

Our Ref: X10255
 Your Ref: 166.2 / 2012
 Contact: Robert Fewster

BROWN
Smart Consulting

Fairfield City Council
 PO Box 21, Fairfield NSW 1860

24 October 2012

Attention: Mr Nelson Mu : Senior Development Planner

Re : Modification No. 166.2/2010, 368 Hamilton Road & 80-84 Tasman Parade Fairfield West –
 Dual Key Apartments & parking

Thank you for your letter of 15 October 2012, in which you advise that regarding the application its current form:

"... the proposed additional building height and dual key apartments are fundamental issues that need to be resolved prior to the application being referred to the JRPP for determination, including the submission of a traffic and parking report demonstrating that the proposed dual key apartments is adequately justified."

Following are the responses of Dyldam Developments to these issues, and in response to your request, how we wish to proceed with the application:

Issue 1 - Additional Building Height

As indicated in our previous correspondence, Dyldam Developments considers that the additional height proposed in the S96 application is sufficiently justified in the material submitted to date and in our presentations to Council staff in meetings. Thus it is considered that this issue is resolved.

Issue 2 - Traffic and Parking / Dual Key Apartments

Traffic –

Please find attached a supplementary Traffic Impact Statement that demonstrates that the "... the proposed dual key apartments is adequately justified" in terms of traffic generation. The supplementary statement is written by Traffic consultant who prepared the report for the original DA. The supplementary statement examines a worst case scenario of traffic generation in which all dual key units are assessed as 2 separate dwellings and traffic generation calculated accordingly. The statement finds that no more than 23 additional peak hour trips would be generated. It concludes that traffic impacts from the approved development would be not appreciably different to those arising from the S96 including dual key units now proposed.

Parking –

Regarding parking demand, we reiterate our previous advice that the likely future owners and/or tenants of the proposed dual key apartments would be a couple and an adult relative/friend in the

bedsit part of the apartment. It is considered that the occupants of a dual key apartment would not have a car ownership pattern substantially different than, for example, a 2 br apartment in the same building that is shared between several adults. Therefore it is appropriate for the parking demand for dual key apartments to be assessed at the same rate as for the apartment if it was not dual key. That rate is 1 parking space per 1, 2 or 3 br apartment and 1 visitor space per 4 apartments as per Fairfield DCP 1994. Therefore the current compliance of the application with the DCP parking provision rates remains unaffected by whether or not any apartments are dual key.

Issue 3 – Identification of unit types

With the supplementary traffic /parking statement now provided, it is understood that the schedule of unit type on a per building basis is not required. Please note however that the type of unit are shown on the current plans. Each unit in each floorplan has the type of unit indicated, eg TYP 2db_2. Thus it is considered that this issue is resolved.

Regarding your request for a schedule showing which units are dual key and which are not, please be advised that drawing No. 002 as submitted at our recent meeting, has a column in the building breakdown tables indicating whether or not each unit is dual key. The column is headed 'DUAL KEY,' against each unit number, this column has either a blank cell to indicate that the unit is not a dual key unit and a 'YES' to indicate that it is a dual key unit. A copy of this drawing (Rev 6) is attached.

Issue 4 – Correction to Schedule of units

Please find attached a corrected drawing No. 002 Rev 6 that corrects a typographical error to show the number of units in Block G as 37.

The Way Forward

We have been requested by our clients to advise Council that they wish the application to proceed to consideration by the JRPP in its current form.

Yours sincerely
Brown Consulting (NSW) Pty Ltd



Robert Fewster
Senior Planner

Atts
Supplementary Traffic Impact Statement
Corrected drawing No. 002 Rev 6

Our Ref: X10255
Your Ref: 166.2 / 2012

BROWN
Smart Consulting

Contact: Robert Fewster

Mr Nelson Mu
Fairfield City Council
PO Box 21, Fairfield NSW 1860

14 September 2012

Attention: Mr Nelson Mu : Senior Development Planner

Dear Nelson

Re : Modification No. 166.2/2010, 368 Hamilton Road & 80-84 Tasman Parade Fairfield West

Thank you for your letter dated 22 August 2012 in response to our lodgement of the above S96 modification application. In the letter you advise a number of concerns Council has with the S96 application as it was submitted.

Your letter advises that the proposed changes to the approval are unlikely to be supported by your office for a number of reasons. Your letter sets out a series of 'deficiencies of particular concern' and advises that we are required to advise council of our intentions with the application.

Please be advised that we have considered the listed concerns and have found that for a number of them we have made design changes to resolve Council's concerns regarding that issue. There remain other issues however, for which we have been unable to make major design amendments.

