

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

JRPP No. 2014SYW042

Development Application No. 15.1/2014

Local Government Area Fairfield City Council

Proposed Development Demolition of the existing Calabria Community Club buildings, construction of a residential flat building, basement car park, associated landscaping, subdivision to create two (2) Torrens title allotments and construction of new roads.

The DA is Integrated Development as it requires a controlled activity approval under the *Water Management Act 2000*.

Street Address 184-192 Restwell Road, Prairiewood

Applicant/Owner Applicant - Alfredo G. Pagano (Pagano Architects Pty Ltd)
Owner - Calabria Community Club Ltd.

Capital Investment Value \$24,215,000

Number of Submissions 37

Recommendation Deferred Commencement Approval

Report By Stuart Gordon, SJB Planning – consultant town planners to Fairfield City Council

1. Overview

Pursuant to the requirements of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the proposed development is referred to the Sydney West Joint Regional Planning Panel (JRPP) for consideration and determination as the Development Application has a Capital Investment Value over \$20 million.

The development is within 40m of a watercourse and on that basis is nominated as Integrated Development and was referred to the NSW Office of Water in accordance with the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979*.

This report details the issues in consideration of the proposal in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*.

2. The Proposal

Council is in receipt of a Development Application (as amended) seeking consent for the erection of a part eight (8) and part six (6) storey residential flat building comprising 106 residential units incorporating three (3) levels of basement car parking with associated landscaping, subdivision to create two (2) Torrens title allotments and construction of new roads.

A total of 133 car spaces are proposed within the 3 basement levels and the proposed mix of units is as follows:

- 4 x studio units
- 25 x 1 bedroom units
- 43 x 2 bedroom units
- 34 x 3 bedroom units

The development site is on the northern part of a parcel of land identified as Lot 7, Section E in Deposited Plan 6934. The southern portion of Lot 7, Section E in Deposited Plan 6934 is to be dedicated to Council for open space purposes as part of the Voluntary Planning Agreement (VPA) between the Calabria Community Club and Fairfield City Council. The VPA was approved in 2010 and relates to the rezoning of the land. The amount of land to be dedicated is 6,199m².

A separate Development Application (DA 983.1 - 2011) for Torrens title subdivision was approved in January 2012, enabling the land to be excised and then dedicated to Council. The subdivision approved under DA 983.1 – 2011 will create two lots, the southern lot which is 6,199m² in area and will be dedicated to Council, and the northern residual lot that is to be 14,030m² in area. The approved subdivision plan for DA 983.1 – 2011 is attached to this report (refer to Attachment 1).

As advised by Council officers at the time of preparing this report, a subdivision plan has been submitted to the NSW Land and Property Information Division, but the subdivision has yet to be registered. The site has therefore not been subdivided and the land dedication has not yet occurred.

This DA relates to the northern part of the land (i.e. 14,030m² in area), being the part of the site that will not be dedicated to Council under the existing VPA.

The proposal seeks to subdivide the northern portion of the land to create two Torrens allotments. Proposed Lot 1 is to be 3046.6m² in area while proposed Lot 2 is to be 5,339m² in area.

The remaining 5,644.4m² of land in the northern part of the site is to be used for road construction and will be dedicated to Council as public roads.

The proposed residential flat building is to be located on proposed Lot 1, while proposed Lot 2 will remain as a residual lot.

3. Site Description and Locality

The subject site is known as Lot 7, Section E in Deposited Plan 6934 and has a street address of 184-192 Restwell Road, Prairiewood.



Figure 1: Aerial photo of Lot 7, Section E in Deposited Plan 6934

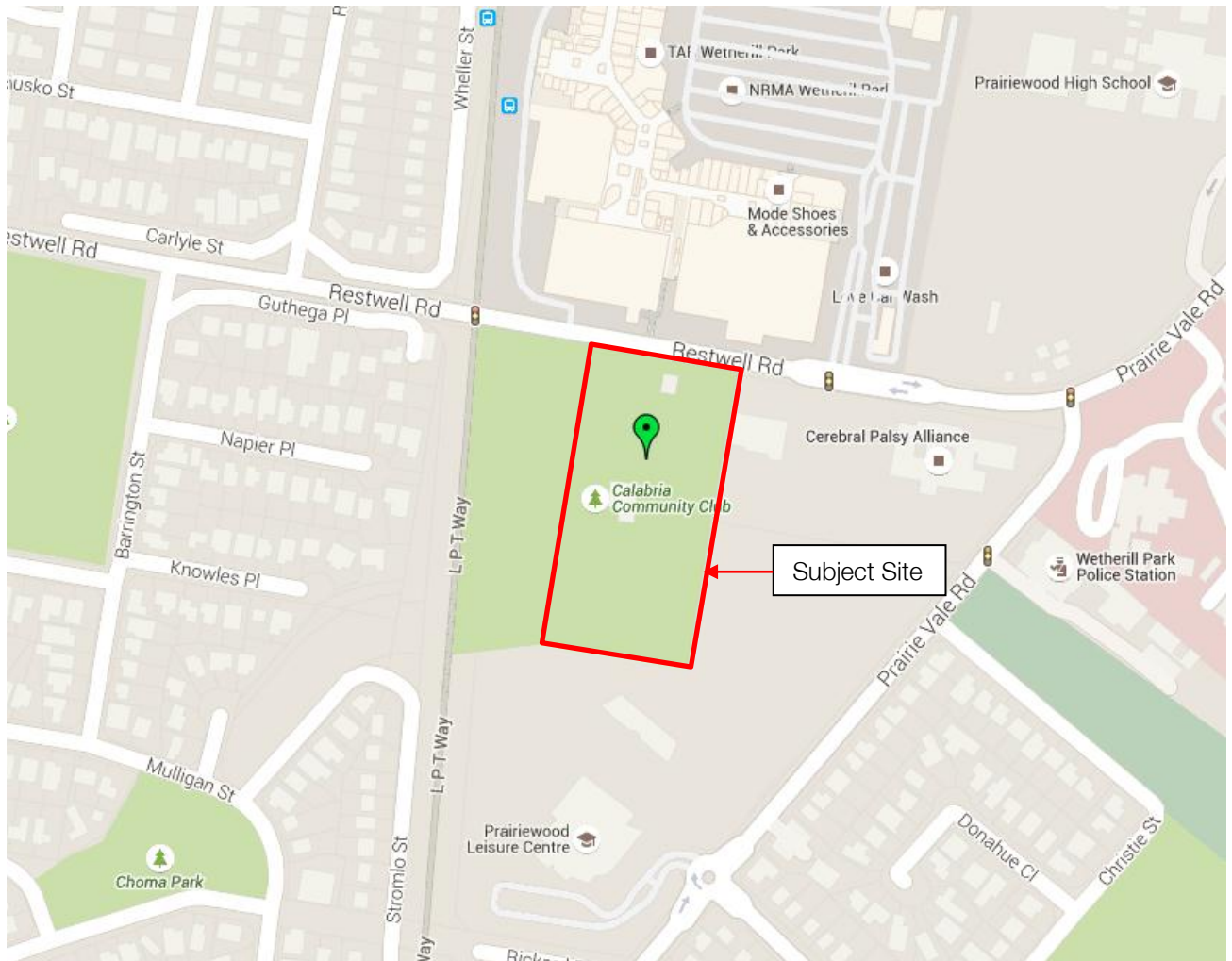


Figure 2: Lot 7, Section E in Deposited Plan 6934 identified in red outline

The overall area of Lot 7 Section E in Deposited Plan 6934 is 20,231m². The land to the south (i.e. 6,199m²) is to be dedicated to Council for open space purposes as part of the VPA between the Calabria Community Club and Council as part of the rezoning process. An unnamed creek is located within the land to the south to be dedicated to Council.

The development site, being the northern portion of the lot has an area of 14,030m².

The site is currently occupied by a club house and amenities buildings. There is also part of a soccer field on the site, with the remainder of the soccer field being located on the adjacent, Council owned land, to the west (refer to Figure 1).

The property is located within the Prairiewood Town Centre and is surrounded by various developments including Stocklands Shopping Centre, Fairfield Hospital, Prairiewood Leisure Centre, Wetherill Park Police Station, Prairiewood Primary School, Prairiewood Youth and Community Centre and the Cerebral Palsy Centre.

Located to the west of the site is Council owned land which is zoned B4 Mixed Use (per the Fairfield Local Environmental Plan 2013 (FLEP 2013)) and is currently vacant land other than part of a soccer field.

Adjoining Council's vacant land to the west is the Parramatta to Liverpool Transitway.

4. Background

The application was lodged on 8 January 2014.

Land immediately to the west of the site at 178 Restwell Road is owned by Council and consequently Council engaged SJB Planning to undertake an independent assessment of the DA.

A preliminary assessment of the application was undertaken and the applicant was sent a letter dated 20 March 2014 which outlined significant concerns with the DA. The concerns raised included that the DA sought fundamental variations to the applicable Prairiewood Town Centre South Precinct Development Control Plan 2013 (PTCSP DCP) built form but had not demonstrated that the proposed alternative design would meet the PTCSP DCP objectives.

The letter indicated that considerable redesign and additional information was required to address the issues.

A meeting was held with the applicant at Council on 3 April 2014 at which the issues were discussed. The applicant followed this with a letter to Council dated 14 April outlining the intention to amend the DA to include a perimeter block form development, more consistent with the built form envisaged under the PTCSP DCP.

A further meeting was held with the applicant at Council on 16 June at which concept plans for amendments to the DA were tabled and discussed. SJB indicated 'in-principle' support to the perimeter block concept, subject to satisfaction of the other issues raised in the letter dated 20 March 2014.

It was agreed that Council would accept an amended DA based on a perimeter block scenario.

The DA was subsequently amended in August 2014. The main amendment included a change in the development from a three tower arrangement to a perimeter block form of residential flat building and an increase in floor space ratio (FSR).

The amended Integrated Development application was advertised and notified from 4/09/2014 to 4/10/14 (i.e. 30 days) – satisfying the statutory notification/advertising requirements.

Upon public request, the notification area was extended and additional properties were notified of the application from 22/09/2014 to 13/10/14 (i.e. for 21 days). This additional notification was undertaken include residents that were previously notified during the rezoning of the site.

An assessment of the amended DA was undertaken and a further request for additional information and further amendments was issued to the applicant in November 2014.

The main issues related to flooding, OSD design, road design, the provision of adequate deep soil area, the setback arrangements of the building and the proposed FSR variation.

Since November 2014 the Council has sought clarification and amendments to aspects of the proposal and requested additional plans and information, particularly with respect to flooding, OSD design and road design issues.

The applicant provided a final set of amended OSD/stormwater drainage drawings to Council on 7 August 2015.

