



	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
Third Floor	Block A
	The third floor is a mix of the upper levels of the 2- 3 floor cross over units, comprising predominantly of the more active areas including the living, dining kitchen areas and includes a bedroom, a single level unit (Unit 20) and lower levels of the 3-4 floor cross over units also consist of the more active areas including the living, dining kitchen areas and includes a bedroom on the third floor. The upper level of the 2-3 floor cross over units within the third floor includes: Units 13- 19.
	The lower level of the 3-4 floor cross over units within the third floor includes: Units 21-26
	Unit 20 is the only single level unit within the third floor and is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas
	Foyer with 3 x lift core and stair well, with the majority of the units on the third floor are cross-over units and as such internal stairwell provides access between the upper and lower levels.
	Unit 20, which is a single level unit is serviced by a lift core and stair well.
	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.



	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
Fourth Floor	Block A
	The fourth floor is a mix of the upper levels of the 3-4 floor cross over units, comprising predominantly of the more passive areas including bedrooms and bathroom, a single level unit (Unit 27) and lower levels of the 4-5 floor cross over units consist of the mix of active and passive areas (Units 28-30 contain the passive areas whilst Units 31-34 contain the more active areas including the living, dining kitchen areas and a bedroom for Units 32 & 33).
	The upper level of the 3-4 floor cross over units within the fourth floor includes: Units 21- 26.
	The lower level of the 4-5 floor cross over units within the fourth floor includes: Units 28-34.
	Unit 27 is the only single level unit within the fourth floor and is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas
	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the northern section of Block A and services Units 25, 26 and 34.



	Internal corridor (breezeway) located at the centre of Block A and includes a lift core, stair well and recycling room including a garbage chute and services Units 21-24 and Unit 34.
	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the southern section of Block A and services Units 27-30.
	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter Boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
Fifth Floor	Block A
	The fifth floor is a mix of the upper levels of the 4-5 floor cross over units, which is a mix of active and passive areas, with Units 28-30 contain the active areas and a bedroom for Units 29-30 whilst Units 32-33 contain the more passive areas including bedrooms and bathroom. The fifth floor also contains a single level unit (Unit 35) and lower levels of the 5-6 floor which also contains a mix of active and passive areas, with Units 36-39 and Units 44-45 containing the active areas including a bedroom and Units 40-43 containing the more passive areas.



	<p>The upper level of the 4-5 floor cross over units within the fifth floor includes: Units 28-30 & 32-33.</p> <p>The lower level of the 5-6 floor cross over units within the fifth floor includes: Units 36-45.</p> <p>Unit 35 is the only single level unit within the fifth floor and is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas</p>
	<p>Internal corridor (breezeway) located at the northern section of Block A and includes 2 x lift core and 2 x stair well and 2 x recycling room including a garbage chute and services Units 32-33 and Units 39-43.</p> <p>The majority of units within the fifth floor are cross-over units and as such internal stairwell provides access between the upper and lower levels.</p> <p>Unit 35, which is a single level unit is serviced by a lift core and stair well.</p>
	Block B
	<p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.</p>
	<p>Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.</p>
	Block C
	<p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.</p>
	<p>Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.</p>
	Block D
	<p>Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.</p>
	<p>Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.</p>



Sixth Floor	Block A
	The sixth floor is a mix of the upper levels of the 5-6 floor cross over units, which comprises predominantly of the areas, with the exception of Units 44-45 which contains the more passive areas including bedrooms and bathroom. The sixth floor also contains a single level unit (Unit 46) and lower levels of the 6-7 floor which contains the passive area including bedroom and bathrooms.
	The upper level of the 5-6 floor cross over units within the sixth floor includes: Units 36-45.
	The lower level of the 6-7 floor cross over units within the sixth floor includes: Units 47-49.
	Unit 46 is the only single level unit within the sixth floor and is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas
	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the northern section of Block A and services Units 43-45.
	Internal corridor (breezeway) located at the centre of Block A and includes a lift core, stair well and recycling room including a garbage chute and services Units 36-40.
	Cross-over units are provided with internal stairs that provides access over the two levels.
	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the southern section of Block A and services Units 46-49.
	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.



	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
Seventh Floor	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
	Block A
	The seventh floor contains predominantly single level units with 5 single levels, the active upper level of the 6-7 floor cross floor units and the active levels of the lower level of the 7-8 floor cross units.
	The upper level of the 6-7 floor cross over units within the sixth floor includes: Units 47-49.
	The lower level of the 7-8 floor cross over units within the sixth floor includes: Units 55-57.
	Single level units: Units 50, Units 51-54.
	The single floor units within the seventh floor are provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas
	Internal corridor (breezeway) located at the centre of Block A and includes a lift core, stair well and recycling room including a garbage chute and services Units 51-54.
	Cross-over units are provided with internal stairs that provides access over the two levels.
	Unit 50, which is a single level unit is serviced by a lift core and stair well.



	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
	Block A
Eight Floor	The eight floor contains predominantly single level units with 7 single levels and the 2 upper level of the 6-7 floor cross floor units which contain the more passive areas including bedroom and bathrooms.
	The upper level of the 6-7 floor cross over units within the eight floor includes: Units 56-57.
	Single level units: Units 58-64.
	The 7 single level units within the eight floor are provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas
	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the northern section of Block A and services Units 56-57 and Unit 64. Internal corridor (breezeway) located at the centre of Block A and includes a lift core, stair well and recycling room including a garbage chute and services Units 61-63.