Our responses below reiterate and expand upon the justification in the submitted S96 application. Due to the unique planning background of the subject site the responses relate, inter alia, to the strategic role and appropriate future urban form of the existing centre and the single dwelling lots in its context.

Also we note that S96 requires a S79C assessment of the suitability of the site for the proposal as well as impacts on amenity to be made regarding the additional roof top units compared to the originally approved rather than 'impacts' arising from comparisons of scale with the Harthog Crescent houses.

The following are our responses and comments to Council's concerns which we submit for your consideration ahead of our meeting on Tuesday 17th September.

1. Additional floor to blocks A,B,D and G, open space, intensification of use, impacts, transition in scale and compatibility of approved design to existing single storey neighbours.

The reasons for your lack of support for the proposed modifications include that in your opinion, the additional top storey proposed to blocks A, B, D and G (20 units) and the reduction of podium open space would be an intensification of the use and increasing the bulk and height of the development. Also that these increases would further depart in scale from the existing low density character of the area, as exemplified by the two storey dwelling at No. 1 Baudin Crescent.

These reasons are based on a premise that the approved development on top of the existing shopping mall is considered by Council to be '... compatible and sympathetic to the surrounding residential properties'.

Implied in Council's point of view is the notion that the scale of the existing shopping centre is at present, fully compatible and sympathetic to the surrounding residential properties. Further, that this is a happy relationship in scale which should be preserved at all costs, including the cost of a lost the opportunity to create a substantial integrated local centre.

On page 48 of Council's report to the JRPP Council notes "... given the site is surrounded by 1 and 2 storey single detached dwellings it is suggested that the top most level of building G be deleted."

This recommendation implies that Council considers that a big box format shopping mall (with or without 6 apartment buildings on top) is, or should be, compatible in scale with single dwellings. We believe that such a comparison of a shopping mall with a house is, by any test or logic not realistic. In urban design terms, it is unsupportable for such a substantial development to have imposed on it a condition to delete levels that are already setback from the parapet. The condition achieves only a token reduction in scale. This is because to delete these roof top units will have negligible effect on visual bulk of the development viewed as a whole.

Nor is it strategically appropriate for the 5 houses along Harthog St and Baudin Crescent to dictate the scale of the adjacent local centre. To curtail the residential density of the centre without any significant reduction in scale would diminish its critical mass necessary to function appropriately and viably in the supply of housing choice and services to the residents of the locality.

Regarding the extent to 'intensification of the use' is appropriate as a consideration as to whether or not the proposed modification is "substantially the same development", there exists case law for example, *Scrap Realty Pty Ltd v Botany Bay City Council* [2008] that: "...allowed the modifications, relying on the broad power of s.96, which is a power simply to 'modify the consent'. To modify means to alter without radical transformation.... that involves 'questions of fact and degree' based on the particular facts of the case;"

This principle implied in this Scrap Realty precedent applies in this S96 application. Regarding 'questions of fact and degree' the additional units proposed in this S96 are a 14.2% increase over the original consent. As discussed on pg 5 of the submitted SEE, it is considered that this level of increase is not substantial when considered against the scale of the overall approval.

It is with the above strategic background that the S96 application was lodged.

The perspective drawings now submitted demonstrate that the additional units proposed to the approved roof tops are sufficiently set back from the parapet so as not to be a discernible increase in the visual bulk of the approved apartment blocks when viewed from the street.

In addition, the permissible height of adjacent dwellings in the residential zone is 9m. The residential development along Baudin Crescent is elevated above and to the north of the existing shopping centre, the dwellings overlook and overshadow the existing podium. This means that the main bulk of the shopping centre is below the roof RL of the residential dwellings. The roof of the proposed block B is 11.6m above the Baudin Street ground RL. It is considered that a 2.6m increase in height is a disparity not inappropriate for the relationship between the 'Local Centre' scale of the shopping mall and the adjacent future development.

In strategic planning terms, it is agreed that the juxtaposition of a shopping mall with this row of houses is an undesirable sharp transition in scale. This irregular outcome could be resolved by rezoning the lots along Harthog Avenue and part of Baudin Street to continue the larger footprint building precedent set by the child care centre and provide for medium density housing which is a built form making a more natural transition in scale between the shopping centre and the low density lots further to the north.

In an orderly strategic planning process, this type of development is normally employed to create an appropriate transition in scale and function between a local centre and low density housing in its vicinity. It is therefore suggested that this approach is more appropriate than inhibiting the development of the subject site. In support of this, it is noted that Council's report 2010SYW015 to the JRPP on 7 October 2010 notes on pg 29 that Council currently has no Residential Development Strategy for the Western half of the city and that the subject site is appropriate to accommodate a density increase in a built form in excess of 2 storeys.

