT, DECC, Housing NSW and Sydney Metro supported the lowered car parking targets, with only Landcom cautioning the pace of the move, and Centennial Parklands opposing it. This would indicate widespread support for lowered parking rates at state government level.

By way of comparison, a residential building of 100 apartments (25% 1 bedroom, 50% 2 bedroom, 25% 3 bedroom) would require 137.5 car spaces in Fairfield, and only 92.5 spaces (67%) in the worst case scenario in the City of Sydney. Likewise an office use would require 1 car park per 40sqm, while City of Sydney use a sliding scale of up to 0.33 car parks per 25sqm (53%). For a site such as this one, under 400m from both a main train station and bus depot, the quantum of parking required appears excessive.

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Nevertheless, given the comments made in the Inception Meeting, no changes to the parking rates are proposed in this site-specific DCP. We do however note that the requirement to sleeve car parking with 10m of office on principal streets has been waived in the draft site-specific DCP, on the basis that:

- to do so reduces the effective car parking area, while increasing the quantum of car parking required (in the order of 27 spaces lost, and an additional 20 spaces required per floor, or a net addition of 47 spaces/floor), in effect increasing the bulk of the building;
- the achievement of 'active streets' is largely contingent uses fronting the pavement, and the local density ('doors on streets'). Neither of these factors depend on upper floor uses. While it is desirable to locate active uses on the ground floor façade (often 80%, allowing for structure, fire exits and the like), the density of upper floors, however configured, will have the same effect if properly connected to the street (lobbies facing streets etc). Awnings in retail precincts, while highly desirable, do tend to mask the upper floor functions (and inhibit any CPTED gain that might otherwise be realised from passive surveillance). As a result, in commercial areas, a variety of uses including parking are possible on upper floors (68 Pitt St, Sydney for example), if the façade is well treated.
- the DCP already anticipates the conversion of car parking to office space in the future by mandating 3.2m high floor plates, so that council's long term objective of office space on upper levels will still be achieved at such time as council reduces their parking rates, consistent with the commentary above.

If council remain concerned about the design of upper floor parking fronting streets, controls similar to 5.1.3 – 5.1.8 (*Above Ground Parking*) in the *Central Sydney DCP 1996* should be adopted.

However, in order to mitigate the effect of multiple levels of parking on the street, a strategy that reuses the existing parking contribution, and provides an additional carparking contribution at the s94 rate is being considered. If this strategy is adopted, then:

- the podium can be reduced from 6 to 4 storeys, consistent with the proposed street wall on adjacent blocks; and
- any contribution should be offset against retail floorspace, being the use that is generally 'shared' in the Town Centre, and for which public parking has been made available. Offset against office uses would be less desirable as such parking is likely to relate directly to tenancies, just as residential spaces have already been deemed inappropriate for contribution.

Alternatively, council allow the site specific DCP to align with current practice by reducing car parking requirements near train stations and bus terminals by an indicative:

- 67% for residential uses; and
- 50% for commercial uses.

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1.6 Amalgamation

Two sites have not been included in the Site Specific DCP process. While this is permitted by the DCP as outlined above, council has requested an analysis of the effect of this development on the potential for those two sites. This has been done three ways:

- Calculating the development potential of those sites as a compliant scheme without the benefit of a site-specific DCP;
- Calculating the development potential of those sites with modified controls (either by site specific DCP or other means); and
- Calculating the long term effect of this development on future amalgamation potential.

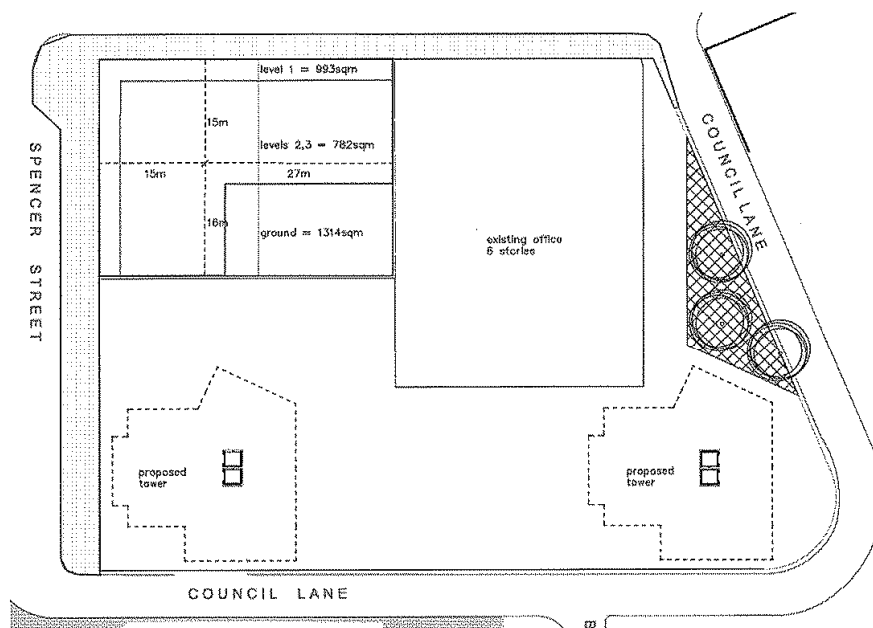


Figure 1 – Compliant Scheme

Figure 1 shows the permissible development of the two remaining sites without a site-specific DCP. Full site coverage is permitted on the ground and first floors, although for practical matters discussed above, this is only likely to be realised as a single level retail floor of 1314sqm, with a maximum realisable GFA of 70% (919.8sqm). Under the Town Centre DCP, while upper floors are permitted to be up to 18m deep (a likely maximum for light penetration), the effect of the 3m 'perimeter' setback on levels 2 and 3 would be to reduce the floorplates to 15m deep on those floors, so the upper floor potential is 993sqm for level 1, and 782sqm for each of levels 2 and 3, yielding 2557sqm. Assuming a commercial use on these lower floors, this equates to a maximum GFA of 2301sqm (at 90% efficiency). A tower would not be permitted for a variety of reasons, including the site being below the DCP minimum of 1360sqm, the combined 15m setbacks reducing a tower footprint to 27x16m (even if built to the boundary), and the effect such a tower would have on perimeter light penetration. Thus the likely maximum developable potential of this scheme would be 3221sqm (an FSR of 2.45:1).

This is unlikely to equate to a viable small office development, given the current financial return expectation of existing owners and the strata titling of the corner lot, and in all likelihood, no development will occur.

