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5.2.2	Pedestrian Links/Arcades	Does not apply to the subject site. Not applicable.	N/A
5.2.3	Bicycle Facilities	<p>DCP requires developments involving residential units to provide bicycle parking racks that can accommodate 1 bicycle space for every 3 residential units.</p> <p>The development proposes a total of 305 residential units and as such is required to provide 100 bicycle parking spaces on-site. It is noted that the proposal provides bicycle parking space on the ground floor and a bicycle change room that can accommodate 104 bicycles.</p>	
5.2.4	Street Network and Vehicular Access	<p>Driveway access has been designed in accordance with relevant Australian Standards.</p> <p>It is noted that the site currently provides vehicular access to both of its frontages. The development proposes to extend a future planned road eastwards along the sites southern boundary, and as such provide vehicular access to the basement level form the future laneway. Furthermore, the proposal will also limit vehicular access to the site to one point along the sites boundary.</p>	YES
5.2.5	<p>On-site Parking</p> <p><u>Commercial:</u></p> <p>1 space per 40m² of gross leasable area</p>	<p>As per the DCP, 1 car parking space must be provided per 40m² of gross leasable area. The development proposes 730m² of commercial floor space and as such, 18.25 car parking spaces is be provided on site. The development provides 9 commercial car parking space at grade and as such does not comply with the control. Given the ability for shared use of resident visitor and commercial spaces the minor variation is considered acceptable. See traffic report for further detail.</p>	Minor Variation to Retail



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	<p><u>Residential:</u></p> <p>1 car parking space per 1 and 2 bedroom dwelling (less than 110m²)</p> <p>1.5 car space per 3 or more bedroom dwellings (greater than 110m²)</p> <p>0.25 visitor car space per dwellings</p>	<p>The development proposes the construction of an 8-12 storey mixed use building with the following unit mix:</p> <ul style="list-style-type: none"> • 225 x 1 & 2 bedroom apartments (225 spaces); • 80 x 3 bedroom apartments (119 spaces); and • Visitor (76.25) <p>Total: 420.25 spaces.</p> <p>The development proposes the provision of 429 car parking spaces within two basement levels and at-grade and a such represents a numerical shortfall of 10.75 (11) car parking spaces, however due consideration must be given to the dual use operation of the site, whereby residential visitor and commercial / retail customer parking can be shared given that they have offset peak usage times. The residential car parking requirements have been met, whistle provision of 10 staff spaces for retail staff has been provided (a rate of 2 per tenancy). See attached Traffic Report for detail.</p> <p>The proposal also provides a total of 20 accessible car parking spaces, including 18 accessible parking spaces and as such the proposal is consistent with Council car parking controls. See attached Traffic Report for detail.</p> <p>The car parking access, including ramp for the basement levels and at-grade parking area is via future planned laneway along the sites south eastern boundary. See plans for detail.</p> <p>The at-grade car parking area is setback greater than 10m from the sites primary street frontage to Court Road.</p>	
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		<p>It is noted that the proposed building and planned landscape embellishment works along the sites northern and southern boundaries will provide adequate buffer and screening from street-level.</p> <p>Car parking areas within the basement level and at-grade have been designed to permit suitable pedestrian pathways. See attached traffic report for detail.</p> <p>Adaptable dwelling are allocated car parking spaces with dimension equivalent to a disable parking space. See attached site plans for detail</p>	
5.2.6	Site Servicing	<p>Controls – Periphery Area</p> <p>(c) Garbage storage area is incorporated into the proposed mixed use building and as such is not visually from street level. YES</p> <p>(d) Proposal provides a retail/commercial garbage storage area and a shared service area on the ground floor. Complies. YES</p> <p>(e) Access for service vehicles is provided from the proposed laneway along the site's south eastern boundary. YES</p> <p>(f) A Waste Management Plan has been prepared and attached to this statement. See Waste Management Plan for detail. YES</p> <p>(g) Where appropriate, ventilation stacks are to be incorporated into the proposal YES</p> <p>(h) Individual laundries are provided for every unit. Noted. YES</p> <p>(i) Service closets, fire hose cupboards, electricity base station and other relevant servicing arrangements or system are not visible from Court Road. YES</p> <p>(j) The loading/unloading area is designed to accommodate a medium rigid truck that can enter YES</p>	