Nonetheless, Council's deletion of the top most levels from the approval shows a disproportionate influence of the current houses along Harthog Avenue.

Alternatively, it would be appropriate for the 5 houses on the south side of Harthog Street to be redeveloped as medium density housing under the provisions of clause 20 C of Fairfield LEP 1994. It is understood that the purpose of the flexibility allowed by this clause is to be applied to resolve exactly this sort of zoning anomaly. The provisions of this clause would allow the first 20m of these sites which are 31m in depth and the full width of No 1 Baudin Crescent which is 20m wide, with its side boundary adjacent the subject site, to be developed for medium density housing.

A similar conclusion on this issue of transition in scale from the shopping mall to the adjacent houses to the north was reached in the original DA's Urban Design Analysis by GM Design. This analysis highlighted the potential of the development as a local centre, as a pedestrian focus with local links and suggested a more appropriately scaled medium density development to form the transition to the sites north as in the extract below:

The site is also subject to the Fairfield City Council Residential Flat Building Development Control Plan. This DCP is a generic DCP covering all residential flat buildings in the local government area. The DCP sets standards for open space, solar access, visual and acoustic privacy, view sharing from living areas, safety and security, streetscape and building appearance including height and setbacks, density and FSR, parking and access, site facilities and water management.

These controls are clearly aimed at 2b development. Whilst the proposal does not have this zoning the objectives above are reasonable and seek to achieve amenity for residents and the locality. It is however a contradiction to refer to compatible scale and massing for existing dwellings when the DCP allows 4 storeys in the 2b zone which by definition will introduce a new scale to the streetscape which is entirely appropriate for areas in centres and able to sustain residential flat development.

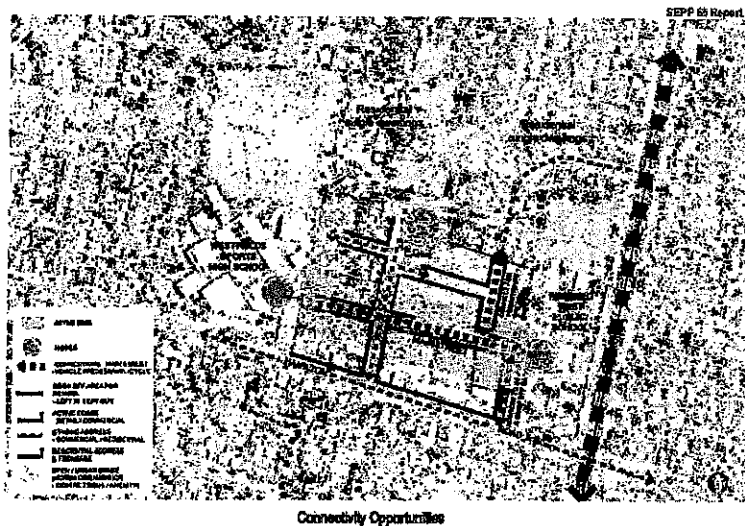
The LEP has zoned this site (in the majority) for business and retail uses. That zoning allows apartment development that supports the centre. The 3c zone has no height or FSR controls which suggest that it was always intended by Council that this zone would achieve a different desired future character to that surrounding it.

With the directions set by State Government in the Sub Regional Strategy for housing within centres and close to facilities combined with the existing facilities already built or approved by Council it is clear that to achieve an appropriate planning and urban design outcome this site and the area immediately around it need to be considered for their potential to create a vibrant smaller centre and residential neighbourhood.

Considering the goals and aims of the various controls and strategies there is an opportunity for this area to be revitalized to achieve greater activity and ambience and maximize the use of the infrastructure and services already provided. This approach would certainly include considering higher density for this site so long as it is able to achieve reasonable amenity for the existing area (particularly to the north). However a better strategic outcome would be to look more broadly at the surrounding area and seek to achieve greater intensity close to the schools and retail that also improves connectivity, address and access to both schools and greater housing diversity coupled with affordable development that locates more people at this node.

The site benefits from excellent district views and is walkable to transport and retail as well as commercial premises. As such it offers good amenity for residents and its potential for development should be maximized. The sites around it offer the opportunity to also create an improved character and to transition to the north to residential low scale uses in a more appropriate location than immediately adjacent to the retail core.

The diagram below shows the location of the schools and sites and opportunities for key connections.



When considering the 150m radius around the site that is discussed by the Sub Regional strategy for the centre classification currently as well as the potential catchment of 400m more appropriate to a centre with supermarket, medical facilities, child care and two schools it is clear that the areas around this site should also be rezoned to encourage greater density and housing choice.