It is noted that the subsequent amendments to the DA, after the notification period, relate to requests for information from Council and have resulted in a development that will have lessor impacts than the application as originally notified and subsequently re-notification in accordance with Council's notification policy was not required.

This assessment relates to the DA as amended.

5. Urban Design Review

The urban design aspects of the original DA were independently reviewed by SJB Urban. The urban design review focused primarily on the quality of the private realm, streetscape, residential amenity, and contribution of the built form to the existing and future desired local character.

The basis for the review was the ten (10) Design Quality Principles in the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65), as they represent an industry best practice standard for the type of residential flat building development proposed in the DA.

The urban design review identified considerable issues with the original DA and concluded the following:

“By departing from the perimeter block configuration (Indicative Southern Precinct Plan shown on Page 6 of the DCP) the proposed scheme compromises the desired future character and residential amenity of the site, adjoining sites and the wider precinct.

The variation in building height has been lost, just as the scale, quality and useability of the communal open space has been compromised. Building separations fail to satisfy the guidance outlined in the RFDC and relies on fixed screens to ensure privacy and reduce overlooking.

Access to the lobby entrances from the street and internal spaces raise concerns about safety and surveillance, whilst additional direct access to the ground floor dwellings from the street hasn't been addressed in the scheme design.

The perimeter block built form will help address many of the points raised in this review and better reflect the Desired Future Character being sought by Council's DCP."

Upon receipt of the amended DA, SJB Urban again undertook an urban design review of the amended DA. The following is a summary of the urban design review comments relating to the amended DA:

- *Principle 01 – Context*

The amended DA better responds to the Desired Future Precinct Character Statement shown on Page 5 of the Prairiewood Town Centre South Precinct DCP.

Although not providing individual entry to units at street level, the amended DA has improved the street activation by providing three entry locations along the southern frontage, a main entry location along the western frontage and two pedestrian entry locations to the northern frontage. The amended design includes small 'front gardens' and or balconies, and overall the ground level plane now features improved activation and surveillance of the street.

- *Principle 02 – Scale*

The amended proposal features a stepping-down from 8 storeys to 6 storeys at the northern end of the west 'wing'. This approach appears to address the previous issue raised with the original DA where a single heights plane of 8 storeys was proposed, and extending north to the proposed lot. The amended DA better meets the objectives of the DCP in this respect.

The amended proposal will also result in a reduced solar impact on the future development to the west, which is nominated in the DCP as having a 4-6 storey height.

- *Principle 03 – Built Form*

The amended DA addresses the concerns raised in relation to the 'three tower' approach to the built form. The proposed perimeter building now features a single 8-storey building along the southern frontage, eastern frontage, and a reduced height of 6 storeys along the western frontage. Open space is now featured along the northern frontage of the site. This revised building form is generally consistent with the building envelope envisaged by the DCP.

The western and eastern 'wings' of the proposed perimeter building includes minimal setbacks to the northern boundary. The western wing includes a step down in height at this point, providing relief to the western and northern elevations. However, the

eastern wing continues at 8 storeys in height to within 1m (i.e. for balconies) of the boundary.

The proposed east-west orientated street adjacent to the northern boundary will provide some separation and relief to future 8 storey development on the northern lot. Further consideration needs to be given to the treatment and protection of residential amenity for the dwellings along the northern elevation of the east wing.

The proposed southern elevation is considered to be appropriately articulated and provides an improved continuity and streetscape character.

- *Principle 04 – Density*

No further comment. Please refer to the separate report by SJB Planning.

- *Principle 05 – Resource, energy and water efficiency*

The reduction in building depth, and increase in the length and continuity of north facing elevation is a key benefit of the revised perimeter-block built form approach, which also delivers an improved level of solar access. This outcome should be confirmed with appropriate solar access diagrams. The amended proposal results in an improved performance with respect to Principle 05.

- *Principle 06 – Landscape*

The amended configuration of built form has improved the layout, orientation, useability and scale of the open space on the site. Whilst the realignment of the northern boundary continues to reduce the amount of ‘common space’ originally envisaged in the DCP (Page 6), however, the proposed open space has been consolidated and compared to the disconnected nature of the private domain proposed in the original DA.

The proposed landscape area on level 6 is also a positive addition to the proposal and the use of this area (as communal or private) should be explored. The size of the private open space areas at ground level should be clarified through detailed design studies (sections and plans).

- *Principle 07 – Amenity*

The amended design has addressed the issue of the irregular form, which has reduced the number of habitable rooms displaying acute angles. As discussed above the amended DA indicates an improved solar access outcome for the development as well as improved design of the outdoor spaces. The amended scheme has adequately addressed accessibility from the street as well as street activation.

Additionally, the perimeter block approach and improved building separation has generally addressed the issues of acoustic and visual privacy which was previously heavily reliant on the use of many fixed screens. One issue remains with respect to

the potential for privacy impacts between the north eastern corner of the proposed building and future development on the proposed Lot 2. An increased setback to the northern boundary and or additional permanent mitigation measures should be provided.

- *Principle 08 – Safety & Security*

The proposed perimeter block design will result in improved passive surveillance outcomes for both the public domain (streetscape) and private domain (footpaths and landscaped areas) compared to the original design.

The amended design results in a single internal space that is overlooked by three elevations and removes the previously proposed smaller, narrow and poorly surveyed spaces.

The amended design of pedestrian entries and the proposed continual built form along the southern, eastern and western boundaries is an improvement from the original design and will result in greater opportunities for passive surveillance to the streetscape and public domain.

- *Principle 09 – Social dimensions and housing affordability*

No further comment. Please refer to the separate report by SJB Planning.

- *Principles 10 – Aesthetics*

The amended DA is considered to display an appropriate level of building articulation given the immediate context and with respect to controls in the DCP relating to aesthetics. Adequate modulation is provided to street facades and roof form will provide visual interest. Consideration should be given to the provisions of larger street trees and plantings with open spaces at the site.

Conclusion

Generally, the perimeter block configuration proposed by the amended scheme creates a vastly improved outcome for the site, the surrounding streets and spaces.

By pushing development to the eastern, western and southern frontages the entries are directly accessible from the street and the surveillance of the streets is improved.

This approach also creates a single consolidated private open space is provided along the northern boundary, which receives excellent solar and passive surveillance.

There are some issues relating to the detailed design of elevations that should be addressed to ensure the amenity of future residents and adjoining properties is maximised. Further information on the design of the private amenity spaces (balconies and courtyards) and the roofscape along the southern frontage at level 6 is also requested.

6. Assessment

The following is an assessment of the application in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*.

Section 79C(1)(a)(i) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Fairfield Local Environmental Plan 2013

State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) states that a regional panel may exercise the consent authority functions of the Council, for the determination of applications for development of a class or description included in Schedule 4A of the *EP&A Act 1979*.

Schedule 4A of the Act includes 'general development that has a capital investment value of more than \$20 million'.

The development has a value of \$24,215,000 and accordingly, the development application is reported to the Sydney West JRPP for determination.

State Environmental Planning Policy No 55 - Remediation of Land

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 of SEPP 55 requires that:

- “(1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is to be carried out, and*

- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

Council in the rezoning of the subject land from 6(b) Private Recreation to 3(b) District Business Centre (in accordance with Fairfield LEP 1994 – Draft Amendment No.126) was required to consider contamination issues and the suitability of the site for residential use in accordance with the Section 117 Directions and Clause 6 of the State Environmental Planning Policy No. 55.

A review of the development history of the site indicates use for residential purposes and for recreational purposes. The site is currently used for recreational purposes in association with the Calabria Community Club.

The site does not have a history of high risk uses and Council's Environmental Management Coordinator has raised no objection to the proposal.

Consequently it can be concluded that no further assessment of contamination is necessary and the subject site is considered suitable for the residential development.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

The development is more than three (3) storeys and contains more than four (4) dwellings and consists of a residential flat building and therefore the provisions of the SEPP apply.

It is noted that the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65) was amended in July 2015 (per Amendment 3).

One of the key changes in Amendment 3 to SEPP 65 is the requirement under Clause 28 that a consent authority in determining a development application for it is taken into the Apartment Design Guide.

The Apartment Design Guide effectively replaces the Residential Flat Design Code (RFDC) for new DAs involving residential flat buildings.

Notwithstanding the above, the subject DA was lodged prior to the gazettal of the amendments and in accordance with the transitional provisions under clause 31 of SEPP 65 *"the application must be determined as if the amendment had not commenced"*.

The assessment of the DA has therefore been undertaken against the 10 design principles and the RFDC as in place prior to Amendment 3 to the SEPP.

A summary of the independent urban design assessment of the amended DA against the 10 Design Principles is outlined under Section 4 "Urban Design Review" of this report, where it was concluded that the amended DA was generally consistent with the principles.

Further to the design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the RFDC.

The following table outlines assessment of the amended DA with the key relevant RFDC provisions.

Residential Flat Design Code (RFDC)	Comment
Building height	<p>The Fairfield LEP 2013 control is for a maximum height of 26m.</p> <p>Part 3.6.2 of the Prairiewood Town Centre Southern Precinct DCP 2013 (PTCSP DCP) provides a building height control of 8 and 6 storeys at the site.</p> <p>The building exceeds the LEP height control but complies with the DCP controls.</p> <p>The variation to the LEP height control is relatively minor and acceptable in this instance. Detailed discussion regarding the variation is outlined under the heading <i>“Proposed variation to the maximum building height development standard”</i>.</p>
<p>Building depth</p> <p>In general, apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and ventilation are to be achieved.</p>	<p>Unit depths range between 5.8m up to 15m.</p> <p>The proposal achieves good levels of solar access and natural ventilation.</p> <p>The proposal complies with the building depth guidelines.</p>
<p>Building separation</p> <p>Up to four storeys/12 metres</p> <p>-12m between habitable rooms/balconies</p> <p>-9m between habitable/balconies and non-habitable rooms</p> <p>-6m between non-habitable rooms</p> <p>Five to eight storeys/25 metres</p> <p>-18m between habitable rooms/balconies</p>	<p>The proposed development is part 6 and part 8 storeys in height.</p> <p>The western wing of the proposed perimeter building is separated by at least 45m from the eastern wing of the building.</p> <p>It is noted that there will be no residential development to the south as that land is</p>

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-12m between habitable/balconies and non-habitable rooms
-9m between non-habitable rooms

Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.

to be dedicated to Council and used as open space.

The proposed development includes minimal side, front and rear setbacks (i.e. in the order of 1m to 2m) as is prescribed for within the PTCSP DCP controls.

The proposed building will nonetheless achieve adequate separation between any future development on adjacent sites as the site of the building is surrounded by roads. Building separation therefore will be the sum of the proposed 1m to 5m setbacks, combined with the width of the roads plus the width of any setback on the adjacent sites.

