

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Supplementary Report

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 184-190 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. Executive Summary

This development application (as amended) seeks 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 application was reported to the JRPP on the 3 September 2015 with a recommendation for approval subject to conditions of consent.

The panel unanimously determined to defer the development application as with the following two reasons for the decision:

“1. The Panel seeks additional information to be supplied by the applicant and the Council in relation to the compliance with the provisions of SEPP 55 – Remediation. In this respect, the Panel requires a clear statement of the suitability of the site for the proposed use and encouraged the applicant to supply this further information promptly and ideally within one month”

2. The Panel requires further consideration of the site’s compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines particularly in relation to the street setbacks, reduced landscaping, and non-compliance with deep soil zones, as the guidelines suggested in the Council’s Site Specific DCP (Prairiewood Town Centre Southern Precinct) appear to conflict with the RFDC and being a greenfield development there appear to be no constraints relevant to this site.”

The Panel also advised at the meeting it would deal promptly with the additional material when received, and the objectors were advised that they were welcome to attend a further meeting of which they will receive notice.

In response to the Panel’s decision, the applicant has since submitted further information regarding the above two matters. Specifically, Council received a “Limited Phase 2 Environmental Investigation” on 2 November 2015.

Additionally, the Council received amended Landscape Plans (with supporting amended architectural drawings) and a written submission from the applicant on 6 November 2015. A further amended Landscape Plan was also received by Council on 18 November 2015.

The purpose of this Supplementary Report is to provide an assessment of the additional information received from the applicant and to respond to the two reasons for deferral of the application.

2. Response to JRPP Resolution

Point 1 - Compliance with the provisions of SEPP 55 – Remediation.

In relation to Point 1 of the Panels resolution, the Applicant submitted a Limited Phase 2 Environmental Investigation (EI) prepared by GJW Consultancy Pty Ltd and dated 22 October 2015.

The EI outlines that a total of 20 samples were taken from across the site (including within the soil stockpiles) and analysed for a range of contaminants, including a variety of hydrocarbons, heavy metals, asbestos and pesticides.

The final use of the site is to be residential flat buildings and as such, all contaminant concentrations were compared to the National Environment Protection Measure (NEPM 2013) Health-based Investigation Level (HIL) 'B' for residential premises with limited opportunities for soil access.

Analysis of the samples showed that the soils on site, including the soil stockpiles, complied with the requirements of HIL 'B' for all analytes, apart from one sample from the soil stockpiles. This one sample tested positive for asbestos. It was noted that building rubble and general waste were also observed in the stockpiles during the site investigation.

The report states:

'Asbestos was not detected in any other location and asbestos containing materials (eg. fibro cement sheeting, fibrous lagging or fibro tiles) were not observed at any location. We consider that the presence of asbestos may only be a localised occurrence and the extent of asbestos impact is potentially limited.'

The report concludes:

- *"The site has limited exposure to historical activities that may have caused contamination which correlates well with the soil analytical results showing that the soils are of a relatively good quality and meet the land use criteria for the proposed development. As such the site soils are suitable for the proposed land use as a multi-storey residential apartment.*
- *Asbestos was detected at one location (TP6B_0.4m) in the stockpiled soil mounds. This impact is considered a localised impact given that asbestos was not detected anywhere else nor was asbestos containing materials visually observed anywhere.*
- *Apart from the localised detection of asbestos, the quality of the soil within the mounds meets the land use criteria and would be suitable for use onsite, however the soil is mixed with anthropogenic wastes and extraneous materials which are unsuitable to remain onsite. These waste materials should be*

screened and segregated from the soil mounds for offsite recycling or disposal.”

The EI recommends that the screening operations for asbestos and other wastes can be addressed in a waste management plan, as part of the construction management plans for the development.

Councils Senior Environmental Health Officer has reviewed the EI and noted that while the sampling program detected asbestos in only one test pit, the presence of building waste in the soil stockpiles and the proposal involves the reuse of screened soil onsite.

The Senior Environmental Health Officer has recommended that these operations should be completed and verified prior to other works commencing onsite in order to confirm the lack of further asbestos fragments in the stockpiles and unexpected finds of further contamination and disposal of wastes from the stockpile area.