The following diagram explores a potential approach to the surrounding streets to allow for slightly greater density and scale and in doing so amalgamating sites to allow a full public address to both schools with clear wayfinding and safe access. The sites to the north are also reviewed for slight increases in scale given their proximity to the centre and the intent of the development to connect Baudin Crescent to the retail and schools.

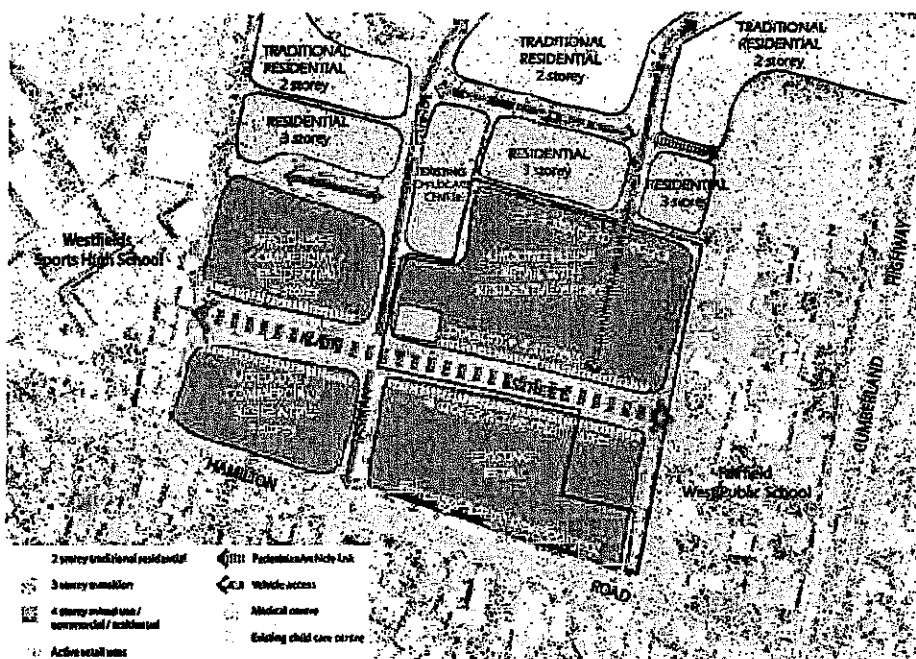


Diagram showing potential density

The above diagram submitted as part of the original DA is an appropriate strategic planning and urban design based solution to making a reality of the potential of the existing centre as core of a local centre supported by logical and appropriately scale residential development as a transition to the existing low density context top the north. The pedestrian link between the podium and Baudin Crescent is now reinstated as indicated in red above.

2. Submitted documentation failed to provide any planning justification demonstrating the proposal is substantially the same development.. that is 'unlikely to result in any adverse impacts on the amenity of neighbouring properties'.

Regarding justification: The submitted statement in support of the S96 application on **page 5** provides the following planning justification that the proposal is substantially the same development:

"Comment

The compliance of the application to S 96(2) (a) "... development to which the consent as modified relates is substantially the same development..."; and EPA Regs 115 (1) (g) *The Development (as to be modified) will remain substantially the same as the development that which was originally approved;*" is set out below:

"It is considered that the development resulting from the proposed modifications would be substantially the same development because there are no major changes proposed to the assessment conclusions of the development which led to its approval. In this way, the quantum of additional residential floorspace and units, built form, scale, residential density and external impacts are considered to be substantially the same development. In particular:

- Regarding permissibility, the modifications now proposed to the current consent do not alter the combination of uses within the development as originally approved.
- The number of residential blocks above the existing shopping centre remains the same, this means that the visual prominence of the residential development above the existing shopping centre will be essentially the same as that originally approved.
- A total of 20 additional residential units are proposed, this is a 14.2 % increase and not substantial considering the large scale of the approved development, which is itself, the largest component of the Fairfield West Local Centre.
- The approved development does not overshadow the dwellings adjacent to the North. No overshadowing or overlooking will occur from the development as modified because the subject development is to the South of adjacent residential lots. (See Shadow diagrams and sight lines in the Drawing Set in Appendix 1.
- The traffic generation of the development will be less than that originally approved (See Traffic Impact Report in Appendix 2.
- The drawings submitted indicate that the proposed modifications to the approved plans result in only minor changes to the approved building envelopes. These result from internal reorganisation of the units and the provision of pitched skillion roofs, (set well back from the parapets), as required by Council. As an example, in Dwg 011- Rev 1 below in Figure 3, the heavy dotted line illustrates, in plan view, the position of the original envelope in relation to the proposed revised envelope of the apartment blocks.
- The provision of these roofs to the design increases The provision of these roofs to the design increases the RL of the roof tops from 3.185m to up to 3.885m

The A4 size drawings in Appendix 1 of this document and larger format drawings submitted with this application for stamping detail the proposed modifications to the approved DA drawings. “

Regarding council's inference that changes should be *“unlikely to result in any adverse impacts on the amenity of neighbouring properties”*

EPA S96 (2) (3) provides:

“In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.”