Not including any allowance for setbacks of future buildings on adjacent sites (although similar 1 to 2m setbacks are likely) the proposed building will achieve a minimum setback to the boundaries of adjacent sites as follows:

- 21m to 24m separation to the boundary of the adjacent site to the west;
- 13m to 14m separation to the boundary of the adjacent property to the north (i.e. proposed Lot 2);
- 16m to 19m separation to the boundary of the adjacent property to the east.

The proposed development complies with the building separation guidelines and has demonstrated that adequate daylight access, natural ventilation and privacy is achieved within the development. The proposal has also demonstrated that adequate separation has been provided to adjacent sites to allow future development of those sites the opportunity to also achieve adequate daylight access, natural ventilation and

Residential Flat Design Code (RFDC)	Comment
	privacy.
<p>Street setbacks</p> <p>Street setbacks should relate to the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p> <p>Relate setbacks to area's street hierarchy.</p> <p>Identify the quality, type and use of gardens and landscape areas facing the street.</p>	<p>The desired streetscape character is established by the controls under the PTCSP DCP 2013.</p> <p>Controls under part 3.6.1 of the DCP stipulate that buildings be setback up to a maximum of 2m for ground to the fifth storey with levels above the fifth storey set back from the building envelope by an additional 4m.</p> <p>The proposed development generally complies with the DCP setback controls in all instances apart from northern setback above the fifth storey where the building wall is setback by between 2m and 3.5m from the northern boundary.</p> <p>It is noted that the amended plans have incorporated operable sliding privacy screens to the northern facing balconies on Levels 6, 7 and 8 to address any future potential privacy issues between the subject development and any future development on proposed Lot 2 to the north of the site.</p> <p>Given the inclusion of appropriate screening and that adequate building separation is achieved (refer to discussion in this Table under Building Separation), the proposed northern setbacks of the development are considered acceptable.</p> <p>The proposal is considered consistent with the desired streetscape character as expressed within the site specific DCP.</p>
Side and rear setbacks	Refer to discussion in this Table under "Street Setbacks".
Site configuration: landscape design	The amended design is of a scale, layout and orientation that has been envisaged

Residential Flat Design Code (RFDC)

Comment

for the site in the applicable site specific DCP.

Specifically, the site specific DCP envisages a perimeter building (with nil to 2m setbacks) along the western, southern and eastern boundaries with communal open space located in the centre of the site and along the northern side.

The design of the amended DA responds to the general building arrangement envisaged for the site.

The DA does vary in that the proposed northern boundary has been realigned further south compared to the alignment demonstrated in the "Indicative Southern Precinct Plan" shown in the DCP.

The applicant has indicated that the purpose of the variation is to realign the central east-west running road, which separates proposed Lot 1 from proposed Lot 2, with the location of the east-west orientated road to be constructed (in the future) on the adjacent site to the west (i.e. the Council owned site).

The proposal has been assessed by Council's traffic engineer who (subject to conditions of consent) has not raised any objection to the realignment of the east-west road.

It is also considered from an urban design aspect the proposed realignment of the central east-west orientated road is sound.

The result of the realignment has resulted in a reduced communal open space area along the northern boundary compared to that envisaged in the DCP. However, the realignment has also

resulted in a reduced GFA that will be realised on proposed Lot 1, due to the effective narrowing of the depth of the lot.

The reduction in open space and GFA achievable on Lot 1 is effectively compensated by an equivalent increase in open space and GFA that will be achievable on Lot 2 when it is developed in the future.

In summary, the realignment of the central east-west orientated road has effectively reduced the size of Lot 1 with Lot 2 being increased by the equivalent amount.

On balance the realignment of the road should not change the quantum of open space and GFA realised on the overall site.

The amended DA demonstrates that the communal open space proposed is of a size and configuration that will be suitable to accommodate the recreational facilities and needs of the future residents of the proposed development.

The space will benefit from a northern orientation and represents a space that is cohesive and connected to the perimeter building and which is likely to provide an appropriate outlook and focus for the units within the building. The communal open space will be supplemented to an extent by the large area of public open space that is to be located opposite the site to the south.

The development also provides some opportunities for a degree of landscaping around the perimeter of the building through the provision of some deep soil areas along the western, eastern and southern boundaries.

The width of these perimeter deep soil areas is limited, due to the developments' compliance with the 2m maximum setback controls, but will nonetheless provide some opportunities for plantings.

On balance the landscaped areas and communal open space is considered adequate.

Site configuration: orientation

Plan the site to optimise solar access by positioning and orienting buildings to maximise north facing walls, providing adequate building separation within the development and to adjacent buildings.

Select building types or layouts which respond to the streetscape while optimising solar access.

Optimise solar access to living spaces and associated private open spaces by orienting them to the north.

Detail building elements to modify environmental conditions, as required, to maximise sun access in winter and sun shading in summer.

The amended proposal complies with the perimeter block approach envisaged for the site under the PTCSP DCP.

The perimeter block configuration maximises exposure to the northern aspect and the development will achieve good solar access and natural ventilation to the majority of units.

The proposal results in adequate building separation and a well-considered streetscape presentation.

Building configuration: apartment layout

The table in the RFDC relating to Apartment Types outlines the following examples of apartment layouts and sizes. The RFDC also provides a minimum unit size Rule of Thumb which is based on affordable housing which is as follows:

Studio 38.5m²
1 bedroom 50m²
2 bedroom 70m²
3 bedrooms 95m²

The proposed studio units range in size between 44m² and 46.5m².

The proposed 1 bedroom units range in size between 50.5m² and 74m².

The proposed 2 bedroom units range in size between 80.4m² and 104.2m².

The proposed 3 bedroom units range in size between 99m² and 135.9m²

All units meet the minimum internal sizes for the affordable housing Rules of

Residential Flat Design Code (RFDC)	Comment
Buildings not meeting the minimum standards must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms.	<p>Thumb.</p> <p>78% of units have access to at least 2 hours of sunlight to their respective internal living areas and private open spaces and the number of units with south facing openings has been minimised.</p> <p>The amended proposal accords with the apartment layout guidelines.</p>
Building configuration: apartment mix	<p>The proposal includes:</p> <p>4 x studio units 25 x 1 bedroom units 43 x 2 bedrooms units 34 x 3 bedroom units</p> <p>The apartment mix of studio, 1, 2 and 3 bedroom units is acceptable in the location.</p>
<p>Building configuration: balconies</p> <p>Provide at least 1 primary balcony.</p> <p>Primary balconies should be located adjacent to the main living areas, sufficiently large and well-proportioned to be functional and promote indoor/outdoor living.</p>	<p>All units at ground level have private open space in the form of courtyards connecting to the internal living areas of the units.</p> <p>Each unit above ground level has a private open space in the form of balcony connected to the internal living area of the units. Many units have more than one balcony, such that there are number of units which have balconies connected to bedrooms.</p> <p>Each of the primary balconies (being those balconies connected to the internal living spaces) has a minimum dimension of 2m.</p> <p>It is noted that one of the proposed studio units (i.e. Unit B7) has a primary balcony of approximately 5m² in area with a minimum dimension of 2m.</p>

Although less than optimum, the balcony is connected to the internal living area of the unit and the balcony is of a size that could accommodate a small table and chairs. Given the unit is a studio unit that will have an outlook over the large public open space to the south, it is considered that the smaller balcony for this unit is acceptable in the circumstances.

At least 88% of the primary balconies of the 106 units will receive a minimum of 2 hours sunlight between 9am and 3pm in mid-winter.

On balance the primary balconies are considered to be of adequate dimensions and configuration.

Ground floor apartments

Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape character and topography of the site.

Provide ground floor apartments with access to private open space, preferably as a terrace or garden.

The proposal includes 12 ground floor units.

Each ground floor units does not have an individual entry however this is considered acceptable for the following reasons:

- The applicable site specific DCP does not require individual entries to ground floor units.
- There are 4 main building entries located in a well organised manner providing a street address and clear entry points to the building.
- There is an additional two resident entry points along the northern boundary into the communal open space – equating to 6 pedestrian entries in total at ground level.
- The finished floor level of the development is slightly elevated above the footpath level as a result of responding to the flood planning level of the site. Consequently ramped access is onerous and 12 individual ramped entries (one to each ground

Residential Flat Design Code (RFDC)

Comment

floor unit) is considered to be an unreasonable requirement.

- Casual surveillance of the street will be achieved through the placement of the 4 main residential entry lobbies and from elevated balconies and the many openings addressing each of the street frontages.

Building configuration: ceiling heights

Design better quality spaces in apartments by using ceilings to define

All floor to floor heights are 3m with floor to ceiling heights of 2.7m apart from ground floor units which will have a floor to floor height of 2.91m and a floor to ceiling height of 2.61m.

The applicant was required to amend the finished ground floor levels to respond to the flood planning levels identified by Council's engineers. The overall height of the building has not been amended, however the finished floor level of the ground floor units has been raised by 0.09m from RL 33.50 to RL 33.59 per amended architectural drawing Sheet 08 Issue S dated 15/7/2015.

The resultant 2.61m floor to ceiling height for the ground floor units is considered adequate given all habitable rooms will achieve a floor to ceiling height of greater than 2.4m BCA minimum requirement and the ground floor units on balance will achieve relatively high levels of solar access, natural ventilation and residential amenity.

Building configuration: internal circulation

Increase amenity and safety in circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation.

Internal circulation corridors are relatively short and service between 2 and 5 units only.

There is limited opportunity under the perimeter block design to create corridors with high levels of solar access. Instead the proposal has achieved good levels solar access and natural ventilation to a high percentage of the actual units.

Building amenity: acoustic privacy

Arrange apartments within a development to minimise noise transition between flats.

Design the internal apartment layout to separate noisier spaces from quieter.

Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.

Under the circumstances the proposed internal circulation arrangements are considered adequate.

The perimeter block arrangement of the amended proposal results in relatively good separation and thereby good levels of privacy.

The internal corners of the perimeter building design are the areas that require most attention with respect to privacy.

The amended development has nonetheless responded well to this issue by adopting the following design elements:

- Primary balconies have been provided with side walls and have been orientated so that they do not oppose openings in adjacent units where possible;
- The main living spaces in the majority of the western wing units of the building have been orientated to the north and west, with bedrooms orientated to the east. This allows balconies and living rooms orientated to the north (in the central wing of the building) to not overlook openings to living rooms in the western wing;
- The living room and balconies of the units within the eastern wing are orientated to the north, avoiding direct overlooking from the units in the central wing of the building; and
- Operable privacy screens supplement the orientations of windows and building separation of units.

Overall the potential privacy impacts have been minimised within the development and the proposal is considered to accord with the guidelines.