	Foyer including a lift core, stair well and recycling room including a garbage chute. The foyer is located at the southern section of Block A and services Units 58-60.
	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block D
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Planter boxes.
	Internal corridor (breezeway) including a lift core and 2 x stair well and recycling area including a garbage chute.
Ninth Floor	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
Tenth Floor	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally



	accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
Eleventh Floor	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block B
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.
	Block C
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas.
	Internal corridor (breezeway) including 2 x lift core, 2 x stair well and recycling area including a garbage chute.

The relevant architectural plans for the proposal have been prepared by Bureau SRH Architects while supporting reports have been prepared by relevant sub consultants. The proposal addresses the sites dual frontages and proposes a series of buildings that incorporates contemporary architectural aesthetics that relates to the prominence of the site within the Court Road Precinct. The design response is contextually appropriate and high levels of amenity are provided to residents.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.



Planning Controls

Statutory Controls

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy BASIX.
- State Environmental Planning Policy No. 55 – Contaminated Land.
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Fairfield Local Environmental Plan 2013.

Policy Controls

The applicable policy control documents are: -

- Fairfield Development Control Plan 2013.

Consideration

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

State Environmental Planning Policy BASIX

The development application is accompanied by a complying BASIX certificate.

State Environmental Planning Policy No. 55 – Contaminated Land

Given the historical use of the site for commercial purposes, land contamination is likely to be a consideration. Further investigation and reporting under SEPP 55 is not considered necessary given the commercial use of the site and no indication of potentially contaminated materials on the site. Council can be satisfied that the provisions of Clause 7 of the SEPP is satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process then actions consistent with the legislative requirements and guideline document will be undertaken.

State Environmental Planning Policy (Infrastructure) 2007

The development site has frontage to The Horsley Drive, which is identified as a classified road and as a result it is necessary to consider the provisions of Clause 101, 102, and 104 of the SEPP. Clause 101 requires that vehicular access be provided from a road other than a classified road. The proposal provides access from Court Road and no access from Horsley Drive.



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A traffic report accompanies the development application providing detail on the impact of the proposal on the local traffic network. See attached traffic report for detail.

Clause 102 requires a consent authority to consider the impact of the classified road on buildings used for residential purposes. In this case an Acoustic Assessment is required to accompany the development application to demonstrate that amenity for residents will be below the criteria specified within Clause 102(3). An acoustic report has been prepared by Rodney Stevens Acoustics that has found that subject to mitigation measures that the criteria contained within Clause 102(3) will be achieved. The report concludes:

Noise levels within living space and bedrooms of future residential apartments have been established and compared with regulatory requirements for internal acoustic amenity. Upgraded glazing will generally be required throughout the development to achieve the required internal noise levels within habitable rooms and bedrooms.

Outdoor acoustical amenity has been reviewed and given the shielding of the site achieved through the building layout proposed, outdoor noise levels will be within acceptable limits.

In conclusion, based upon review of the Development Application proposal, the mixed-use development can achieve the relevant criteria for noise and can therefore be supported on the basis of acoustic.

Based on the above the provisions of the SEPP are satisfied, noting that the proposal is 'traffic generating development' as identified in Schedule 3 and concurrence from the RMS is required.

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

The development application is accompanied by a design verification statement outlining that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The table below provides a detailed discussion against the relevant provisions of the Residential Flat Design Code, noting that a number of these provisions are embodied within the Fairfield Local Environmental Plan 2013 and supporting Fairfield Development Control Plan 2013.

Primary Control	Guideline	Relevant Control	Compliance
Part 1 – Local Context			
Building height	To ensure the proposed development responds to the desired scale and character of the street	The development is consistent with Council's height (with the exception of the lift overrun) and will provide an attractive building that provides a quality address to both street frontages and will contribute towards	Yes



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	and local area, and to allow reasonable daylight access to all developments and the public domain.	<p>the renewal of the Court Road Precinct within Fairfield Town Centre. Furthermore the lift overrun is not only recessed to minimise impact to the streetscape, but is to be of a high quality finish, with attributing architectural merit.</p> <p>The development is consistent with Council's FSR controls and will contribute towards supporting the retail and commercial core of the town centre.</p>	
Building depth	Generally, an apartment building depth of 10 – 18 metres is appropriate.	The proposed building incorporates a mixed used building with predominantly commercial dominated ground floor, a first floor podium with 4 residential towers above. With all units having depth less than 18m. Complies.	Yes
Building separation	<p>Up to 4 storeys –</p> <p>12 m between habitable rooms/balconies;</p> <p>9m between habitable rooms/balconies and non habitable rooms;</p> <p>and</p> <p>6m between non habitable rooms.</p> <p>5 to 8 storeys-</p> <p>18m between habitable rooms/balconies;</p> <p>13m between habitable rooms/balconies and non-habitable rooms;</p> <p>9m between non-habitable rooms</p> <p>9 storeys and above-</p> <p>24m between habitable</p>	<p>The development application propose a mixed use development situated within an established town centre. As such the design adopts a built to boundary form at the street edge to provide a consistent street edge form and encourage pedestrian activation at street level. The middle towers are designed to align with principles of building separation.</p> <p><u>Building separation to adjoining properties to the north and south</u></p> <p>It is noted that Block A and D is built to the sites northern and southern boundary with blank walls with windows and balconies oriented to the east and west to mitigate potential privacy impacts to adjoining properties to the north and south. The proposal is generally compliant with building separation to adjoining properties with the building line of Block B and C providing a building separation of between 13.6m-19.2m to the north</p>	Variation



