

Proposal: Demolition of existing structures, construction of an 8-storey mixed use development comprising commercial uses and a publicly accessible plaza at ground level, 280 residential units across 3 x 8-storey residential towers including communal open space at the podium level and 3 levels of basement carparking for 476 car spaces.

Location: Lot 121, DP 1017634, No. 366 The Horsley Drive, Fairfield

Owner: Aldi Foods Pty Ltd

Proponent: Merhis Fairfield Pty Ltd

Capital Investment Value: \$69,198,000

File No: DA 676.1/2016

Author: Sunnee Cullen, Manager Development Planning
Fairfield City Council

RECOMMENDATION

1. The variation proposed under Clause 4.6 (Exceptions to Development Standards) of Fairfield Local Environmental Plan 2013, as shown below, be supported;
 - i. Clause 4.6 variation request prepared in relation to the “Height of Buildings” standard in Clause 4.3 of Fairfield Local Environmental Plan (LEP) 2013.
2. That Development Application No. 676.1/2016 proposing the demolition of existing structures and construction of a mixed use development comprising 3 x 8-storey residential towers, commercial uses, publicly accessible plaza, first floor podium communal open space and 3 levels of basement carparking be approved subject to the conditions outlined in Attachment Q of this report.

SUPPORTING DOCUMENTS

AT-A	Architectural Plans	48 Pages
AT-B	Stormwater Drainage plans	6 Pages
AT-C	Landscape Plans	6 Pages
AT-D	Statement of Environmental Effects	42 Pages
AT-E	Clause 4.6 Exception to Development Standard – Building Height	13 Pages
AT-F	SEPP 65 Design Verification Report	17 Pages
AT-G	Urban Design Report	28 Pages
AT-H	Stage 2 Flood Impact Assessment Report	74 Pages
AT-I	Traffic and Parking Assessment Report	81 Pages
AT-J	Preliminary Site Investigation Report	82 Pages
AT-K	Geotechnical Assessment Report	13 Pages
AT-L	Acoustic Report	28 Pages

AT-M	Demolition, Construction and Operational Waste Management Plan	32 Pages
AT-N	Crime Prevention through Environmental Design Report	28 Pages
AT-O	Compliance Table: Fairfield City Centre Development Control Plan (DCP)	40 Pages
AT-P	Letters of objection	6 Pages
AT-Q	Draft conditions of consent	TBA

EXECUTIVE SUMMARY

The application proposes the demolition of existing structures, construction of an 8-storey mixed use development comprising commercial uses and a publicly accessible plaza at ground level, 280 residential units across 3 x 8 storey residential towers including communal open space at the first floor podium level and 3 levels of basement carparking for 476 car spaces.

Pursuant to Schedule 4A of the Environmental Planning & Assessment Act 1979 the proposal has been referred to the Sydney South-West Planning Panel because the proposed development has a capital investment value of more than \$20 million.

The site is zoned 'B4 – mixed use' pursuant to Fairfield Local Environmental Plan (LEP) 2013 and the proposal is permitted in the zone.

The site is an irregular shaped lot totalling 8,211sqm in area with a frontage to The Horsley Drive of 170 metres and 60 metres to Court Road. On the opposite side of Court Road is a large shopping centre (Neeta City), adjoining the site to the south is a McDonalds store and to the south-east is a 7 and 8-storey residential tower development. The site is located 450 metres from Fairfield Railway Station and the Fairfield Bus interchange.

The development proposes an overall building height of 27.68m for building A, 27.82m for building B, and 28.07m for building C. The development exceeds the maximum building height of between 680mm to 1007m. The applicant has submitted a request for a variation to the building height pursuant to Clause 4.6 (Exceptions to Development Standards) of Fairfield LEP 2013. The request for the variation to the building height is supported for the reasons stated in the body of this planning report.

The application was notified on 2 occasions in accordance with Council's Notifications Policy. Five submissions were received. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

The application was referred to Council's internal departments as well as the RMS and no concerns have been raised subject to conditions of consent.

It is considered that the development is generally consistent with the Quality Design Principles set out in SEPP No. 65 including the Apartment Design Guidelines. Where these standards have not been met, further consideration has been undertaken regarding these standards and where required, conditions have been imposed.

The site is located within the periphery of the Fairfield Town Centre and is located within a prominent gateway position. Accordingly, it is considered that the amended design will provide a development that will activate this space and positively contribute and strengthen the character of the town centre.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, SEPP No. 65 Design Quality of Residential Flat Development and Fairfield Local Environmental Plan 2013.

Based on the above and in view of the amendments undertaken with the design and layout of the development, it is considered that the proposal appropriately responds to its urban development context and achieves compliance with the quality design principles of SEPP No. 65.

The development will positively contribute to the character of the area without unacceptable impact upon the amenity of the adjoining properties. Accordingly, the proposed development is considered acceptable and is therefore recommended for approval subject to conditions as outlined in Attachment Q of this report.

SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 121 DP 1017634, No. 366 The Horsley Drive Fairfield. The site is positioned prominently at the gateway into the Fairfield City Centre from The Horsley Drive.

The subject site is an irregular shaped lot totalling 8,211sqm in area with a wide curved frontage to The Horsley Drive of 170 metres and 60 metres to Court Road.

The site has a gentle fall from west (Court Rd) to east (The Horsley Drive) with an average gradient of less than 1%.

The site presently contains a large single storey building positioned along the southern boundary and was previously occupied by an Aldi supermarket. The remainder of the site contains an open at-grade carpark providing 102 carparking spaces with pockets of landscaping throughout. Vehicular access to the car parking area is provided via an entry/exit driveway located at the southern end of the Court Road site frontage as well as an entry/exit driveway located towards the eastern end of an existing shared right-of-carriageway at the rear of the site, off The Horsley Drive.

The ROW also provides a vehicular through-link (entry-only) from The Horsley Drive to McDonalds as well as providing vehicular access to the existing mixed use development located on the southern side of the ROW at No.360-364 The Horsley Drive, opposite the site.

Loading/servicing for the existing Aldi supermarket was undertaken by a variety of commercial vehicles up to and including 17m long articulated semi-trailers. A loading dock is located on the western side of the building with direct internal access. Vehicular access to the loading dock is provided via the abovementioned entry/exit driveway located off the ROW from The Horsley Drive.

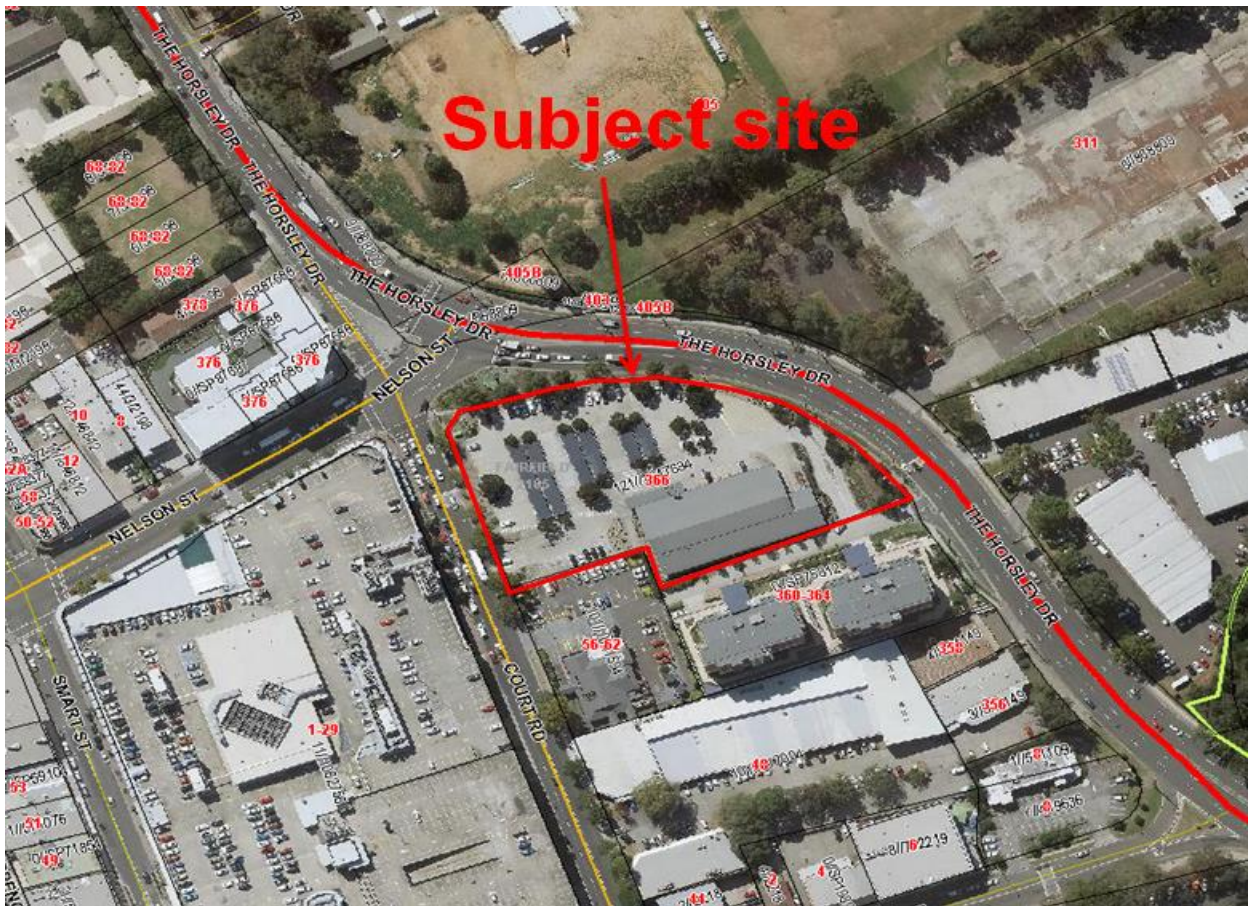


Figure 1 Aerial photograph of the subject land and surrounds

Immediately north of the site is The Horsley Drive. On the opposite side of The Horsley Drive is vacant land (311 The Horsley Drive) and Fairfield Public High School.

