

Statement of Environmental Effects

November 2017

Lot 1 in DP 1175636

184-192 Restwell Road, Prairiewood

Section 96(2) Modification to Development Application
No. DA-15.1/2014

Relating to the Approved Residential Flat Building
Development

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Section 96(2) Application to modify Development Consent No. DA 15.1/2014. The application was granted approval by the Sydney West Joint Regional Planning Panel (JRPP NO. 2014STW042) for the demolition of existing buildings, Torrens title subdivision to create two (2) lots, construction and dedication of public roads and construction of part 6 and part 8 storey residential flat building, comprising of 106 residential dwellings, over 3 levels of basement car parking and associated landscaping at 184-194 Restwell Road, Prairiewood.

The application before Fairfield City Council relates to the approved residential flat building on the site, being on Approved Lot 1.

Prior to the submission of this Section 96(2) Modification, the applicant met with Council officers at a Development Advisory Meeting on the 12th September 2017 to discuss the proposed modifications to the approved development. Following the Development Advisory Meeting, the plans and associated documents have been revised in consideration with the discussions held at the meeting.

The current application seeks provide the following modifications to the approved development under Development Consent No. DA 15.1/2014.

- Removal of one (1) basement level, from three (3) levels down to two (2), and amending the parking and storage layout;
- Amendment to the façade treatment of the building to more durable materials and finishes;
- Minor revision to the entry foyers of the building, providing for garden areas to the entries;
- Relocation of the communal open space on Level 6 to Level 7 (the roof level) of the north-western block, being Block A, including the minor amendment to the built form resulting from the lift and stairwell to provide access to the proposed roof terrace.
- Reduction in the overall gross floor area resulting from an open design to the entry foyers on Ground Level and the provision of service cupboards to the common circulation areas of each level.

The proposed changes described above will result in some conditions of Development Consent No. DA 15.1/2014 being amended or deleted, as will be detailed within this report.

We note that the approved development was lodged prior to the changes to the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development coming into effect. Therefore, the approved development was assessed under the provisions of the Residential Flat Design Code.

Reference should also be made to the following architectural plans prepared by Architex dated 24 November 2017

- Sheet No. S96-000 Rev D – Cover Sheet
- Sheet No. S96-050 Rev E – Site Plan
- Sheet No. S96-100 Rev E – Basement Level 2 Plan
- Sheet No. S96-101 Rev E – Basement Level 1 Plan
- Sheet No. S96-102 Rev E – Level 1 Floor Plan

- Sheet No. S96-103 Rev D – Level 2 Floor Plan
- Sheet No. S96-104 Rev D – Level 3 Floor Plan
- Sheet No. S96-105 Rev D – Level 4 Floor Plan
- Sheet No. S96-106 Rev D – Level 5 Floor Plan
- Sheet No. S96-107 Rev D – Level 6 Floor Plan
- Sheet No. S96-108 Rev D – Level 7 Floor Plan
- Sheet No. S96-109 Rev D – Level 8 Floor Plan
- Sheet No. S96-110 Rev D – Roof Plan
- Sheet No. S96-120 Rev C – Elevations
- Sheet No. S96-121 Rev C – Elevations
- Sheet No. S96-123 Rev A – Section A-A
- Sheet No. S96-150 Rev A – Shadow Diagrams
- Sheet No. S96-160 Rev A – Floor Space Diagrams
- Sheet No. S96-161 Rev A – Floor Space Diagrams

In addition to the above plans, the following reports and documents have also been considered and should be read in conjunction with this Statement of Environmental Effects:

- Landscape Plans prepared by Vision Dynamics Pty Ltd;
- Access Review Report prepared by Loka Consulting Engineers;
- Internal Traffic Management Report prepared by Loka Consulting Engineers.

This report has been prepared in support of the proposed modification. This report is based on the above plans, the previously approved development, inspections of the site and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed Section 96(2) Modification has been assessed in relation to:

- Environmental Planning & Assessment Act, 1979;
- Fairfield Local Environmental Plan 2013.
- Fairfield City Wide Development Control Plan 2013
- Prairiewood Town Centre Southern Precinct Development Control Plan 2013
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy 55 – Remediation of Land.
- State Environmental Policy No. 65 – Design Quality of Residential Apartment Buildings.
- State Environmental Planning Policy (Building Sustainability Index) 2004.