Residential Flat Design Code (RFDC)	Comment
<p>Building amenity: daylight access</p> <p>Plan the site so that new residential flat development is oriented to optimise northern aspect.</p> <p>Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of 2 hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.</p>	<p>Detailed Solar Access Diagrams have been submitted with the amended DA which demonstrate that the internal living spaces of at least 83 of the proposed 106 units (or 78.3%) will receive sunlight for a minimum 2 hours between 9am and 3pm in mid-winter.</p> <p>The Solar Access Diagrams in fact indicate that many of the units will receive in excess of 3 hours sunlight during that period.</p> <p>Additionally the Solar Access Diagrams indicate that 93 of the primary private open space areas of the 106 units (or 87.7%) will receive sunlight for a minimum 2 hours between 9am and 3pm in mid-winter.</p> <p>11% of units have a single southerly-aspect. Given that the proposal overall achieves relatively high levels of solar access, high levels of natural ventilation, achieves the minimum unit area requirements and the building has been arranged in a perimeter block manner in compliance with the site specific DCP, the proposed minor variation is acceptable.</p>
<p>Building amenity: natural ventilation</p> <p>60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.</p>	<p>Natural cross ventilation is achieved to over 66% of units.</p>
<p>Building form: Roof design</p>	<p>The roof design of the proposed development is a combination of flat concrete roof decks combined with angled metal roof sheeting.</p> <p>The design will provide visual interest and is commensurate with the contemporary architectural style of the</p>

Residential Flat Design Code (RFDC)	Comment
	proposed residential flat building.
Storage	The proposal has demonstrated that each dwelling will be provided with the minimum required amount of storage. The storage space will be provided both in each unit and within a designated storage area within the basement levels.

Table 1: RFDC Compliance Table

The development has demonstrated compliance with the objectives of the SEPP as well as complying with the majority of applicable RFDC provisions.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate No 520869M_03 has been submitted demonstrating that the proposed amended development achieves the minimum BASIX targets for building sustainability.

A condition of consent has been recommended requiring compliance with all BASIX commitments.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 Traffic generating development

Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 applies to the development.

Specifically, the site is located within 90 metres of the Liverpool to Parramatta Transitway which is a classified road for the purposes of the SEPP.

In accordance with the provisions of Clause 104 and Schedule 3 of the SEPP, the DA and amended DA were referred to the Roads and Maritime Services (RMS) for consideration.

The response from the RMS raises no objection to the proposal on either traffic or parking grounds. Matters raised by the RMS have been incorporated into the recommended conditions of consent (refer to further discussion under the heading “*Section 79C(1)(d) - Any submissions made in relation to the development, External Referrals*”).

Fairfield Local Environmental Plan 2013 (FLEP 2013)

The development site is located within the B4 Mixed Use zone. The proposed residential flat building is a type of development that is permissible with consent in the B4 zone.

The following provides an assessment of the development against the relevant provisions of the FLEP 2013.

FLEP 2013	Comments	Compliance
Zone Objectives: <ul style="list-style-type: none"><i>To provide a mixture of compatible land uses.</i><i>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.</i><i>To support the development of Prairiewood, Fairfield and Cabramatta as the principal locations for specialist cultural, retail, business, tourist and entertainment facilities and services.</i>	<p>The development site is located on land within the southern precinct of the Prairiewood Town Centre.</p> <p>The Prairiewood Town Centre Southern Precinct DCP provides a masterplan of the precinct which establishes the site as a transition zone, incorporating community facilities and open space, transitioning to both the adjacent shopping centre and associated facilities and to the nearby residential areas and open space.</p> <p>The Prairiewood Town Centre Southern Precinct DCP identifies that residential and community uses are the preferred dominant activities and promotes high density urban living in the precinct in order to increase population to maximise the benefits of the site's proximity to existing services, particularly the Transitway.</p> <p>The proposed development is the first in the southern precinct and proposes subdivision to create two lots, with residential development over one lot (i.e. Lot 1 being</p>	Yes

FLEP 2013	Comments	Compliance
	<p>the southern lot) and the second northern lot to become a residual lot to be developed at a later stage.</p> <p>The DCP and the proposed DA envisage that the northern parcel of land (i.e. proposed Lot 2) opposite the existing shopping centre, will accommodate residential development as well as non-residential development in the form of a public plaza and also a local club facility above a ground floor plane of retail and commercial uses.</p> <p>The proposal for residential use only on Lot 1 is consistent with the overall desired future character of the precinct, its southern position within the precinct and its timing as the first development in the precinct.</p>	
<p>Clause 2.6 requires the consent for the subdivision of land.</p>	<p>The development site is on land known as Lot 7 Section E in Deposited Plan 6934 which has an area of 20,231m².</p> <p>The Lot is traversed by a creek line which runs more or less in an east – west direction.</p> <p>The proposal relates to the part of the land on the northern side of the creek line which is 14,032m² in area.</p> <p>The proposal seeks consent for the subdivision of the northern portion into two Torrens titled lots, Lot 1 (the southern most of the two</p>	

proposed lots) being 3,046.6m² in area and Lot 2 (the northern most lot) being 5,339.1m² in area.

The remainder of the northern portion of the site, i.e. 5,646.3m², is proposed to be used for road construction and will be dedicated to Council as public roads.

The creek and the land to the south of the creek which is 6,199m² in area is to be dedicated to Council for open space purposes as part of the Voluntary Planning Agreement (VPA) between the Calabria Community Club and Council as part of the rezoning process.

The DA documentation indicates that the southern part of Lot 7 Section E in Deposited Plan 6934 has already been dedicated to Council. DA (i.e. DA 983.1 – 2011) has been approved which will enable the subdivision of the land into two allotments and the dedication of one of those lots to Council, consistent with the VPA. However, as advised by Council officers at the time of preparing this report, a subdivision plan has been submitted to the NSW Land and Property Information Division, but the subdivision has yet to be registered. The site has therefore not been subdivided and the land dedication has not yet occurred.

It is therefore considered that to provide Council with some certainty that the land will be dedicated to Council for the purpose of public open space prior to the remainder of the land being developed, a condition of deferred commencement consent has been recommended which requires the southern portion of the Lot 7 Section E in Deposited Plan 6934 to be formally excised and dedicated to Council prior to the development consent for the remainder of the lot becoming operational.

Clause 4.3 Height of buildings

Clause 4.3, in accordance with the Height of Building Maps, sets a maximum building height of 26m for development at the site.

The majority of the proposed building is within the 26m height control, however the overall height of the proposed development when measured from the existing ground level to the top of the roof to the highest point is 27.6m.

No – considered satisfactory.

The applicant has submitted a formal request under the provision of clause 4.6 seeking a variation to the building height standard.

The non-compliance and proposed variation is considered in detail below under the heading “Proposed variation to the maximum building height development standard”.

In summary, the non-compliance does not of itself result in additional gross floor

FLEP 2013	Comments	Compliance
	<p>area and is manifest in the proposed roof form of the development.</p> <p>The non-compliance will for all intents and purposes be indiscernible when viewing the building from ground level and will not result in significant adverse impacts by way of overshadowing, view loss, visual privacy or bulk and scale impacts.</p> <p>The proposed non-compliance does not result with a non-compliance with the number of storeys envisaged for the site within the site specific DCP and is considered relatively minor and acceptable in the circumstances. The proposal results in a better planning outcome.</p>	
<p>Clause 4.4 Floor Space Ratio</p> <p>Clause 4.4, in accordance with the Floor Space Ratio Map sets a maximum FSR of 3.0:1 for development on the site.</p>	<p>The southern portion of Lot 7 Section E in Deposited Plan 6934 is zoned RE1 Public recreation and residential accommodation is a form of development that is prohibited in that zone. Therefore the 6,199m² of RE1 zoned land is excluded from the site area in accordance with Clause 4.5(4).</p> <p>The site area for the purpose of calculating the FSR is therefore 14,032m², which is the B4 Mixed Use zoned portion of Lot 7 Section E in Deposited Plan 6934.</p> <p>Based on a proposed gross floor area (GFA) of 10,415.1m² the FSR of the overall site is</p>	<p>No – Satisfactory subject to condition of consent.</p>

FLEP 2013	Comments	Compliance
	<p>0.742:1.</p> <p>The application however seeks consent for the Torrens titled subdivision of the B4 zoned land to create two Torrens titled lots.</p> <p>Proposed Lot 1 is to accommodate the residential flat building, while proposed Lot 2 is a residual lot and no works (other than demolition of the existing structures) are proposed for that Lot under this application.</p> <p>The floor space approved as part of the subdivision of Lot 2 will therefore be zero.</p> <p>Proposed Lot 1 has an area of 3,046.6m² and the residential flat building has a GFA of 10,415.1m².</p> <p>The FSR therefore of proposed Lot 1 is 3.418:1.</p> <p>The applicant has submitted a formal request under the provision of clause 4.6 seeking a variation to the FSR standard and a detailed discussion of the issue is outlined below under this Table.</p>	
<p>Clause 4.6 Exceptions to development standards</p>	<p>The applicant has provided a written justification with the amended DA documentation regarding non-compliance with the maximum height standard and the FSR standard.</p> <p>The exceptions to the development standards are</p>	

FLEP 2013	Comments	Compliance
	discussed further at the conclusion of this table.	
Clause 6.1 Earthworks	<p>Earthworks are proposed as part of the excavation for the 3 basement levels and as part of the road construction works.</p> <p>Council's engineers have reviewed the application and subject to the recommended conditions have raised no objections to the extent of earthworks as proposed.</p>	Yes – subject to conditions of consent.
Clause 6.3 Flood Planning & Clause 6.4 Flood Risk Management	<p>The development site is located in an area affected by overland flow / flooding.</p> <p>The site was deemed suitable for residential and commercial development in accordance with the rezoning process of the land.</p> <p>The applicant submitted a flood report and Council's Catchment Planning Team and Senior Development Engineer have reviewed the amended DA (and subsequent amended flooding and stormwater documentation) and subject to the recommended conditions of consent raise no objection to the development.</p>	Yes – subject to conditions of consent.
Clause 6.6 Riparian land and watercourses	<p>The southern portion of Lot 7 Section E in Deposited Plan 6934 is identified as being a Riparian Area on the Riparian Lands and Watercourses Map.</p> <p>It is noted that the portion of the wider site identified as being a Riparian Area is within</p>	Yes

FLEP 2013	Comments	Compliance
	<p>the land that is to be dedicated to Council for the purpose of public recreation area in accordance with the terms of a VPA which was approved with the rezoning of the land in 2013.</p> <p>The subject development does not propose any works within the Riparian Area.</p> <p>Additionally, the application was referred to the NSW Office of Water who raised no objections to the development subject to the imposition of General Terms of Approval (GTA). The conditions within the GTA have all been included within the recommended conditions of consent.</p> <p>Subject to the recommended conditions, the proposal is unlikely to have any adverse impacts upon the Riparian Area located at the southern end of the subject site.</p> <p>A review of the relevant titles and DPs indicates that the land is yet to be formally excised and is not yet in the ownership of Council and this matter is discussed under the heading "Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement".</p>	