The Senior Environmental Health Officer raises no objection to the development subject to the following recommended conditions:

“Remediation Action Plan

Prior to the issue of a Construction Certificate, a Remediation Action Plan (RAP) shall be prepared in accordance with the NSW EPA Contaminated Land Series for the portion of the site affected by the soil stockpiles described in the Limited Phase 2 Environmental Investigation Proj# SES_424, prepared by GJW Consultancy Pty Ltd and dated 22 October 2015. The RAP shall include, but not necessarily be limited to:

- *Validation Works*
The area in the vicinity of the asbestos detection in the Limited Phase 2 Environmental Investigation (EI), Proj# SES_424, prepared by GJW Consultancy Pty Ltd and dated 22 October 2015, shall be remediated and validated by a suitably qualified and experienced person. A report on these validation works shall be submitted to Council for assessment and subsequent approval for compliance with SEPP55.
- *Unexpected Finds Protocol*
An ‘Unexpected Finds Protocol’ for the assessment/management of any contamination discovered during the course of these works shall be prepared prior to any further works on the remaining soil stockpiles.
- *Stockpile Waste Disposal*
All materials in the existing soil stockpiles shall be screened, separated and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority “Waste Classification Guidelines Part 1: Classifying Waste”. The classification of the material shall determine the method of waste disposal and/or recycling. “

Summary

State Environmental Planning Policy No.55 – Site Remediation (SEPP 55) 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.”

Contaminated land is defined in the EP&A Act 1979 as:

“land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment’ (Section 145A)”

Remediation is defined in SEPP 55 as:

“(a) removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals on the land).”

The Environmental Investigation undertaken for the site indicates that there is localised contamination on the site in the form of asbestos within a confined area of stockpiled soil mounds. No other contamination was detected

The Environmental Investigation and Council's Senior Environmental Health Officer have confirmed that the site can be made suitable for the proposed development subject to remediation of the identified soil mound.

Conditions have been included in the recommendation requiring a Remediation Action Plan to be prepared and implemented prior to the release of a Construction Certificate for the site.

Subject to the implementation of the recommended conditions for remediation the land will be suitable for the proposed residential flat building development prior to it being used for that purpose.

Point 2 - Compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines

In relation to Point 2 of the Panel's resolution, the Applicant has provided a written submission, amended landscape plans and amended architectural plans.

Each of the matters raised in Point 2 of the Panel's decision dated 3 September 2015 has been given further consideration. Discussion and clarification is set out below with respect to each matter.

Apparent conflict between the Council's Site Specific DCP (Prairiewood Town Centre Southern Precinct) with the RFDC guidelines

It is agreed that there are differences between some applicable development controls within the Prairiewood Town Centre Southern Precinct Development Control Plan ('the DCP') and several guidelines of the Residential Flat Design Code ('the RFDC').

In such circumstances the question therefore arises to the weight given to the relevant controls and the guidelines.

On this point the provisions of Clause 30(2) of the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are pertinent.

Clause 30 of the SEPP states:

"30 Determination of development applications

- (1) After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.*
- (2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*
 - (a) the advice (if any) obtained in accordance with subclause (1), and*
 - (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and*
 - (c) the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).*
- (3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the residential flat development within 31 days after the request for its advice is made by the consent authority, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.*

- (4) *The 31-day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.*

In relation to subclauses 1, 2(a) and 3, there is no relevant design review panel constituted to review SEPP 65 applicable DAs for Fairfield Council and therefore Council is not in receipt of formal advice from such a panel.

The consent authority is therefore required to “*take into consideration*” the design quality of the residential flat development when evaluated in accordance with the design quality principles and the Residential Flat Design Code.

It is noted that these considerations are to be in addition to any other matters that are required to be, or may be, taken into consideration, such as for example, the development controls within an applicable Development Control Plan (as required by section 79C 1(a)(iii) of the *Environmental Planning and Assessment Act 1979*).

In the circumstances of the subject Development Application, consideration has been given to the evaluation of the design quality of the residential flat development in accordance with the design quality principle of SEPP 65, consideration has been given to the Residential Flat Design Code, consideration has been given to the applicable provisions of the Fairfield LEP 2013 and consideration has been given to the provisions of the site specific Development Control Plan applicable to development on the subject land.

It is noted that within the Introduction section of the RFDC there is acknowledgement that the RFDC will be an important resource in the absence of “place-based planning instruments”. In the circumstances of the current DA it is important to note that there is no absence of a place-based planning instrument, rather there is a relatively recent place based planning instrument applicable to development of the subject land, being the Prairiewood Town Centre Southern Precinct Development Control Plan which came into force in August 2011 and was amended in May 2013.

Additionally, and as required by the relevant provisions of Part 3 of the *Environmental Planning and Assessment Regulation 2000* and clause 28 (Preparation of instruments) of SEPP 65, the preparation of the Prairiewood Town Centre Southern Precinct Development Control Plan has included consideration of the provisions of SEPP 65.