2. SITE CONTEXT

The site is located on the southern side of Restwell Road, between the Transit way and entrance to the Stocklands shopping centre precinct. The site is commonly known as 184 – 192 Restwell Road, Prairiewood.

The site is legally known as Lot 7, Section E in Deposited Plan 6934, with an overall area of 2.023Ha. The lot is traversed by a creek line which runs in an east-west direction. The original development application relates to the northern side of the creek line which is 1.403Ha in area. The remaining portion of the site, being south of the creek line, has been dedicated to the Council as a recreation. This dedication was part of a Voluntary Planning Agreement between the Calabria Club and the Council.

The site was previously occupied by a club house and amenities buildings which has since been demolished and at the time of writing this report, the site is undergoing sewer deviation works with Sydney Water Corporation, as part of carrying out the development consent. (Refer to Figure 1 – Site Location Map)



Figure 1 Site Location Map

Source: Google Earth and Six Maps 2016

The original development consent relates to the approval for the subdivision of the northern portion into two Torrens title lots, Lot 1 (the southern most of the two lots) and Lot 2 (the northern most of the two lots).

This Section 96(2) modification application relates solely to the Approved Lot 1, which is the subject site for the approved residential flat building. This subject site is trapezoidal in shape and has a total area of 3,046.6m² having a frontage to the new east west link road of 75.58m and depth

of 24.72m to eastern side boundary, frontage of 82.10m to the southern boundary and 56.34m to the western boundary.

The subject site is zoned B4 Mixed Use under the provisions of the Fairfield Local Environmental Plan 2013. Refer to Section 4.2.1(g) of this SEE.

The subject property is located within the Prairiewood Town Centre and consequently surrounded by various types of development, with the immediate and surrounding area containing a mixture of land uses including the Stocklands Shopping Centre, Fairfield Hospital, library, community facilities, open space/recreational uses and low density residential development. Refer to Figure 2 – Photos of Site and Surrounds

Adjoining the site immediately to the north is the Stockland's Shopping Centre which at present is being renovated. Immediately to the east are community facilities which include the Prairiewood Youth and Community Centre, the Cerebral Palsy Alliance.

To the south and west is Council owned land which includes the Prairiewood Leisure Centre. The southern portion of the land immediately behind the development site is zoned RE1 – Public Recreation. Whereas the Council owned land immediately west of our site forms part of the Prairiewood Town Centre and is accordingly also zoned B4 Mixed Use. This land is adjacent to the Parramatta to Liverpool TransitWay.

The site has not been identified as an item of heritage significance nor is the site located within a conservation area. The site has been identified as flood prone land, however the area of land in which the development is located on is flood free. The site is not identified as containing acid sulphate soils.

The site is in close proximity to a number of public transport options including the railway line and buses as well as proximity to shops, services and local parks within the immediate locality. The site is within 650m of Fairfield Railway Station and 300m of the southern edge of Fairfield Town Centre. The site is also located in proximity of arterial and local road networks such as the South-Western Motorway (M5), Fairfield Road and Canterbury Road, connecting it to other centres around Sydney. Refer to Figure 3 above.



The subject site as viewed from Restwell Road showing sports fields



Stocklands Shopping Centre across the road – loading areas front of Restwell Road.



The subject site as viewed from Restwell Road in March 2017. The site has since been demolished as part of the development consent.

Figure 2 Photo of Site and Surrounds

Source: GAT & Associates 2013, Google 2017

3. PROPOSAL

The application before Council involves a Section 96(2) Modification to alter the residential flat building on Approved Lot 1 as approved under DA No. 15.1/2014.

This Section 96(2) further seeks to respond to the conditions of DA No. 15.1/2014 which apply to the development.

Condition 1:

Compliance with Plans

"The development shall take place in accordance with the approved development plans and associated documentation, except as modified in red by Council and/or any conditions of this consent;..."

Comment:

Should Council find the application to be favourable, the plans associated with Condition 1 will need to be updated to reflect the amended plans.

Condition 2:

"Amendments in Red"

The following amendments made in red on the approved plans, shall be incorporated into the design and submitted to the Principal Certifying Authority".

Comment:

Should Council find the application to be favourable, the amendments in red associated with Condition 2 will need to be updated to reflect the amended documentation.