		and leave the site in a forward direction. (k) Noted.	YES
5.3 Environmental Management			
5.3.1	Solar Access, Overshadowing and Natural Daylight	<p>The proposal has been designed to reduce the potential for overshadowing of neighbouring properties. It is considered that appropriate solar access is to be provided on site and for neighbouring properties to the south and this is supported by shadow diagrams.</p> <p>The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings. The proposal satisfies the provisions of SEPP 65 – Design Quality of Residential Flat Development in that all 75.17% units are cross ventilated and at least 79.4% of units achieve more than 2 hours of solar access at mid-winter.</p> <p>The shadow diagrams demonstrate that adjoining allotments retain reasonable solar access, noting that surrounding dwellings are to be redeveloped for a comparable 8-12 storey mixed use developments and therefore the transient impact on that dwelling is considered acceptable. The proposal does not prejudice future redevelopment of surrounding properties from achieving appropriate solar access</p>	YES
5.3.2	Energy Conservation	<p>The proposed development incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.</p> <p>A complying BASIX Report is attached as part of this application. See BASIX Report for detail.</p>	YES
5.3.3	Water Conservation	The application has been provided with a BASIX certificate indicating	YES



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		energy efficiency for each residential unit provided.	
5.3.4	Natural Ventilation	The proposal adopts a design that supports natural ventilation, noting 72.5% of units are naturally cross ventilated.	YES
5.3.5	Stormwater Management	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>The proposal incorporates appropriate landscaping and deep soil zones within a commercial context that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.</p> <p>It is noted that a portion of the site is affected by flooding and as such a flooding report is attached to this statement. See flooding report for detail.</p>	YES
5.3.6	Material Selection	All materials are appropriate and have been selected to increase energy efficiency and reduce the consumption of natural resources.	YES
5.3.7	Visual Privacy, Acoustic and Vibration Amenity, and Stray Current from Rail Operations	<p>Visual Amenity</p> <p>Building separation within the site has been discussed in detail previously in this statement. See Clause 4.5 within this table for detail.</p> <p>It is noted that the proposal has incorporated appropriate orientation of units and screening methods into the design of the proposal including</p>	YES



		<p>irregular walls, blank walls, moveable louvers and highlighted windows and adequate building separation to ensure appropriate screening is provided between balconies and units to protect the privacy of future residents.</p> <p>Appropriate lighting is provided to the residential lobby areas and to all residential and commercial/residential tenancies.</p> <p>Acoustic and Vibration Amenity Appropriate noise attenuation measures have been incorporated into the proposed development. See attached Acoustic Report for detail.</p> <p>Stray Currents from Rail Operations Not applicable.</p>	<p>YES</p> <p>N/A</p>
5.3.8	Waste Management	<p>A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Furthermore, the proposal has provided separate waste storage area for the commercial and residential component of the proposal.</p> <p>Proposal has provided appropriate sizes for waste storage areas and has provided waste storage areas that is not only convenient and safe to residents and tenants but also accessible to waste collection trucks. See attached Waste Management Plan for detail.</p>	YES
5.4 Building Design			
5.4.1	Architectural Character	<p>It is considered that the proposal positively contributes to the public domain by providing an attractive well-designed building that will add to the built form character within The Fairfield Town Centre and is consistent with the objectives of the B4 Mixed Use zoning whilst enhancing the existing underutilised allotment.</p>	YES