To the west and on the opposite side of Court Road is a large shopping centre (Neeta City) and diagonally opposite the site and located on the corner of Nelson Street and The Horsley Drive is an 8-storey mixed use development.

Directly adjoining the site to the south is a McDonalds store containing a single storey building and at grade carpark with an overall site area of 2789sqm.

Directly adjoining the site to the south-east are 2 residential towers comprising of a 7 and 8-storey building over a 2 level carpark podium. The residential towers are setback about 20 metres from the subject site's southern boundary.

Prospect Creek is located about 150 metres from the subject site on the opposite side of The Horsley Drive to the east. The site is affected by mainstream flooding and overland flow.

The site is not affected by any road widening proposals.

There is an electrical substation located at the corner of The Horsley Drive and Court Road. The substation is now proposed to be relocated and housed behind the proposed supermarket tenancy at the south eastern end of the site.

A Sydney Water sewer main runs through the site as well as disused sewer mains. The sewer main will be diverted through the site as part of the proposed development.

The site is about 450 metres from Fairfield Railway Station and the Fairfield Bus interchange.

BACKGROUND

The site until recently was occupied by an Aldi Supermarket store containing a single level building and at grade carpark with vehicular access from both The Horsley Drive (via a right of carriageway) and Court Road. Council granted approval for the construction of an Aldi supermarket store in 2001. In addition, an operative consent was issued in 2005 for a new vehicular access from The Horsley Drive once evidence had been provided that a right of carriageway had been created allowing access to the subject site over the adjoining land. Aldi has since ceased use of the premises and the site is presently unoccupied.

Prior to the lodgement of the application, the applicant undertook preliminary discussions with Council as well as a formal pre-lodgement meeting regarding the redevelopment of the site.

The Fairfield Town Centre Development Control Plan (DCP) identifies the site as being located within the periphery precinct (Clause 4.5) and is identified as a Site Specific DCP site. Under the Court Road sub-precinct plan, the site is to be developed in conjunction with the adjoining McDonalds site to the south.

As the applicant has not been able to secure the adjoining site and notwithstanding the intentions of the DCP, the applicant has instead undertaken an independent urban design analysis prepared by JBA Architectural Services as a separate process to the design architect for the proposal. Council engaged the services of Steve Kennedy from Kennedy and Associates to peer review the urban design study.

Prior to the lodgement of the application, discussions took place between the urban designers initially to set the framework for analysis and subsequently feedback was provided with an emphasis for a high quality urban design led approach within the existing planning controls applicable to the site.

Further feedback was provided through Council's formal pre-lodgement process. Subsequently an application has been lodged for the re-development of the site and is the subject of this report.

As part of the process, a briefing was undertaken with the Sydney South West Planning where a number of issues were raised requiring further consideration in the assessment of the application. Accordingly, this report addresses these matters in further detail.

PROPOSAL

The application proposes the demolition of existing structures, construction of an 8-storey mixed-use development with retail uses and a publicly accessible plaza at ground level, 280 residential units across 3 x 8-storey residential towers including a communal open space at the first floor podium level and 3 levels of basement carparking for 476 car spaces.

The development consists of the following elements;

- Demolition of the existing single storey supermarket building including all other structures on site;

Basement levels

- Construction of 3 levels of basement carparking providing 476 carparking spaces, 19 motorcycle spaces and 121 bicycle spaces;
 - Basement 1
 - Comprises of 34 residential visitor parking spaces, 89 retail/commercial spaces, 2 loading/unloading bays for vans, 13 motorcycle parking spaces and 14 commercial bicycle parking spaces.
 - Two (2) shop lifts and an escalator provide access to the ground floor retail/commercial space and a goods lift is located in close proximity to the loading/unloading area.
 - The majority of basement level 1 comprises non-residential parking including a number of tandem spaces which will be allocated to staff of the same tenancy. These tandem spaces will be clearly signposted as staff spaces to ensure they are not used by customers.
 - Vehicular access to the non-residential parking area will be provided via a new entry/exit driveway located off the ROW from The Horsley Drive.
 - The remainder of basement level 1 and a portion of basement level 2 will be allocated to residential visitors whilst the remainder of basement level 2 and all of basement level 3 will be allocated to residents.
 - Vehicular access to the residential parking area will be provided via a new entry/exit driveway located at the southern end of the Court Road site frontage. There will be no internal through-link between the residential and non-residential parking areas.
 - Basement 2
 - Comprises of 35 residential visitor parking spaces, 138 residential parking spaces, 6 motorcycle spaces and 65 residential bicycle spaces.
 - Access to the residential units is provided by 5 lift lobbies located throughout the basement area.
 - The sewer main proposed to be diverted as part of the basement excavation/construction works indicates that the diverted sewer main will be built at ceiling height in basement 2.

- Basement 3
 - Comprises of 177 residential parking spaces and 42 residential bicycle spaces.
 - A carwash for residents is located on this level.
 - Access is provided by 5 lift lobbies to each of the 3 residential buildings located above.
- Each basement will have a floor to floor height of 3250mm.
- All residential units have at least one carparking space allocated to it.

Ground floor level

- The ground level contains the following features;
 - A range of retail/commercial spaces addressing Court Road and The Horsley Drive as well as the internal publicly accessible plaza. These spaces include restaurants, café, delicatessen, and retail/commercial shops with an overall floor area of 1616sqm. A supermarket is also proposed with a floor area of 622sqm. Overall the ground floor will comprise of 2238sqm of commercial/retail space.
 - The retail spaces propose a floor to ceiling height of 4100mm.

Plaza area

- A public plaza and deep soil zone are proposed as the focal points of the development. The deep soil zone is positioned in a prominent part of the site fronting The Horsley Drive and is about 574sqm in area. The publicly accessible plaza is intended for casual dining and seating opportunities for local residents. The plaza will contain landscaped areas, a water fountain terrace with stone seating wall, a playground terrain with a soft fall finish containing interactive equipment, seating and history of Fairfield inscriptions set in the paving.
- A glass canopy structure is proposed for the public plaza which will provide shelter for users of the space and will also add an element of visual interest.

Pedestrian connectivity

- Access to the ground floor plaza will be via a 3.5m wide mall corridor from Court Road and a 3.5m wide mall corridor accessed from The Horsley Drive.
- The site can also be accessed from Court Road via a pedestrian access along the southern boundary as well as from The Horsley Drive frontage accessed from the north-western corner as well as 2 other pedestrian access points along The Horsley Drive frontage.
- The retail spaces along Court road are located behind a 2.5m wide colonnade with landscaping beds within the property boundary facing Court Road.
- The buildings facing The Horsley Drive are setback between 3.5m and 4.6m all of which is landscaped. Behind the landscaped area is a 2.5m wide colonnade with retail spaces accessed from the colonnade walkway.

- Residential lobbies are located internally throughout the site and accessed from the public plaza. Building A and B contain 2 building lobby entrances and building C has one lobby entrance.

Vehicular access and servicing arrangements

- A vehicle entry/exit point 11m wide is located along Court Road and used by residents of the development.
- All non-residential vehicular access is via the right of carriageway accessed from The Horsley Drive.
- Two loading bays are provided to service the site. This includes servicing for a medium rigid vehicle and another loading bay for small rigid vehicles. The loading bays are accessed via the right of carriageway from The Horsley Drive.
- A heavy rigid loading bay is provided for the supermarket use and is accessed via the right of way from The Horsley Drive.
- The existing electrical substation which is located on the north-western corner of the site will be re-located to the south-eastern part of the site and housed behind the proposed supermarket.
- The applicant has advised that all commercial and residential waste generated by the development will be collected by private contractors.
- Garbage collection points are located throughout the site and will be collected off the right of way accessed from The Horsley Drive within a 3m wide hardstand area located next to the main garbage collection area.

Building setbacks and Finished Floor Levels (FFL)

- The building is setback 3m from the south-eastern boundary and 4m from the south-western boundary.
- The development proposes a finished floor level to the western portion of the site facing Court Rd including the western half of the public plaza of RL 11.30m, which is between 500mm to 1.2m above natural ground level.
- The eastern portion of the site facing The Horsley Drive including the eastern portion of the public plaza proposes a finished floor level of RL 11.12m, which is between 460mm to 1.6m above natural ground level.

Landscaping and public domain works

- Public domain works are proposed along the frontage to Court Road, along The Horsley Drive as well as landscaping and pavement works at the intersection of The Horsley Drive/Court Road. Works along The Horsley Drive include upgrading of the existing footpath, street trees, and the installation of granite pavement as the primary treatment to the entry access points to the building. Along Court Road street trees will be installed. Upgrading of the existing footpath will be included as a condition of consent.
- Works proposed at the intersection of The Horsley Drive/Court Road include the installation of granite paving, existing gateway sign to be reinstated on granite podium in accordance with Council's requirements, proposed public artwork integrated into the proposed pavement, proposed bollards along the edge of the footpath, feature wall along the edge of the

footpath to provide additional enclosure and separation from the road, feature trees and seating.