Condition 2A:

"Bicycle Parking"

Bicycle parking facilities are to be provided within the basement carpark at a rate of one (1) space per residential unit. Amended plans are to incorporate the location and details of the bicycle parking facilities and be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The bicycle parking facilities may be either Class 1, 2 or 3 (or a combination of these Classes) in accordance with the Australian Standard 2890.3:1993 – Parking Facilities. The incorporate of bicycle parking facilities is in addition to the required residential storage facilities and shall not reduce the residential storage facilities within the basement levels to less than one (1) storage facility per residential unit. There shall be no reduction in the required number of carparking spaces."

Comment:

The proposed modifications to the internal planning of the basement levels will result in the provision of 107 storage cages with 106 bicycle parking spaces, therefore compliant with Condition 2A.

Each unit is provided with a storage cage and a bicycle space designed in accordance with Australian Standard. Each unit will meet the required storage volumes as per the guidance of the ADG provisions.

Should Council find the application favourable, Condition 2A could be deleted.

Condition 3

"Compliance with Statement of Environmental Effects

The development shall take place in accordance with the Statement of Environmental Effects dated August 2014 prepared by GAT & Associates and all appendices, submitted in support of the Development Application."

Comment:

Should Council find the application to be favourable, the modifications sought under this Section 96(2) Modification Application and its associated documents will need to be reflected accordingly under Condition 3.

Condition 4

Restriction of use of land relating to gross floor area

Proposed Lot 2 of the approved "Proposed Subdivision Plan" must be burdened through the creation of a "Restriction on Use of Land" that limits the gross floor area permitted to be developed on that lot to no more than 14,742m² or an amount that when added to the gross floor area approved for Lot 1 of the approved "Proposed Subdivision Plan" equates to a floor space ratio of no more than 3.0:1 over the combined site areas of Lot 1 and Lot 2.

The amount of gross floor area approved for Lot 1 is 10,415.1m², and the combined site areas of Lot 1 and Lot 2 equals 8,385.7m²

The restriction shall be applied to Lot 2 via a Section 88B Instrument. Written confirmation from Council approving the wording of the 88B Instrument is to be provided prior to the registration of the subdivision with the NSW Land and Property Information Division.

The 88B Instrument is to be set out that the restriction relating to gross floor area on Lot 2 cannot be removed from the Title, modified or amended with Council consent

Gross floor area and site area are to be calculated in accordance with the definitions within the Fairfield Local Environmental Plan 2013."

Comment:

The proposed modifications will result in a decrease to the overall gross floor area of the development due to the opening of the ground floor entry foyers and the inclusion of services to all levels. It is worth noting that there is no change in the number of units, their sizes and layouts and the overall scale of the development. Each level will maintain its floorplate footprint and the lower gross floor area is merely resulting from the modifications stated above.

The resulting gross floor area of the proposed modification will be 10,224.09m² and an FSR of 3.35:1. This represents a reduction of 191.01m² of gross floor area when compared to the approved amount of gross floor area for Lot 1, being 10,415.1m².

Therefore, based on Condition 4, the “Restriction on Use of Land” that limits the gross floor area on Proposed Lot 2 will have to be revised to 14,933.01m², reflecting the above change on Approved Lot 1.

The Section 88B Instrument would also have to be amended to reflect the revised gross floor areas on Proposed Lot 2.

The amount of gross floor area of the combined site areas of Lot 1 and Lot 2 will equate to a floor space ratio 3.0:1.

Should Council find the application favourable, Condition 4 would need to be amended accordingly.

In addition to the modifications described above, the following modifications are proposed to the development:

- Ground Floor
 - Modify the four (4) entry foyers to the development, providing for an open design with landscaped gardens to each foyer.
 - Provide a substation kiosk to the northern section of the subject site.
- Level 6
 - Remove the communal open space on Level 6. Units B20, B21, C20, C21, C22, D25, D26 and D26 will now have enlarged private open spaces on this level.
- Roof
 - The roof level of the north-western most building, being Block A, has been designed to provide for a communal open space with BBQ facilities and planting. This level will have lift and stairwell access.
 - The addition of a lift overrun and stairwell on Block A as result of the above rooftop communal open space. This will have an RL of 54.59. This is below the maximum LEP height standard of 26.0m and would not cause any negative impacts in terms of overshadowing. This is detailed further under Appendix B of this SEE.
 - The roof level of Block C will be limited to plant and equipment, and for access to maintain those equipment.
- Basement Levels
 - Revision of the parking layout, storage areas and location of services such as waste and plant rooms, providing for greater efficiency.
 - Amending the driveway width and internal offsets
- Internal changes including providing service cupboards to the lift lobbies.