With regard to Council's implied expectation that a S96 be

“unlikely to result in any adverse impacts on the amenity of neighbouring properties”

it is noted that S96 does not prohibit any intensification of use nor does it require that a proposed modification demonstrate any increase or decrease in the impacts arising for the approved application, rather, Council is required to consider 'questions of fact and degree' in the terms of matters referred to in section S79C (1).

In this regard, as per pg 5 of the submitted SEE it is re - iterated:

“that the proposed modifications would be substantially the same development because there are no major changes proposed to the assessment conclusions of the development which led to its approval.”

In other words, the original application was approved with an acknowledgement that it was out of scale with the dwellings in its context and that therefore this visual incongruity was acceptable. The bullet points quoted from the SEE pg are the justification that in consideration of the very large 'whole of block' scale of the existing shopping centre and approved apartment buildings, the proposed modifications are not of a magnitude or intensity nor increase the impacts sufficiently for the modification to result in 'a substantially different development'.

3. A single page SEPP 65 Design Verification Statement

A full statement is now attached.

4. Perspective Drawings required

Perspective Drawings are now attached.

5. Communal Open Space

The plans now submitted show the deletion of the double row of parking at the west end of the central communal open space on the podium. Also the reinstatement of 2 x furniture truck standing bays and reinstatement 9 visitor spaces parking arranged on the periphery of the communal open space.

On the east end of the podium the approved plans show a central open space surrounded by a loop road providing car access to the 5 parking areas at podium level, the loop abutted the walls of units D101, 104 and F101 on the podium level of Block D resulting in car noise and headlight disturbance. The loop also conflicted with the pedestrian entry to the lobby of building D.

This loop has been redesigned as a shared way and relocated so as not to abut the walls of units D101, 104 and F101 also to remove conflict with the entry lobby. The vehicle circulation has been further rationalised by the deletion of the second vehicle (south) access to building D podium parking and replaced with a two way (north) entry that is offset from the approved alignment so as to minimise the disturbance of car headlights and noise to the windows of unit D 101. This has reduced the driveway coverage on the podium adjacent to the east of block F, converting that space to landscaped area.

Regarding the approved communal park on the 'cut out' on the north east corner of the existing podium, the concurrence of the approved landscape plan with the architectural plans is unclear. These two plans were prepared by different consultants.

By way of clarification, it is noted that the approved landscape plan included an extension of the podium to create this park but, inconsistently, the approved architectural plans do not show this extension to infill the corner of the podium. There has been no attempt to mislead on this issue. The submitted S96 plan proposed to relocate this park by redistributing parking on the podium. Council's comment is that any reduction of the approved communal open space is not justified. The plans now submitted show the infilling of the north east corner of the podium and its use as communal open space resulting in a communal open space provision of 4581 m² of 17730 m² equivalent to 25.83 % of the site area thus in compliance with the 25% SEPP 65 rule of thumb.

6. Furniture Removal Bays

The submitted design is now revised to include 2 x furniture truck standing bays on the podium as per the approved D.A.

7. Conditions of consent to provide skillion roofs to all buildings.

With regard to condition 2 iii of the development consent, buildings A, B and F roofs have been redesigned to be double pitch skillions so as to create north facing clerestory windows to improve solar access to the top most north facing units. Buildings G and D have single pitch skillion roofs with the clerestory windows facing east to maximise internal solar access. This redesign better defines the top of the buildings as required by the condition.

8 "Apparent simplification of the external treatment of buildings"

Council's comment refers to the 'simplification of the external treatment of the buildings' and 'the previous scheme incorporated a series of well-proportioned modules or volumes that were considered sympathetic and provided a reasonable transition in scale to the surrounding residential properties'. The rationale of this comment is unclear, particularly, how the external treatment can affect the scale of a building.

This comment is not agreed with because the façade modulation proposed in the s96 application adopts essentially the same form and pattern and creating modules or volumes of similar proportions as the approved design. This is confirmed by the submitted drawing on pg 6 of the SEE that shows the s96 footprint and envelopes are all within the approved envelopes.