Proposed landscape works at the corner of Court Rd/The Horsley Drive

Residential Buildings

- There are 3 proposed residential buildings identified as building A (facing Court Rd), building B (central building facing The Horsley Drive) and building C (facing The Horsley Drive). The buildings are located 18m apart and level 1 contains a communal open space which is located between building B and building C and another communal space located on the eastern portion of building C.
- The development proposes 280 residential apartments across 3 x 8-storey buildings.
- The communal open space is located along the northern portion of the site with a frontage to The Horsley Drive at podium level. Another communal open space on level 1 is also proposed with access from Building C and located to the east of the site fronting The Horsley Drive. The two communal open space areas are well positioned to maximise solar access to these open spaces.
- Buildings B and C are setback 3.5m from The Horsley Drive, 3m from the southern boundary and building B is located 3m from the western boundary. Building A is setback 4m from the southern boundary and is built much closer to and even up to the northern and western property boundaries.

Building A

- Building A comprises of 105 residential units, with each level (1-7) comprising;
 - 2 x 1-bedroom unit
 - 4 x 1-bedroom plus study unit
 - 6 x 2-bedroom units
 - 2 x 2-bedroom plus study unit
 - 1 x 3-bedroom unit
- Building A proposes 15 units per floor plate and comprises of 2 lift cores with 2 lifts per core.
- Balcony sizes range from 8sqm to 22sqm.

- There are 2 garbage rooms with garbage chute receptacles on each level.
- Each unit contains at least 50% of its storage requirements within each unit with the other 50% located within the basement level.
- The overall height of building A is 27.68m.
- Each level proposes a floor to floor height of 3050mm (2.7m floor to ceiling height)

Level-01 Building A – Typical Floor Plan

- Building B comprises of 112 units, with each level (1-7) comprising;
 - 4 x 1-bedroom unit
 - 2 x 1-bedroom plus study unit
 - 7 x 2-bedroom units
 - 2 x 2-bedroom plus study units
 - 1 x 3-bedroom unit
- Building B proposes 16 units per floor plate and comprises of 2 lift cores with 2 lifts per core.
- Balcony sizes range from 8sqm to 41sqm.
- There are 2 garbage rooms with garbage chute receptacles on each level.
- Each unit contains at least 50% of its storage requirements within each unit with the other 50% located within the basement level.
- Building B comprises of 14 adaptable units.
- Access to the communal open space area located at podium level is provided at level 1 closest to the northern end of the building and opposite the lifts.
- The overall height of building B is 27.82m.
- Each level proposes a floor to floor height of 3050mm (2.7m floor to ceiling height).



Level-01 Building B – Typical Floor Plan

Building C

- Building C comprises of 63 units, with each level (1-7) comprising;
 - 1 x 1-bedroom unit
 - 4 x 2-bedroom units
 - 1 x 2-bedroom plus study units
 - 2 x 3-bedroom unit
 - 1 x 3-bedroom plus study units
- Building C proposes 9 units per floor plate and comprises of 1 lift core with 2 lifts.
- Balcony sizes range from 3sqm to 35sqm.
- There is 1 garbage room with a garbage chute receptacle on each level.
- Each unit contains at least 50% of its storage requirements within each unit with the other 50% located within the basement level.
- Building C has access to 2 communal open space areas located at podium level and is accessed from the northern portion of the building and eastern portion.
- The overall height of building C is 28.07m.
- Each level proposes a floor to floor height of 3050mm (2.7m floor to ceiling height).



Level-02 Building C – Typical Floor Plan

- The development provides a mix of 1 bedroom, 1 bedroom plus study, 2 bedroom, 2 bedroom plus study and 3 bedroom residential units.
- The overall Floor Space Ratio for the site is 3.16:1.
- The following 3D perspectives of the proposed development are shown below;



Perspective View - COURT ROAD ST.

Perspective view – Corner of Court Rd and The Horsley Drive



4. Overall Perspective View From Horsley Drive



5. Perspective View From Public Plaza



3. Perspective View Rear Access From Horsley Drive

- A Schedule of finishes and material palette has been included on the architectural plans. This includes a variety of materials including timber panelling, stone veneer render, glass louvres and wood grain panelling. The roof material will be colourbond sheeting with ventilated roof skylights for residential apartments located on level 7.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. Fairfield Local Environmental Plan 1994

The subject site is zoned B4 – ‘Mixed Use’ pursuant to Fairfield Local Environmental Plan 2013. The proposed development is defined as ‘commercial premises’ and ‘shop top housing’, which are permissible uses within the B4 zone.

Fairfield LEP 2013 defines ‘commercial premises’ and ‘shop top housing’ as follows:

commercial premises means any of the following:

- business premises,
- office premises,
- retail premises.

Retail premises is a subset of commercial premises and is defined as follows;

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

-
(c) food and drink premises,
(l) shops,
.....

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Retail uses at ground level include a supermarket, retail tenancies, café, restaurants and delicatessen. These uses would be characterised as 'food and drink premises' and 'shops' both of which fall under the definition of 'retail premises'.

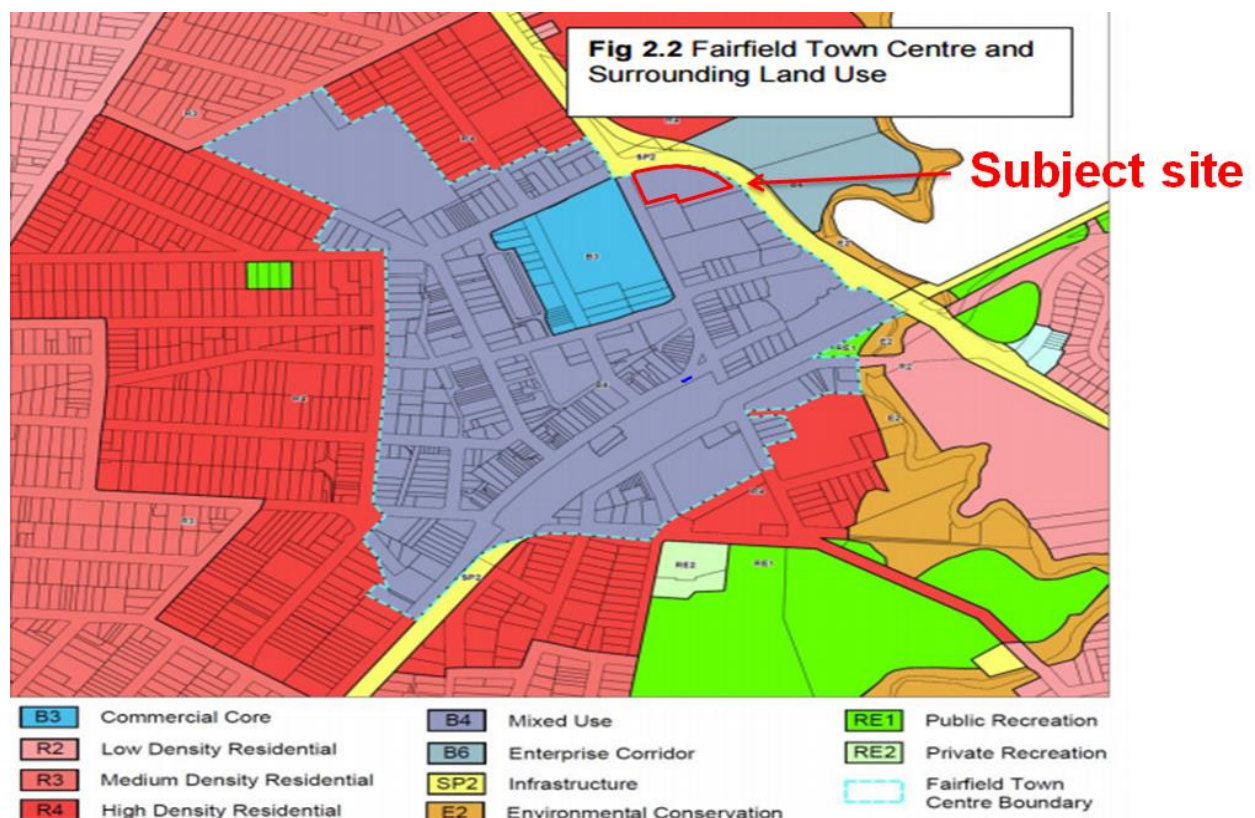
shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The objectives of B4 Mixed Use zone are as follows:

- 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 is considered to be consistent with these objectives.

Refer to zoning map below;



Fairfield LEP 2013 contains a number of clauses that are relevant to the assessment of the proposal:

Height of Buildings (Clause 4.3)

Pursuant to Clause 4.3 of Fairfield LEP 2013 the site has a maximum building height of 27 metres. The proposed buildings will have a maximum height of 27.68 metres for building A, 27.82 metres for Building B and 28.07 metres for Building C. In this regard, the proposal exceeds the maximum building height of between 680mm to 1.07 metres and therefore does not strictly comply with this standard. The applicant has submitted a written request under the provisions of Clause 4.6 (exceptions to development standards) with respect to the building height exceedances. This non-compliance is discussed further under 'Exceptions to Development Standards' section of this report.

Floor Space Ratio (FSR) (Clause 4.4)

Pursuant to Clause 4.4 of Fairfield LEP 2013, the site has a maximum FSR of 3.5:1. The proposed development has an FSR of 3.16:1 and therefore complies with this requirement.

Architectural Roof Features (Clause 5.6)

Clause 5.6 of Fairfield LEP 2013 permits variations to the maximum building height standard for architectural roof features provided it meets the following criteria;

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

(a) to permit variations to maximum building height standards only where roof features contribute to the building design and overall skyline,

(b) to ensure that the majority of the roof is contained within the maximum building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The proposal includes a number of architectural roof elements to provide a more varied and interesting roof form to the buildings. The roof features are located within certain parts of the roof plane along the building edge. The rest of the roof form is generally within the height plane of 27 metres.