Table 2: FLEP 2013 Compliance Table

Proposed variation to the maximum building height development standard

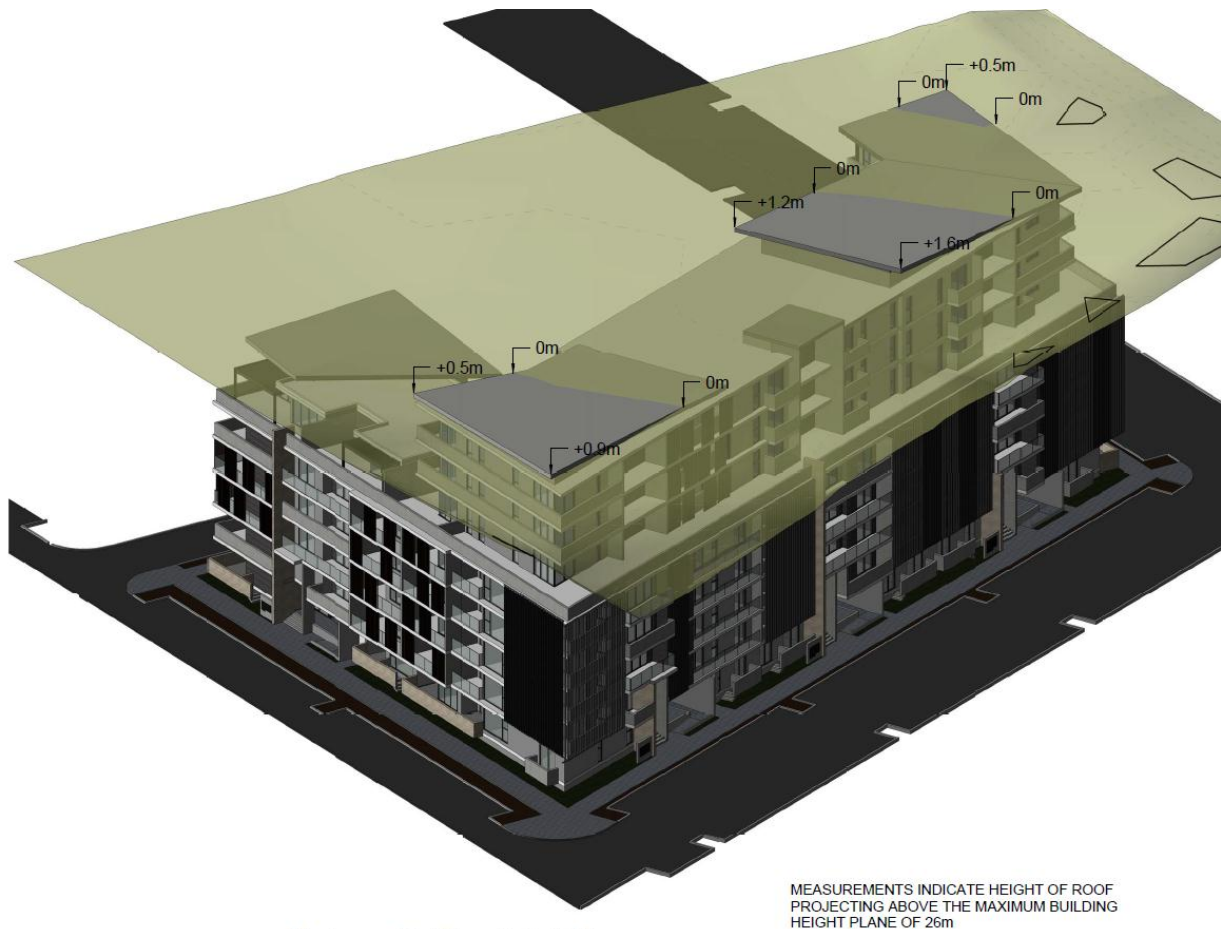


Figure 3: Extract from DA Architectural Drawing SI-6

The diagram in Figure 3 is an extract of an image provided in the drawings submitted with the amended DA which illustrates the extent of non-compliance with the maximum height control (the non-compliant elements are represented by the grey coloured areas of the roof).

The applicant has provided written justification for the proposed variation to the maximum building height development standard, in accordance with the requirements of Clause 4.6 of the FLEP 2013. The applicant's justification is summarised below and provided in full in Attachment 3 to this report:

- *The breach to the height limit is considered acceptable as Clause 5.6 – Architectural Roof Features of the Fairfield LEP allows development that includes an architectural roof feature that exceeds, the height limits to be carried out, but only with development consent.*
- *On this basis it is submitted that the roof provides for an architectural roof feature which is a decorative element on the upmost portion of the development. This decorative portion results in a breach of 1.6m.*
- *The number of storeys proposed is compliant with the development control plan.*

- *The roof is not an advertising structure and clearly does not provide for habitable space between the 26m height limit and the ceiling height of the roof.*
- *The minor breach to the height limit forms part of an integral architectural roof feature to which this clause allows the building height to be exceeded, subject to development consent from Council.*
- *The proposal is considered to be in keeping with the desired future character of the area.*
- *The design of the development has responded to the constraints of the site and therefore provides for a development which is compliant with both the perimeter block layout and the number of storeys as prescribed by the development control plan.*
- *The extent of the breach to the overall maximum height is resultant in the shift from the previous tower style development to a perimeter block form which generates a larger roof form when compared to the original development application which was for a tower style development.*
- *The building has been articulated in its design through the use of varying architectural elements and features. In fact the design of the buildings provides modulation and articulation to the built form, together with varying materials and finishes which contribute positively to the streetscape whilst also minimising the perceived bulk of the development as viewed from the public domain.*
- *The proposal provides for the orderly and economic development of the site, given the site's orientation, location and context it is considered that the site is well suited for the proposed development, given its proximity to local infrastructure and amenities.*
- *The development is generally in keeping with the perimeter block layout, building height and envelope controls and has been well articulated, minimising any perceived bulk and scale.*
- *There are no significant views available from the property that would be obstructed by the proposed development.*
- *The development as submitted complies with both Councils development control plan and SEPP 65.*
- *The DA therefore demonstrates that the development is appropriate for the site.*
- *The bulk and scale of the development is consistent with the current planning controls. The building does not present as an overdevelopment of the site, nor is it considered excessive given the breach is created by an architectural roof feature which contribute to the building design and overall skyline, which is permitted under Clause 5.6.*
- *The 4.6 submission provides sufficient planning grounds to justify contravening the development standard as the objectives of the standard have been met.*

It is not accepted that the offending roof sections are architectural roof features, but nonetheless the applicant has provided a detailed written request for variation.

Clause 4.6 sets out criteria for the consideration of a variation to a development standard. The proposed variation to the building height standard is considered against the relevant provisions of clause 4.6 below.

“4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

Comment: The roof form of the development is the element of the proposed building that breaches the maximum height plane. The roof form is considered to have good architectural merit and complements and enhances the design of the overall building. Allowing flexibility in applying the height standard in this instance will result in an improved planning outcome.

“(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”

Comment: The maximum building height standard under clause 4.3 of FLEP is not expressly excluded from the operation of clause 4.6.

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

Comment: The applicant has provided a written request which seeks to justify the contravention of the maximum building height standard.

“(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.”*

Comment: The justification within the applicant's written request adequately addresses subclauses 4.6(3)(a) and (b).

An analysis of the development against the Land and Environment Court Planning Principles assessing height and bulk (*Veloshin v Randwick Council [2007] NSW LEC 428*) indicates the height of the proposed development is generally acceptable and it is unlikely to result in adverse bulk impacts.

The impacts of the proposed development, particularly with respect to overshadowing on adjoining sites, will be generally consistent with what is reasonably expected under a LEP complying development. This is because the non-compliant element is relatively minor, is positioned at the southern edges away from potential future residential development to the east and west of the site and the development includes adequate building separation distances between the proposed building and the boundaries of adjacent allotments.

The proposal will result in a development which is largely consistent with the bulk and character of development envisaged for the Prairiewood Town Centre South Precinct under the FLEP 2013 and Prairiewood Town Centre South Precinct DCP.

From the assessment of the application it is considered that the development will be in the public interest as it is considered to be consistent with the objectives of the maximum height standard and also consistent of the B4 Mixed Use zone.

For these reasons the proposed variation of height is considered acceptable.

Proposed variation to the maximum FSR development standard

The southern portion of Lot 7 Section E in Deposited Plan 6934 is zoned RE1 Public recreation and residential accommodation is a form of development that is prohibited in that zone. Therefore the 6,199m² of RE1 zoned land is excluded from the site area in accordance with the provisions of clause 4.5(4).

The site area for the purpose of calculating the FSR is therefore 14,032m², which is the B4 Mixed Use zoned portion of Lot 7 Section E in Deposited Plan 6934.

Based on a proposed gross floor area (GFA) of 10,415.1m² the FSR of the development on the overall site is 0.742:1.

The application however seeks consent for the Torrens titled subdivision of the B4 zoned land to create two Torrens titled lots.

Proposed Lot 1 is to be 3046.6m² in area while proposed Lot 2 is to be 5,339m² in area. The remaining 5,644.4m² of land in the northern B4 zoned part of the site is to be used for road construction and will be dedicated to Council as public roads.

Proposed Lot 2 is a residual lot and no works (other than demolition of the existing structures) are proposed for that Lot under this application. The floor space approved as part of the subdivision of Lot 2 will therefore be zero.

Proposed Lot 1 is to accommodate the residential flat building, and will have a GFA of 10,415.1m². The FSR therefore of proposed Lot 1 is 3.418:1.

The applicant has submitted a formal request under the provisions of clause 4.6 seeking a variation to the FSR standard as applied to the proposed Lot 1.

The applicant's justification is summarised below and provided in full in Attachment 3 to this report.

- *The proposal is considered to be in keeping with the desired future character of the area.*
- *The design of the development has responded to the constraints of the site and therefore provides for a development which is compliant with the perimeter block form, number of storeys and envelope controls as prescribed by the development control plan.*
- *The building has been articulated in its design through the use of varying architectural elements and features. In fact the design of the buildings provides modulation and articulation to the built form, together with varying materials and finishes which contribute positively to the streetscape whilst also minimising the perceived bulk of the development as viewed from the public domain.*
- *In addition, we respectfully submit that due to Council's preference to locate all car parking including that for visitors within the basement level has provided for an extra level of basement car parking which has significantly increased the cost of the development. As a result of this increased cost resultant from the additional basement level, an increase in floor area is provided by the development which is required to make it economically viable for the Calabria Club. This approach aligns with the objectives of the Environmental Planning and Assessment Act.*
- *Furthermore, it is important to note that the Site Specific Development Control Plan 178 at 184-192 Restwell Road, Prairiewood Traffic and Parking Assessment, prepared by John Coady Consulting Pty Ltd, dated 19 August 2009 identified the following development potential for the Calabria Club site:*
 - *226 residential apartments on the Calabria Club site (of which the proposed 107 apartment development forms part);*
 - *new club of 3,437m² on the Calabria Club site; and*
 - *retail of 3,161m² on the Calabria Club site.*

Therefore, the proposed development only provides for only 47% of the residential development as identified above; with the balance of 119 residential units together with the new club and retail space to be accommodated on the residue land to the north.