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		<p>The design of the proposal and proposed commercial/retail tenancies along the sites frontage to Court Road will provide opportunities for casual surveillance, especially to the dead space along the car park entrance to opposite shopping centre. The proposed facades of the commercial/retail tenancies are to be predominantly glazed to comply with requirements of the DCP.</p> <p>The proposal also proposed facades that are well articulated with a mixture of vertical and horizontal features to avoid monotone single plane façade.</p> <p>The proposal will incorporate appropriate finishes, fencing and landscaping that will positively contribute to public domain areas and the visual appreciation of the development. See attached architectural and landscape plans for detail.</p>	
5.4.2	Awnings	<p>The development proposes awning along its frontage to Court Road.</p> <p>Awnings have been designed to match the proposed building frontage and is to cover the footpath were appropriate.</p> <p>The awnings are to be consistent with awnings within the town centre and designed to cantilevered from Building A with a minimum height of 3.3m.</p> <p>Lighting is to be provided under awnings and is to comply with the relevant BCA requirements.</p> <p>An Awning Maintenance Plan has been prepared and attached to this statement.</p>	YES
5.4.3	Active Street Frontages	<p>The subject site has been identified by Figure 4.1 to provide an active street</p>	YES



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		<p>frontage on the ground floor along Court Road.</p> <p>The proposal provides commercial/ retail tenancies along its frontage to Court Road and as such contributes towards not only activating the street frontage but contributing towards supporting and enhancing the commercial viability of Fairfield Town Centre.</p> <p>Glazing for the ground floor commercial / retail tenancies are to be maximised with direct access provided to the tenancies via Court Road.</p> <p>Furthermore, the ground floor commercial / retail tenancies in-combination with units oriented towards Court Road will contribute towards passive surveillance of the dead space associated with the car park entrance to the shopping centre premises situated opposite the subject site.</p>	
5.4.4	Entrances	<p>(a) Separate street address for commercial / retail uses from residential uses is provided.</p> <p>(b) The residential component of the proposal via Court Road recessed, thus ensuring that the building entries are clearly defined through to ensure visitors/future residents gain access to the subject site.</p> <p>(c) Building entries are clearly defined and are to be well lighted.</p> <p>(d) Noted</p> <p>(e) The development incorporates a service area within the waste storage area that has direct access to future laneway along the sites south eastern boundary. Suitable path to and from the service area is provided. See attached plans for detail.</p> <p>(f) Ground floor units are provided with direct separate entrance from the street. See attached plans for detail.</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>



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		<p>(g) Dual residential entries of the mix use building is provided for pedestrians with multiple entrances for the commercial/retail tenancies. See plans for detail. The entrance are to be easily recognisable with the use of design features and directional signage.</p> <p>(h) With the subject site comprising of a podium level and four residential towers with multiple entries, sufficient entry points are provided through the site. See attached plans for detail.</p> <p>(i) Complies.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
5.4.5	Materials and Finishes	<p>The development represents a modern mixed use building that addresses its two frontages with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, planter boxes and louvers. The external finishes adopt a variety of paint, rendered and textured/patterned concrete, brick and rail balustrades and timber panels.</p> <p>The proposed balconies represent an extension of internal living areas and the development provides an interface with the public domain in a visually prominent location. Materials and finishes used are consistent with that existing in the area while being contemporary in character.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building. See attached plans for detail.</p>	YES
5.4.6	Residential Unit Mix, Area and Room Size	The development proposal provides for a mix of dwellings, with percentage breakdowns generally consistent with the DCP. The DCP provides the following suggestions in regard to	Variation