In summary, it is considered that in the circumstances of the DA that where there may be differences between the development controls within the site specific Prairiewood Town Centre Southern Precinct Development Control Plan and the guidelines within the RFDC, that is reasonable to give weight to the site specific controls of the DCP.

Compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines in relation to the street setbacks

Prairiewood Town Centre Southern Precinct DCP	RFDC	Proposal	Compliance / Comments
Control	Guideline/Rule of Thumb		
<p><i>Buildings are to be set back a maximum of 2m from the boundary</i></p> <p><i>Above the fifth storey, buildings should be set back from the building envelope by an additional 4m</i></p>	<p><i>Up to four storeys</i></p> <p><i>-12m between habitable rooms/balconies</i></p> <p><i>-9m between habitable/balconies and non-habitable rooms</i></p> <p><i>-6m between non-habitable rooms</i></p> <p><i>Five to eight storeys</i></p> <p><i>-18m between habitable rooms/balconies</i></p> <p><i>-12m between habitable/balconies and non-habitable rooms</i></p> <p><i>-9m between non-habitable rooms</i></p>	<p>Setbacks of building walls for the ground level to the 5th storey are between nil and 2m.</p> <p>Setbacks of building walls for levels above the 5th storey range between 2m and 6m.</p> <p>It terms of building separation it is noted that there are currently no buildings within the vicinity of the proposed development site.</p> <p>It is noted that the land to the south and the east of the site is zoned RE Public Recreation and in accordance with FLEP 2013 residential accommodation is prohibited.</p> <p>The proposed building achieves the following separation distances to the boundaries (not building walls) of properties to the west and north:</p>	<p>The proposed development complies with the DCP setback controls for ground to fifth storey.</p> <p>The proposed development partially complies with the DCP setback controls for 6th, 7th and 8th storeys.</p> <p>The proposed development complies with the building separation guidelines with respect to the western, eastern and southern sides of the building and also between the western and eastern wings of the building.</p> <p>In the absence of any building proposed on Lot 2 to the north of the site the development complies with the building separation guidelines.</p> <p>If it is assumed that a building will be built on proposed Lot 2 in the future with a nil</p>

		<ul style="list-style-type: none"> • <i>21m to 24m separation to the boundary of the adjacent site to the west</i> • <i>13m to 14m separation to the boundary of the adjacent property to the north (i.e. proposed Lot 2)</i> 	<p>setback to the southern boundary (compliant with the DCP setback requirements), then the RFDC building separation that will be achieved between the subject building and the future building on Lot 2 will be at least 13m from ground to the 4th storey and this is compliant.</p> <p>For the 5th storey the building separation will be 13m. This will be compliant where there are no south facing habitable rooms/balconies in the building on Lot 2 or will be non-compliant (by a factor of 5m) if there are south facing habitable rooms/balconies.</p> <p>For storeys 6, 7 and 8 the buildings separation will be a minimum of 17m and will be readily compliant where there are no south facing habitable rooms/balconies in the building on Lot 2 or will be non-compliant (by a factor of 1m) if there are south facing habitable rooms/balconies.</p>
--	--	---	--

Comment:

The proposal complies with the DCP setback controls for ground level to the 5th storey. The proposal partially, but nonetheless substantially, complies with the DCP

setback controls for the 6th, 7th and 8th storeys, such that there are building walls which are not setback 4m further than the buildings walls of the levels below.

The following Figures illustrate the setback of the western and eastern wings of the proposed building from Level 5 and above to the northern boundary of proposed Lot 1.



Figure 1: Level 5 – Western wing setback to northern boundary.



Figure 2: Level 6 – Western wing setback to northern boundary.



Figure 3: Level 5 – Eastern wing setback to northern boundary.