This Section 96(2) application before Council will maintain the same building envelope as initially approved within Development Consent No. 15.1/2014. The only exception is the modification to the built form to the roof level of Block A which is a result of the lift overrun and stairwell to provide access to the proposed roof top terrace. It is worth noting that this is designed to fall under

the maximum LEP height standard and will not create any significant bulk and scale which would significantly alter the approved development.

On this basis, a conscious effort was made in the preparation of the amended plans to ensure that the setbacks, the overall building height, bulk and scale of the development are not significantly altered, therefore supporting the '*substantially same development*' test for Section 96(2) applications. This will be discussed in more detail later in this report.

It is considered that the changes are minor and will improve the overall presentation of the built form and provides greater spatial use of the basement car park and improves overall amenity to the future residents as result of the changes to the common areas.

The proposed modifications maintain a residential flat building on the site. The proposed modifications have been designed to respond to Council's conditions of consent or to improve the internal amenity and functionality of the residential units. This proposal also maintains the same number of storeys and unit mix as the approved.

As such, the proposal will maintain the following:

- 4 x Studio Units
- 26 x 1 Bedroom Units
- 44 x 2 Bedroom Units
- 32 x 3 Bedroom Units
- 134 Car Spaces inclusive of 11 adaptable residential spaces, 26 visitor spaces, 1 adaptable visible space. A single car wash bay is also maintained within the basement level.

It is considered that the development can be determined under Section 96(2) of the Environmental Planning & Assessment Act 1979, which states as follows:

"Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification”.

The nature of the modification falls within Section 96(2), which is discussed under Section 4.1 within this report. As detailed above, the proposed changes will not substantially alter from the approved built form.

4. PLANNING CONTROLS AND ASSESSMENT

4.1 Environmental Planning & Assessment Act, 1979

In order to have the ability to modify a development consent under Section 96(2) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), Council must be satisfied that the development as modified would be substantially the same as the development for which the development consent was originally granted.

The planning merits of the modification are not relevant to the determination of the threshold question of whether the development to which the consent relates would be substantially the same development as the development for which the consent was originally granted.

In this regard, Council must apply the "*substantially the same development test*" to any Section 96 Application lodged. Case law in **Vacik Pty Ltd v Penrith City Council** (Stein J, 10242 of 1991, 24 February 1992) stated this test in the following terms:

"... 'substantially' when used in the section means essentially or materially or having the same essence".

In relation to determining whether the proposed modified development is "essentially or materially" the same as the approved development. Justice Bignold in **Moto Projects No. 2 Pty Ltd v North Sydney Council** (1999) 106 LGERA 298 at 309, states:

"The relevant satisfaction required by s 96(2)(a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.

The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared.....".

In light of the above, the Section 96(2) proposal is "*essentially or materially*" the same as the development that was initially approved. The overall built form of the approved development will remain almost entirely the same, with some minor modifications in terms of external materials and finishes, and the minor extension of the built form on the western elevation as result of the proposed access to the roof top communal open space.

Other amendments have been detailed under Section 3.0 of this Report and are considered to be minor.

In terms of comparing the quantitative comparative aspects of the development, the modification proposes the following:

- The approved number of storeys will not be altered;
- The approved number of units, being 106 units, will not altered;

- The approved number of car parking spaces, being a total of 133 spaces, will be increased by one space to 134 spaces.
- A decrease in the overall gross floor area of the development compared to the approved development by 191.01m² (Refer to Section 4.2.1.(g).

Notwithstanding the above quantitative comparisons, the characteristics of the development, when taking into consideration the qualitative aspects are essentially considered the same. The reasons for this is are:

- The proposed modifications retain a residential flat building development on the site;
- There is no change proposed to the unit mix and internal unit layouts of the approved development;
- The proposed modifications to the materials and finishes will retain its overall presentation of the proposal on the site with the overall facade reflecting the same theme;
- No change to the approved height of the building;
- Notwithstanding the proposed decrease in gross floor area, the overall approved building envelope will not be significantly altered as the decrease is resulting from the opening of the ground floor entry foyers and inclusion of internal service cupboards to the development;
- The revised layout to Basements 1 and 2 will provide for greater efficiency while maintaining the approved footprint of the basement levels.
- The proposed modifications will not alter the approved vehicular access provided on the site despite the removal of the additional basement level.