The architectural roof feature provides a decorative element to the uppermost portion of the building, does not include floor space area or that is capable of becoming floor space, and will cause minimal overshadowing given its positioning and overall height.

On this basis, the inclusion of architectural roof features to the development is considered satisfactory in this instance and is supported.

Earthworks (Clause 6.2)

Clause 6.2(3) of Fairfield LEP 2013 states the following;

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed excavations will be undertaken on land that will require all structures to be demolished. The impact of excavations on the drainage pattern and soil stability needs to be controlled.

A desktop geotechnical assessment was undertaken by JK Geotechnics in order to obtain information on subsurface conditions as a basis for preliminary comments and recommendations on excavation conditions, shoring, retaining walls, dewatering, footings and on-grade floor slabs.

The soil to be excavated will be clay soils with weathered shale bedrock below the clays at depths of 9-11 metres. The proposed basement carpark will require bulk earthworks to about 10 metres in depth and will extend into the groundwater level which is expected at about 4 metres depth or shallower.

The geotechnical assessment recommends that a comprehensive geotechnical assessment of the site be carried out. In addition, the report recommends that dilapidation surveys of the neighbouring buildings and infrastructure be undertaken.

The excavation of 3 levels of basement carparking will require conditions to be imposed relating to the preparation of a Dilapidation Report for properties adjoining the site in the vicinity of the proposed excavations. The preparation of a comprehensive geotechnical report will also be required that covers the following;

- a. an indication of the nature and depth of any uncontrolled fill at the site;
- b. an indication of the nature and condition of the material to be excavated;
- c. indications of groundwater or seepages;
- d. required temporary measures for support of any excavations deeper than 1m adjacent to property boundaries;
- e. statement of required excavation methods in rock and measures required to restrict ground vibrations;

- f. other geo-technical information or issues considered relevant to design and construction monitoring including those indicated in the geotechnical assessment report prepared by JK Geotechnical dated 29 July 2016.

Flood Planning (Clause 6.3)

Clause 6.3(3) of Fairfield LEP 2013 states the following;

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is identified as being located within a part medium and part low flood risk precinct as a result of mainstream flooding and is affected by overland flow.

A Stage 2 Flood Impact Assessment prepared by Advisian was submitted to Council in relation to the proposed development.

The flood report indicates that the 1% flood level at the western building perimeter (north-west corner) is 10.8m AHD and the flood level at the eastern perimeter building (northern extent) is 10.3m AHD. Accordingly, the finished floor level along the western portion of the site is 11.30 and along the eastern portion the finished floor level is 11.12 in order to comply with Council's 500mm freeboard requirement.

Council's Catchment Engineer has reviewed the Flood Impact Assessment report and has provided the following comments;

"Flood effects on Court Rd as a result of the development include:

- An increase of 29mm during the 1% local catchment flood.*
- This impact is over a 30m length, and less than half of the width of Court Rd and does not impact any private property.*
- The hazard classification, H1, does not change as a result of the flood level increase.*

Given that there is no change in hazard classification and there is no impact on private property, I am satisfied that the development will not result in adverse flood impacts."

Roads and Maritime Services were also requested to review the proposed development with respect to flooding impacts along The Horsley Drive. The following comments were provided in their letter dated 15 June 2017;

"Roads and Maritime has reviewed the Flood Impact assessment and notes that the 1% and 5% local catchment events would not significantly impact the inundation time of The Horsley Drive and that these storm events prevent traffic flow on the road pre development. In this regard, Roads and Maritime provides 'in principle' agreement to the submitted information for flood impact subject to Roads and Maritime being satisfied with the results of further

investigations being carried out to determine the effect that the development will have on The Horsley Drive during minor storm events.

The above additional information is to be submitted to Roads and Maritime for review and approval prior to the issue of a Construction Certificate and commencement of any works."

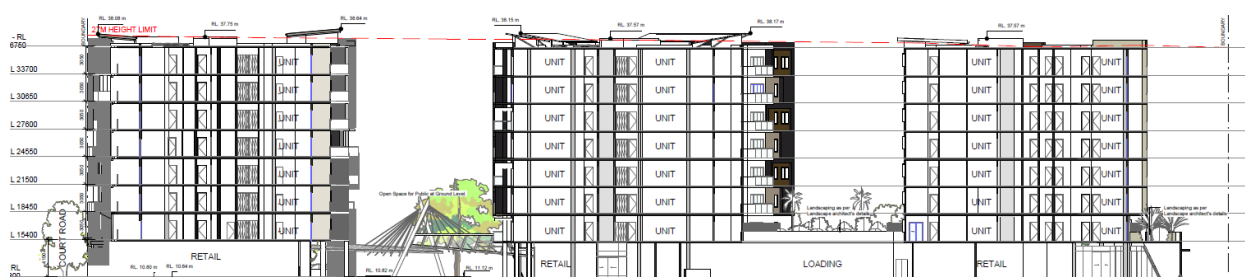
A condition will be imposed in response to the RMS's comments above.

Exceptions to development standards (Clause 4.6)

Any variation to a development standard requires a written submission addressing the matters set out in Clause 4.6 of Fairfield LEP 2013.

Clause 4.3 of Fairfield LEP 2013 states that the height of the building shall be a maximum of 27 metres.

The proposed building height exceeds the height limit between 680mm to 1.07 metres. This represents a variation of between 2.5% to 3.9% to the development standard.



The development does not strictly comply with the numerical building height control. Notwithstanding the above, Clause 4.6(4) of the LEP states that Council can grant consent to development that contravenes a development standard if Council is satisfied that compliance with the standard is unreasonable and unnecessary and that the proposed development will be in the public interest.

A written variation request accompanies the application that justifies the non-compliance with the maximum height limit by the following;

"...The minor exceedance of the maximum building height is attributable to:

- 1. The fact the site is flood affected;*
- 2. The requirement for 500mm freeboard above the flood planning level (sub-clause 6.3(5) of the LEP);*
- 3. The consequent finished floor levels proposed for each building being between:*
 - a. 500mm and 1200mm (approx.) above existing ground level in the case of 'building A'; and*
 - b. 150mm and 1300mm above existing ground level in the cases of buildings B and C; and*
- 4. The developer's preference for minimum floor-to-floor heights of 3050mm."*

In addition, the written request also provides the following;

"With the exception of the lift overruns, the proposed buildings comply with the building height development standard and the lift overruns:

- *when viewed as a part of the whole of each building, will have no visual impact greater than the visual impact of buildings completely below the 27-metre height allowance;*
- *will not disrupt views that would exist with buildings that are completely below the 27-metre height allowance;*
- *have no impact whatsoever on privacy of future occupants of the buildings or their neighbours on adjoining sites; and*
- *have no shadowing effects greater than would be the case if they were compliant with the building height development standard.”*

Given the above, it is considered that the application for a variation to the minimum height standard has reasonably established that compliance with the standard is unreasonable and unnecessary. It is noted that the majority of the building falls within the building height control with the exception of the architectural roof features which are primarily positioned on the buildings edges and within certain locations of the building. It is considered that the variation to the development standard would unlikely result in any amenity impacts, is consistent with the objectives of the zone and would be in the public interest. Accordingly, the written request for a variation to the height control is considered minor and is supported in this circumstance.

There are no other provisions within Fairfield LEP 2013 that are relevant to the Application.

2. State Environmental Planning Policy No. 55 Remediation of Land

The proposal has been assessed against State Environmental Planning Policy No. 55 Remediation of Land as the site involves the redevelopment of the subject land.

Clause 7 (1) states the following;

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

The applicant has submitted a Stage 1 Preliminary Site Investigation Report prepared by KPMG SGA Property Consultancy Pty Ltd dated 21 July 2016 which makes the following conclusions and recommendations;

“Based on the PSI undertaken, KPMG SGA consider that the site is suitable for the proposed mixed commercial/residential development with three level of basement carpark, subject to completion of the below activities as part of the proposed works which are to include excavation and off-site disposal of material from the site:

- *A construction environmental management plan should be produced to outline the procedures to manage excavation works including actions to be followed should any evidence of potential contamination be identified. This should include consultant supervision during disturbance/excavation of the former UST excavations and the*

electrical substation to assess material for the potential presence of asbestos and PCBs respectively.

- Waste classification of any excavated soil required to be disposed offsite should be undertaken in accordance with NSW EPA guidelines to ensure appropriate classification.*
- Any imported fill material should be classified as Virgin Excavated Natural Material or Excavated Natural Material.”*

Accordingly, it is considered that the site is suitable for the proposed development and SEPP No. 55 has been adequately addressed.

3. State Environmental Planning Policy (Infrastructure) 2007

The following provisions in the SEPP are applicable:

Subdivision 2 Development in or adjacent to road corridors and road reservations.

Pursuant to Clause 104 the application is considered to be traffic generating development in accordance with Schedule 3 of the SEPP.

Clause 101 (Development with frontage to a classified road) and Clause 102 (Impact of road noise or vibration on non-road development) are also applicable to the application.

The application was referred to the Roads and Maritime Services for review. The initial advice from the RMS was that they could not support the proposed development on road safety and network efficiency grounds and raised concerns with respect to the additional traffic generated by the development including the signalised intersection of The Horsley Drive/Court Road/Nelson Street. The RMS requested that the applicant consider the possibility of making Court Road a three lane exit (two right lanes and one through lane) in order to assist in reducing the queuing along Court Road and thereby improving the operation of the intersection. In addition the RMS also requested the consideration of a slip lane for traffic turning left from The Horsley Drive into Court Road by utilising the landscaping along the frontage of the existing Aldi carpark boundary.