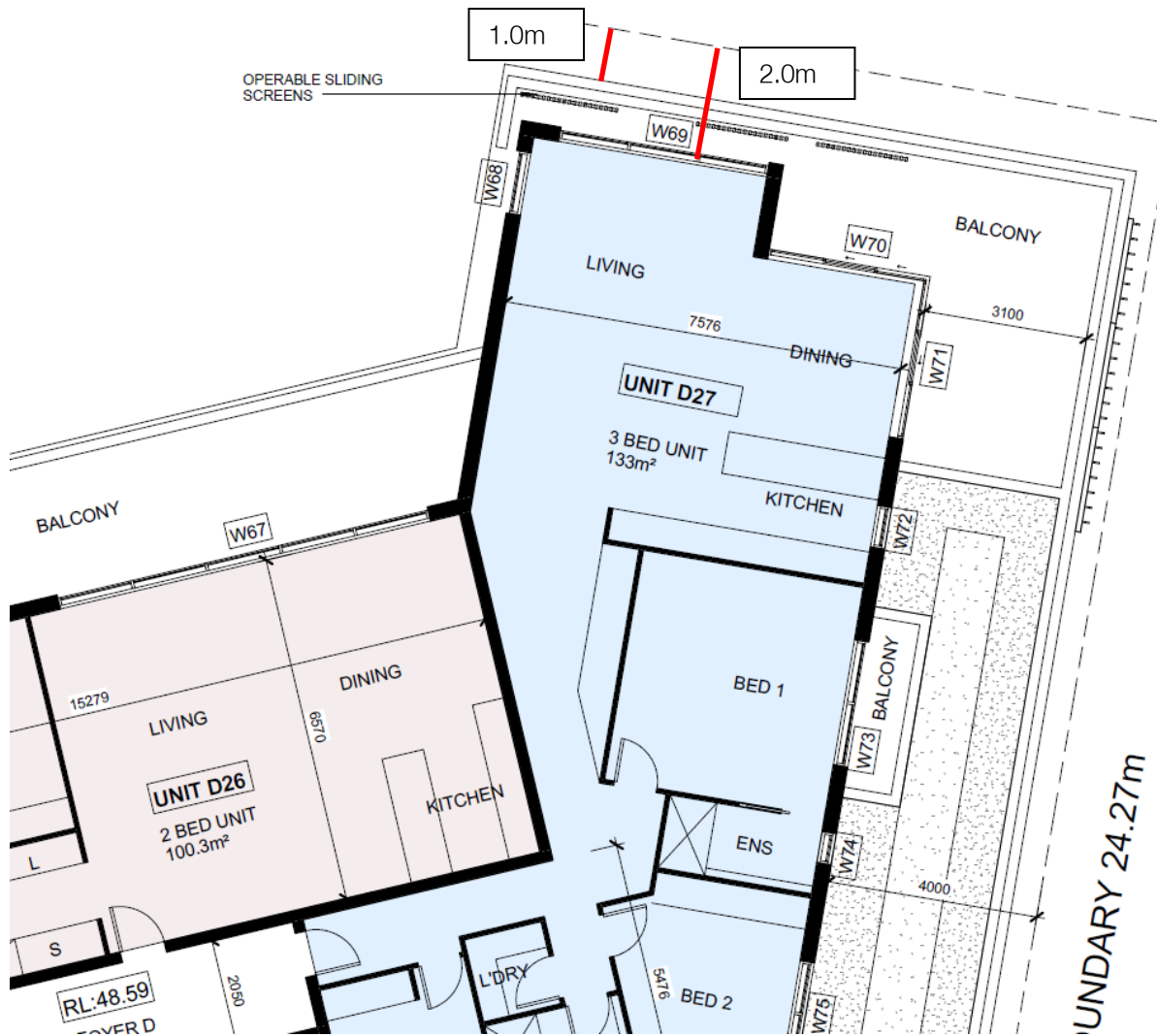


Figure 4: Level 6 – Eastern wing setback to northern boundary.



Figure 5: Levels 7 & 8 – Eastern wing setback to northern boundary.

With respect to building setbacks, the RFDC does not have numerical setback requirements, instead it has building separation guidelines. The development fully complies with the building separation guidelines with respect to properties to the east, west and south. With respect to the separation to the proposed Lot 2 to the north the proposal complies for the first four storeys and is able to comply with all 8 storeys, subject to the form of development proposed on Lot 2 in the future.

Given proposed Lot 1 and Lot 2 are currently under single ownership and form part of the current development site, it is possible to ensure compliance with the RFDC building separation guidelines for all 8 storeys of the proposed development in relation to a future development to the north by the imposition of a condition of consent, if this were to be considered necessary.

Such a condition could be included on the development consent which prevents south facing openings to habitable rooms and south facing balconies for any future development on Lot 2 within 5m of the property boundary for the 5th storey up to (and including) the 8th storey.

Alternatively these matters could be considered as part of the merit assessment of any future DA for that site.

The proposal will not result in overshadowing or visual privacy impacts for any adjacent developments and conditions have been recommended requiring screening

devices to the upper level northern elevation units that would mitigate visual privacy impacts between a future building to the north.

As it stands the proposal satisfies the building separation guidelines of the RFDC and the minor variations to the DCP setbacks for levels 6 to 8 are considered acceptable, given compliance with the building separation controls and the lack of adverse impacts.

Compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines in relation to landscaping

<i>Prairiewood Town Centre Southern Precinct DCP</i>	<i>RFDC</i>	<i>Proposal</i>	<i>Compliance / Comment</i>
<i>Control</i>	<i>Guideline/Rule of Thumb</i>		
<i>A minimum of 25% of any individual development site is to be landscaped area</i> (761.65m ²)	<i>The area of communal open space should be between 25% - 30% of the site area</i> (761.65m ² to 913.98m ²)	Total Landscaped Area = 952m ² (31.24%) The Total communal open space is 815m ² (26.8%)	Yes
<i>Landscaped roof areas above basement car parks, or other parts of a building, may contribute up to a maximum of half of the required landscaped area, but only if the soil depth is greater than:</i> <input type="checkbox"/> 400mm for grassed areas; <input type="checkbox"/> 600mm, minimum 1m width at any point, for shrubs and small trees; and <input type="checkbox"/> 900mm, minimum 2m at any point, for larger trees (over 3m in height)		Landscaped roof areas above basement car parks, or other parts of a building = 615m ² (64.5% of total landscaped area)	No. Landscaped roof areas above basement car parks or other parts of the building is greater than half of the total landscaped area as allowed for by the DCP. This is considered acceptable in this instance as the proposal provides 6.25% more landscaped area in total than that which is required

			and the amended Landscape Plan demonstrates that where the landscaped area is provided above a basement or roof, there is adequate soil depth to achieve a good quality outcome in terms of planting of grass, shrubs and or trees
--	--	--	--

Comment:

It is noted that the RFDC does not have a “landscaped area” requirement as such, instead it has a Rule of Thumb requiring 25% to 30% of the site to be communal open space.

The amended landscape design demonstrates that the proposal complies with the minimum overall requirement for landscaped area under the DCP and the communal open space requirement in the RFDC.

The proposal provides a greater percentage of the landscaped area above structures than that which is set out in the DCP, however this is considered acceptable in this instance as the proposal provides 6.25% more landscaped area in total than the overall required minimum and the amended Landscape Plan demonstrates that where the landscaped area is provided above a basement or roof, there is adequate soil depth to achieve a good quality outcome in terms of planting of grass, shrubs and or trees.

Compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines in relation to with deep soil zones

<i>Prairiewood Town Centre Southern Precinct DCP</i>	<i>RFDC</i>	<i>Proposal</i>	<i>Compliance / Comment</i>
<i>Control</i>	<i>Guideline/Rule of Thumb</i>		
<i>A minimum of 10% of the site should have deep soil</i>	<i>A minimum of 25% of the open space area should be of deep soil zone.</i>	<i>337.6m² (11%)</i>	<i>Yes</i>

(304.66m ²)	(203.75m ²)		
-------------------------	-------------------------	--	--

Comment:

It is noted that much of the deep soil zone extends around the periphery of the site, however the amended Landscape Plan has demonstrated that these areas will nonetheless be suitable to accommodate various Bottle Brush trees and Myrtle trees amongst other shrubs and coverings.

The amended Landscape Plans have been reviewed by Council's Landscape Officer and additional recommendations regarding the treatment of the landscaping to the footpath have also been included in the recommended conditions. Specifically the Council's Landscape Officer has requested that the ground coverings and shrubs on the footpath as shown in the amended Landscape Plan be removed (street trees are to remain), as these roads will be dedicated to Council and do not meet the Public Domain Policy.

The recommended conditions of consent have been amended to reflect Council's Landscape Officers comments.

Compliance with the principles of SEPP 65

Following the Panel decision on 3 September 2015 further consideration was given to the developments' compliance with the 10 design principles of SEPP 65 and further input was sought from urban design expert and principal at SJB Urban, Jonathon Knapp.

It is noted the actual assessment against the guidelines of the RFDC have been undertaken within the original report (and supplemented in this report) while SJB Urban's scope has been to consider the development against the principles.

SJB Urban has provided the following comments:

"Principle 01 – Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area

The precinct is to undergo transition, stimulated by the site specific Prairiewood Town Centre Southern Precinct development Control Plan and applicable FSR and height standards within the Fairfield Local Environmental Plan 2013.

Given the site's existing use as sports field consideration has been given to the planned future use of the site and its immediate context. As such, the Desired Future Precinct Character Statement shown on Page 5 of the Prairiewood Town Centre

South Precinct DCP provides an important reference for what the proposed development's context will consist of once the entire precinct has been developed.

The DCP envisages high density living and much of the character statement refers to the mixed-use component of the precinct and its engagement with the existing development to the north. However, the statement does identify that the '*precinct should contain interesting, outward-focused buildings . . . be able to engage with the street and pedestrians*'. This is of particular importance to the proposed development as it addresses four street frontages and the manner of which it engages with these frontages can be improved.