In consideration of the above, it is concluded that the proposal is substantially the same development that was approved initially, and therefore satisfies the '*substantially the same development test*' under Section 96 of the Environmental Planning & Assessment Act, 1979.

4.2 Section 79C of the Environmental Planning and Assessment Act, 1979

The following section provides an assessment of the proposed modifications in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

(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.

The provisions of:

4.2.1 Relevant State, Regional and Local Environmental Planning Instruments

4.2.1.(a) Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The proposed development accords with the outcomes and objectives of the Greater Metropolitan Regional Environmental Plan No.2. Appropriate sediment and control devices will be placed on the site during site works to ensure that pollutants and runoff from the site will not impact upon the Georges River. Reference is to be made to the Erosion and Sediment Control Plan prepared by Bonacci as part of this application.

4.2.1.(b) State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004

The Section 96 application has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The modified proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

A revised BASIX Certificate has been issued for the modified development and is attached under separate cover to this Statement of Environmental Effects. This shows compliance with the required water, thermal and energy provisions under BASIX.

4.2.1.(c) State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

This consideration was addressed in the original development application submitted to Council and in accordance with State Environmental Planning Policy No. 55, Council is able to conclude that no further assessment of contamination is necessary.

4.2.1.(d) State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the State Environmental Planning (Infrastructure) 2007 applies to development where it has a frontage to a classified road. The classified road in this instance is Restwell Road. On this basis, Clause 101 of the SEPP Infrastructure aims to ensure that new development does not compromise the effective and ongoing operation and function of classified roads.

Furthermore, the SEPP Infrastructure aims to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The original development consent considered the proposal against the SEPP Infrastructure in terms of the vehicular access to the site via Restwell Road and a Traffic Report was submitted as part of the development application. The proposed modification does not alter the location and access arrangements of the approved vehicular access to the development.

Therefore, in this regard, the proposed modifications would not alter the approval and has appropriate satisfied the SEPP Infrastructure.

4.2.1.(e) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

The policy sets out a series of design principles for Local Council or other consent authorities to consider when assessing development proposals for flats.

The SEPP 65 underwent a comprehensive review and the changes were notified on the NSW legislation website on 19 June 2015 and commenced on 17 July 2015. For development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide (ADG), along with the changes to SEPP 65 will apply.

As stated in Section 1.0 of this report, the approved development was lodged prior to the SEPP 65 changes and the development was assessed under the provisions of the Residential Flat Design Code. As the proposal will not largely alter the original development's compliance with SEPP 65 and the Residential Flat Design Code, this current modification application before Council will be assessed under the ADG where applicable.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Section 96(2) Modification application is based on the submitted plans prepared by Architex.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential flat buildings. These principles are as follows:

- Principle 1 Context and Neighbourhood Character
- Principle 2 Built Form and Scale
- Principle 3 Density
- Principle 4 Sustainability
- Principle 5 Landscape
- Principle 6 Amenity
- Principle 7 Safety
- Principle 8 Housing Diversity and Social Interaction
- Principle 9 Aesthetics

The aims and objectives of this policy are:

- (1) *This policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) *Improving the design quality of residential apartment buildings aims:*

- (a) to ensure that they contribute to the sustainable development of New South Wales;*
 - (i) by providing sustainable housing in social and environmental terms; and*
 - (ii) by being a long term asset to their neighbourhood; and*
 - (iii) by achieving the urban planning policies for their regional and local contexts; and*
- (b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and*
- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and*
- (d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and*
- (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
- (f) to contribute to the provision of a variety of dwelling types to meet population growth, and*
- (g) to support housing affordability, and*
- (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*
- (i)*
- (4) This Policy aims to provide:*
 - (a) consistency of policy and mechanisms across the State; and*
 - (b) a framework for local and regional planning to achieve identified outcomes for specific places.*

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under Appendix A of this report.

4.2.1.(f) Residential Apartment Design Guidelines

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled *Apartment Design Guide* (ADG). Only the areas noted for modification within the plans will be assessed under the ADG, with compliance assessed under a table within Appendix B of this report.