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		<p>minimum mix of apartments –</p> <p>1 bedroom 10% 2 bedroom 20% 1 bedroom 20%</p> <p>The proposal complies with the following mix:</p> <p>Studio/1 bedroom: 96 (31%) 2 bedroom: 129 (42%) 3 bedroom: 80 (25%)</p> <p>It is noted that development is consistent with the minimum proportion of total units stipulated under the DCP.</p> <p>The proposal will provide a variety of unit sizes and types to provide a diversity of choice and pricing points to increase affordability as well as the sustainable local housing stock within Fairfield Town Centre.</p> <p>DCP requires development with 11 + dwelling with 5% or 15.3 of total dwelling as adaptable units. The proposal has provided 21 adaptable units. Complies.</p> <p>Where appropriate adaptable units are provided on the ground floor and it is noted that adaptable units are consistent with AS 1428 Parts 1, 2 and 4, and AS 4299 Adaptable Housing.</p>	YES
5.4.7	Storage	Proposal provides a minimum of 8m ³ - 12m ³ of storage space per unit.	YES
5.4.8	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of both Court Road and The Horsley Drive, planned laneway along the sites south eastern boundary, as well as common open space areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will</p>	YES



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		<p>contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
5.4.9	Signage	<p>No signage is proposed with this DA. Signage associated with the ground floor commercial / retail tenancies will be sought in a future DA. Not applicable.</p>	N/A

Height in Storeys to Court Road and Horsley Drive

Under Fairfield DCP, the subject site is identified as being located within the Court Road Sub-Precinct, with Figure 4.7.3 setting the building height, massing and setbacks for future development within the sub-precinct, as illustrated below.