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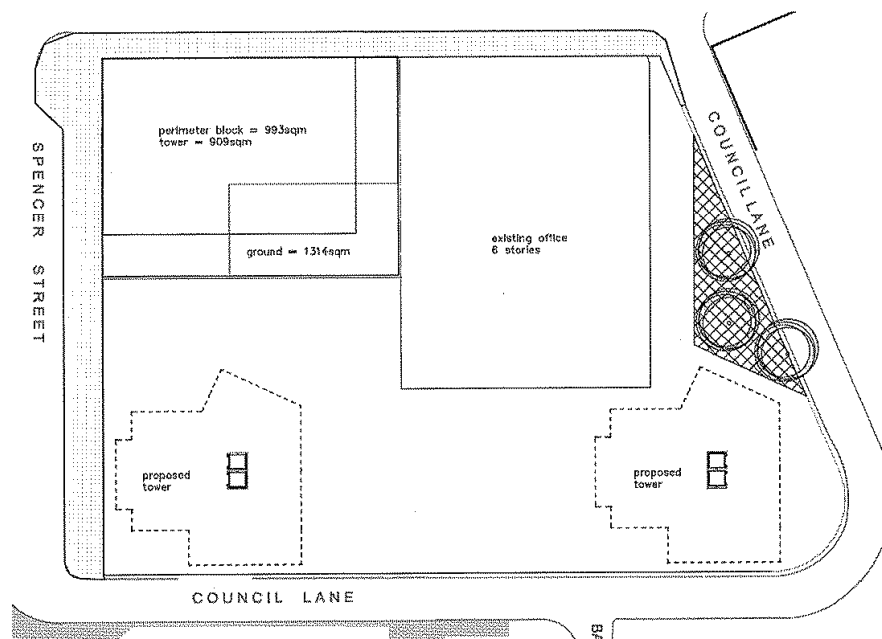


Figure 2 – Modified Control Scheme

Figure 2 shows the development potential of the site with modified controls. The modifications required would be as follows:

- permit perimeter development up to 6 stories; and
- do not require an upper floor setback to the street for perimeter development.

Both of these changes are consistent with the current character as established by the existing office on Smart Street, as well as reflecting international best practice urban design for street wall buildings. Best practice includes:

- a consistent street wall height as a function of street width (usually 1:1 in Australia), which in the case of Smart and Spencer Streets (about 18m wide) permits up to 9 stories; and
- Adopting a step in built form only to the extent required to deflect wind paths and noise from the street, and to distinguish towers from the street wall. It need not be as great as 15m – the RFDC assumes a 3m step in built form at 4 and 8 stories, and the City of Sydney Central Sydney DCP 1996 adopts a setback of 2 – 10m above 45m (15 stories), averaging 3m on side and 6m on front setbacks. These controls are therefore generally consistent with a zero setback to towers up to 6 stories.

Under this approach, assuming the full retail ground floor is retained, the upper floor development is either 993sqm for a perimeter block form, or 909sqm with a tower form (allowing an indicated 6m side setbacks to boundaries, also equivalent to a 12m setback to the existing tower and zero setback to the west, or else 3m setback to all sides). These outcomes provide a developable area of 4,965sqm (4,468.5sqm realisable at 90% efficiency) and 4545sqm (4,090sqm realisable at 90% efficiency), equating to an **FSR of 4.1:1 and 3.8:1** respectively. This demonstrates not only a better built form outcome, but also full realisation of the allowable FSR under the draft LEP.

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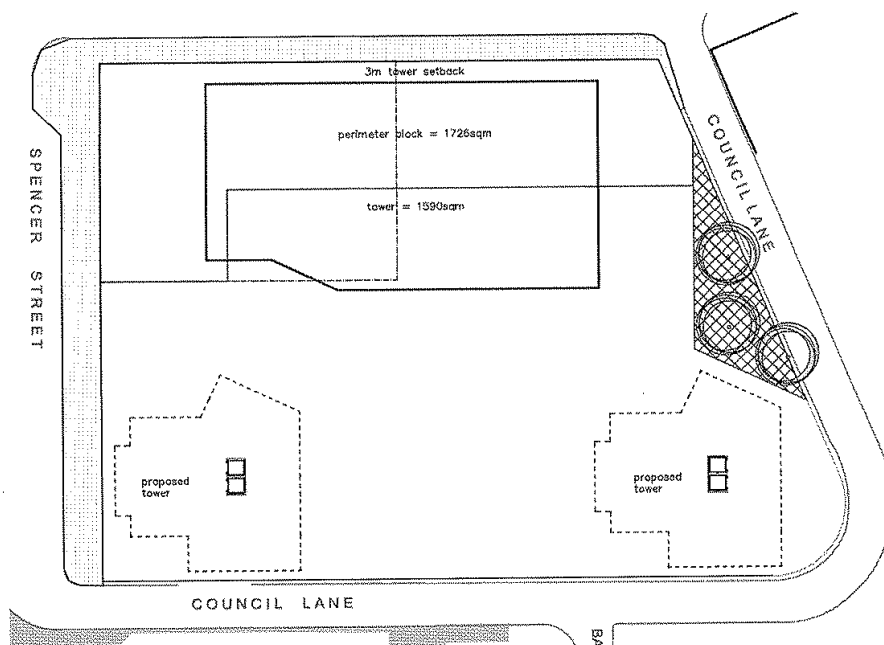


Figure 3 – Long Term Potential (Amalgamated)

Figure 3 shows the long term development potential of the sites, if amalgamation is eventually achieved after development consistent with the site-specific DCP. The purpose of this diagram is to show council that even recognising the current state of affairs, long term strategic objectives could still be realised with future amalgamation and redevelopment. Here we have assumed:

- The residential towers proceed;
- Amalgamation is subsequently achieved; and
- The desired redevelopment comprises the existing office building and excluded sites, and is for an office building (either a perimeter block or office tower) – which generally requires floorplates no less than 1500sqm.

In this scenario, a perimeter block building would yield 1726sqm / floor (8,630sqm over 5 floors), which is significant, but moreover, adopting similar controls to above and with an 18m separation to residential towers, a commercial office tower floorplate of 1600sqm would also be achievable, both well within expected ranges. Note however that with an FSR of 4:1 across this part of the site, both scenarios would only yield about 5 stories of commercial floorspace above retail (6 stories overall), and so additional FSR would need to be granted by council to generate a viable commercial tower. Nevertheless, from an envelope perspective, the site is not prejudiced from this outcome.

Summary

While the draft site-specific DCP generally excludes these sites, a provision has been added to clause 2.3 of the site-specific DCP to permit the "modified control scheme" set out above, to ensure the sites are not prejudiced from achieving a 4:1 FSR.

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2 Draft Site Specific DCP

2.1 Overall Objectives

The general objectives for Fairfield Town Centre are adopted for the site.

2.2 Ware Street Precinct Objectives

The objectives of the Ware Street Precinct are adopted for the site.

2.3 Site-Specific Objectives

The objectives set out in Appendix 4 have been reworded to reflect their application in the site-specific DCP as follows:

- 2.3.1 active frontages along Spencer Street and Smart Street are to be maintained where possible, or improved (such as by activating the SW corner of the site to terminate the pedestrian path from the bus depot). Existing non-active frontage may be maintained and relocated to achieve better overall outcomes;
- 2.3.2 development should seek to minimise overshadowing of the public domain or adjoining properties between 9am and 3pm on 21 June by adopting slender built form, locating a taller tower to the north of the site, and a shorter tower to the south of the site.
- 2.3.3 The massing of any buildings along the street edge should be consistent with and complimentary to the scale of existing buildings, being 4 – 6 storeys.
- 2.3.4 This site is located in the central zone. As discussed in Section 3 of the Town Centre DCP, this is the central retail/commercial hub of the centre and the building form should reflect this.
- 2.3.5 The sites on the corner of Spencer and Smart Street are excluded in the Site Specific DCP site, except that the site owners may adopt the podium and perimeter controls set out in section 2.4 of this site-specific DCP in lieu of the podium controls in section 4.2 of the DCP, for consistency with clause 2.3.3 above.
- 2.3.6 Pedestrian linkages as indicated in Section 5.2 through the site must be maintained and all loading access should be from Council Lane. Car parking access may be located on Smart Street, but must be improved (such as by resolving driveway access on Smart Street so as to avoid traffic conflicts), or else relocated to Council Lane.