The DA includes 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 design includes small 'front gardens' and or balconies, and overall the ground level plane provides acceptable activation and surveillance of the street.

Principle 02 – Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The desired future character and indicative building envelope for the site as described in the DCP envisages a significantly higher scale of development than currently exists at the site and also in the residential zoned land in the locality. It is noted that the site is separated substantially from residential area to the east and south by RE1 Public Recreation zoned land. To the north the site sits opposite a large shopping centre and to the west the B4 Mixed Use zone land is separated from existing lower scale forms of residential development by the transit way. The development includes a building of 6 to 8 storey scale which is consistent with the desired future character and building envelope controls for the site. The proposal features a stepping-down from 8 storeys to 6 storeys at the northern end of the west 'wing'. This approach is consistent with the objectives of the DCP. The proposal will result in an acceptable 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

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The DA responds to the building envelope outlined in the site specific DCP and provides 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 located along the northern frontage and within the centre of the site.

The perimeter building provides minimal setbacks to the street edge from ground floor to Level 5. 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 above Level 6, which is consistent with the DCP and provides relief to the perceived bulk and form of the western and northern elevations.

The eastern wing continues at 8 storeys in height with minimal setback (to balconies) to the northern boundary. The proposed east-west orientated street adjacent to the northern boundary will provide adequate separation and relief to a future development, should it be compliant 8 storey building proposed by the DCP.

The proposed screening devices, combined with the building separation, will provide appropriate 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 appropriate continuity and streetscape character.

Principle 04 – Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

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

Principle 05 – Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The perimeter block approach results in appropriate building depth and an appropriate length and continuity to the north facing elevation. The proposal also results in a high proportion of the proposed units with dual aspect.

These design characteristics ensure good solar access and natural ventilation outcomes, confirmed in the assessment of the application against the RFDC guidelines.

The proposal results in an appropriate performance with respect to Principle 05.

Principle 06 – Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The site is opposite a considerable public open space to the south, which has recently been dedicated to Council, but is yet to be improved or embellished. Land to the east is also zoned RE1 Public Recreation. In time and as the precinct is developed these spaces will provide considerable recreational benefit and landscaping opportunities to the planned higher density properties within the Prairiewood Town Centre South Precinct.

Notwithstanding the landscaping opportunities of adjacent land, the perimeter block approach of the DA results in an appropriate layout, orientation, useability and scale of open space.

The realignment of the northern boundary (in rationalising the alignment of the proposed street between proposed Lot 1 and Lot 2) transfers some of the common space to be provided overall (per the indicative layout of the precinct) from Lot 1 to Lot 2. Nonetheless the amount provided to Lot is compliant with the RFDC guidelines and the 25% DCP requirement.

The communal open space provides an appropriate setting for social interaction to occur.

Furthermore, the proposed open space is provided in a consolidated, north facing arrangement and is of a size (and provides a soil depth) suitable to accommodate appropriate planting.

The perimeter strip of deep soil area, while not overly generous, responds to the setback arrangements envisaged under the DCP and will provide an adequate

landscaping treatment along the street edge of the building, as demonstrated in the amended Taylor Brammer Landscape Plans. This edge treatment is complemented with appropriate plantings of street trees as described in the amended Landscape Plans and as required by Council.

Additionally, the detail provided for the proposed landscape area on Level 6 in the amended Taylor Brammer prepared Landscape Plans demonstrates that this space will be a feature and benefit to the proposal.

Principle 07 – Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The focus of this review is on matters relating to urban design, and compliance with amenity guidelines are detailed in the assessment report.

With this in mind the perimeter block design demonstrates compliance with the fundamental amenity guidelines of the RFDC, including solar access, natural ventilation, room size and layout, floor to ceiling height, residential storage and open space.

The proposal also adequately addresses accessibility from the street as well as street activation.

Additionally, the perimeter block approach and associated building separation results in a design that provides adequate acoustic and visual privacy outcomes.

The potential for privacy impacts between the north eastern corner of the proposed building and future development on the proposed Lot 2 has been adequately addressed through additional permanent screening measures.

Principle 08 – Safety & Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed perimeter block design will result in a suitable level of passive surveillance for both the public domain (streetscape) and private domain (footpaths and landscaped areas).

The design results in a single internal space that is overlooked by three elevations. The design of pedestrian entries and the proposed continual built form along the southern, eastern and western boundaries will also result in good opportunities for passive surveillance focusing surveillance along the streets.