The applicant sought further clarification from the RMS and submitted additional information to address the above matters. Accordingly, the applicant provided details of intersection works in the form of a 3-lane exit (2 right lanes and one through lane) on Court Road including adjustments to the lane alignment to demonstrate that semi-trailers are able to turn left from The Horsley Drive into Court Rd. The applicant did not propose a slip lane from The Horsley Drive as traffic improvements were considered negligible. In addition the applicant also provided swept turning paths for 2 heavy rigid vehicles turning simultaneously into and out of The Horsley Drive and right of way intersection. The analysis indicates that the kerb line adjacent to the north-eastern corner will need to be cut back in order to accommodate the HRV exit path back on to The Horsley Drive.

The RMS reviewed the additional information as described above and now grants their concurrence pursuant to S138 of the Roads Act subject to a range of conditions. It is noted that the footpath alignment near the corner of Court Road and The Horsley Drive will narrow down to 2.1 metres. This arrangement is not acceptable from a pedestrian

safety perspective. Accordingly, a condition will be imposed requiring the applicant to adjust the development in this location in order to facilitate a wider footpath area.

It is also noted that the RMS requirement for modifications to the left-in/left-out vehicular access on The Horsley Drive, would impact upon the McDonald's sign located in a small pocket (easement for signage) within the right of carriageway in order to facilitate road widening located on the applicant's land. The applicant has advised that sufficient area is available on the subject site in order to relocate the sign and an easement for signage can be created if requested by McDonalds. Accordingly, in addition to the conditions imposed by the RMS, a further condition will be imposed requiring that any consent issued for the subject development does not affect or authorise the breach of the rights of any landowners benefitted by the right of carriageway or any other easements.

In terms of the potential impact of road noise to future residential occupants, a Traffic Noise Assessment Report was submitted which recommends acoustic measures to be incorporated into the development. Notwithstanding this, the RMS has included a condition requiring the applicant to incorporate durable materials into the design of the development that complies with the relevant requirements.

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

State Environmental Planning Policy No. 65 applies to 'mixed use development' and 'shop top housing', where the building consists of 3 or more floors and contains 4 or more dwellings. The objective of the SEPP is to improve the quality of residential flat development in NSW through the establishment, inter alia, 9 design quality principles that must be taken into consideration in the design and assessment of an application.

Pursuant to Clause 28(2)(b) of State Environmental Planning Policy No. 65, consideration must be given to the design quality of the development, by evaluating the proposal against a number of 'Design Quality Principles'.

Design Quality Principles

In accordance with the requirements of Clause 50 of the Environmental Planning and Assessment Regulations 2000, a Design Verification Statement, has been prepared by a qualified Architect, Graham P Jago (Registration No. 4926), verifying that the design achieves compliance with the 'Design Quality Principles'. The design verification statement is found in Attachment F to this report.

Council also engaged Steve Kennedy from Kennedy Associates to provide independent urban design and architectural expertise in the review and assessment of the development application. Through this process a number of design changes were undertaken to improve the overall design of the development. Through these changes the proposal successfully meets the guiding principles. The following provides a summary against the 9 design quality principles in more detail;

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment

The site is located at the periphery of the Fairfield Town Centre and is prominently positioned as a gateway into Fairfield Town Centre from The Horsley Drive.

Adjoining the site to the south is a 7 and 8-storey residential building (No. 360-364 The Horsley Drive) and an 8-storey mixed use development diagonally opposite on the corner of Nelson Street/The Horsley Drive. Opposite the site on Court Road is a large shopping centre (Neeta City) and adjoining the site to the south is a McDonald's restaurant. On the other side of the McDonald's restaurant and further south is an 8 to 12-storey mixed use development that has been approved by the Joint Regional Planning Panel but has not yet been constructed.

The application proposes 3 x 8-storey buildings with a publicly accessible plaza through the site. The development provides a continuous built form of retail uses at ground level along The Horsley Drive and Court Road. It is considered that the proposed development is an appropriate response to the context of the site.

Principle 2: Building form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

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

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

Comment

The development is generally consistent with the building height controls located within Fairfield Local Environmental Plan (LEP) 2013 with the exception of the lift overruns and architectural roof features.

Prior to the lodgement of the development application the site underwent an urban design analysis with the objective of providing a framework for the desired built form

outcomes for the site bearing in mind the development standards that presently apply to the site and in response to the surrounding context and scale of development.

The outcome was a series of 3 buildings with a publicly accessible plaza and retail/commercial uses at ground level and communal open space at podium level.

In terms of building alignments, proportions, building type, articulation and manipulation of building elements, the proposed development adequately responds to these design elements. The proposed built form incorporates a clear definition of the bottom, middle and top of the development and the uses of each area are clearly expressed in the treatment of the façade and the spatial modulation. The development looks into the development as well as along The Horsley Drive and Court Road with the placement of balconies and windows overlooking these spaces. The ground floor and internal plaza is activated by the inclusion of retail spaces.

It is considered that the built form defines the public domain, contributes to the character of the streetscape and adequately provides internal amenity and outlook.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment

The development proposes a Floor Space Ratio (FSR) of 3.16:1 which is less than the maximum FSR of 3.5:1.

The development achieves a good level of amenity by achieving compliance with cross ventilation and solar access requirements. Some residential units are provided with balconies over and above the minimum requirements.

The site is located within 450 metres to Fairfield railway station and bus interchange and Fairfield Town Centre has been identified as a 'Strategic Centre' facilitating growth in housing, jobs and supporting infrastructure.

The proposed development is considered to be consistent with the strategic directions of the locality.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment

The proposed development will reduce the necessity of mechanical heating and cooling with 61% of apartments cross-ventilated. Minimising south facing units to 6% reduces the heat energy load in winter across the development. Solar access is also achieved for 74% of units.

The development provides a deep soil zone of 7% which will assist with groundwater recharge and vegetation.

A waste management plan details sustainable waste management practices during the demolition and construction phases of the development as well as waste management for future residents and occupants during the operation of the premises.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment

The development proposes landscaped areas along the frontages to The Horsley Drive and Court Road, within the publicly accessible plaza and within the first floor podium communal areas. The development also proposes landscaping works within the public footpath areas along both Court Road and The Horsley Drive as well as the public space within the corner of the 2 roads. Through amendments to the overall design, further landscaping has been included to provide better connectivity with the public domain and positively enhance these spaces.

A positive attribute of the development is the publicly accessible plaza within the development. The removal of the electrical substation at the corner of the site facing Court Road/The Horsley Drive has now provided an opportunity to provide a more positive connection between the plaza and corner of the development. The application proposes to embellish the corner so that a better invitation into the site is achieved. It is considered that these additional works will positively contribute to the public domain and character of the locality.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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

Comment

It is considered that the amenity provided for the residential apartments are acceptable and the apartments will receive sufficient cross-ventilation and solar access into the units.

Each residential apartment is provided with private open space in the form of a balcony which is consistent with the requirements set out in the Apartment Design Guidelines.

Communal open space is located at the podium level with good solar access to these spaces. It is noted that both buildings B and C have direct access to this space with Building A not having direct access. Whilst this is not ideal, a condition will be imposed requiring the occupants of Building A be provided access to these spaces.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment

Casual surveillance of the public realm and communal open space area is facilitated by overlooking balconies of apartments in adjacent buildings.

Retail spaces at ground level face the internal plaza and along the street edges and resident entry lobbies are located throughout the site therefore encouraging pedestrian activity.

A Crime Prevention Through Environmental Design (CPTED) was undertaken and submitted to Council. The report indicates that the overall development is generally acceptable and would satisfy the CPTED principles however recommends the need for technical (IP camera) surveillance, focussing on the basements, the plaza and resident entry lobbies. This can be dealt with as a condition of consent.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment

The development provides a mix of 1 bedroom, 1 bedroom plus study, 2 bedroom, 2 bedroom plus study and 3 bedroom residential units. As part of the amendments to the development, the applicant has increased the number of 3 bedroom units from 7.5% to 12%.

Overall the revised unit mix now comprises 33% of 1 bedroom units, 55% of 2 bedroom units and 12% of 3 bedroom units.

The development also provides 14 adaptable units which represents 5% of the overall residential development for the site.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment

The aesthetics of the building primarily relates to its built form and character and how the building responds to the environment and surrounding context. The development satisfactorily responds to the orientation of the site and provides sufficient building separation to minimise any amenity impacts to the surrounding adjoining buildings.

The development consists of a balanced composition of built form, modulations, materials and finishes that will contribute to the character of the area.

Pursuant to Clause 28 (2) (c) of State Environmental Planning Policy No. 65, consideration is to be given to the 'Apartment Design Guide'. The following compliance table details the assessment of the proposal in accordance with the relevant 'design criteria' requirements of the 'Apartment Design Guide'.