In light of the above, we are of the view that the additional floor space generated by the development will not be read out of context, noting the development is

generally in keeping with the building height and envelope controls and has been well articulated, minimising any perceived bulk and scale.

- *Given the site's orientation, location and context it is considered that the site is well suited for the proposed development, given its proximity to local infrastructure and amenities.*
- *The development is generally in keeping with the perimeter block form, building height and envelope controls and has been well articulated, minimising any perceived bulk and scale.*
- *There are no significant views available from the property that would be obstructed by the proposed development.*
- *The development as submitted complies with both Councils development control plan and SEPP 65. This therefore demonstrates that the development is appropriate for the site.*
- *The bulk and scale of the development is consistent with the current planning controls. The building does not present as an overdevelopment of the site, nor is it considered excessive given the breach will not be visually noticeable when read from the public domain.*
- *The proposal is also in keeping with the number of storeys, setbacks and building envelope provisions.*
- *The building does not present as an overdevelopment of the site, nor is it considered excessive. There is no residential development abutting the land, and as such will not reduce solar access or create a loss of privacy.*
- *The footprint of the residential flat building would not alter as a result of the additional floor space proposed under the development.*

Clause 4.6 sets out criteria for the consideration of a variation to a development standard. The proposed variation to the FSR standard is considered against the relevant provisions of clause 4.6 below.

"4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances."*

Comment: When the FLEP 2103 FSR standard is applied to development on proposed Lot 1, the proposal exceeds the standard by 1,275.3m², or 13.9%.

Although the development of Lot 1 as proposed is unlikely to result in significant adverse impacts by way of bulk and scale, view loss, traffic generation, privacy and overshadowing, it has not been demonstrated that such a variation will result in an improved planning outcome for the wider site.

"(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”

Comment: The FSR standard under clause 4.4 of FLEP is not expressly excluded from the operation of clause 4.6.

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

Comment: The applicant has provided a written request which seeks to justify the contravention of the FSR standard.

“(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.”*

Comment: The justification within the applicant’s written request addresses subclauses 4.6(3)(a) and (b).

The proposal exceeds the maximum FSR as applied to proposed Lot 1 by 1,275.3m², or 13.9%.

The proposed variation is considered significant and an analysis of the proposed exception to the FSR standard reveals that there are inadequate planning grounds for the extent of the proposed variation, particularly given the site was the subject of considerable strategic planning investigation prior to its relatively recent rezoning and the introduction of the 3.0:1 FSR development standard.

It is noted that the additional GFA proposed at the site is unlikely to result in significant adverse impacts by way of overshadowing, view loss and bulk and scale.

Notwithstanding, the proposed variation can only be supported on the grounds that any additional floor space realised on proposed Lot 1, be off-set by a reduction of the equivalent amount of GFA able to be realised on proposed Lot 2, i.e. that there is equalisation across the whole of the site.

This will result in a GFA that on balance equates to 3.0:1 across the developable area of the entire site, consistent with the strategic aims for the site and the statutory provisions.

A condition of consent has therefore been recommended which requires a covenant to be created, via an 88B Instrument, and placed on proposed Lot 2 which will restrict the combined GFA realised on Lot 1 and Lot 2 to 25,157.1m². This amount represents an FSR of 3.0:1 over the combined site area of future Lot 1 and future Lot 2 which equals 8,385.7m².

Because the development proposed on the site area that currently exists does not result in a breach of the development standard at this time, it is arguable that a clause 4.6 variation is not technically required. Appropriate wording is included in the recommendation and the condition of consent addressing the matter.

Section 79C(1)(a)(ii) - Draft environmental planning instruments

There are no draft environmental planning instruments applicable to the proposed development.

Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Prairiewood Town Centre Southern Precinct Development Control Plan 2013

The PTCSP DCP 2013 is the primary DCP applicable to development within the Prairiewood Town Centre Southern Precinct. Assessment against the key relevant provisions is outlined in the following Table.

Section / Control	Comment
3.2 Site Development Principles	<p>The proposal satisfies the objectives in that section 3 of the DCP.</p> <p>The amended development application documentation anticipates the schematic building alignment and general envelope of the future development of Lot 2 as well as indicating the future land uses of Lot 2.</p> <p>The proposal provides adequate detail to allow the conclusion to be drawn that the subject land will be developed in an orderly manner and the adjacent sites will be capable of being developed in an orderly manner in the future.</p> <p>Additionally the amended proposal</p>

Section / Control	Comment
	<p>demonstrates that the proposal generally complies with the Indicative Southern Precinct Plan and will result in the land being developed in an integrated manner and that the development will achieve the desired future character for the precinct.</p>
<p>3.3 Streets</p>	<p>The amended DA includes a realignment of the east-west orientated street, which separates proposed Lot 1 from proposed Lot 2, compared to the position of this street within the Indicative Southern Precinct Plan.</p> <p>The applicant has provided information which adequately justifies the proposed realignment. Specifically the DA has demonstrated that the functioning of the proposed four way intersection will not result in significant adverse traffic implications and that the urban design outcomes of the realignment are on balance likely to be positive, with better view corridors, improved site lines and reduced solar access impacts on potential future development to the south west of the site.</p> <p>The proposal has demonstrated satisfaction with the objectives of this section of the DCP.</p>
<p>3.4 Active Street Frontages</p>	<p>The proposal provides for entirely residential development on proposed Lot 1 and this is acceptable within the context of the DCP and its application to the wider Prairiewood Town Centre Southern Precinct.</p> <p>The proposal provides four main residential entry lobbies and two additional pedestrian entry points to the communal open space from the northern boundary.</p> <p>The proposal also provides balconies, courtyards and openings overlooking and addressing each of the frontages to Lot</p>

Section / Control	Comment
	<p>1. Consequently there is likely to be an adequate level of street activation along the frontages to the site as well as visual interest and variety.</p> <p>The proposal has satisfied the objectives of this section of the DCP.</p>
<p>3.5 Land Use</p>	<p>The proposed development includes only residential use of Lot 1. The proposed residential use of Lot 1 is permissible and acceptable. Reliance is placed on Lot 2 to provide commercial uses to satisfy the objective of achieving a vibrant mixed use precinct.</p> <p>The application documentation anticipates the schematic building alignment and general envelope of the future development of Lot 2. The proposal also indicates future uses of Lot 2 and envisages retail/commercial uses, club use, public open space and residential units. These uses are all consistent with the Prairiewood Town Centre Southern Precinct masterplan, although it is noted that this is conceptual information and that there is to be a future DA for the redevelopment of future Lot 2.</p>
<p>3.5.1 Residential Dwelling Type</p>	<p>The proposal provides a suitable mix of dwelling types including:</p> <p>4 x studio units 24 x 1 bedroom units 43 x 2 bedroom units 35 x 3 bedroom units.</p> <p>The proposal does not comply with the numerical control which calls for a minimum of 5% studio units, however on balance the proposal is considered to satisfy the objectives of this section and will provide an appropriate response and diversity of unit size for the locality.</p>

Section / Control	Comment
<p>3.6 Built Form</p>	<p>The proposed development generally complies with the DCP setback controls in all instances apart from northern setback above the fifth storey where the building wall is setback by between 2m and 3.5m from the northern boundary.</p> <p>It is noted that the amended plans have incorporated operable sliding privacy screens to the northern facing balconies on Levels 6, 7 and 8 to address any future potential privacy issues between the subject development and any future development on proposed Lot 2 to the north of the site.</p> <p>Given the inclusion of appropriate screening and that adequate building separation is achieved (refer to discussion in Table 1 under Building Separation), the proposed northern setbacks of the development are considered acceptable.</p> <p>The proposal complies with the building height controls in section 3.6.2.</p> <p>The proposal satisfies the objectives of this section of the DCP.</p>
<p>3.7 Amenity</p>	<p>The proposal has demonstrated that the proposed units will receive an adequate amenity.</p> <p>The proposal has also demonstrated that the development is unlikely to adversely impact upon adjacent sites or the ability of those sites to be developed in accordance with the DCP controls.</p> <p>The proposal will result in at least 83 of the proposed 106 units (or 78.3%) receiving sunlight for a minimum 2 hours between 9am and 3pm in mid-winter.</p> <p>Additionally the development will result in 93 of the primary private open space</p>

Section / Control	Comment
	<p>areas of the 106 units (or 87.7%) receiving sunlight for a minimum 2 hours between 9am and 3pm in mid-winter.</p> <p>Natural cross ventilation will be achieved to over 66% of the proposed units and all units will be provided with good internal storage space (both within the units and within the basement levels).</p> <p>The amended DA includes appropriate design responses to the 'internal corners' of the perimeter building to ensure adverse privacy impacts are minimised by including privacy screening, off-setting openings and balconies and by orientating living rooms away from living rooms in adjacent (but perpendicular) units.</p> <p>The proposal will result in a communal open space that is of appropriate size an arrangement and will provide a good outlook for many of the proposed units.</p> <p>The proposal satisfies the objectives of this section of the DCP.</p>
3.8 Landscape	<p>The proposed development complies with the 25% minimum landscaped requirement. With greater than 10% being deep soil landscaped area.</p> <p>Species selection is generally acceptable and conditions of consent have been included to ensure as much.</p> <p>The arrangement of the landscaped area, particularly the communal open space, within the amended plan is considered satisfactory and will provide a space that is large enough and of a consolidated arrangement that will allow it to be used for recreation purposes.</p> <p>The space is orientated to the north and will receive adequate daylight in mid-</p>

Section / Control	Comment
	<p>winter (i.e. 50% of the communal open space will receive at least 2 hours sunlight between 9am and 3pm in mid-winter).</p>
	<p>There does not appear to be adequate consolidated communal open space suitable in size and configured to accommodate the recreational needs of the future residents. There does not appear to be any play equipment for children, communal BBQ areas and there is minimal outdoor seating (i.e. 3 “concrete sitting walls”).</p>
3.9 Safety by Design	<p>The proposal is satisfactory - refer to the comments in Section 4 (Urban Design Review) of this report.</p>
3.10 Accessibility and Parking	<p>The DCP defers to Chapter 12 of the City Wide DCP which requires the following parking rates for residential flat building development:</p> <ul style="list-style-type: none"> • 1 space per dwelling plus • 1 visitor space per 4 dwellings where a development has more than 2 proposed dwellings <p>The proposed 106 units therefore require a total of 133 spaces.</p> <p>The proposal includes 3 basement levels with a total of 133 car spaces.</p> <p>The proposal complies with the on-site parking arrangements and Council’s Traffic Engineer has reviewed the development and raised no objections subject to the recommended conditions of consent.</p>
3.10.1 Universal Access	<p>The proposal provides unrestricted wheelchair access to the four residential entry lobbies as well as the two pedestrian entry points along the northern boundary. Additionally a minimum of 10% of the dwellings are</p>

Section / Control	Comment
	provided as Adaptable Housing Standard (Class B) as required by this section of the DCP (with associated accessible parking spaces).
	The proposal satisfies the objectives of this section.
3.11 Building Design	<p>Energy Efficiency - the amended DA is supported with an updated BASIX Certificate.</p> <p>Waste Collection – a Waste Management Plan (WMP) was submitted with the DA. The WMP and the architectural drawings demonstrate that there are 4 waste storage rooms located next to the four lift cores within basement level 1.</p> <p>The waste rooms are of adequate size to accommodate the waste and recycling bins required to service the development.</p> <p>The WMP indicates that building maintenance personal will be responsible for the transportation of bins to and from the kerb side for Council waste collection.</p> <p>Given the size of the lot and its frontages there is adequate space for this to occur.</p>
3.19 Storage	Storage has been provided to every unit consistent with the amount of storage required by the RFDC guidelines.