2.4 Building Envelopes

The development of the land is to conform with the following principles:

- (1) retain existing office for continuity of commercial occupation in Town Centre;
- (2) maintain consistent zero setback and 6 storey height for street wall;
- (3) a maximum height "AA" (60 - 79.9m) for one tower, and "Y" (50 - 54.9m) for any other towers. In order to satisfy objective 2.3.2:
 - a. the taller tower must be located in the northern half of the site; and
 - b. a maximum 450sqm GFA floorplate applies to the taller tower for slender tower form.

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Note: 450sqm GFA is equivalent to 563sqm GBA at 80% efficiency

- (4) maintain good separation between residential towers on site and adjoining sites by adopting the following setbacks to residential uses:
- multiple towers on site, the relevant RFDC compliant setbacks, or an overall setback of at least 24m;

Note: The maximum required setback under the RFDC is 24m

- adjoining boundaries, 50% of the relevant RFDC requirements to that boundary or an overall setback of at least 12m;

Note: The maximum required setback under the RFDC is 24m (12m either side of the boundary)

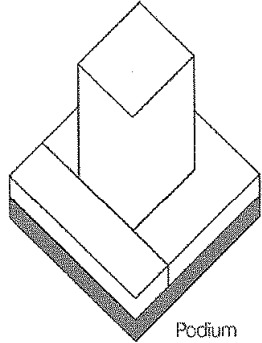
- Spencer Street, 50% of the relevant RFDC requirements to the centreline of the street, or an overall setback of at least 12m from the centreline of the street; and

Note: The maximum required setback under the RFDC is 24m (12m either side of the centreline)

- Council Lane, 50% of an average 12m setback from the centreline of the street.

Note: The maximum required setback up to 4 storeys is 12m (6m either side of the centreline). Development of up to 4 storeys is permitted on surrounding sites, with towers only permitted with greater setbacks. For the purposes of assessing the relevant setbacks and permitting articulation of built form, a 1% variation in a given setback will be considered acceptable.

as embodied in **Figures 2.4-1 to 2.4-4.**

<p>The following controls apply to the site-specific DCP site:</p> <p>Land Uses</p> <ul style="list-style-type: none"> Podium – retail/commercial with an active frontage to the street – residential not permitted. Perimeter – retail/commercial and parking permitted. Residential not permitted. Tower – Retail, commercial or residential uses permitted. Car parking – see section 5.2.5 of the Town Centre DCP Pedestrian Links – must be maintained through the site in accordance with diagram 5.2.2 of the Town Centre DCP, being: W-E connecting to the Civic Centre Arcade to Smart Street, and N-S connecting The Crescent Arcade to Spencer Lane 	
<p>PODIUM:</p> <p>Height – maximum 4.5m above natural ground level</p> <p>1 storey</p> <p>Setbacks to all boundaries – zero required</p> <p>Floor to Ceiling Height – to match existing retail</p> <p>Refer to Figure 2.4-1 and 2.4-2</p>	

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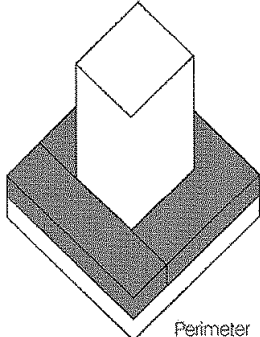
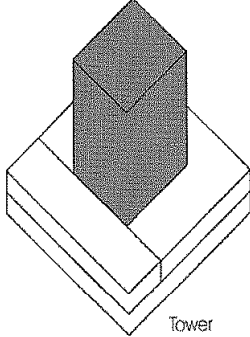
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<p>PERIMETER:</p> <p>Height – maximum 22m above natural ground level</p> <p>5 storeys</p> <p>Setbacks to all boundaries – zero required</p> <p>Maximum Depth of Retail/Commercial Uses:</p> <ul style="list-style-type: none"> - 12m (natural light on one side); or - 18m (natural light on two sides) <p>Maximum Depth of Parking Use: N/A</p> <p>Floor to Ceiling Height – to match existing office</p> <p>Refer to Figure 2.4-1 and 2.4-3</p>	 <p>Perimeter</p>
<p>TOWER:</p> <p>Height – First Tower: maximum 66m above natural ground level (14 stories above podium), otherwise maximum 55m above natural ground level (10 storeys above podium)</p> <p>Setback – Primary Street Frontage (Spencer Street) – minimum 12m from centreline of street</p> <p>Setback – Rear Boundary / secondary lane (Council Lane) – minimum 6m from centreline of lane</p> <p>Setback – side boundary – minimum 12m</p> <p>Setback – between buildings – minimum 24m</p> <p>Floor to ceiling height – minimum 2.7m</p> <p>Refer to Figure 2.4-1 and 2.4-4</p>	 <p>Tower</p>

Note: Up to 1% non-compliance with any setback considered de minimus and to be disregarded.