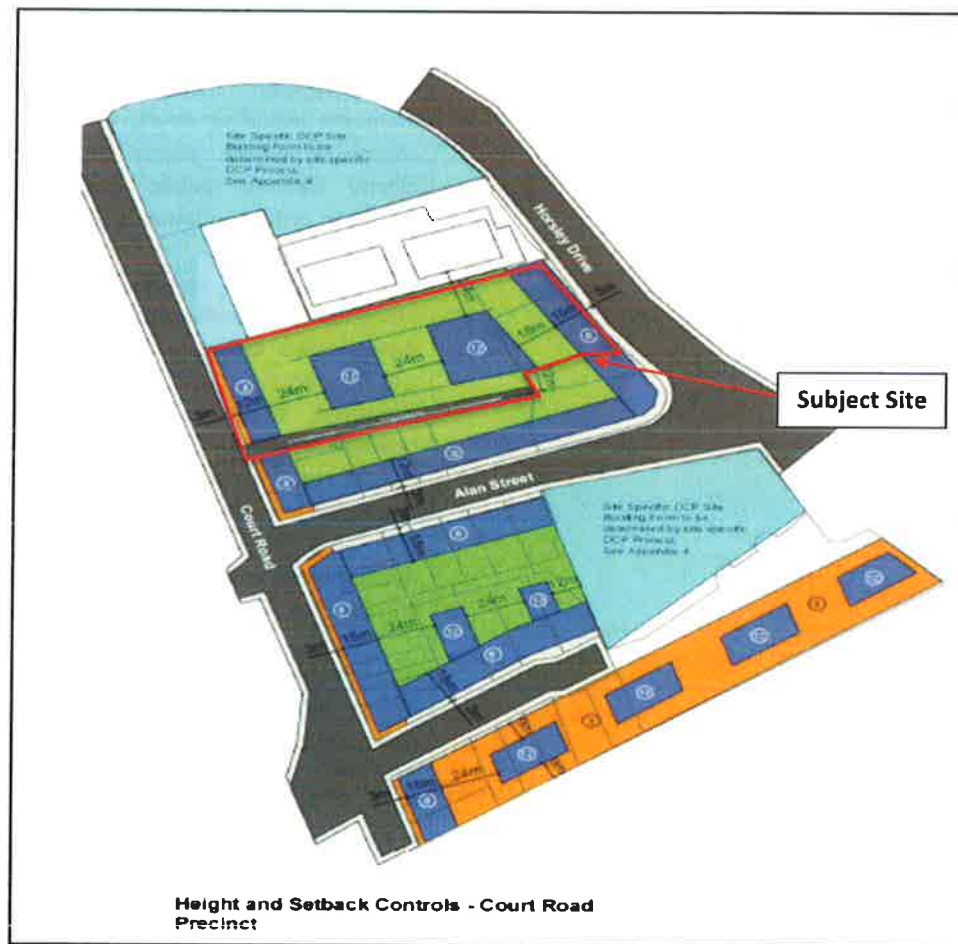


Figure 4.7.3 illustrated future building height and envelope within the Court Road Precinct, with the subject site identified to provide an 8 storey building fronting Court Road, 2 x 12 storey towers and an 8 storey building fronting The Horsley Drive. It is noted that the development proposes a 9 storey building fronting Court Road, 2 x 12 storey towers in the centre of the site and a 9 storey building fronting Court Road. The non-compliance to building height along the sites dual frontages is considered appropriate in regards to the context of the site that is located within an established town centre. It is noted that the site does not bounding residential zoned land and as such there is no need for a transition down to a residential scale. As such the site represent a unique opportunity to undertake higher densities and building form that is appropriate and consistent with the mixed use development that has been undertaking within Fairfield Town Centre. It is also noted that the bulk and scale of the development is considered appropriate as it complies with the prescribed FSR and maximum height control under the Fairfield Local Environmental Plan 2013.

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Appropriate privacy measures have been undertaken to minimise potential privacy impacts to adjoin properties with adjoining property to the south able to receive adequate solar access at mid-winter. Furthermore, the visual differentiation between 8 and 9 storeys within a built up urban area is non-negligible as illustrated by photomontages of the proposed development below. This is reflected in the photomontages below:



Based on the above the additional storey at the two (2) street frontages is considered acceptable.



Internal Building Separation & Overshadowing

Figure 4.7.3 also provides building separation controls within the Court Road sub-precinct, and the table previously found in this statement provides detail on these as well as a summary table below - noting justification on the internal separation is provided previously- with the proposal providing for alternative design measures to mitigate the cross-viewing impacts.

The key determinant on whether the reduced separation is appropriate is driven by two (2) key questions:

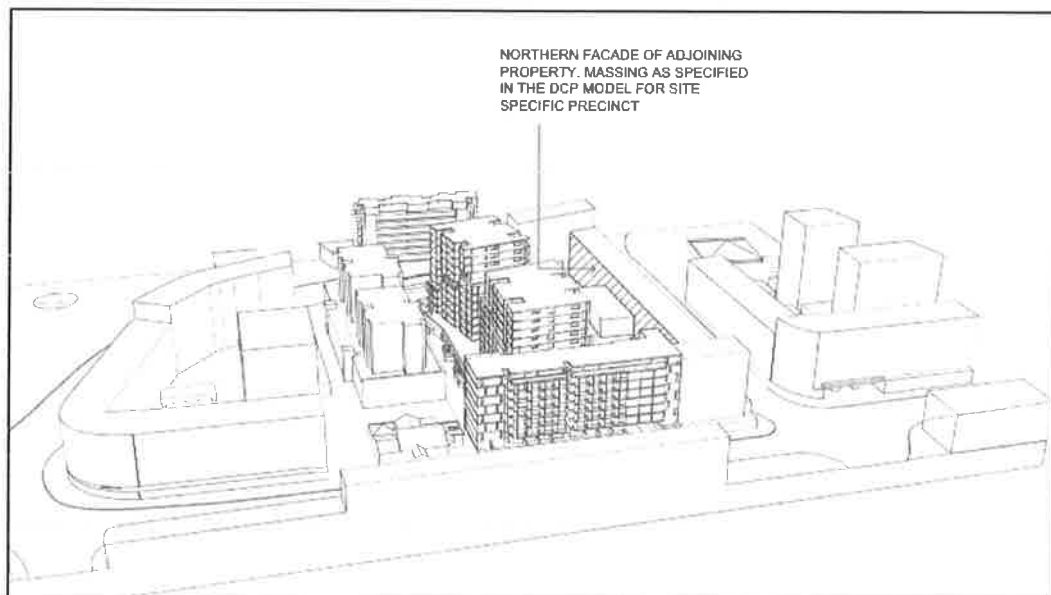
1. Is the scale of development appropriate for the site; and
2. Does the reduced separation impact on the amenity of adjoining properties to a point where the reduced separation does not have planning merit.