We propose to present marked up drawings at the meeting that illustrate the similarity of the approved and proposed schemes in terms of external treatment including the approach that the proposed design approach employs a single architectural language. This approach is preferable to the approved scheme which is by comparison relatively discordant because it used a variety of finishes which reduces uniformity thus diluting the identity of the development as a whole.

In addition, the external treatment proposed is based on the recommended Residential Pattern Book part 2 for Garden Unit buildings with articulation of 'base' including ground floor garden units, 'middle' including cantilevered balconies, and 'top' including well set back roof top units with dual pitch skillion roofs to clearly articulate the building's top.

9. Zone 3 (c) and 2 (a) boundaries and 20 m extent of non complying development across zone boundary.

The meaning of this comment is unclear. : "The approved development does (?) extend beyond 20m beyond the 20m zone boundary and was approved on that basis."

The courtyards of building G have now been redesigned so that the building is now wholly within the 20 m extent of non-complying development across 3(c) zone boundary.

10. Proposed new ramp connecting ground floor car park of Block G to shopping centre Driveway

The vehicle entry to the parking area of the medical centre in block G has been deleted so as to eliminate possible vehicle pedestrian conflicts on the medical centre / shopping centre footpath. Vehicle entry/exit to the parking area of the medical centre is now combined in single point only from the Tasman Parade frontage as per the approved scheme.

11. Previously approved office and commercial into residential uses and gym/community hall

The gym is not for public use and thus generates no requirement for parking provision.

12. Proposed medical centre parking allocation

Parking spaces to the requirements of Council's code for medical centre will be allocated within the existing shopping centre parking and an appropriate restriction and to user placed on the attached relevant strata titles.

13. Driveway entry point of Block D

The proposed two - way, single entry point vehicle driveway to block D is now widened to 5.5m. The benefits of combining vehicle entry/exit at one point and shared way include:

- creation of additional open space between building F and E;
- relocated vehicle driveway does not abut the walls of units D101, 104 and F101 so as to minimise the disturbance of car headlights and noise to the windows of unit, nor does it conflict with the entry lobby of block D;
- single entry is offset from the approved alignment so as to minimise the disturbance of car headlights and noise to the windows of unit D 101 in particular;
- the communal open space (infill) to north east corner is bigger and safer.

14. Block A dual key units – balconies overlooking child care centre

The plans now submitted show the units facing the child care centre are now not dual key, this allows the deletion of those balconies.

15. Potential overlooking between blocks D, E and F

SEPP 65 12m separation distances between balconies and windows of adjoining blocks are complied with. It is considered that sufficient amenity to the units concerned is therefore provided.

16. Solid Balustrades

The SEPP 65 Better Design Practice for balustrades is:

"Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:

- *"detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the apartment's interior, especially at night*
- *"detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units."*

The proposed glazed balustrades are to living areas only so to provide outlook and to discourage storage of items on the balconies. Solid balustrades are retained to bedroom balconies to provide privacy.

17. Maintenance of Landscaping along site boundaries

New landscaping is proposed as part of the S96 application. It is anticipated that Council will impose landscaping maintenance conditions on the consent.

18. Advertising fee of \$360

To be paid

19 Development Engineering Issues

- i Parking Access and Manoeuvring** - refer to dwg no 133
- ii Furniture removal** - refer to dwg no 104
- iii stormwater drainage** – Note

20 Traffic Engineering Issues – refer to dwg no 101, 102, 104 and 133

- i no. of medical centre consulting rooms** - the number can be determined only after leased, proposed is the separate DA
- ii Gym public or not?** - Not public
- iii parking control mechanism public vs private** - remote control, intercom and safety roller doors
- iv traffic flow paths required on plans** - refer to dwg no 104

21. Acoustic Reporting - prior to CC

Summary

In your letter's conclusion you advise that the proposed design amendments cannot be supported and that the '...previous development, as approved, employed rigorous assessment criteria such that the maximum amount of development for the site appeared to have been achieved.' Also that '... the fundamental basis for the S96 amendments are of concern and a recommendation for support of the application would be difficult to justify.'

We consider that the application can only be properly assessed in fuller consideration of the very large 'whole of block' scale of the existing shopping centre and approved apartment buildings. As set out above, we found that 'the rigorous assessment criteria' used in the previous assessment were somewhat inappropriate to the unique situation of the subject site regarding developments controls upon it and the adjacent zonings.

Also the positive responses herewith to Council's design concerns and further and better particulars now supplied regarding design quality, impact amelioration and compliance are sufficient for Council form the opinion that the proposed modifications are not of a magnitude or intensity nor increase the impacts sufficiently for the modification to result in 'a substantially different development'.