Principle 09 – Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The proposal is consistent with the desired future character envisaged for the site under the site specific DCP and within the LEP with respect to scale and density.

Specifically the proposal will provide a relatively high density outcome and thereby delivers a significant increase in new housing stock in a locality that is well serviced by commercial uses, medical services, recreational facilities and public transport.

In this respect the proposal responds to the desired future character envisaged for the site and responds to the social context of the locality.

Principles 10 – Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The DA is considered to display an appropriate level of building articulation given the immediate context and the controls in the DCP relating to aesthetics. Adequate modulation is provided to the street facades, whilst the roof form will provide some visual interest.

The amended Landscape Plan and recommended conditions ensure the provision of appropriately scaled street trees and within the open spaces at the site.

Conclusion

The desired future character for the site is set out in the site specific DCP. Through the DCP and the corresponding LEP standards for height and density a significantly higher density and scale of development, compared to existing development, has been planned for the site. In this respect the site has been identified for significant transition.

The higher density and scale is planned in order to take advantage of the site's proximity to good public transport services, medical facilities, educational facilities, recreational facilities and commercial facilities and services.

The perimeter block configuration proposed in the DA responds to the building envelope controls and the desired future character envisaged for the site within the site specific DCP, and in this respect the proposal is considered to respond appropriately to the Context, Built Form and Scale design principles of SEPP 65.

Additionally, the proposed amended Landscape Plans indicated that the proposal will also provide an acceptable level of landscaping quality across the site, which is satisfactory with respect to the Landscape design principle of the SEPP.

The proposal will result in an appropriate level of amenity for future occupants with good public and communal open space surveillance, a single consolidated communal open space with northern exposure and good levels of natural ventilation and solar access to the individual dwellings.

In summary the proposal is considered to accord with the 10 design principles of SEPP 65."

Other Matters

- Registration and dedication of Lot 2 in Deposited Plan 1175636.

It is noted that Council has been provided with a Certificate of Title which identifies that the southern portion of Lot 7, Section E in Deposited Plan 6934 has been excised and dedicated to Council in accordance with Development Consent DA 983.1 – 2011 and the associated Voluntary Planning Agreement (VPA) between the Calabria Community Club and Fairfield City Council which was approved in 2010 and relates to the rezoning of the land.

Lot 7, Section E in Deposited Plan 6934 has been subdivided to create Lot 1 and Lot 2 in Deposited Plan 1175636 (refer to Figure 6).

The proposed residential flat building, roads and two lot subdivision relate to Lot 1 in DP 1175636. A copy of the Certificate of Title and Deposited Plan are attached (refer to Attachment 2) and an extract of the Deposited Plan is provided below.