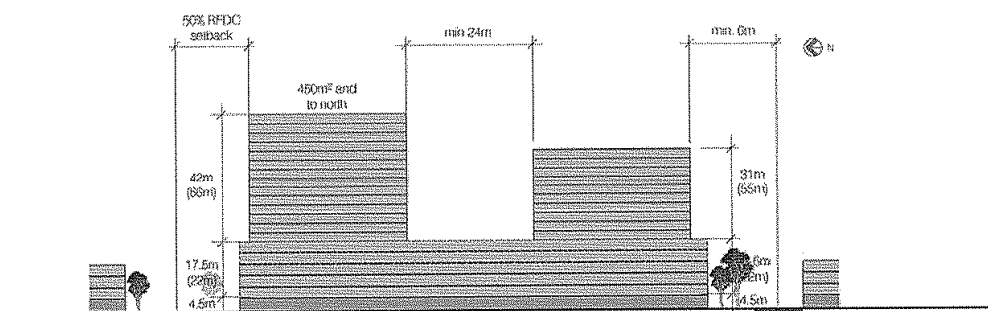


Figure 2.4-1 – Height and Setback Control Illustration

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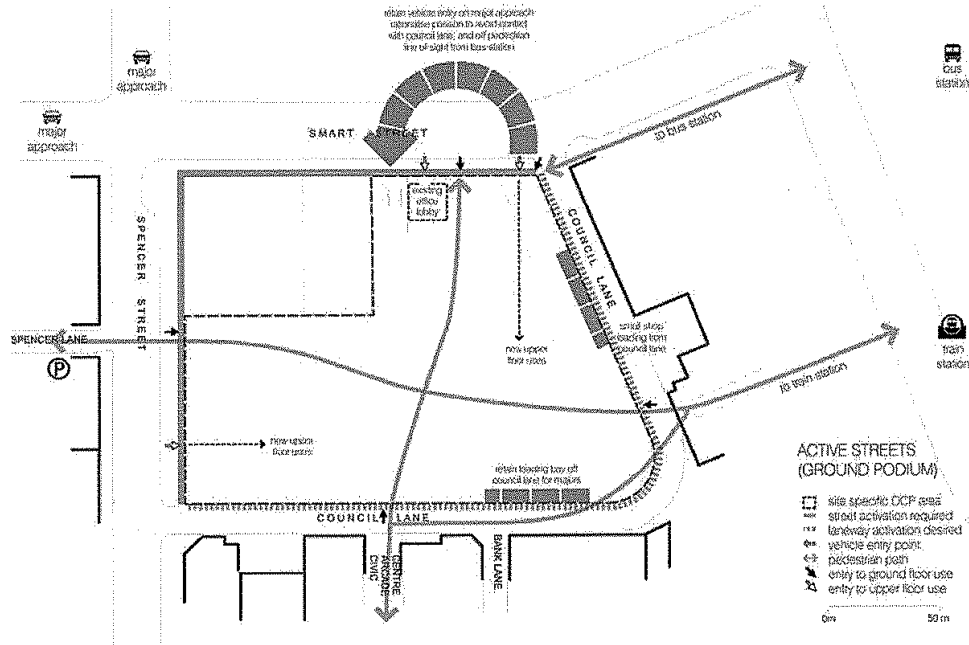


Figure 2.4-2 – Desired Podium Form and Activation

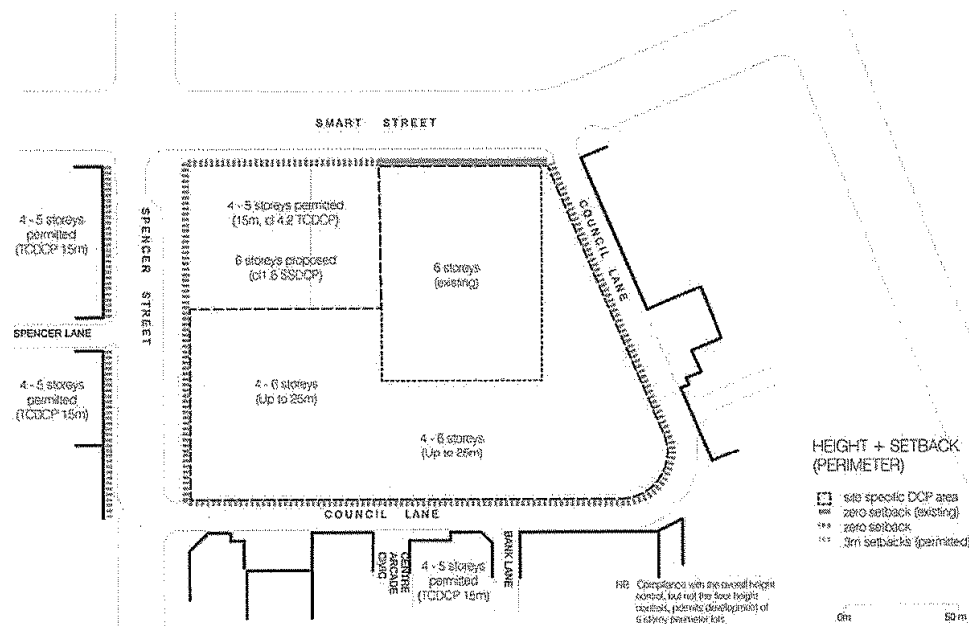


Figure 2.4-3 – Desired Perimeter Form

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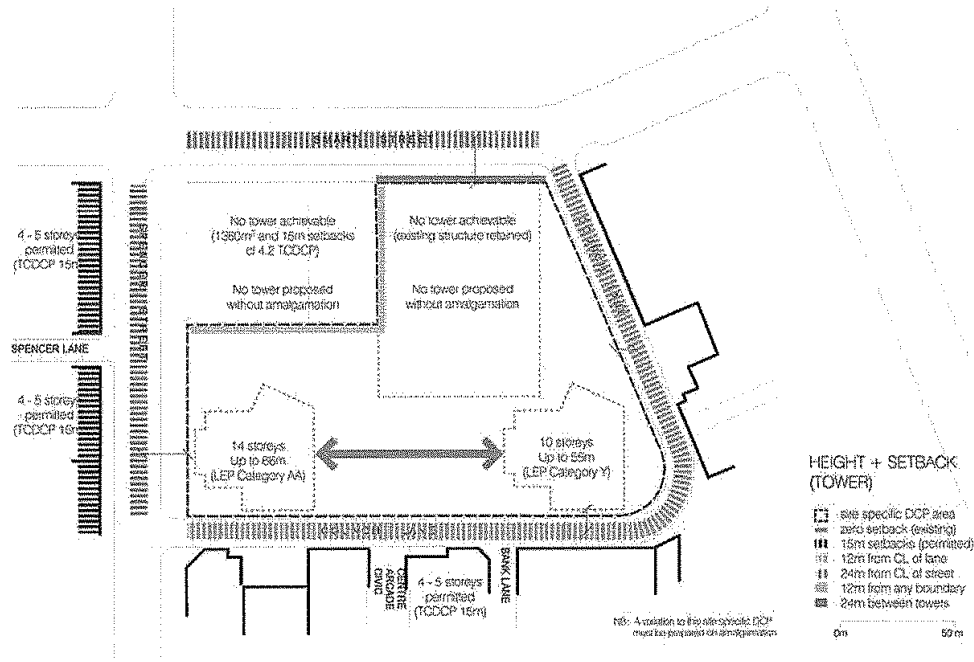


Figure 2.4-4 – Desired Tower Form

2.5 Modifications to Section 5 of the Town Centre DCP

2.5.1 Open Space

A small public plaza will be located adjacent between The Crescent Arcade on Council Lane and the southern retail entrance of the development.

2.5.2 Site Access, Parking and Servicing

Existing vehicular access will be permitted to remain on the Smart Street frontage. Ramp access to Smart Street may be relocated in order to reduce conflict with traffic movements from Council Lane.

Requirements relating to the amount and location of parking above ground level do not apply to the site.