	<p>rooms/balconies; 18m between habitable rooms/balconies and non-habitable rooms; 12m between non-habitable rooms</p>	<p>and a building separation of between 12.8m- 16.8 to the south.</p> <p>It is noted that the north facing balcony associated with the far northern unit from the 9th storey to the 12th storey provides a building separation of 10.8m and as such does not comply with the minimum building separation provision. However, the development is to incorporate moveable louvers to mitigate potential privacy impacts to adjoining property to the north/ This will ensure that privacy impacts are mitigated and the underlying intent of the separation requirements is achieved.</p> <p><u>Building separation between building on site</u></p> <p>The proposal provides a building separation of greater than 9m between Block A and Block B. Complies. The proposal provides a building separation of 12m between Block B and C up to the 8th floor. A building separation of 15.2m is provided between the two buildings on the 9th floor and a building separation of to the 23.2m is provided for the remaining floors. To deal with the variation in numerical distance on the site the proposal has angled windows and blank walls between bedrooms along the eastern wall of Block B and the western wall of Block C that not only mitigate cross-viewing between the two buildings but also contribute towards maximising solar gains to the north.</p> <p>The proposal provides a building separation of 9m between Block C and Block D up to the fourth floor, a building separation of 12.4 on the 5th level from the building line and a separation of 3m from the 6th level</p>	
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		till the 9 th level and a separation of 18m on the 9 th level and as such does not comply with the minimum building separation control for the first 8 levels. However, it is noted that the service component of Block D including breezeway, stair well and lift cores are located predominantly along the western side of Block D and therefore won't result in cross viewing between Block C and D, thus minimising privacy impacts and the underlying intent of the separation requirements is achieved.	
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area.	Under Fairfield LEP 2013, the maximum FSR for the subject site is 3.5:1. It is noted that the development proposes an FSR of 3:1 and as such is compliant with this control.	Yes
Part 2 – Site Design			
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.	Proposal provides 20% deep soil relative to the site area, which is considered appropriate within a commercial context and noting that 25% of the open space area is 4552m ² and 20% would equate to 900m ² whereas the proposal provides 1846m ² that equates to 50% of the open space area and substantially exceeds the rule of thumb.	YES
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The proposed landscaping and deep soil area is appropriate for land within a commercial zone. The application is accompanied by a concept landscape plan showing the embellishment of the deep soil area and the communal open space area.	Yes
Open space Communal	Provide communal open space which is appropriate and relevant to the context	The proposal makes provision for 49.3% or 4,552m ² of communal open space on the ground floor and within the first floor. Complies.	Yes



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	of the buildings setting. An area of 25 to 35 percent of the site is to be provided as communal open space.	Furthermore, it is noted that individual units are provided with adequate private open space.	
Stormwater Management	To ensure adequate stormwater management.	A stormwater concept is submitted dealing with the treatment and disposal of stormwater.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	<p>Passive surveillance is provided to the sites two street frontages, with balconies and living spaces oriented to face the street and interface of the public/private domain. Access to the development will be security controlled.</p> <p>Proposed ground floor commercial / retail tenancy will contribute towards activation at the street level and provide casual surveillance to the car park entrance to the opposite shopping centre and along Court Road.</p>	Yes
Visual privacy	<p>To provide reasonable levels of visual privacy externally and internally, during the day and at night.</p> <p>To maximise outlook and views from principal rooms and private open space without compromising visual privacy.</p>	The proposal provides for appropriate levels of visual privacy through a combination of building separation, offset windows, blade walls incorporated into the buildings, highlight windows, and privacy screens. The dwellings within the development enjoy a vista over the street frontages or communal open space areas whilst appropriate separation is provided between balconies.	Yes
Building entry	To create entrances with identity and assist in orientation for visitors.	Lobby areas are provided to channel visitors through the various building entries. The entries are clearly defined through to ensure visitors are able to navigate the site.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	Adequate vehicular parking is provided on the site and the site. See attached traffic report for detail.	Yes



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Pedestrian access	Connect residential development to the street.	Appropriate pedestrian is provided from the sites two frontages.	Yes
Vehicle access	Limit width of driveways. Locate driveways away from main pedestrian entries, and on secondary streets.	The width of the driveways at street frontage is acceptable. The driveways are not considered to conflict with the pedestrian entrances.	Yes
Part 3 – Building design			
Apartment layout	Depth of single aspect apartment – 8 metres. Back of the kitchen not more than 8 metres from a window. Apartment sizes: 1 bed 50m ² 2 bed 70m ² 3 bed - 95m ²	The depth of single aspect units is generally 8m and the room layout ensures habitable rooms receive adequate natural light by virtue of ensuring that no part of the key living / dining rooms are more than 8m from window glazing. Back of kitchens are no more than 8m from windows. The majority of the proposed units comply with the minimum unit size requirements. There are a minor number of the 3 bedroom apartments that have an internal area of less than 95m ² . Having regard to the internal arrangement of the apartments, the variation is considered acceptable as the layouts provide for sufficient internal amenity.	Yes Yes Variation
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	A diversity of apartments is proposed and the unit mix will offer a variety of housing choice.	Yes
Balconies	Minimum 2 metres in depth.	All principal balconies have been provided with a minimum balcony depth of at least 2.5 metres.	Yes