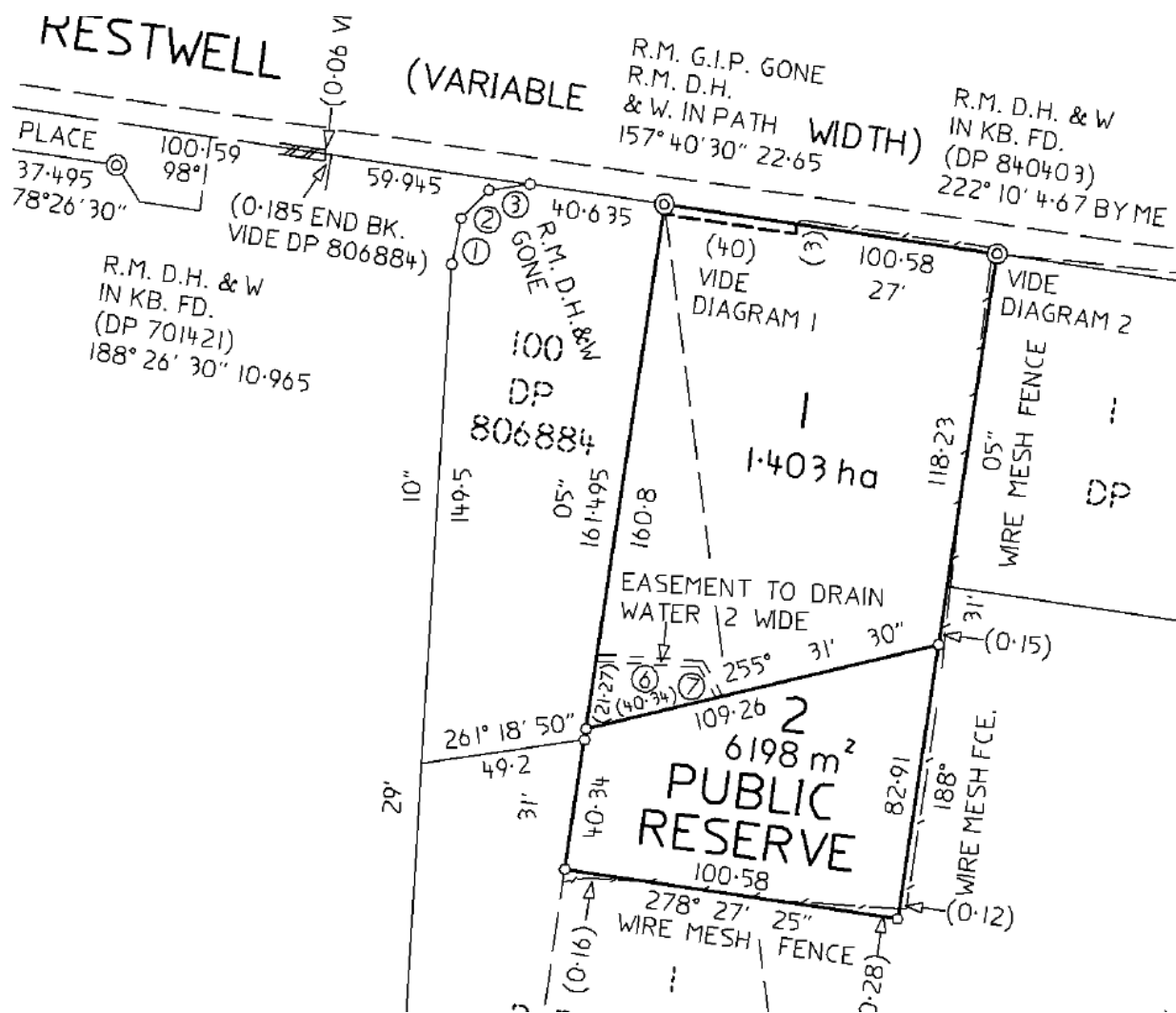


Figure 6: Extract from Deposited Plan 1175636.

Consequently the reason for the previous recommendation for a deferred commencement development has been satisfied. The recommendation has therefore been amended and the property description on the draft conditions of consent has been amended to reflect the new property details.

Summary/Conclusion

The above assessment outlines and clarifies that the proposal satisfies the following key DCP controls and RFDC guidelines:

- DCP minimum landscaped area and deep soil requirement
- RFDC communal open space and deep soil requirement
- DCP setback controls for ground floor to 5th storey
- RFDC building separation guidelines for all levels

The assessment also outlines the following:

- Some variations are sought for the DCP setback requirements for the 6th to 8th storeys
- The proposal provides 64.5% of total landscaped area above structures where the DCP requires 50% to be provided.

It is considered that overall the development is substantially consistent with the built form controls of both the DCP and the RFDC.

It is also considered that the proposal satisfies the 10 design principles within SEPP 65.

The Panel's comments regarding the site being a greenfield unconstrained site are noted and it is acknowledged that the proposal is likely to result in a development that is out of character (in terms of scale and density) with existing residential development in the vicinity of the site.

These matters were however considered by Council during the preparation of the relevant development standards in the FLEP 2013 and also when preparing, exhibiting and adopting the site specific Prairiewood Town Centre Southern Precinct DCP.

Indeed it is noted under section 2.2 "Desired Future Precinct Character" of the site specific DCP that higher density urban living is to be promoted in the precinct to increase population to maximise the benefits of the site's proximity to existing services, particularly the T-Way. Section 2.2 also states that "*Overall, the precinct will form a dense urban environment that takes advantage of its close proximity and good access to public transport*".

In this respect the proposal is commensurate with the desired future character of the precinct as well as the fundamental LEP and DCP built form controls, notwithstanding that it will potentially be out of character with the existing built form of the locality in the short term.

Recommendation

- That the report for Development Application 15.1/2014 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 1 in Deposited Plan 1175636, No. 184-190 Restwell Road, Prairiewood be approved subject to conditions as outlined in Attachment 1 of this Supplementary report;*
- 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.*
- 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.*
- (e) That the Panel recommend to Council that pursuant to the provisions of 149(5) of the Environmental Planning and Assessment Act 1979, the Council, upon registration of the approved subdivision, should include advice on any future Planning Certificate issued under section 149 for the site outlining that the land is known to be the subject of a Restriction of Use of Land relating to gross floor area and providing reference to the terms of the said Restriction of use of Land.*

Attachments

1. Recommended conditions of consent.
2. Copy of Deposited Plan 1175636 and Certificate of Title
3. Additional Information provided by Applicant