Objective	Design Criteria	Proposal	Compliance
3B-2 – overshadowing of neighbouring properties is minimised during mid-winter	<p>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D communal and public open space and 4A Solar and daylight access</p> <p>If the proposal will significantly reduce the solar access to neighbours, building separation should be increased beyond the minimums contained in Section 3F Visual privacy</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings</p>	<p>The architectural plans provide a series of shadow diagrams for the period of March, June, September and December as well as a shadow study for June.</p> <p>The Shadow study illustrates that the residential units within the 7 & 8 storey residential tower located south of the site would receive solar access up until 1pm when the lower 1st level would be in shadow. At 2pm the lower 2 levels would be in shadow and by 3pm the lower 3 levels would be in shadow.</p> <p>It is considered that the adjoining residential towers would achieve acceptable solar access to the building.</p>	Yes
3C-1 – Transition between private and public domain is achieved without compromising safety and security	Upper level balconies and windows should overlook the public domain	Balconies on upper levels overlook the public plaza and both communal open spaces located at podium level	Yes
3D-1 (1) – Communal and Public Open Space	Communal open space is to have a minimum area equal to 25% of the site.	Communal open space totals 2,549sqm in area, being 31% of the total site area and therefore meets the criteria.	Yes
3D-1 (2) – Communal and Public Open Space	Developments are to achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).	Both communal open space areas on podium level will achieve optimal solar access in excess of 2 hours of direct sunlight. Therefore the development achieves compliance with this requirement.	Yes
3E-1 (1) – Deep Soil Zones	For sites greater than 1,500m ² in area, a minimum 7% of site area is to be a deep soil zone, with minimum dimensions of 6m.	A total of 574m ² of deep soil zone is provided, which equates to 7% of the site area.	Yes
3F-1 (1) – Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved.</p> <p>For building heights up to 12m (4 storeys) minimum separation distances from buildings (to the side and rear boundaries) of 6m for habitable rooms and balconies, and of 3m for non-habitable rooms, are to be provided.</p> <p>For building heights up to 25m (5-8 storeys) minimum separation distances</p>	<p>All 3 buildings are 8-storeys in height and provide a separation distance of 18m which complies.</p> <p>Building A illustrates a setback from the southern boundary of 4m and contains high level windows to the study and bathroom areas of the units. Whilst this does not</p>	No - however Considered acceptable

	<p>from buildings (to the side and rear boundaries) of 9m for habitable rooms and balconies, and of 4.5m for non-habitable rooms, are to be provided.</p> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p>	<p>strictly comply, the reduced setback is considered reasonable as the building forms the street edge to Court Rd, the windows provide visual interest to the façade and contain high level windows to minimise amenity impacts.</p> <p>Building B illustrates a building setback of 3m to the western boundary adjoining the McDonalds site. This portion of the building contains bedroom windows and windows to the walk-in wardrobe areas. Whilst this does not meet the minimum separation requirement, it is noted that this departure represents a small section of the overall building. In order to address amenity matters, conditions will be imposed requiring the bedroom windows to have raised sill heights of 1.7m and the walk-in wardrobe to be frosted awning windows.</p> <p>Buildings B & C are setback 3m from the southern boundary and contain balconies and windows along this elevation. As building B & C are located 23.6m and 24.5m from the adjoining residential towers, it is considered that the building separation is acceptable.</p>	
3J-1 – Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>The proposed development provides 476 carparking spaces in accordance with Council's parking rate. The application therefore satisfies this requirement.</p> <p>112 bicycle parking spaces and 19 motorcycle spaces are also provided which is acceptable.</p>	Yes
4A-1 (1) – Solar and Daylight Access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>A direct sunlight study was undertaken for the development and included in the architectural plans.</p> <p>The living areas and (primary) private open space areas of 74.3% of apartments will receive in</p>	Yes

		excess of two (2) hours direct sunlight between 9am and 3pm at the winter solstice.	
4A-1 (3) – Solar and Daylight Access	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	6.4% of apartments (or 18), are to receive no direct sunlight between 9 am and 3 pm at the winter solstice.	Yes
4B-2 – Single aspect apartment to maximise natural ventilation	<p>Apartment depths are limited to maximise ventilation and airflow</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> • Primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • Stack effect ventilation/solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms or laundries • Courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. 	<p>The initial design relied on deep indentations within the building with snorkel windows within these indentations.</p> <p>The Architect has resolved this issue by positioning the windows on an angle so that the 'snorkel' windows can see beyond the enclosing walls of the building to the open space beyond as well as maintaining acoustic privacy to these windows.</p> <p>In other instances balconies have been provided within the indentations which has improved the amenity to these units.</p> <p>Council's architect/urban designer (Kennedy Associates) has reviewed the above amendments and supports the design solution.</p>	Considered acceptable.
4B-3 (1) – Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	61.4% of apartments are naturally cross ventilated.	Yes
4B-3 (2) – Natural Ventilation	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The typical maximum depth of apartments within the development is approximately 12m.	Yes
4C-1 – Ceiling Heights	Minimum 2.7m ceiling height for habitable rooms (measured from finished floor level to finished ceiling level) for apartment and mixed use buildings heights.	All apartments have 3050mm floor to floor height which complies.	Yes
4D-1 (1) – Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	All apartments satisfy the respective minimum floor area requirements.	Yes

4D-1 (2) – Apartment Size and Layout	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Each habitable room includes a window with a total minimum glass area of not less than 10% of the floor area of the respective room.	Yes
4D-2 (1) – Apartment Size and Layout	Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Given that all habitable rooms are provided with a ceiling height of 2.7m, this equates to a maximum room depth of 6.75m.	All habitable rooms have a room depth (excluding the kitchen component) that meets the requirement.	Yes
4D-2 (2) – Apartment Size and Layout	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All open plan layout apartments with the exception of some units have a maximum combined room depth of 8m. Those that do not meet this standard have a depth of 8.5m. As this is minor, the variation is considered acceptable.	Considered acceptable
4D-3 (1) – Apartment Size and Layout	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All master bedrooms have a room area exceeding 10m ² , while all other bedrooms have a room area exceeding 9m ² .	Yes
4D-3 (2) – Apartment Size and Layout	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have minimum room dimensions of 3m.	Yes
4D-3 (3) – Apartment Size and Layout	Living rooms or combined living / dining rooms have a minimum width of 3.6m for studio and 1 bedroom apartments, and 4m for 2 and 3 bedroom apartments.	All living rooms meet the minimum requirements.	Yes
4D-3 (4) – Apartment Size and Layout	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	No cross-over or cross-through apartments.	na
4E-1 (1) – Apartment Size and Layout	All apartments are required to have primary balconies with a minimum area and depth: <ul style="list-style-type: none"> • Studio apartments – 4m² (no minimum depth), • 1 bedroom apartments – 8m² and 2m, • 2 bedroom apartments – 10m² and 2m, and • 3+ bedroom apartments – 12m² and 2.4m. 	All apartments above the ground floor level are serviced by a primary balcony that satisfies the respective area and depth requirements.	Yes
4E-1 (2) – Apartment Size and Layout	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	All podium level apartments are serviced by a primary private open space area that satisfies the respective area and depth requirements.	Yes
4F-1 (1) – Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Building A – 15 apartments With 2 lift cores and 2 lifts per core. Building B – 16 apartments with 2 lift cores and 2 lifts per core. Building C – 9 apartments – 1 lift core with 2 lifts. Whilst the development varies from this standard, each building with the exception of building C has 2 lift cores at differing ends	No – however considered acceptable

		of the building. This arrangement is considered acceptable in this circumstance.	
4G-1 – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments – 4m³ • 1 bedroom – apartments 6m³ • 2 bedroom –apartments 8m³ • 3+ bedroom apartments – 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	All apartments are serviced by storage compartments which meet the respective volume requirements, with at least 50% of the required storage located within the respective apartment.	Yes

Furthermore, an evaluation of the proposal against the relevant ‘design guidance’ requirements of the ‘Apartment Design Guide’ did not indicate any significant departures.

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

A BASIX Certificate was initially provided and the relevant commitments made however the BASIX Certificate shall be updated to reflect the amended architectural plans. This can be dealt with as a condition of consent.

6. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The general principles of the Deemed SEPP – Georges River Catchment are as follows:-

*“(a) the aims, objectives and planning principles of this plan,
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),
(e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,
(g) whether there are any feasible alternatives to the development or other proposal concerned.”*

The proposed development is considered to satisfy the above principles in the following manner:-

- The proposed development is not inconsistent with the aims, objectives and planning principles of the deemed SEPP; and

- The applicant has submitted sufficient information demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality.

7. Fairfield City Centre Development Control Plan

The site is identified as a Site Specific DCP site within the Fairfield City Centre Development Control Plan (DCP) however the DCP indicates that in the event that the owners do not wish to undertake this process then those controls outlined in Section 4.5 would apply. The applicant has instead undertaken an urban design exercise in order to inform the most appropriate built form outcomes that provides an appropriate response to the context of the site and is within the height and FSR limits specified in the LEP. It is noted that the development would not satisfy all of the development controls indicated in Section 4.5 particularly in relation to the prescribed building height of 20 metres however the development would meet the development standards set out within the LEP with the exception of minor exceedances to the height controls.

4.7-3 COURT ROAD PRECINCT – PLAN VIEW AND PERMITTED BUILDING HEIGHT



Section 5 of the Fairfield City Centre DCP sets out Design Controls that are applicable to the application. The proposed development does not comply with all requirements stipulated in this section however these variations are considered acceptable. Consideration of the proposal against these controls is shown in Attachment O to this report.

Despite the above, an urban design analysis was undertaken that sets out a framework for the redevelopment of the site and is within the FSR and height limits outlined in the LEP.

The urban design analysis sets out the location of building footprints, ground level open space, provides suggested primary building setbacks along Court Road, The Horsley Drive and the existing laneway (right of way), plaza area and deep soil zone.

4.3 Building Envelope



4.5 Response to Street Type and Active Frontages



The above diagrams provide indicative building footprints as part of the urban design analysis. The development is generally consistent with the principles set out in this document. The urban design guidelines document that has been prepared by JBA Architectural Services is provided in Attachment G to this report.