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Natural ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross-ventilated.	The proposal adopts a design that supports natural ventilation and 75.17% of units are cross-ventilated.	Yes
	25% of kitchens to be naturally ventilated.	>25% of kitchens are naturally ventilated.	Yes
Facades	Facades should define and enhance the public domain.	<p>The proposed facades not only address the sites dual frontage but are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies, framed elements and fixed and operable louvers.</p> <p>Overall the proposed facade is considered a quality design outcome which is consistent with other existing comparable mixed use buildings within the town centre and adequately address a key arterial road (The Horsley Drive) and local road (Court Road).</p>	Yes
Roof design	To integrate the design of the roof into the overall façade.	<p>The proposal has a flat roof which is considered acceptable as it reduces any unnecessary bulk and minimises overshadowing impacts.</p> <p>The proposed roof is also sympathetic to its surroundings and complements the existing character of locality.</p>	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes



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Waste Management	Supply WMP.	Provided	Yes
	Allocate storage area.	Appropriate waste storage areas are provided.	Yes
Water Conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes

Fairfield Local Environmental Plan 2013

The development site is zoned B4 Mixed Use, as per the zoning map below, under the provisions of the Fairfield Local Environmental Plan 2013.

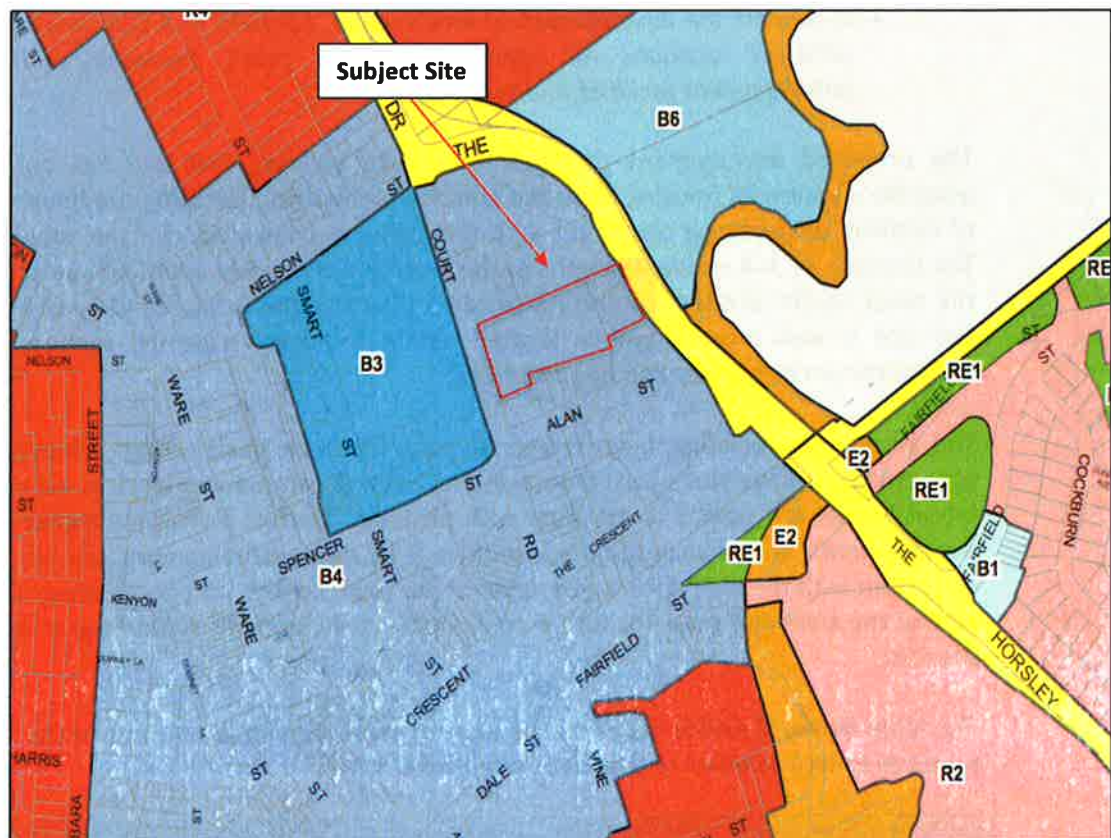


Image 8: Zoning Map Extract (Source: Fairfield LEP 2013)

'Commercial Premises' and 'Residential Flat Buildings' are permissible with consent on the subject site and the proposal is consistent with the definition contained within the LEP:



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Commercial Premise means any of the following:

- a) business premises,
- b) office premises, and
- c) retail premises.

Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposal is also consistent with the prescribed zone objectives that are stipulated as:

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

The proposed development provides mixed use building that will not only make available a variety of housing types but contribute towards increasing the housing stock of Fairfield, whilst being consistent with the higher density vision for the subject area. The increase of 306 residential units in the locality will provide additional patronage to the town centre and will contribute towards boosting the local economy of Fairfield. The site is well located and is located within proximity essential services, public transportation and recreation opportunities.

The mixed use building incorporates a contemporary design that achieves good presentation to the site's dual frontage. The subject commercial block is expected to intensify over the next 5 to 10 years with planning controls permitting higher density developments, and as such the proposed five 8-12 storey development will not only be consistent with the high density character of the town centre but play an integral role in setting the tone and scale for future comparable developments within the Court Road Precinct.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Fairfield Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	B4 – Mixed Use Building	A mixed commercial and residential development is permissible with Council consent in the B4 – Mixed Use zone.	YES



Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the B4 – Mixed Use zone and will provide additional housing and commercial tenancies in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high density context.</p> <p>The site as it is currently exists is underutilised in terms of its potential. The proposal will not only permit the site to be developed to its full zoning potential but aims to set the tone and scale for future comparable high mixed use densities development within Court Road Precinct. Furthermore, the commercial tenancies are proposed along the sites frontage to Court Road to promoting pedestrian activity at the street level and provide opportunity for casual surveillance of dead space associated with the vehicle access to car park of a large shopping centre located opposite the subject site.</p>	YES
Part 4 Principal Development Standards			
4.3	Height of Buildings: 38m	<p>A maximum building height of 38m is identified for the site under Fairfield Local Environmental Plan 2013 Height of Buildings Map Sheet HOB_020.</p> <p>The proposed development comprises of a series of 8-12 storey towers with the proposed building complying with the prescribed building height that predominantly complies with the exception of a small portion of the building and lift-overrun. The lift-over run have been recessed to ensure that they are not viewable from the street level and to be of high quality finish with incorporated architectural merits to features, therefore the non-compliance to prescribed building height is considered appropriate.</p>	Minor Variation under the provisions of Clause 4.6 of the FLEP 2013.



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		<p>As such, a variation is sought and a discussion on Clause 4.6 is provided as an Annexure at the end of this statement in support of the proposal.</p> <p>The proposal also exceeds the minimum lot size and width requirements under Clause 7.7.</p>	
4.4	Floor Space Ratio: 3.5:1	<p>A maximum floor space ratio of 3.5:1 is identified for the site under Fairfield Local Environmental Plan 2013 Floor Space Ratio Map Sheet FSR_020. The proposal incorporates a maximum FSR of 3:1. Complies.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p> <p>The proposal also exceeds the minimum lot size and width requirements under Clause 7.6.</p>	YES
Part 5 Miscellaneous Provisions			
5.9	Preservation of Trees or Vegetation	<p>The subject site is within a well-established commercial area, having historically been used for commercial purposes. This application seeks Council consent for the removal of a few medium to sized trees on site as identified in the attached plans.</p> <p>The proposed landscaping works including the planting of street trees along the site frontage to Court Road, landscaping along the sites northern boundary, along parts of the sites southern boundary, planter boxes on the first floor of units fronting Court Road, planter boxes within various levels and planter boxed capable of accommodating small trees within the communal open space within the first floor will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development.</p>	YES



		<p>The proposed landscaping and open space areas will provide for a range of passive and active recreational activities, will contribute to a high level of residential amenity on site and is considered appropriate within a commercial context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. See Landscape Plan for detail.</p>	
5.10	Heritage Conservation	There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.	N/A
Part 6 Additional Local Provisions - Generally			
6.1	Acid Sulfate Soils	The subject site is not affected by acid sulfate soils. Not relevant.	N/A
6.2	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	YES



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		It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
6.3	Flood Planning	The proportion of the subject site is identified as being flood prone. A flooding report has been prepared and attached to this report.	YES
6.4	Floodplain Risk Management	See attached flooding report.	YES
6.5	Terrestrial Biodiversity	The subject site is not identified as containing Biodiversity Land under the Fairfield Local Environmental Plan 2013. Not applicable.	N/A
6.6	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land and Waterways under Fairfield Local Environmental Plan 2013. Not applicable.	N/A
6.7	Landslide Risk	The subject site is not identified as being affected by landslides. Not applicable.	N/A
6.9	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	YES
Part 6 Additional Local Provisions - Town Centres			
7.6	Fairfield – Floor Space Ratio	<p>The subject site is identified as being located within Fairfield-Area D within the Fairfield Local Environmental Plan 2013 Minimum Site Area Map Town Centre Precinct Map Sheet HCL2_020. As such Clause 7.6 stipulates that the floor ratio of a building on a lot that is on land identified within the Area D must not exceed 2.5:1 unless the proposal comply can comply with the following controls:</p> <ul style="list-style-type: none"> a) size of the lot is at least 1,500m², and b) the width of the lot is at least 40m, and 	YES