The first key question is answered in the affirmative as:

- The proposal complies with the FSR control- noting the 3:1 control vs the 3.5:1 permitted FSR;
- The proposal complies with the building height control;
- The proposal meets the parking and key SEPP 65 requirements;

The second question is governed by the amount of solar access to the adjoining properties to the south- as the privacy impacts are mitigated by virtue of the building separation and future laneway.

Modelling of a theoretical building façade has been undertaken by Bureau SRH that has found that 77% of the northern façade (in terms of m^2). Therefore there is scope for that adjoining development to achieve SEPP 65 compliance in terms of 70% of units receiving 2 hours solar access.





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Therefore the reduced separation is considered to be appropriate noting that the DCP contains a mismatch between the permitted FSR and building height and the separation requirements. Given the proposal is of an appropriate scale and does not unreasonably impact on the amenity of the adjoining development the reduced separation is an appropriate Urban Design outcome on the site.

Prescribed Control	Comment	Complies
3m setback to Court Road	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.	Yes
15m depth for Block A	Block A, which fronts Court Road is required to have a minimum depth of 12m. Block A has a building depth of approximately 14m and as such does not comply with the provision under Figure 4.7-3. The proposal meets the RFDC and the variation is considered appropriate.	Variation
24m separation between Block A and Block B	Development provides a building separation of 13.2m between Block A and Block B.	Variation
24m separation between Block B and Block C	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.	Variation
24m separation between Block C and existing residential tower 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.	Variation
12m separation between Block C and adjoining property to the south	Development provides separation greater than 12m between Block C and adjoining property to the south.	YES



18m separation between Block C and Block D	The proposal provides a separation of 8.5m for the first 4 storeys, a separation of 13m from the 5-8 storeys and then a separation of 18m from the 9 th storey 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.	Variation
3m setback to The Horsley Drive	Block D is setback 3m from Horsley Drive.	YES

Conclusion

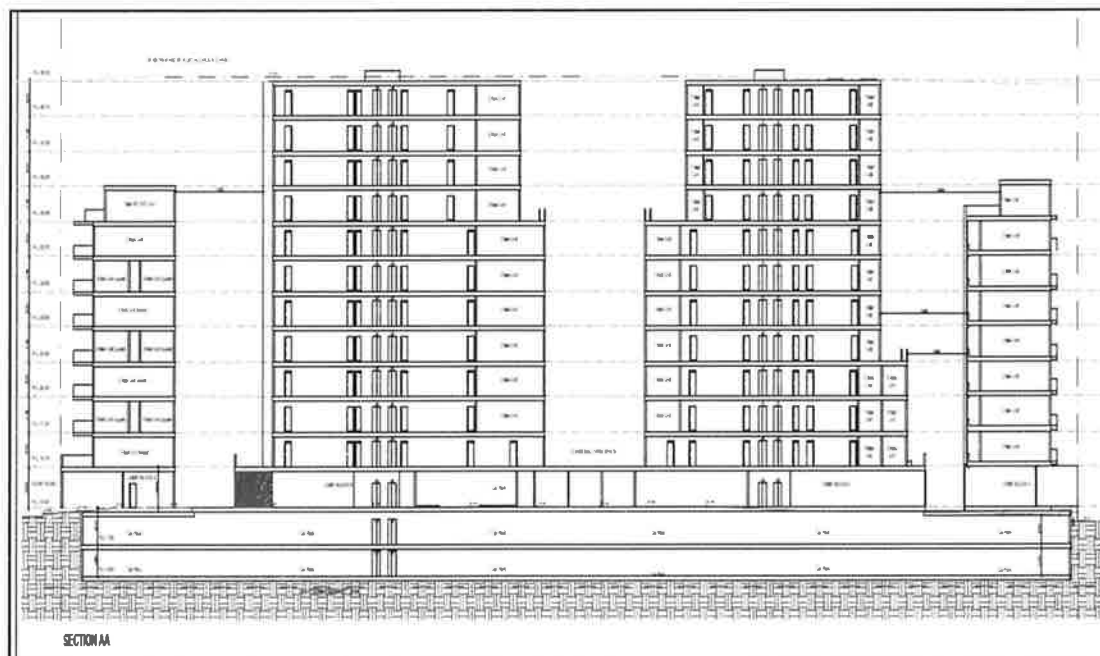
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Annexure 1: 4.6 Variation Request: Height of Buildings