Council's urban designer/architect reviewed the urban design guidelines and has advised that the urban design analysis is supported.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	Acceptable, subject to standard conditions
Landscape Architect	Acceptable, subject to standard conditions
Development Engineering Branch	Acceptable, subject to standard conditions
Traffic and Road Safety Branch	Acceptable, subject to standard conditions See below for a more detailed assessment
Environmental Management Section	Acceptable, subject to standard conditions See below for a more detailed assessment

Place Manager for Fairfield	Acceptable, subject to conditions See below for a more detailed assessment
Waste management	Acceptable subject to conditions
Catchment Branch	Proposed development considered acceptable.

Traffic and Road Safety

Council's Traffic Engineer has reviewed the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 12 April 2017 and has reviewed the comments provided by the Roads and Maritime Services.

It is noted that as a result of the traffic intersection works proposed to be undertaken at the corner of Court Rd/Nelson St/The Horsley Drive, the footpath area along the corner of Court Rd and The Horsley Drive will be reduced to 2.1 metres. This is not considered acceptable from a pedestrian safety perspective. As such, it is recommended that the development be adjusted within this section of the site in order to widen the footpath area to an acceptable width. This can be dealt with as a condition of consent.

Accordingly, no further issues of concern are raised subject to conditions of consent including the conditions required to be imposed by the Roads and Maritime Services.

Environmental Management

Council's Environmental Management Section has reviewed the Traffic Noise Assessment (TNA) Report prepared by Rodney Stevens Acoustics dated 31 August 2016 and the Preliminary Site Assessment (PSA) report prepared by KPMG SGA Property Consultancy Pty Ltd dated 21 July 2016 and provided the following comments in relation to these matters;

The TNA gives details of noise monitoring conducted at the site as follows:

Location	Period	External noise levels dB(A)
Approximately 10m from The Horsley Drive	7:00am-10:00pm	68L _{Aeq15hour}
	10:00pm-7:00am	65L _{Aeq9hour}

The requirements for indoor noise levels from road traffic noise are presented as follows:

Area	Time	Noise level dB(A)
Bedrooms	10:00pm-7:00am	35
Other habitable rooms	Any time	40

Standard window glazing is taken to provide attenuation of 20dB(A) when windows are closed and 10dB(A) when windows are open. This means that external noise thresholds above which mechanical ventilation is required are 55dB(A) during night time and 60dB(A) at other times.

Mechanical plant required to provide this ventilation is not specified, but compliance with the appropriate standards, noise levels, etc, can be conditioned.

In meeting the internal noise goals, the report details various floor surfaces to be used in individual units and a range of noise rated glazing for these units, dependant on the individual units exposure to road traffic noise. Compliance with this report can be conditioned.

The PSA reviewed a remediation and validation report, prepared by Douglas Partners Pty Ltd, dated June 2000. This detailed the removal of underground storage tanks (USTs), infrastructure and contaminated soil from the site. It also reviewed a Site Audit Statement, prepared by Dr Ian Swane of Sinclair Knight Mertz Pty Ltd and dated 27 July 2000, stating that the remediation had been carried out in accordance with the Contaminated Land Management Act 1997, and that the site was suitable for commercial development. A review of the remediation process was conducted by Egis Consulting, date 1 August 2000. This review referred to anecdotal evidence of building rubble from onsite demolition works having been used to fill the voids left by the removal of the USTs. During an inspection of the site, an electrical substation was noted on the north eastern corner of the site. No leaks from this were observed from this substation, however this remains a potential source of Poly-chlorinated Biphenyls (PCBs).

Since the validation works in 2000, the National Environmental Pollution Measure (NEPM), which contaminant concentration results had been compared to, have been revised. The PSA states that the recorded contamination results are below the revised NEPM levels for developments with limited access to site soils. The potential for the presence of asbestos, however, exists in the areas backfilled with building rubble. This can be addressed in a Construction Environmental Management Plan, with the requirement of supervision by a 'consultant' during the excavation of the former UST and substation sites.

Any waste removed from the site is to be appropriately classified prior to disposal. Any imported fill will be Classified Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Accordingly, Council's Environmental Management Section does not raise any significant concerns with the proposal subject to conditions of consent.

Place Manager – Fairfield

Council's Place Manager for Fairfield has reviewed the proposed landscaping and works proposed within Council's footpath area including external works located at the corner of The Horsley Drive/Court Rd and is generally supportive of the landscaping and pavement works proposed in these locations. In this case, no significant concerns are raised subject to the following conditions:-

- The Court Road Council verge be conditioned to a full width footpath (from back of kerb to property boundary);
- The existing advanced trees (ie. Eucalyptus spp) along The Horsley Drive be conditioned to be retained and proposed street trees installed in respect of these locations; and
- The new 'gateway plaza' location at the intersection of The Horsley Drive and Court Road be conditioned to have the final location for the City Gateway confirmed by Council prior to installation and the seating located under the 3 proposed 'feature trees' be positioned so they do not block pedestrian movement.

EXTERNAL REFERRALS

During the assessment process, comments were sought from a number of external bodies who were considered to have an interest in the proposed development. Detailed below are the comments received from those external bodies.

Roads and Maritime Service (RMS)

The application is required to be referred to the Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2007 as the proposal is defined as Traffic Generating Development (Schedule 3 of SEPP). RMS raised no concerns subject to conditions of consent including their concurrence under S138 of the Roads Act.

NSW Police

The application was referred to NSW Police for their review. NSW Police raise no concerns regarding the proposed development.

Endeavour Energy

The application was referred to Endeavour Energy as there is power lines located along The Horsley Drive in proximity to the development. Endeavour Energy raises no concerns subject to standard conditions of consent.

PUBLIC NOTIFICATION

In accordance with Fairfield City Wide Development Control Plan (DCP) 2013, the application was advertised in the local newspaper and surrounding residents for a period of 14 days. Four submissions were received in response.

Due to the nature of amendments made to the proposed development, the application was notified a second time to the surrounding neighbours for a period of 14 days of which one further submission was received.

The following table summarises the objections received and provides commentary with respect to each objection.

Objection/concern	Comment
Development is too big and the development will cause huge traffic and parking problems. The Horsley Drive and Court Road are very busy roads and therefore the development will increase traffic and the number of accidents due to the increased population.	<p>The development is within the FSR and general building height requirements for the site with the exception of lift overruns and architectural roof features.</p> <p>Whilst the development will generate additional traffic movements to/from the site, the application has been reviewed by the RMS and they have provided</p>

	conditions of consent to the development.
Council should strictly enforce time limits imposed during construction works.	This will be dealt with as a condition of consent where construction works will be limited to 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no work permitted to be carried out on Sundays or Public holidays.
The proposed development will block my view from my balcony and will reduce my property value. I am seeking compensation from Council or developer if project approved.	Whilst the proposed buildings may block some views to the north and north-east for residents located within the adjoining residential towers, there is an 18m building separation and therefore some views may be retained through these separated building spaces. Notwithstanding this, views to the east, west and south are not affected by this development.
<p>Traffic and access</p> <ul style="list-style-type: none"> The use of the shared access point on The Horsley Drive will considerably intensify, resulting in the potential for traffic to spill off the turning lane and onto The Horsley Drive. If the DA is approved in its current form then any future extension (widening) of the internal laneway will not be possible within the development site. This has implications on the McDonald's site which also has access from the laneway. It is predicted that vehicles exiting the development site onto Court Rd may impede the ability to enter and exit the McDonald's site, consequently affecting the internal circulation of the McDonald's carpark. 	<p>Those accessing Court Road will be restricted to residential vehicles and all non-residential vehicles will access the site off the right of way from The Horsley Drive. This arrangement has been reviewed by the Roads and Maritime Services (RMS) and is considered acceptable.</p> <p>A condition will be imposed restricting all vehicles leaving the basement carpark onto the right of way being restricted to left turn only including adequate signage being installed so that these vehicles do not impact on the operation of the McDonalds site.</p>
Carparking – even though the development complies with the parking requirements, concern is raised that the McDonald's carpark will be used by proposed food and drink premises, retail premises, business premises and/or supermarket visitors.	The development provides parking on site for commercial visitors. Therefore it is expected that all visitors will park their vehicles within the spaces provided on site.
Height – the proposed 8-storey buildings will shield views of the McDonald's site from Court Rd with the sites visibility being severely compromised consequently affecting the McDonald's business. The height of the residential buildings is above	It is noted that the development complies with the height controls set out in the Fairfield LEP 2013 with the exception of minor variations to this requirement. A Clause 4.6 written request has been submitted which indicates that the

the maximum permitted under the LEP.	exceedances are acceptable in the circumstances.
Amenity - McDonald's is an existing 24 hour operation – the design of the apartments must have regard to this and be constructed in a way that amenity will not be compromised.	This is considered a valid concern and therefore it is reasonable that a condition be imposed that residential apartments closest to the adjoining McDonalds site be provided with acoustic measures as recommended in the acoustic report to minimise any amenity impacts. The acoustic report recommends acoustic treatment to the apartment windows.
Easements – there are several easements registered on the title on the subject site – it is requested Council ensure these easements are maintained in accordance with the 88B instrument affecting the land.	A condition will be imposed requiring that any consent issued for the site does not affect or authorise the breach of the rights of any landowners benefitted from the right of carriageway or any other easements.
The development will block out the sun. Therefore loss of light and privacy as the development will have the means to look through our building.	The development is located approximately 23 and 24 metres distance from the adjoining residential towers. In addition, the shadow diagrams indicate that the adjoining residents will receive solar access up until 1pm when the first level will be in shadow, at 2pm when the second level will be in shadow and by 3pm the third level will be in shadow. The upper 4-5 levels will not be affected by shadows cast by the development. In this case the development complies with the relevant solar access requirements.
The development will cause significant pollution from the trucks and during building construction. The noise from construction works will interrupt our day to day activities and therefore impacting our way of life.	Whilst there will be noise from construction works, conditions will be imposed restricting operating hours during construction works. A condition will also be imposed regarding air quality controls.