		<p>c) the depth of the lot is at least 40m.</p> <p>The minimum site area for the subject site is identified as being 8,000m². It is noted that the subject site proposed the consolidation of three lots resulting in a total site area of 9,234m² with a site frontage greater than 40m and a site depth greater than 40m and as such the proposal can develop a building with an FSR greater than 2.5:1- up to 3.5:1 as per the FSR mapping.</p>	
7.7	Fairfield – Height of Buildings	<p>The subject site is identified as being located within Fairfield-Area D within the Fairfield Local Environmental Plan 2013 Minimum Site Area Map Town Centre Precinct Map Sheet HCL2_020. As such Clause 7.7 stipulates that the height of building identified within the Area D must not exceed 26m unless the proposal comply can comply with the following controls:</p> <ul style="list-style-type: none"> a) site are of the building is at least the minimum area shown for the land on the Minimum Site Area Map b) size of the lot is at least 1,500m², and c) the width of the lot is at least 40m, and d) the depth of the lot is at least 40m. <p>The minimum site area for the subject site is identified as being 8,000m². It is noted that the subject site proposed the consolidation of three lots resulting in a total site area of 9,234m² with a site frontage greater than 40m and a site depth greater than 40m and as such the proposal can develop a building with heights greater than 26m- up to the 38m height limit contained on the mapping.</p>	YES



Fairfield Centre Development Control Plan 2013 – Chapter 3: Environmental Management and Constraints

The table below provides detail on the development standards relevant to the current proposal.

Fairfield Centre Development Control Plan 2013 – Chapter 3: Environmental Management and Constraints			
Clause	Controls	Comment	Complies
3.2 Preservation of Trees or Vegetation			
		<p>The subject site is within a well-established commercial area, having historically been used for commercial purposes. This application seeks Council consent for the removal of a few medium to sized trees on site as identified in the attached plans.</p> <p>The proposed landscaping works including the planting of street trees along the site frontage to Court Road, landscaping along the sites northern boundary, along parts of the sites southern boundary, planter boxes on the first floor of units fronting Court Road, planter boxes within various levels and planter boxed capable of accommodating small trees within the communal open space within the first floor will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development.</p> <p>The proposed landscaping and open space areas will provide for a range of passive and active recreational activities, will contribute to a high level of residential amenity on site and is considered appropriate within a commercial context. It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. See Landscape Plan for detail.</p>	
3.5	Flood Risk Assessment	A portion of the subject site has been identified as being affected by flooding. The proposal has been designed to provide for adequate freeboard to mitigate flood impacts.	YES



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3.6	Land Contamination	The site was previously used for commercial purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Not applicable.	N/A
3.8	Acid Sulfate Soils	The subject site is not affected by acid sulfate soils. Not relevant.	N/A
3.11	Erosion and Sediment Control	Appropriate measures will be undertaken during the construction and construction phase of the development application to ensure that all soil materials will be contain on the site. Appropriate erosion and sediment control measures such as the use of sediment fencing will be undertaken to minimise erosion during the demolition and construction phase of the proposal. An Erosion and Sediment Control Plan is attached as part of this application.	YES
3.12	Heritage Items	There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.	N/A

Fairfield Centre Development Control Plan 2013 – Chapter 11: Flood Risk Management

A portion of the site has been identified as being affected by flooding. Appropriate flood mitigation measures are to be incorporated into the development to minimise impact of potential flooding on the proposal and that the development does not detrimentally increase the potential flooding effects on other developments or properties. A flood evacuation strategy can also be prepared to deal with evacuation during flood events and this could form a condition of consent. Development proposes fencing that is appropriate within flood prone land. See the submitted plans and hydraulic report for further detail.

Fairfield Centre Development Control Plan 2013 – Chapter 12: Carparking, Vehicle and Access Management

Site specific carparking controls that apply to the site is located within The Fairfield City Centre Development Control Plan 2013. See table address key controls under The Fairfield City Centre Development Control Plan 2013 for detail. Furthermore a Traffic Report has been prepared and attached to this statement. See Traffic Report for detail.



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Fairfield City Centre Development Control Plan 2013

The table below provides detail on the development standards relevant to the current proposal.

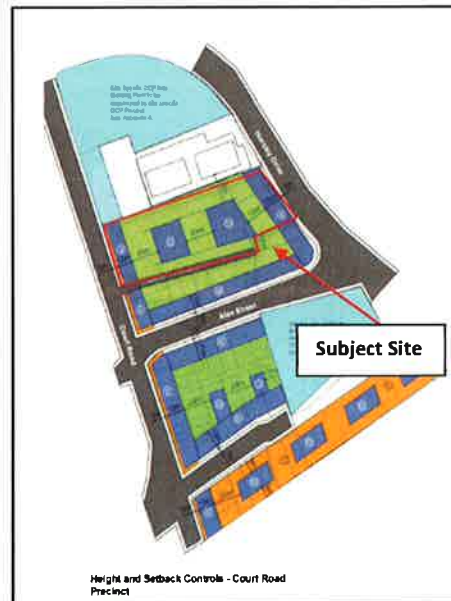
Fairfield City Centre Development Control Plan 2013			
Clause	Controls	Comment	Complies
4. Land Use and Building Envelope Controls			
4.5	Periphery Precincts	<p>Land Uses</p> <p><i>Ground floor:</i> The development proposes retail/commercial tenancy along Court Road to be consistent with Figure 4.1. With floor to ceiling of 4.1m on the ground floor, proposed residential units on the ground floor have the capacity to be converted to commercial use in the future if warranted.</p> <p><i>First floor:</i> With floor to ceiling of 3.1m on the first floor, proposed residential units on the ground floor have the capacity to be converted to commercial use in the future if warranted.</p> <p>Site Coverage <i>Minimum Landscape Area:</i> 50% <i>Minimum Deep Soil Zone:</i> 25%</p> <p>The proposal incorporates 20% deep soil and 28.4% landscaped area, whilst achieving 56% 'unbuilt upon' area across the ground floor and podiums. Given the intention of the control is to regulate site coverage the use of an 'unbuilt upon' area rather than a landscaped area (grass and permeable areas) is considered more appropriate in a B4 zone and when noting that the water table and flooding issues dictate extensive areas of at-grade parking that precludes achievement of 50% landscaping. As the proposal provides for more than 50% unbuilt upon area the proposal is taken to achieve the underlying intent of the control. As the proposal meets the RFDC requirement for 25% of the total of open space area the minor variation to the deep soil control is considered acceptable.</p>	<p>YES</p> <p>Variation</p>