2.5.3 Residential Unit Mix, Area and Room Size

The required mix is as follows:

Unit Type	Minimum Proportion of Total Number of Units on Site
Studios / 1 bedroom	10%
2 or more bedroom	20%

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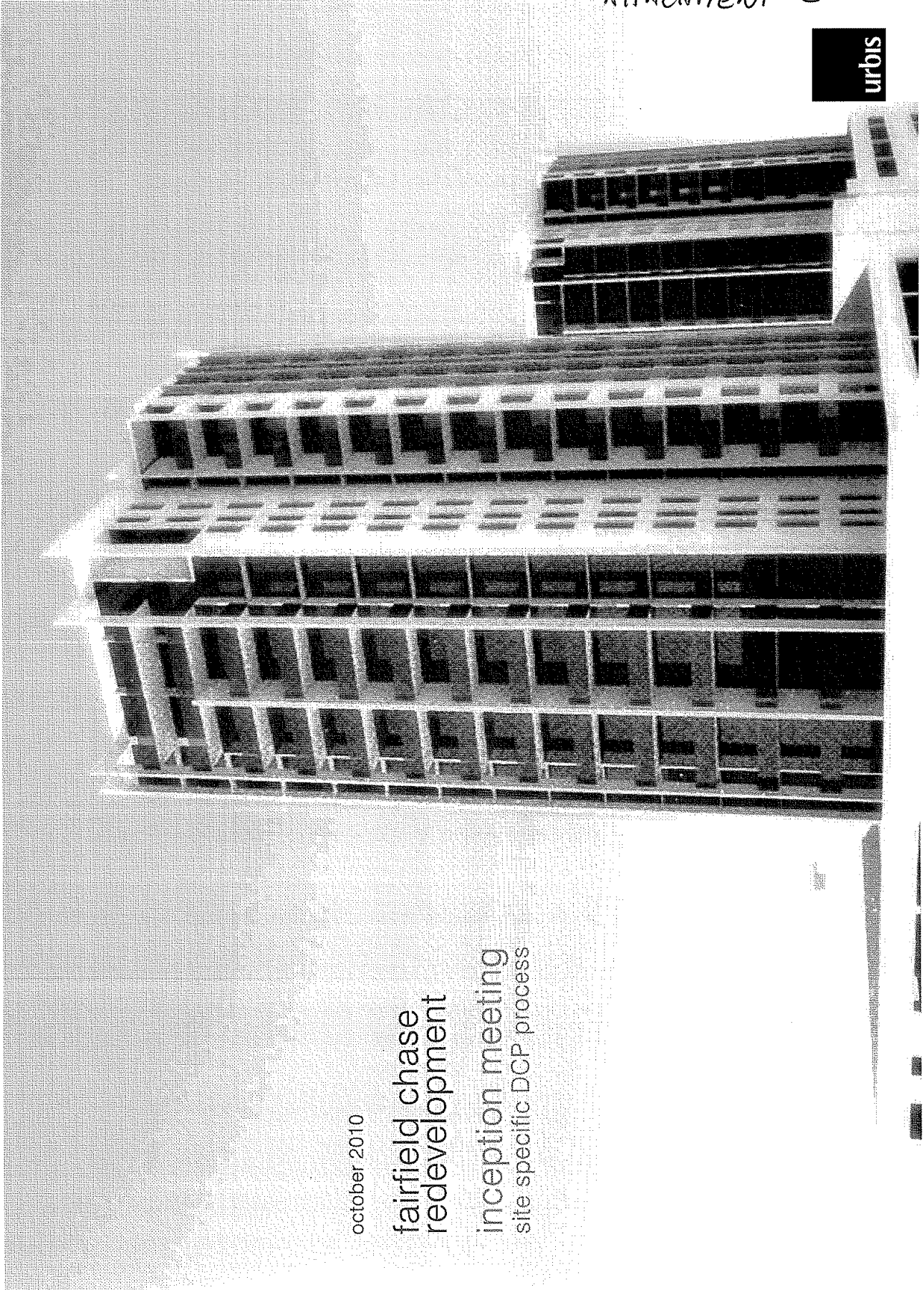
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october 2010

fairfield chase
redevelopment

inception meeting
site specific DCP process

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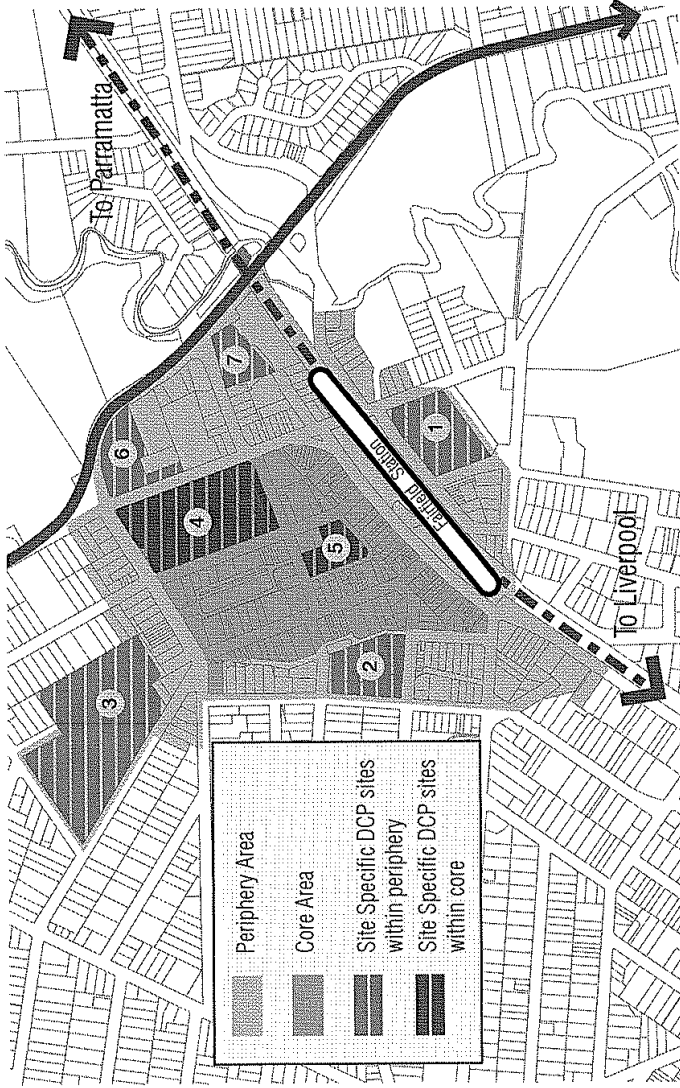
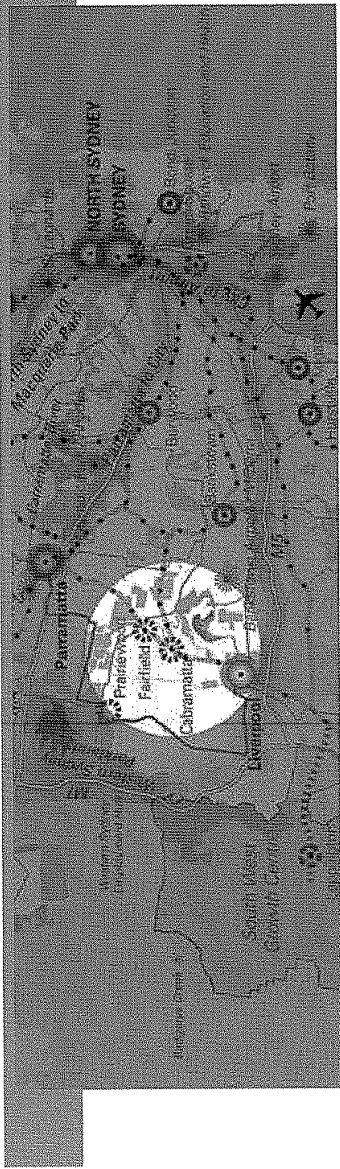
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project position