The issues raised by the public do not warrant refusal of the application. As discussed above, certain areas of concern can be addressed by conditions of development consent.

SECTION 79C CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *Any environmental planning instrument*

Fairfield Local Environmental Plan 2013 is applicable to the proposed development. The subject site is zoned B4 – Mixed use and the proposed development is permissible subject to consent.

The proposal is consistent with the objectives of the B4 zone as per Fairfield LEP 2013.

The applicant has demonstrated that the proposed development is consistent with the design principles of SEPP 65.

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There is no draft environmental planning instrument that is applicable to the proposed development.

(iii) *any development control plan*

The site is identified as a Site Specific DCP site within the Fairfield City Centre Development Control Plan (DCP) however the DCP indicates that in the event that the owners do not wish to undertake this process then those controls outlined in Section 4.5 would apply. The applicant has instead undertaken an urban design study in order to set a framework that provides an appropriate response to the context of the site and is within the height and FSR limits specified in the LEP. It is noted that the development would not satisfy all of the development controls indicated in Section 4.5 however the development would meet the development standards within the LEP.

Section 5 of the Fairfield City Centre DCP sets out Design Controls that are applicable to the application. The proposed development does not comply with all requirements however these variations are considered acceptable.

(iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

There are no planning agreements that relate to the site.

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by the Regulations that apply to this development.

- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

There are no coastal management plans that relate to this site.

- (b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality.

- (c) *the suitability of the site for the development*

The proposed development is considered to be an appropriate and suitable development for the site and would positively contribute to the character of the area.

- (d) *any submissions made*

A total of 5 submissions were received in response to the public consultation process. The issues of concern raised by the objectors have been considered and addressed in the assessment of the application.

- (e) *the public interest*

Based on the above, it is considered that the proposed development is in the public interest.

TOWN PLANNING ASSESSMENT

As part of the assessment process, the application was reviewed by Council's urban designer/architect in relation to urban design/SEPP 65 matters. A number of design issues were raised which primarily related to the use of 'snorkel windows' located within a series of recessed slots, the use of architectural roof features in order to better contribute to the architectural expression of the building, more generous connections to the communal open space area at podium level, details of storage to be provided, details regarding safety and security and greater use of tactile materials such as brick, tiles, timber panelling etc. particularly at the lower levels in order to enhance the quality of the space.

In response to these issues the architectural plans were amended to address the above suggested changes. This included the roof form being articulated through varying roof

heights, skillions and varied external materials, the resolution of recessed indentations by the inclusion of balconies and positioning of windows that maintain acoustic privacy and see beyond enclosing walls, the inclusion of more tactile materials such as timber panelling, stone veneer render, glass louvres and wood grain panelling, the submission of a CPTED report addressing safety and security, storage being provided to the apartments and access to the communal open space to Buildings B and C has been improved.

The proposed 3 metre building separation between Building A and the southern boundary was also raised as an issue. In response the building was repositioned 4 metres from the boundary with high level windows to the study and bathroom areas of the apartments. Whilst this setback is not consistent with the Apartment Design Guidelines, the façade provides visual interest to an otherwise blank wall within a town centre environment, amenity will not be compromised as the apartments are primarily orientated to the east and west and the variation is unlikely to prejudice any future redevelopment of the adjoining southern property.

Council's urban designer/architect has also indicated that the drawings show an access to the existing right of way (laneway) adjoining the southern boundary of the site via a ramp only. It is suggested that a set of stairs be provided in addition to the ramp to the landing area outside the doors of the commercial bin area enabling direct access to the right of way. It is recommended that this matter can be dealt with as a condition of consent.

Overall Council's urban designer/architect considers that the proposed scheme has progressed significantly from the pre-development stage and is now capable of support.

As part of the assessment of the application, a briefing was undertaken with the Sydney South West Planning Panel where a number of issues were discussed. The primary issues that were raised included the following;

- Greater activation of the north-west corner (corner of Court Rd/The Horsley Drive) including a better invitation into the site from this location. In addition, better integration between the development and the external space including pedestrian access should be undertaken which is considered an important entry point into the town centre from The Horsley Drive;
- Presentation along the south-east corner of the development along The Horsley Drive needs to be addressed further;
- Require more landscaping (greening) for the whole site particularly more trees;
- Unit mix/configuration requires further consideration particularly the number of 3-bedroom units;
- Access to podium level communal open space for Building A needs to be further resolved;
- Shops with dual frontage to both The Horsley Drive and internally to the development require further information about how these shops will operate;
- Garbage facility located behind retail space 7 should be located in a less intrusive space;
- Retention of electrical substation within the north-western corner is poor and detracts from the entry point to the site.

In response to the above issues, the design was amended to address the above matters. In relation to the north-western corner (corner of The Horsley Drive/Court Rd), the design of the development has been changed to promote greater permeability between the public domain and the site. This has been achieved by the relocation of the substation from this area, the provision of additional pedestrian openings from the public domain and onto the site in this location, greater exposure of the ground floor retail elevation through additional glazing and revised awning design and greater elevational treatment and use of building material to the corner element of the building.

The following perspectives demonstrate the initial design of the corner treatment and the improved design treatment at the north-west corner including a better invitation into the site by the removal of the substation and better pedestrian connectivity.



Initial architectural elevation



Amended architectural elevation

Along The Horsley Drive south-eastern corner, the elevational treatment has been improved by the following design treatments;



Initial elevational treatment



Amended elevational treatment

The amended elevation presented to The Horsley Drive is considered to provide a more visually pleasing interface with the streetscape. This has been achieved by articulated awnings with variations in height, large expanses of glazing to provide activation, numerous pedestrian points and a mix of external materials and finishes.

In addition to the above, public domain works are also proposed along the frontage of The Horsley Drive and Court Rd in the form of footpath paving, landscaping in the form of trees and shrubs and additional landscaping treatments within the north-western corner external to the development. It is considered that these works will provide a

better integration between the street edge and the development site and enhance the overall quality of the space.

Additional landscaping has been provided within the development and along the site's street frontages including a greater number of canopy trees. An amended landscape plan has been submitted providing additional landscaping within the site.

A revised unit mix has been provided with the number of 3 bedroom units increasing from 7.5% to 12%. It is considered that this increase is acceptable.

Whilst Building A does not contain communal open space within the building, the applicant has advised that access will be provided via a swipe access card issued by property management. This will form a condition of consent.

In terms of dual shop frontages the applicant has advised that back of house elements will be positioned along the side wall of these tenancies to ensure activation is retained from each side. This will form a condition of consent as well as a condition requiring both shop frontage windows to remain open and transparent to their respective frontages.

The garbage waste area located behind retail space 7 has now been treated with a landscaped buffer between it and the forecourt area. This amendment is considered acceptable.

The electrical sub-station that is presently located at the north-western corner has now been relocated internally to the site and re-housed behind the proposed supermarket space. This has enhanced the corner treatment and now allows an improved invitation to the site including a better pedestrian connection as illustrated on the above elevational plans.

It is considered that all primary matters raised have been adequately addressed.

SECTION 94 AND SECTION 94A

In accordance with Council's Section 94 Contributions Plan a payment of \$2,206,983 is applicable to the application. Accordingly, a condition will be imposed requiring the payment of S94 contributions fees for the above amount.

CONCLUSION

The proposed development has undergone a number of amendments to the design in order to refine and improve the quality of the development in terms of street presentation, the provision of an activated space at ground level, improved pedestrian access into and through the site as well as the amenity to future residents of the development.

The application has been reviewed by Council's urban designer/architect at both the urban design and assessment stage of the application and found to be a development now worthy of support.

The site is located within the periphery of the Fairfield Town Centre and is located within a prominent gateway position. Accordingly, it is considered that the amended design will provide a development that will activate this space and positively contribute and strengthen the character of the town centre.

The development is zoned B4 – ‘mixed use’ and is permitted in the zone. The development provides a floor space less than the maximum permitted for the site and generally meets the height standards specified in the LEP with the exception of lift overruns and architectural roof features.

Whilst the application has not undergone a Site specific DCP process, it is considered that the preparation of an urban design analysis has taken into consideration site opportunities, constraints and context of the site in order to set the framework for providing the built form outcomes that is consistent with the development standards specified in the LEP.

It is considered that the development is generally consistent with the Quality Design Principles set out in SEPP No. 65 including the Apartment Design Guidelines. Where these standards have not been met, further consideration has been undertaken regarding these standards and where required, conditions have been imposed.

The assessment of the application has considered the relevant requirements of S79C of the Environmental Planning and Assessment Act, 1979, and finds that there would be no unreasonable impacts associated with the development on the locality.

The application was referred to Council's internal departments as well as the RMS and no concerns have been raised subject to conditions of consent.

Whilst there were five (5) submissions received, the issues raised have been considered in the assessment of the application and where relevant conditions have been imposed in order to address these concerns.

Accordingly, it is recommended that the application be approved subject to conditions outlined in Attachment Q of this report.

RECOMMENDATION

1. The variation proposed under Clause 4.6 (exemptions to Development Standards) of Fairfield Local Environmental Plan 2013, as shown below, be supported;
 - i. Clause 4.6 variation request prepared in relation to the “Height of Buildings” standard in Clause 4.3 of Fairfield Local Environmental Plan (LEP) 2013.
2. That Development Application No. 676.1/2016 proposing the demolition of existing structures and construction of a mixed use development comprising 3 x 8-storey residential towers, commercial uses, publicly accessible plaza, first floor podium communal open space and 3 levels of basement carparking be approved subject to the conditions outlined in Attachment Q of this report.