		<p>In addition given the site is zoned B4 mixed using the requirement for such extensive areas of deep soil are not as relevant as a residential area.</p> <p>Building Envelope Site specific building envelope is provided for the site which is providing within Figures 4.7.3. See discussion of Clause 4.5.2 for detail.</p> <p>Height Site specific building height is provided for the site which is providing within Figures 4.7.3. See discussion of Clause 4.5.2 for detail.</p> <p>Setback A 0m primary street frontage is permitted on the ground floor as the site is required to provide commercial/retail frontage and 3m setback above.</p> <p>Proposal provides a 3m setback along its frontage to The Horsley Drive. Complies.</p> <p>The site has dual frontages and as rear frontage setback controls do not apply to the subject site.</p> <p>Proposal provides a 0m side setback to Block A and D and it is within 21m of primary street and Block B and C is provided with a side setback greater than 6m. Complies.</p> <p>Minimum separation between facing buildings</p> <p>It is noted that the proposal has incorporated irregular walls with angled windows to the western walls of Block B and the eastern and western walls of Block C that will not only protect privacy by minimising cross-viewing between buildings but maximum solar gains to the north.</p>	<p>See discussion on Clause 4.5.2</p> <p>YES</p> <p>YES</p> <p>Variation- See SEPP 65 discussion.</p>
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		<p>The proposal provides the following building separation:</p> <ul style="list-style-type: none"> • a building separation of approximately 13.6m between building A and B, • a building separation of approximately 12m between building B and C, • a building separation of approximately 9m between building C and D. It is noted that the service component of Block D including breezeway, stair well and lift cores are located predominantly along the western side of Block D and therefore won't result in cross viewing between Block C and D, thus minimising privacy impacts and the underlying intent of the separation requirements is achieved. <p>Depth The proposed building incorporates a mixed used building with predominantly commercial dominated ground floor, a first floor podium with 4 residential towers above. With all units having depth less than 18m with 79.4% of units achieving 2 hours of solar access at mid-winter and 72.5% of units being naturally cross ventilated.</p> <p>Floor to Ceiling Height Proposal complies with Council's minimum floor to ceiling height requirements.</p> <p>Heritage There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.</p>	<p>YES</p> <p>YES</p> <p>N/A</p>
4.5.2	Periphery – Court Road Sub-Precinct	The subject site is subject to the building heights, massing and setbacks set out in Figures 4.7.3 as illustrated below:	Variation



The subject site has been identified by the DCP to provide an active street frontage at ground level and as such is permitted a 0m front setback to Court Road. The proposal provides a 0m setback to Court Road and then is recessed 3m to comply with front setback control set out by Figure 4.7-3.

Building that is to front Court Road is required to have a minimum depth of 12m and a maximum building height of 8 storeys. Block A has a building depth of approximately 14m and a height of 9 stories and as such does not comply with the provision under Figure 4.7-3. This represents a minor variation to the depth control and remains well below the SEPP 65 maximum of 18m. See further discussion at the end of this table regarding overall height in storeys.

Figure 4.7-3 requires a setback of 24m with a height limit of 12 storeys for the central west building. Block B is setback 32.2m from Court Road and has a maximum building height of 12 storeys. Complies.