We believe therefore Council has the power to determine the modification under S96.

Yours sincerely

Brown Consulting (NSW) Pty Ltd



Robert Fewster

Senior Planner

Our Ref: X10255
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Fairfield City Council
 PO Box 21, Fairfield NSW 1860

21 September 2012

Attention: Mr Nelson Mu : Senior Development Planner

Dear Nelson,

Re : Modification No. 166.2/2010, 368 Hamilton Road & 80-84 Tasman Parade Fairfield West – Dual Key Apartments & parking

Thank you for our meeting on Monday 17th September which gave Dyldam the opportunity to present responses to your requests for further information letter dated 22 August 2012. We think it was a productive meeting that contributed to the application progressing.

At the meeting, regarding the proposed dual key apartments, you raised the question of the characteristics of the occupants with regard to whether or not demand for additional car parking would be generated if any particular unit was to be fitted out as a 'dual key' apartment.

Set out below is the purpose of dual key apartments in terms of their design to meet the Fairfield West market demography; a description of the motivations and preferences of the typical purchaser of the dual key apartments in Fairfield West and the rationale that the parking requirements for a 2/3 bedroom apartment should not vary, whether or not it is a 'dual key' type.

Description of Dual Key Apartments

Pg 16 of the submitted S96 application statement of Environmental Effects describes dual key apartments as follows:

"It can be seen in the table that the proposed new units are predominantly 3 bedroom type. The modified plans and calculation sheet on Dwg 002 show that most of the 2 and 3 br units are 'dual key' type that consists of a 1 or 2 br unit that includes a bedsitter with ensuite and balcony. This dual key type of unit is on a single strata title.

The inclusion of dual key units in the modifications is in direct response to strong community and market demand for this type of unit. Council's Residential Development Strategy 2009 recognises this demand in section 3.5.1.2 'Special Needs Groups'. The response of the proposal in meeting this demand is detailed on pg 17 of this report describing the intended effect of the proposed modifications."

Page 17 of the report describes the intended effect of providing dual key apartments in the development in the terms of EPA Regs 115 (1) (e) (ii):

"The other effects sought by the modification include a revised mix of unit sizes so as to better respond to the housing demands of Fairfield LGA and Council's Residential Housing Policy; improved outcomes in terms of architecture / urban design and building function; also by introducing a wider unit mix and range of future family types also the improvement of the development's contribution to the Fairfield West Market Plaza as a whole. "

The proposed dual key units are proposed to meet a strong demand for housing types identified in Councils Residential Development Strategy 2009 section 3.5.1.2 "Special Needs Groups" as follows:

"... In addition to the main household types, there are also smaller, minority housing groups within Fairfield LGA who have unique housing needs and considerations. These groups will also need to be considered when determining future housing supply.:

... Low Income Earners: Fairfield LGA accommodates a relatively large share of low income households and low proportion of housing that is affordable to accommodate this group. It is important for this group to have access to the appropriate type of housing and at an affordable cost.

Culturally Diverse Populations: More than half of Fairfield LGA residents were born overseas, with a diversity of cultural backgrounds. These groups have a variety of housing needs which are sometimes different to those 'traditional' housing needs, such as multiple families or generations residing in a single house, creating demand for larger homes, with other cultural and religious beliefs influencing housing choice."

The proposed modification of the unit mix specifically responds to the supply shortage identified by Council above. In meeting this demand, the bedsit component of a dual key unit could be used to accommodate extended family members. Alternately, it could be leased to tenants by the owner with the intention of the bedsit reverting to be part of the main unit as the family grows in number and / or the children mature. In this way dual key units have the flexibility to meet the life cycle of an extended "traditional" family as well as providing low cost accommodation close to the facilities of the Local Centre."

It is proposed to market the dual key units as an option in the fitout of 2 or 3 bedroom units. The inclusions being a kitchenette; consisting of a sink, bar fridge and bench top. The ensuite bathroom and bedroom remain part of the design of a 2 or 3 br apartment whether or not it has a dual key fitout.

Market Demand

The proposal for a number of dual key apartments in the development is a response by Dyldam to a strong market demand for this type of dwelling. The socio economic characteristics of the most of buyers into this type of development make a strong preference for:

- The cultural preference for accommodation of extended family members 'under the same roof' but not necessarily sharing all the same rooms.
- The accommodation of unrelated people in a 'flat sharing' arrangement.
- For the owner of the unit to have the flexibility to achieve either of the above outcomes to generate rental income to help pay the mortgage or alternately, to use the apartment as a 2 or 3 br / 2 bathroom dwelling. This flexibility is shown on the attached 2 and 3 br unit layouts showing inclusions.