Table 2: PTCSP DCP 2013 Compliance Table

Fairfield City Wide Development Control Plan 2013

In addition to the PTCSP DCP 2013, the development has been considered against the relevant sections of the Fairfield City Wide DCP 2013 that apply to the proposed development.

Specifically, the development has been found to be consistent, subject to the recommended conditions of consent, with the following section of the Fairfield City Wide DCP 2013:

- Chapter 11 – Flood Risk Management
- Chapter 12 – Car Parking, Vehicle and Access Management

- Chapter 14 – Subdivision

Direct (Section 94) Development Contributions Plan 2011

The Fairfield Direct (Section 94) Development Contributions Plan 2011 is applicable

Pursuant to the provisions of the Plan, the proposed development generates a total required developer contribution (to be paid to Council prior to the issue of any Construction Certificate) of \$700,889.00.

The contribution amount payable will be adjusted at the date of payment to account for changes in infrastructure costs in line with the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales) and will be adjusted on a quarterly basis.

Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

The DA does not propose any planning agreement.

The development site is on land identified as Lot 7, Section E in Deposited Plan 6934. The southern portion of Lot 7, Section E in Deposited Plan 6934 is to be dedicated to Council for open space purposes as part of the Voluntary Planning Agreement (VPA) between the Calabria Community Club and Fairfield City Council.

The VPA relates to the rezoning of the land and the VPA does not relate to the current DA.

Nonetheless, it is considered that to provide Council with certainty that the land dedication will occur and consistent with the DA which anticipates that the land dedication will occur prior to the development proceeding, a deferred commencement condition has been recommended which will ensure that the land at the southern end of Lot 7, Section E in Deposited Plan 6934 (being 6,199m² in area) will be excised from the site and dedicated to Council prior to the consent becoming operable.

Section 79C(1)(a)(iv) Environmental Planning and Assessment Regulation 2000

The Development Application has been assessed against the relevant clauses of the *Environmental Planning and Assessment Regulation 2000*.

Clause 92(1)(b) of the Regulation requires Council to consider the provisions of *Australian Standard AS 2601-1991: The demolition of structures*.

A condition of consent has been recommended to ensure that the demolition of the existing structures is to be carried out in accordance with the Australian Standard and which requires the submission of a construction/demolition management plan, prior to the issue of a Construction Certificate.

Section 79C(1)(b) - The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- **Natural and Built Environment**

The development is considered to be a positive urban planning outcome as it promotes high density residential development within an area identified for high density urban living. The proposed density, whilst exceeding the floor space ratio allowed on proposed Lot 1 under the FLEP 2013 will be balanced out by an equivalent reduction in GFA on proposed Lot 2 when that site is developed in the future.

As outlined within the report the proposed development is unlikely to significantly adversely impact on the amenity of adjoining properties and the residential and mixed use locality.

It is considered that the proposed development is consistent with strategic planning aims for the site as represented within the FLEP 2013 and the site specific DCP for the Prairiewood Town Centre Southern Precinct. The proposal is consistent with the desired future character of the Precinct and will result in an increase in housing stock within a well serviced area.

- **Social and Economic Impacts**

The site is located within the Prairiewood Town Centre Southern Precinct and consequently has good access to public transport services and pedestrian access to the Stockland Shopping Centre and an array of other services and facilities.

It is considered that the provision of a good mixture of new housing stock within the locality will have a positive social impact.

The proposal is also likely to result in short and medium term positive economic impacts through the provision of additional employment during the construction phase of the development, while also having long term incremental positive economic impacts through the additional patronage of local services and commercial premises by the future residents of the site.

It is considered the proposal will provide positive social and economic impacts to the Prairiewood Town centre Precinct and general locality.

Section 79C(1)(c) - The suitability of the site for the development

The subject site has been rezoned for increased development consistent with its location within the Prairiewood Town Centre Southern Precinct. Despite some numerical non-compliances, the proposal is considered to satisfy the fundamental built form objectives for development at the site and is consistent with the strategic planning vision for the locality as expressed in the FLEP 2013 and the 08 and the site specific Prairiewood Town Centre Southern Precinct DCP.

Section 79C(1)(d) - Any submissions made in relation to the development

(a) Internal Referrals

- **Senior Development Engineer**

Reference is made to the revised stormwater and OSD concept plans Drawing Nos. 2248SW, sheets SW8, SW8C, issue 6a dated 07.08.2015, and sheets SW5, SW6, SW7 issue 6, dated 29.07.2015, prepared by Vladimir Stojnic Consulting Engineer.

The stormwater system on the ground floor slab has now been lowered with the intention of the pipes being strapped to the underside of the ground floor slab. The design levels for the stormwater system at this level and the OSD system have also been raised as far as possible to increase efficiency of the OSD system having regard to the 100 year overland flow level in the future road, at the connection point.

The concept pipe invert levels under this slab indicate that no allowance has been made for clearance between the pipe system and slab in some areas, and the proposed top of pipe levels in critical areas are proposed hard up against the bottom of slab and may even protrude within the slab thickness.

The indicated slab thickness in the OSD area also appears relatively thin and is likely to be increased in the structural details.

Given this uncertainty in the final OSD and pipe levels, and the possible increase in OSD volume if the pipe and OSD levels are lowered further, a condition has been included in the recommended conditions requiring final pipe and OSD levels be submitted to Council following determination of the ground floor slab thicknesses and finished levels by a structural engineer.

In the event that additional OSD storage volume is required, this may be accommodated within the adjacent deep soil landscape area in areas clear of mulched garden beds.

No objection is raised subject to the implementation of the recommended conditions.

Comment: All conditions recommended by the Senior Development Engineer have been incorporated in the recommended conditions of consent.

- **Coordinator Engineering Assessment**

No objections subject to recommended conditions.

Comment: All conditions recommended by the Coordinator Engineering Assessment have been included in the recommended conditions of consent.

- **Coordinator Traffic and Transport**

The applicant shall submit a plan demonstrating how the proposed left in/left out arrangement on the eastern access will be implemented.

Comment: A condition of consent has been included in the recommended conditions of consent requiring the above matter to be addressed prior to the issue of a Construction Certificate.

- **Building**

The BCB raises no objection to the proposal subject to the imposition of recommended conditions.

Comment: All conditions recommended by Building have been included in the recommended conditions of consent.

- **Landscape Officer**

No objection subject to the imposition of recommended conditions

Comment: All conditions recommended by the Landscape Officer have been included in the recommended conditions of consent.

- **Environmental Management Coordinator**

No objection raised subject to the imposition of recommended conditions relating to:

- Erosion and sediment control plan;
- Demolition requirements;
- Requirements during construction or demolition; and
- Wheel wash facility.

Comment: All conditions recommended by the Environmental Management Coordinator have been included in the recommended conditions of consent.

- **Place Manager**

- A plan for the transport and storage of waste bins should be provided to ensure that a safe, attractive and accessible streetscape is maintained across a week period cycle.
- A landscape plan for the Council verge should be reviewed with safety and long term Council maintenance requirements in mind, with Councils Asset Branch to be consulted.
- A pedestrian access plan should be developed in support of the development.

Comment: A Waste Management Plan has been submitted with and there are several conditions of consent which deal with the ongoing waste management of the residential flat building including requirements relating to the transporting and storage of waste bins.

Council's Landscape Officer has reviewed the amended DA and provided comment and recommended conditions of consent. In addition the amended DA was provided to Council's City Assets division for review.

A BCA and Access Report were provided to Council for review as part of the amended DA.

- **City Assets**

No objection raised.

(b) External Referrals

- **Roads and Maritime Services (RMS)**

The DA and the amended DA were referred to the RMS. The comments from RMS are outlined below:

- "1. Roads and Maritime raises no objection to the proposed "four-way" intersection with the main north-south collector road and the future east-west oriented road on the adjacent site to the west. This intersection shall be designed and constructed to Council's satisfaction.*
- 2. Roads and Maritime raises no objection to the proposed additional temporary edge road along the eastern boundary of the Calabria Club site as a transition access point, until such time as the remainder of the site is developed and the main collector road is constructed.*
- 3. The proposed temporary collector road shall be restricted to left in/left out only with the implementation of a device to enforce the vehicular movements. This device shall be constructed to Council's satisfaction.*
- 4. The temporary edge road and all vehicular access to South Street shall be removed after the dedication of the central collector road.*
- 5. No access will be permitted from the Liverpool to Parramatta Road T-Way."*

Comment: The issue raised by the RMS have been included as conditions of consent.

- **NSW Office of Water**

The DA and the amended DA were referred to the Office of Water. The comments from Office of Water with respect to the amended DA are outlined below:

"I refer to Council's letter dated 22 August 2014 advising of the proposed modification or amendment to an integrated development proposal for the abovementioned property.

*Based on a review of the information provided the Office of Water confirm the existing **General Terms of Approval** (for 'works' requiring a Controlled Activity Approval under the Water Management Act 2000), **issued on 28 February 2014** remain valid for the amended proposal and no amendment of the General Terms of Approval are necessary.*

Further information on Controlled Activity Approvals under the Water Management Act 2000 can be obtained from the NSW Office of Water's website www.water.nsw.gov.au – Go to: Water-Licensing>Approvals>Controlled-activities.

The Office of Water should be notified if any further amendments result in more than minimal change to the proposed development or in additional works on waterfront land."