The proposal is non-compliant with Clause 4.3 – Height of Buildings which stipulates that the height of a building is not to exceed 38m on the subject site. It is noted that the proposal is predominantly compliant with the maximum building height however a small portion of the proposal (comprising the lift over run/services) exceeds the maximum building height requirement and as such does not comply with Clause 4.3. The extent of variation equates to 1.5m, or a 4% variation to the control.



Extract - Section A-A

The design of the building ensures that the habitable floor space is contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response. In this case the variation stems from the provision of the associated lift overrun.

The lift overrun is to be recessed from view at street level and is to be of a high quality finish, with attributing architectural merits. Therefore, the non-compliance with the maximum height control is considered appropriate as the development will provide a building with high quality architectural design that adequately addresses its prominent location, is consistent with the FSR control which directly correlates if the height and scale of a development is appropriate to the site's context and won't result in any additional amenity impacts to adjoining properties.

Clause 4.6 of the Fairfield Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:



- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Each of these provisions is addressed individually below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the building height development standard are stated as:

- (1) The objectives of this clause are as follows:*
 - (a) to establish the maximum height for buildings,*
 - (b) to ensure that the height of buildings complement the streetscape and character of the area in which the building are located,*



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(c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to exiting development.

The current development proposal is predominantly consistent with the building height with the exception of the lift over-run and the proposal remains consistent with the objectives based on the following:

- The development proposal is consistent with the intent of the maximum height control with the mixed use building contained below the maximum building height with the non-compliance contained to portion of the lift over-run, meaning that the overall bulk and scale of the development is consistent with the intent of the height control;
- The overall height of the development presents as a compatible form of development with the lift shaft recessed back to downplay visual dominance as viewed from the public domain and adjoining properties;
- The proposal has been designed to ensure that privacy impacts are mitigated and that the proposal will not obstruct existing view corridors with appropriate privacy mitigation measures such the use of blank built to boundary walls moveable louvers and highlighted windows have been incorporated into the design of the proposal;
- Detailed shadow analysis demonstrates that the property to the south will retain 2 hours of direct sunlight to 77% of the hypothetical façade which means that a mixed use development can be designed to comply with the 70% of units receiving 2 hours of solar access. The lift overrun also has no increase in overshadowing as the life is recessed and does not cast additional shadow;
- The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR control that demonstrates an appropriate density.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition the proposal is consistent with the objectives of the B4 Zone, being:



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- *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 proposal ensures that the mixed use nature of the zone is retained with the proposal an attractive building that adequately address its two frontages whilst providing a prominent building that will contribute towards the renewal of the Court Road Precinct whilst supporting the retail and commercial viability of the core precincts. The proposal will also contribute towards activating the streetscape with ground floor retail tenancy and also contribute towards significantly increasing residential stock within an established town centre.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality and based on the unique site attributes.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is earmarked for future mixed use land uses. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.



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The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development.