- Metropolitan Strategy: Potential Major Centre
- Highest order centre in LGA
- Well connected by road, rail, and buses
 - 29 km from Sydney CBD
 - 46 mins by train, 45 mins by car
 - 7 km from Parramatta
 - 20 min by trains, 30 min by bus, 22 min by car
 - 7 km from Liverpool
 - 13 min by train, 20 min by car
- Fairfield Town Centre DCP 2006 :
 - 1500 people interviewed including landowners, members of this committee
- Vision identified:
 1. Inclusive design that strengthens and reflects the **unique character of the town centre**.
 2. Enhance community safety and the perception of safety through partnerships and initiatives.
 3. Strengthen **gateways**, access and way finding in and around the town centre
 4. Encourage **street and laneway life** that attracts all and excludes no one
 5. Stimulate **economic development** and increase employment opportunities
 6. Nurture social and cultural development, and maximise education and training opportunities
 - 7 **Build a new image** for the town centre
- recognised a core area and periphery
- identified sites for a site-specific DCP



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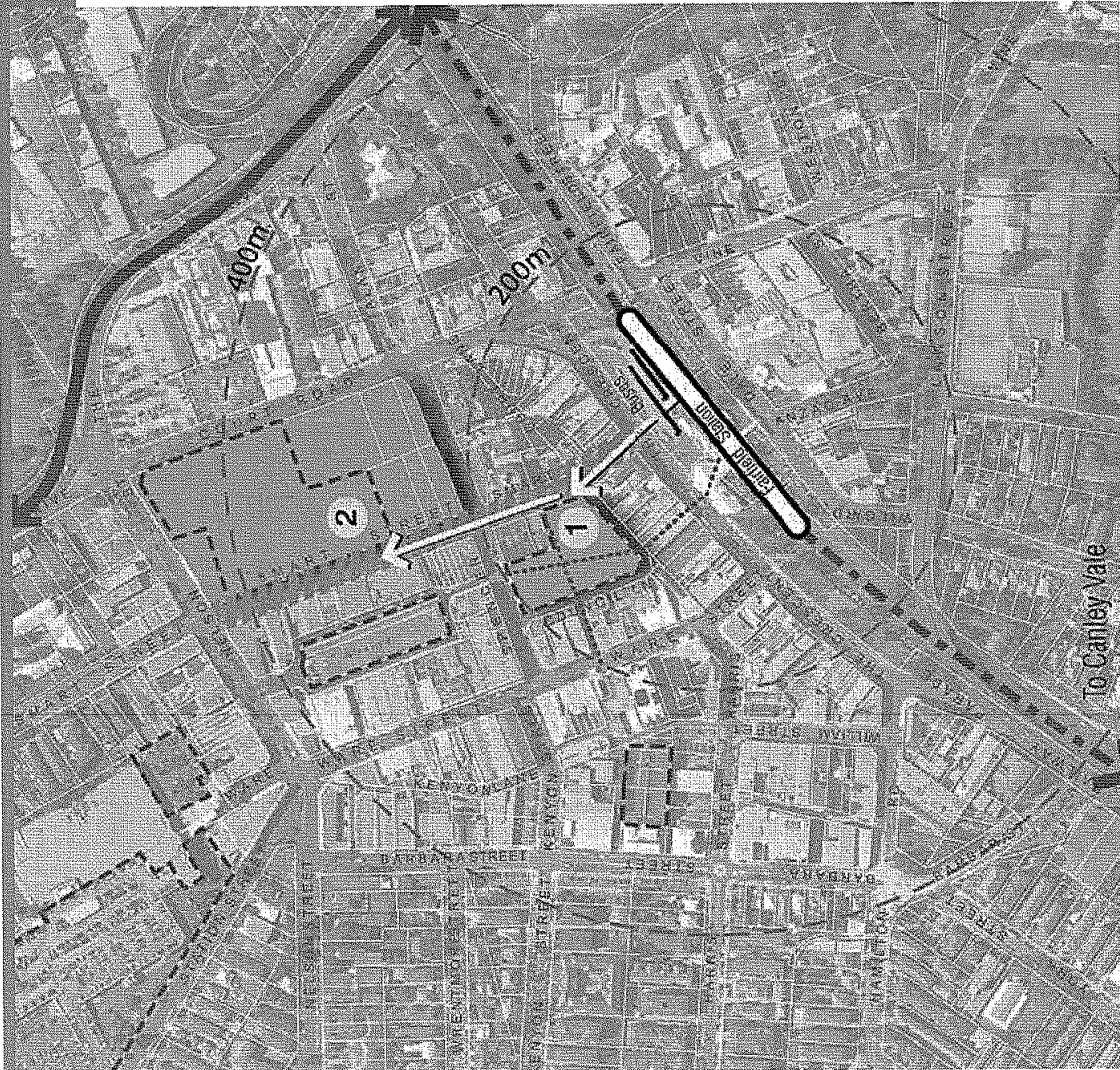
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access and movement

- smart street a 'major street' in Town Centre, suitable for intensification:
 - 5,000 - 15,000 vehicles a day
 - major bus thoroughfare
 - direct access to train station
- fairfield chase block (3 owners):
 - the first major site seen from bus depot
 - on two key pedestrian axes - N-S from Spencer Street to station W-E from Ware Street to Smart Street
 - easily accessible by all forms of transport on site parking and adjacent public car parks under 200m from Fairfield Station
- fairfield chase and neeta city sites each:
 - in single consolidated ownership
 - over 4000sqm (capable of being developed in their own right)
 - capable of accomodating several towers

- Site Specific DCP sites within Town Centre core
- 1 'The Chase' site
- 2 'Neeta City' site
- Primary Frontage
- Existing Carparking
- Existing Pedestrian



ATTACHMENT E

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ATTACHMENT 'E'

addressing fairfield's targets

Fairfield Residential Development Strategy 2009
Sustainability Matrix - Major Centres (\$5.3 p55)

Item	Target	Response
Dwelling Types	9,000 - 28,000 within 1km radius Average population of 42,550 within radius	Additional 104 dwellings 3% increase (from 2009)
Housing Types	High Density: Residential towers (within commercial core only), residential flat buildings Medium Density: multi-dwelling housing Low density: Attached Dwellings	High density - residential towers (within commercial core)
Affordable Housing	Affordable housing integrated into new developments Priority location for affordable housing to ensure residents can access services	Designed with housing affordability in mind
Commercial and Retail	20,000 - 80,000 of retail floor space for daily retail shopping and convenience needs, and higher order and comparison goods. Includes a wide range of non-retail services.	7,750sqm of retail and commercial floor space envisaged, including for non-retail services
Service Infrastructure	water, stormwater, sewer, electricity, communications, roads, suitable public parking	can be serviced, close to parking
Public Transport	Co-location of all public transport services	close to transport
Open Space and recreation	District level park Linkages to surrounding regional open space Range of local and neighbourhood parks	5 minutes walk from district level park (Fairfield Park)
Natural Environment	responsive to natural constraints (eg flooding) and promotes a high level of public transport usage	unconstrained, close to public transport
Community Facilities	District community centre, 4 local community health centres, 3 preschools, 3 public primary schools, 2 public secondary schools, 1 TAFE, 2 youth centres, 1 library, child care, aged care	local community health centre on site, planned child care facilities
urban design and public domain	active urban space which facilitates formal and informal meeting and gathering, day and night	informal gathering space, night trade
sustainable development	development does not exceed capacity, constructed to high environmental standards, and is adaptable or accessible	within FSR framework in DLEP high quality development

- Meets the sustainability matrix targets of the Residential Development Strategy 2009.