Comment: The GTA have been included (in their entirety) within the recommended conditions of consent.

(c) Public Notification and Submissions

The amended Integrated Development application was advertised and notified from 4/09/2014 to 4/10/14 (i.e. 30 days) – satisfying the statutory notification/advertising requirements.

Upon public request, the notification area was extended and additional properties were notified of the application from 22/09/2014 to 13/10/14(i.e. for 21 days). This additional notification was undertaken include residents that were previously notified during the rezoning of the site.

Council received 37 objections. A number of the objections raised similar issues and therefore the key issues have been grouped together and addressed in the following summary:

Privacy:

- The development will result in visual privacy and overlooking impacts to existing residential properties in the vicinity of the site
- The development will result in visual privacy and overlooking impacts to Prairiewood Leisure Centre

Comment:

The southern wall of the proposed residential flat building will be approximately 95m distance from the northern most built structures of the Prairiewood Leisure Centre which is located to the south of the site. It is also noted that there is existing established vegetation position between the development site and the structures at the Prairiewood Leisure Centre. It is not considered that the proposal will result in significant overlooking opportunities of the Prairiewood Leisure Centre.

The nearest existing residential dwelling to the site is located to the west. The western wall of the proposed building will be approximately 115m distance from the eastern wall of the nearest dwelling. Given the separation distance it is considered that the proposal will not result in significant overlooking opportunities to existing residential properties.

Overshadowing:

- The development will result in overshadowing impacts to existing residential properties

Comment:

The nearest existing residential dwelling to the site is located to the west. The western wall of the proposed building will be approximately 115m distance from the eastern wall of the nearest dwelling.

The shadow diagrams submitted with the DA demonstrate that the shadow from the proposed building will not fall on any existing residential dwellings.

Infrastructure and services:

- There is inadequate infrastructure to support this scale of development.
- The demand on infrastructure will increase beyond the capacity of existing infrastructure and services.

Comment:

Considerations relating to the capacity of the locality to accommodate and service mixed use development at the site were undertaken as part of the rezoning of the land.

The site is zoned to allow mixed uses (including residential, retail, commercial amongst other uses) and the development is permissible with consent.

Utility services are connected to the site and the applicant/developer will be required to coordinate additional capacity with the service providers as part of obtaining a Construction Certificate.

Traffic, transport and parking impacts:

- The proposal will exacerbate parking and traffic issues along Restwell Road and the surrounding area.
- The proposal will increase traffic issues in the locality.
- The increase in traffic generation will result in a higher risk of pedestrian accidents.

Comments:

Both the RMS and Council's traffic engineers have reviewed the amended DA and have not raised any objections subject to the imposition of conditions (which have all been adopted within the recommended conditions of consent).

The review and considerations of the proposal by the RMS included assessment of the traffic generation of the proposal and its impacts upon the existing street network and key intersections.

Various technical issues associated with design have been addressed through the assessment process including the design of new roads and the design of the intersections of the new roads with Restwell Road.

The proposed new roads are roads that are envisaged under the PTCSP DCP and conditions of consent have been included to ensure that the roads will meet Council's design specifications and the requirements of the RMS.

The proposal provides on-site parking compliant with that required under the DCP.

Height, density, built form:

- The area is not zoned for high rise development
- Most buildings in the locality are one and two storey – the proposed 8 storey development is out of context
- The development will be an eyesore
- Residential flat buildings of the scale proposed are not suited to the area
- The development will set an undesirable precedent and other sites in the locality will be developed for high rise/high density developments
- The height and density of the proposal is an overdevelopment of the site
- The development is out of context with the density of the locality.
- The proposed density will adversely affect the existing peaceful community

Comments:

Under the Fairfield Local Environmental Plan 2013 the site is zoned B4 Mixed Use and has a maximum building height 26m and a maximum FSR of 3.0:1. In accordance with the PTCSP DCP the site has a part 6 and part 8 storey height control.

It is agreed that the proposed development will be of a scale and density that is higher than the existing residential development further to the west, south and east of the site.

Notwithstanding, the site (and adjacent site) has been identified as being suitable for more intense land use, higher scale and higher density development than is currently on the site and that was previously permitted under the site's previous 6(b) Private Recreation zoning.

Subject to the recommended conditions of consent, the proposed development is commensurate with the scale and density of development envisaged for the site under the current planning controls and is unlikely to result in significant adverse impacts by way of traffic generation, overshadowing, view loss and overlooking and on that basis the proposed density and scale of development is acceptable.

Community consultation:

- It appears that the development has already been approved by Council
- Inadequate community consultation
- No consultation regarding the rezoning
- Inadequate notification was provided for the DA

Comment:

Council officers have advised that the exhibition of the rezoning was carried out in accordance with the applicable statutory requirements and as such this issue it is not a matter of consideration in the assessment of the current DA.

The exhibition and notification of the DA has been carried out in accordance with Council's notification policy and the applicable statutory requirements.

It is noted that the notification was in fact extended in both timeframe and area, in excess of the minimum statutory requirements.

The DA has not been determined by Council and the Sydney West Joint Regional Planning Panel (and not Council) is the relevant consent authority for the DA.

Reduction in value of houses surrounding the site

- The proposal will turn the area into a "slum" in the future
- The proposal will result in the devaluation of residential properties in the vicinity of the site and the general locality

Comment:

The proposed development has been assessed against the relevant SEPP 65 provisions, the guidelines of the RFDC and the provisions of the FLEP 2013 and the PTCSP DCP.

The proposal complies with the majority of relevant statutory and planning policy controls and provisions and will result in a development which will achieve adequate amenity for the proposed 106 units and an external design of acceptable architectural merit.

No evidence has been provided detailing any potential adverse economic impacts of the development and the devaluation or not of residential development within the

locality is not a consideration of the assessment under section 79C of the *Environmental Planning and Assessment Act 1979*.

Construction impacts

- The development will cause damage to the foundations of nearby dwellings

Comments:

The development site boundary is approximately 100m distance from the nearest residential dwelling and the development is unlikely to affect the footings of that dwelling and other dwellings.

Notwithstanding, the recommended conditions of consent include conditions dealing with excavation in the vicinity of adjacent buildings as well as construction management requirements.

Reduction of open space

- The locality needs more open space not less
- The development will result in the loss of playing field
- The site should be left as a playing field and or open space for the benefit of the youth and local community

Comments:

The subject site is in private ownership and is not publicly owned land. The existing facilities on the site, including the sporting field, are privately owned recreation facilities.

While it is acknowledged that the existing private recreation facilities may be well utilised by the community, the proposed development is permissible with consent and the owners of the site have the right to development it as they wish, within the parameters of the relevant statutory planning provisions.

It is noted that the rezoning which allows mixed use development will result in a public benefit through the dedication of the southern portion of the subject site to Council for the purpose of open space.

Increase in crime

- The development will result in higher crimes rates

Comments:

No evidence has been provided to substantiate the claim that the development is likely to result in more crime in the locality.

The assessment of the application included assessment against the SEPP 65 Design Principles, including “Principle 08 – Safety & Security”.

The conclusion of the assessment is that the proposed perimeter block design will result in good passive surveillance outcomes for both the public domain (streetscape) and private domain (footpaths and landscaped areas).

The amended design results in a single internal space that is overlooked by three elevations and removes the previously proposed smaller, narrow and poorly surveyed spaces.

The amended design of pedestrian entries and the proposed continual built form along the southern, eastern and western boundaries will result in opportunities for passive surveillance to the streetscape and public domain.

The development is considered to comply with the “Safety & Security” principle.

Section 79C(1)(e) – Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

The proposal has been through an extensive assessment including an independent urban design review and despite there being a several numerical non-compliances it is considered that the development responds appropriately to the site constraints and provides appropriate amenity to future occupants.

The preceding assessment does not identify any issues that would result in any long-term adverse impacts. Having considered the matter the proposal is deemed suitable for the site and is in the public interest

7. Conclusion

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, which requires amongst other things an assessment against the provisions contained in *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*, *State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004*, *State Environmental Planning Policy (Infrastructure) 2007*, *Fairfield Local Environmental Plan 2013* and *Prairiewood Town Centre Southern Precinct DCP*.

The proposed development is permissible with consent in the B4 Mixed Use zone.

The proposed residential flat building meets all necessary design objectives of the RFDC.

The proposal exceeds the maximum FSR and height controls applicable under the FLEP 2013. The applicant has submitted formal applications under clause 4.6 of the FLEP 2013 to the maximum FSR and the maximum building height controls.

The justification for the variation as provided by the applicant to the height control is supported on the basis that the variation is minor and the development is considered to be consistent with the objectives of clause 4.6 in that it provides an appropriate degree of flexibility whilst achieving a better design outcome.

The justification for the variation as provided by the applicant to the FSR control is only supported on the basis of a recommended condition of consent which requires the overall development of the wider site to comply, on balance, with the FSR standard. There is no planning justification for a breach of the FSR standard across the site as a whole.

It is considered that the application has sufficient merit, and strict compliance with site height and density provisions would be unreasonable in this case. It is therefore recommended that the Sydney West JRPP support the variations to the standards and support a deferred commencement consent.

Approval of this application would facilitate the development of a key site in the *Prairiewood Town Centre Southern Precinct* without having any significant adverse or unreasonable impacts on the surrounding locality.

Approval of the application is therefore recommended subject to condition.

8. Recommendation

- (a) That the report for Development Application DA/1370/2014 for Integrated Development including the demolition of the existing Calabria Community Club buildings, construction of a residential flat building, basement car park, associated landscaping, subdivision to create two (2) Torrens title allotments and construction of new roads at Lot 7, Section E in Deposited Plan 6934, No. 184-192 Restwell Road, Prairiewood be approved as a deferred commencement approval subject to conditions as outlined in Attachment 7 of this report;
- (b) That the variation to Clause 4.3 Building Height pursuant to Clause 4.6 Exceptions to Development Standards in the Fairfield Local Environmental Plan 2013 be supported.
- (c) That the Panel note the applicant's request to vary the Floor Space Ratio development standard applicable under clause 4.4 of Fairfield Local Environmental Plan 2013 and determine that, as the land has not yet been subdivided, then the current application does not result in a breach of the development standard.

- (d) That the Panel also note that, in order that the totality of developments that may occur across the site area as exists at the time of determination does not exceed the maximum floor space ratio, an appropriate condition of consent is proposed that will limit the quantum of gross floor area for future development on proposed Lot 2.

9. Attachments

1. Copy of DA 983.1-2011 approved Subdivision Plan
2. Plans of the proposal;
3. Statement of Environmental Effects and Clause 4.6 variations;
4. Additional Information Letter from Applicant;
5. Roads and Maritime Services advice;
6. NSW Office of Water GTAs;
7. Recommended conditions of consent.