

6 November 2015

The General Manager  
Fairfield City Council  
PO Box 21  
FAIRFIELD NSW 1860

Attention: Sunnee Cullen

Dear Sunnee,

**RE: DEVELOPMENT APPLICATION. DA/15.1/2014.  
PROPOSED RESIDENTIAL FLAT BUILDING  
CALABRIA COMMUNITY CLUB - 184-192 RESTWELL ROAD,  
PRAIRIEWOOD.**

I refer to the Joint Regional Planning Panel (JRPP) dated the 3<sup>rd</sup> September 2015 and the resolution of the panel which is reproduced below.

- 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.*

In reference to the first point of deferral, a contamination report has been prepared which details that the site is suitable for redevelopment. Accordingly, we have now satisfied the provisions of SEPP 55 as raised by the JRPP.

In reference to the second point regarding the site's compliance and the principles of SEPP 65, I wish to make the following comments in reply.

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It is important to note the history of this site and the preparation of a site specific Development Control Plan, known as the Prairiewood Town Centre Southern Precinct Plan. This plan was adopted and became effective on the 19<sup>th</sup> of August 2011 after many years of negotiation and discussions with Council including an exhibition process for the specific controls which now apply.

As part of that process, a Voluntary Planning Agreement (VPA) was prepared, which again was exhibited and therefore from a community perspective, there was a holistic and a strategic decision made that this site should be redeveloped in the form now proposed and the desired character as stipulated within the plan was what Council foresaw.

The purpose of the plan was clearly to provide additional mixed uses and residential development along public transport corridors as well as taking in to account the sites location to public open space and the Prairiewood Shopping Precinct.

It is also important to note that the preparation of that Development Control Plan also had regard to all relevant state legislation including SEPP 65 and the associated Residential Flat Code. This is acknowledged within the Development Control Plan.

Therefore, it is our submission that the Prairiewood Development Control Plan does pre-determine the desired future character of the area and although the panel may consider that this is a greenfield site, with no constraints, it is our submission that the proposal fits within the context of the desired outcomes of the Council.

The SEPP 65 design guidelines that apply, states as follows:

***"In the absence of placed planning instruments this Design Code is an important resource for testing development controls and assessing residential flat building applications."***

It is our submission that there is a site specific Development Control Plan, which is specifically dealing with design aspects of the building, the site and the precinct as a whole. We submit that greater reference should be placed on the Development Control Plan as it is the placed planning instrument.

Part 1 of the Residential Flat Code identifies Residential Building Types.

Under the Building Types, the style of development which is proposed would fall under slab (block apartments). The type of buildings used in this instance are those within higher density areas and where there is a strong urban desire to reinforce the edge of precincts or where there is a perimeter block form intended.

As Councils report acknowledges, and the Development Control Plan indicates, the desired objectives of the Development Control Plan is to have perimeter block development and on that basis, the application which is before the JRPP falls within the realms of a slab (block apartment development), which has strong street edge.

It is also acknowledged in the design guidelines that slab buildings can be street edged and therefore, again reinforcing this proposal is in the context of the desired outcomes of the Council, through the Development Control Plan.

Having established the local context and the desired outcome, reference to the requirements under street setbacks in the design guidelines notes the following objectives. These are as follows:

- *"The desired spatial proportions of the street and define the street edge*
- *To create a clear threshold by providing a transition between public and private space*
- *To assist in achieving visual privacy to apartments from the street*
- *To create good quality entry spaces to lobbies/foyers or individual dwelling entrances*
- *To allow an outlook to and surveillance of the street, and*
- *To allow for street landscape character "*

The Development Control Plan does require a setback of the built form along the street edge. The proposal involves a new road network with appropriate street trees which obviously embellish and create a strong streetscape character.

The proposal aligns with the spatial proportions as defined by the Development Control Plan and facilitates the built form outcomes as envisaged by the Council's Development Control Plan. On that basis, the proposed setbacks are characteristic of that form Council wishes to encourage.

In reference to the landscape provisions, there needs to be a clear distinction between the three fundamental landscaping provisions that exist, which are:

- Landscaping on site,
- Deep soil, and
- Landscaping on slabs.

In reference to the first point above, the Residential Flat Codes stipulates that the communal open space provided on site should be between 25-30% of the site area. Our proposal provides 36%, which excludes the building footprint, private courtyards and driveway ramp, and therefore is clearly compliant with the Residential Flat Code. More importantly, the Council's Development Control Plan stipulates 25% and we are also compliant with the Development Control Plan.

In reference to deep soil, the rule of thumb stipulates that 25% of the open space must be deep soil which therefore constitutes 6.25% of the site. Council's Development Control Plans stipulates 10% and the proposed development provides a landscaped area in excess of 10%, being 11% of the site area. On that basis, it is our submission that the proposed development is compliant.

In terms of planting on top of structures, the Residential Flat Code stipulates planting in terms of soil depths and again we submit that our proposal complies with the relevant parameters contained within the Residential Flat Code.

We have prepared a revised landscape plan and that landscape plan provides more details to satisfy the JRPP that the quality of the landscaping on site and within the public domain is integrated and works together in a harmonious and in an appropriate manner to facilitate a future character that is envisaged by the Council's Development Control Plan.

Based on the above information we respectfully put to the JRPP that this application is worthy of approval and we have satisfied the provisions of not only the Council's Local

Environmental Plan, Development Control Plan, relevant State Legislation but also the Residential Flat Code provisions and SEPP 65 as identified in the resolution of the JRPP.

Kind regards

A handwritten signature in blue ink, appearing to read 'Gerard Turrisi', with a stylized flourish extending to the right.

Gerard Turrisi  
GAT & Associates  
Plan 1910