Parking Generation

The likely future owners and/or tenants of the proposed dual key apartments would be a couple and an adult relative / friend in the bedsit part of the apartment. It is considered that the occupants of a dual key apartment would not have a car ownership pattern substantially different than, for example, a 2 br apartment in the same building that is shared between several adults.

Therefore it is appropriate for the parking demand for dual key apartments to be assessed at the same rate as for the apartment if it was not dual key. That rate is 1 parking space per 1, 2 or 3 br apartment and 1 visitor space per 4 apartments as per Fairfield DCP 1994.

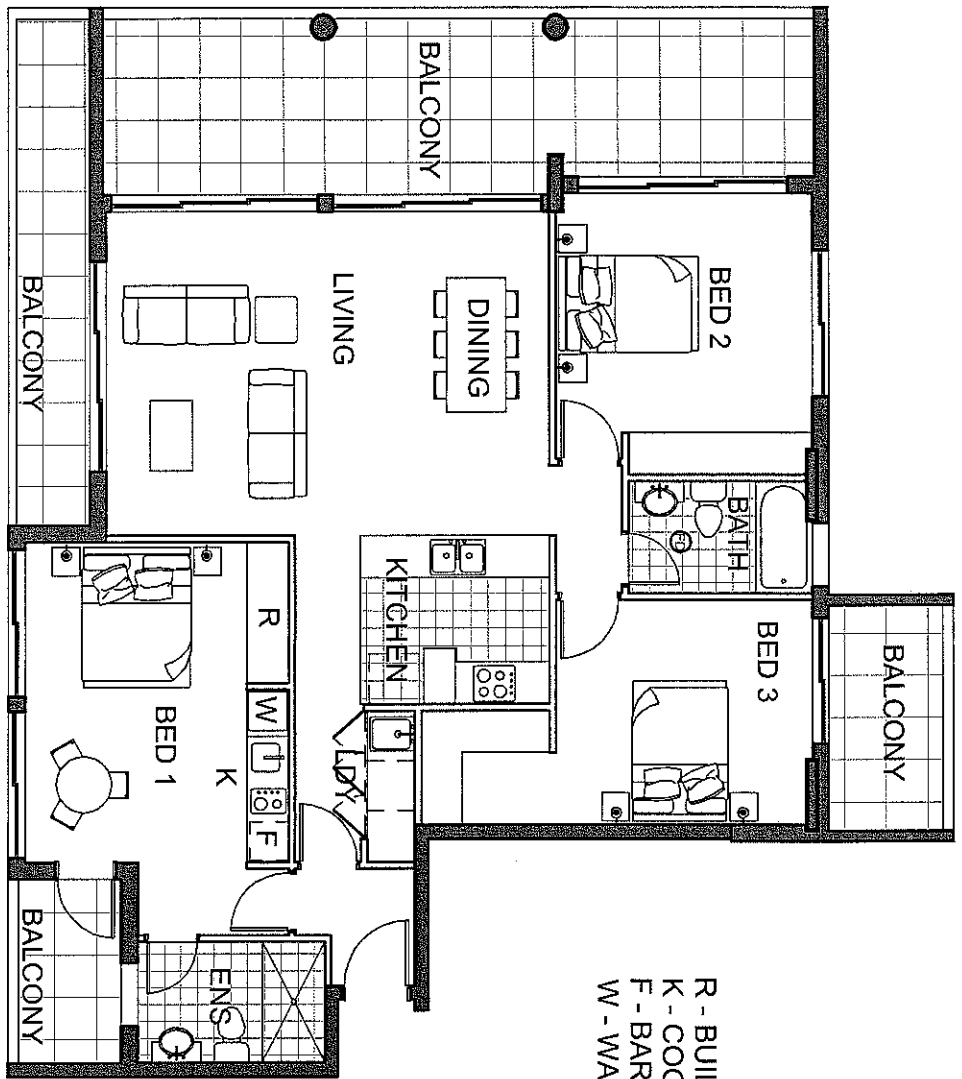
Yours sincerely

Brown Consulting (NSW) Pty Ltd

Robert Fewster

Robert Fewster
Senior Planner

R - BUILT IN ROBE
 K - COOK TOP WITH SINK
 F - BAR FRIDGE
 W - WASHING MACHINE (OPTIONAL)



Apartment - '3f'

Total 139 sqm (106 + 33)



PROJECT	PROJECT NO.	DRAWING	SCALE @A4	REVISION / DATE	DRAWING NO.
TASMAN COURT	243.1	TYPICAL PROPOSED 3 BEDROOM DUAL KEY	1:100	ISSUED FOR S96 17/09/2012	149