- Slender tower envelopes for efficient floorplates - affordable construction / product
- Apartments are compact, while meeting or exceeding the requirements of the RFDC

- A broad mix of apartments is envisaged:

Type	Avg size	Units	% of total
1 bed	55 m ²	11	10.6%
1.5 bed	75 m ²	16	15.4%
2 bed	85 m ²	37	35.6%
2.5 bed	110 m ²	31	29.8%
3 bed	135 m ²	9	8.7%
TOTAL	-	104 units	100.0%

- 3 hours' solar access to 88% of apartments, generous balconies, and each facade appropriate to its solar orientation, giving unique elevations on each side.

- Better convenience retail offering, boutique commercial and medical offices, public and community provider tenants maintained, childcare and affordable price points for residential apartments.

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a landmark opportunity

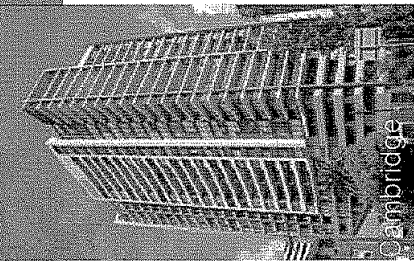
- one of two opportunity sites in the core
 - closest to, and directly facing, the station
 - 'celebrate Fairfield on the skyline' and mark the epicentre of town
 - provides the opportunity for a more elegant, slender form.
- but requires:
- recognition that 'site specific DCP' sites in the core can achieve greater height.

- In keeping with cutting edge architecture in Sydney - buildings with demonstrated design excellence, such as:

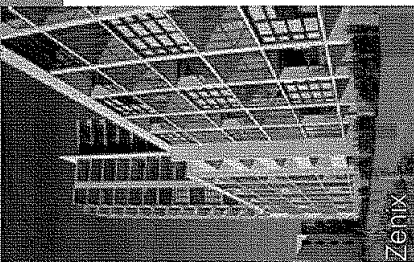
- Lumiere (by Norman Foster) in CBD
- 23 Pelican Street in the Darlinghurst
- Zenix in Erskineville.

- Also reflects a design quality and height of other suburban centres:

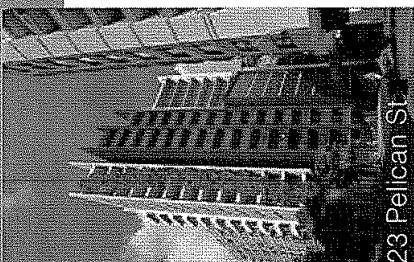
- 'Proximity Building A' in Wollri Creek (20 storeys);
- 'Leura' in Willoughby (20 storeys);
- 'Fiori Tower' in Parramatta (22 storeys)
- 'Cambridge' in the Pacific Place; development in Chatswood (25 storeys);
- the Forum in St Leonards (27 storeys).