		<p>Figures 4.7-2 requires a separation of 24m between the two central towers. The proposal provides a separation of 12m between Block B and Block C, however appropriate design measures including the use of irregular walls have been incorporated to minimise potential privacy impacts between future residents of Block B and C.</p> <p>Figures 4.7-2 requires a separation of 24m between central east building and adjoining property to the north. The proposal has provided a separation of 16.4 from the building line and separation of 14.4m from the balcony to the north. However, the balconies are to be incorporated with moveable louvers to mitigate potential privacy impacts to the north, thus minimising potential privacy amenity to adjoining residential tower to the north. See discussion at end of this table for further detail.</p> <p>Figures 4.7-2 stipulated that the maximum building height permitted for central east building is 12 storeys. Block C has a maximum building height of 12 storeys. Complies.</p> <p>Figures 4.7-2 requires a separation of 18m between building C and building D. The proposal provides a separation of 9m between building C and D. Appropriate design measures including the use of irregular walls with offset windows to minimise potential privacy impacts between future residents of Block C and D. Furthermore, it is noted that the service component of Block D including breezeway, stair well and lift cores are located predominantly along the western side of Block D and therefore won't result in cross viewing between Block C and D, thus minimising privacy impacts and the underlying intent of the separation requirements is achieved.</p>	
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		<p>Figures 4.7-2 stipulated that Building fronting The Horsley Drive is limited to a depth of 15m. Building D had a depth of 15m. Complies.</p> <p>Figures 4.7-2 requires a setback of 3m from the Horsley Drive. Block D is setback 3m from Horsley Drive. Complies.</p> <p>Figures 4.7-2 stipulated that the maximum building height permitted for building fronting The Horsley Drive is 8 storeys. Block D has a maximum building height of 9 storeys. See discussion at the end of this table for further detail.</p>	
5. Design Controls			
5.1.1	Private and Communal Open Space	<p>(a) Dwelling less than or equal to 85m² have been allocated private open space with a minimum area of 10m² with a minimum horizontal dimension of 2m and dwellings greater than 85m² have been allocated a minimum area of 15m² with a minimum horizontal dimension of 2.4m. Complies.</p> <p>(b) Noted</p> <p>(c) Where appropriate, the depth of all primary balconies are limited to 4m to ensure sunlight penetration into all dwellings.</p> <p>(d) Balconies are recessed and partially enclosed where impacted by noise sources.</p> <p>(e) Balconies have been designed and oriented to take advantage of views, solar access and to minimise overlooking of adjoining dwellings within the subject site. Furthermore, balconies are oriented to the sites dual frontages to maximise opportunities for passive surveillance.</p> <p>(f) Where appropriate, screened drying cupboard area is to be provided as part of the balcony. It</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>



		<p>is also noted that balconies, especially balconies fronting the sites dual frontages are designed a mix of materials.</p> <p>(g) Appropriate mechanism to reduce noise impacts from the Horsley Drive including XX is incorporated into the design of the proposal. See attached Acoustic Report for detail.</p> <p>(h) Water and gas outlets are provided to primary balconies and this can be conditioned.</p>	<p>YES</p> <p>YES</p>
5.1.2	Communal Open Space	<p>(a) DCP requires 30% of the site area as communal open space. The proposal provides a total of 49.3% or 4,552m² of communal open space on-site, with 25.5% or 2,380m² of communal open space including soft landscaping on the ground floor and 23.3% or 2,154m² of communal open space on the podium level, and as such complies with Council communal open space requirements.</p> <p>(b) The communal open space has been provided with a principal courtyard with a minimum area of 100m², is rectangular in shape with dimension less than 8m. The principal courtyard has a northerly orientation and receive more than 3 hours of direct sunlight between 9am and 3pm on 21 June available to 50% of the courtyard.</p> <p>(c) The proposed communal open space has been designed to achieve the following:</p> <ul style="list-style-type: none"> - to provide a landscape buffer to adjoining property to the north and to the south and provides buffer between Building A and Building B and between Building C and Building D on the ground floor and between Building B and Building C on the First floor. - has been designed to meet 	<p>YES</p> <p>YES</p> <p>YES</p>



		<p>the passive and active recreational needs of future residents.</p> <ul style="list-style-type: none"> - Units have been oriented to provide passive surveillance of both the ground floor and 1st floor communal open space. - The design and location of proposed vegetation does not limit sunlight penetration into dwellings. <p>(d) The proposal is to remove existing trees in-order to accommodate the proposed mixed use development. However it is noted that the proposal is to provide landscape embellishment works including the planting of trees along the sites northern and southern boundary and within the 1st floor podium level in the form of planter boxes.</p> <p>(e) See attached landscape plan for detail.</p>	<p>YES</p> <p>YES</p>
5.1.3	Landscape Design	<p>The subject site is within a well-established commercial area, having historically been used for commercial purposes. This application seeks Council consent for the removal of a few medium to sized trees on site as identified in the attached plans.</p> <p>The proposed landscaping works including the planting of street trees along the site frontage to Court Road, landscaping along the sites northern boundary, along parts of the sites southern boundary, planter boxes on the first floor of units fronting Court Road and planter boxes capable of accommodating small trees within the communal open space within the first floor will positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development.</p>	YES



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		<p>The proposed landscaping and open space areas will provide for a range of passive and active recreational activities, will contribute to a high level of residential amenity on site and is considered appropriate within a commercial context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. See Landscape Plan for detail.</p>	
5.1.4	Fencing and Walls	<p>The development proposes a podium building form and as such the buildings within the site contribute towards defining the property boundaries at ground level.</p> <p>Proposed fencing on the podium level is compliant with Council controls. See attached plans for detail.</p>	YES
5.2 Site Access, Parking and Servicing			
5.2.1	Access for All	<p>The proposal is consistent with the disability design criteria contained within the relevant Australian Standard and BCA. It is noted that direct and unimpeded access to the site is provided from both frontages, with a platform lift proposed to be installed within the pedestrian entrance via The Horsley Drive frontage.</p> <p>Lift core provides access to all levels of the proposed mixed use development including the two basement levels from the ground floor and as such the proposal provides appropriate access to, from and within the site for those with disability. See site plans for detail.</p> <p>The proposal also provides a total of 20 disable car parking spaces within the two basement levels.</p>	YES