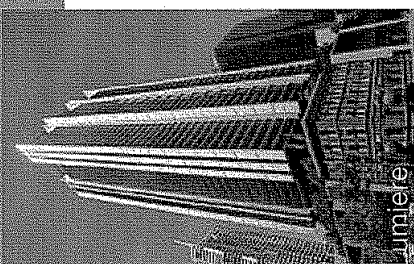
Cambridge



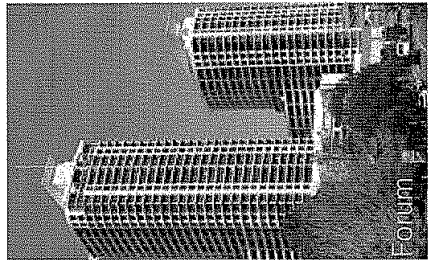
Zenix



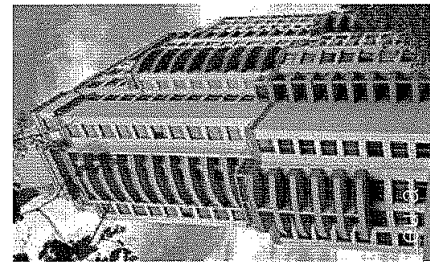
23 Pelican St



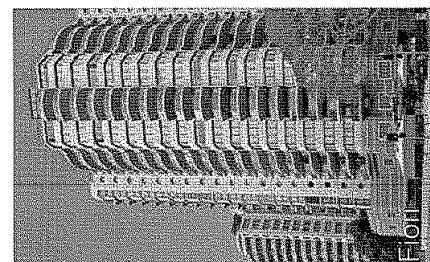
Lumiere



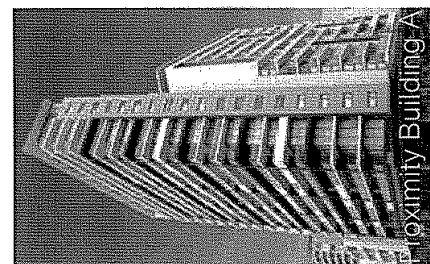
Forum



Fiori



Proximity Building A



Proximity Building A

ATTACHMENT E

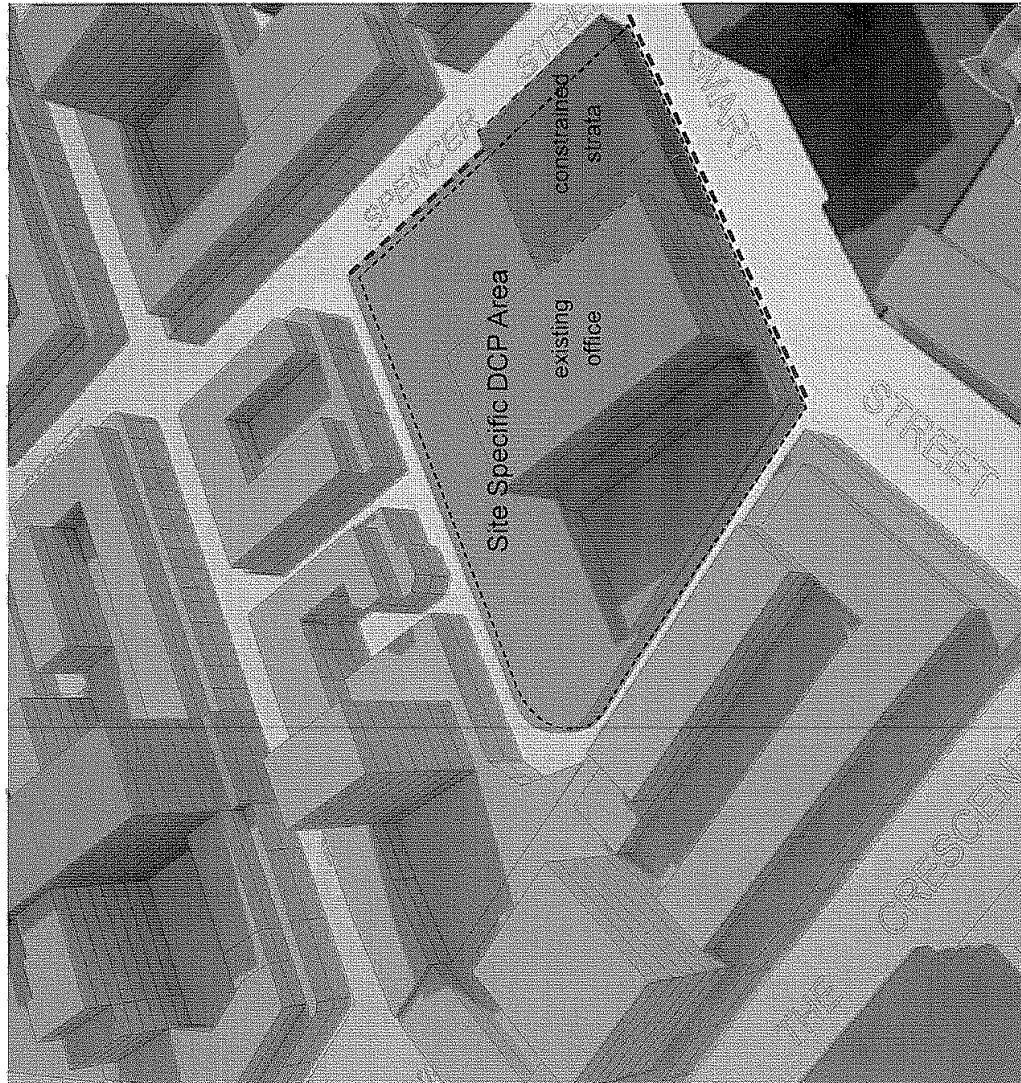
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ATTACHMENT 'E'

objectives - site specific DCP

- Fairfield Town Centre DCP 2006
 - Active frontages along Spencer Street and Smart Street
 - No overshadowing of the public domain or adjoining properties between 9am and 3pm on 21 June any greater than that expected if the site was developed under the controls set out in Fairfield Town Centre DCP
 - Massing of any buildings along the street edge should be consistent with and complementary to the scale of buildings proposed in the building envelope in Section 4 of Fairfield Town Centre DCP
- "Site Specific DCP" site includes all of block bounded by Smart Street, Spencer Street and Council Lane. However:
 - DCP permits development of partial site provided minimum lot size 4000sqm
 - Residential Development Strategy identifies 29 - 31 Smart Street as 'constrained' due to strata subdivision
- Site-specific DCP and DA process can run concurrently to ensure consistent outcomes



ATTACHMENT E

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ATTACHMENT E 1

proposal - site specific DCP

Fairfield Chase site only (75,700sqm), exclude 27B - 31 Smart Street

Major Elements:

1. Retain existing office for continuity of service providers
2. Maintain consistent zero setback street wall, active use on first 4 floors to match Smart St
3. Heights:
 - Podium - 6 storeys to match existing including 4 storeys of active frontage to Spencer St (consistent with surrounds)
 - North Tower - 14 storeys above podium (20 storeys overall, DLEP Height "AA")
 - South Tower - 10 storeys above podium (16 storeys overall, DLEP Height "Y")
4. Maintain RFDC separation between residential towers on site and adjoining sites
 - min 12 - 18m separation on site
 - min 6m setback (shared setback) from adjoining buildings
 - min 6m setback (shared setback) from centreline of bounding streets
5. Maximum 450sqm GFA floorplates for slender tower form (NB: 563sqm GBA @ 80% efficiency)



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ATTACHMENT 'E' 1

proposal - site specific DCP

Additional shadow impacts of the increase in height (21 June) are shown here. The increase in overshadowing is minor, shown as ■

- No overshadowing to surrounding streets, and effects on adjacent lots are marginal and short-lived. No effect on transit hub until late afternoon (3pm).

Benefits of the mixed-use development proposal:

- 1,970sqm of retail;
- 8,900sqm of commercial floor space (including existing building and medical offices);
- 10,000sqm of residential and;
- Related car parking facilities

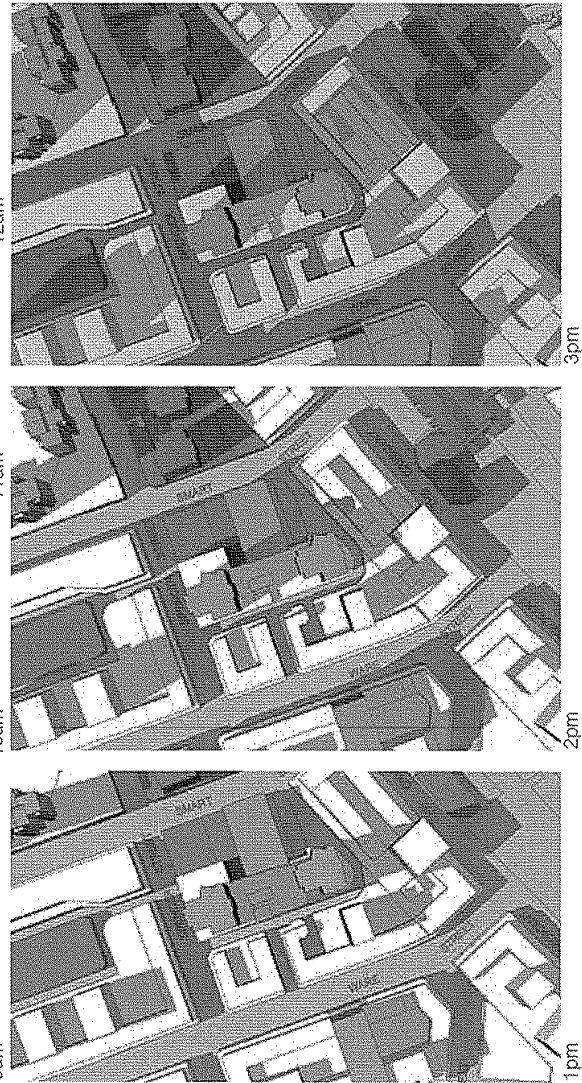
This provides the following towards Fairfield's dwelling and employment targets

- Provide **104 new units** (1.2% target, 3% supply) (N tower 14 floor, 60 units; S tower 10 floor, 44 units)
- Retain existing office jobs with continuity during construction (est. 310 jobs);
- Enhance medical centre (24 staff)
- Enhance retail offering (est 40 jobs)
- Provide est. **290 new office jobs** (5-20% target)

and during construction:

- generate **950 construction jobs**

(assume 1 job per 15sqm/office and 18sqm/construction)



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ATTACHMENT 'E'