Refer to Appendix B for an assessment of the planning guidelines of Apartment Design Guide.

4.2.1.(g) Fairfield Local Environmental Plan 2013

Refer to Appendix C for an assessment of the proposal against Council's LEP standards.

Land Zoning

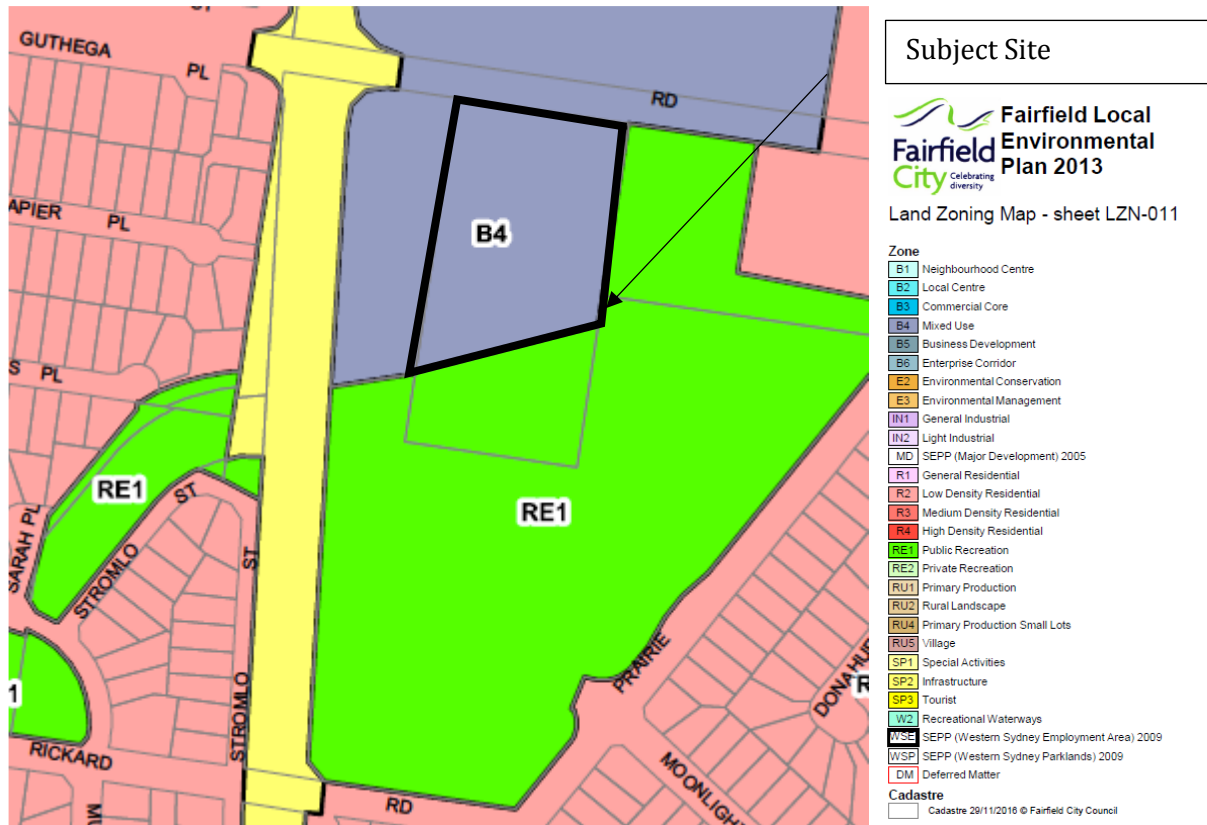


Figure 3 Land Zoning Map

Source: Fairfield LEP 2013

The subject site is located within the B4 Mixed Use zone as shown on Council's zoning map. Residential flat buildings are permissible with consent and the proposal is consistent with the definition contained within the LEP:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note.

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary

The proposed modifications will maintain the residential flat building that has been approved on approved Lot 1.

The proposed modifications will not alter the approved number of units or unit mix. The residential flat building will be consistent with the existing and future high density character of the subject site and will not substantially change compared to the approved development. Therefore, the approved development is consistent with the overall desired future character of the precinct.

Height

There is no change to the overall maximum approved height of the building, as such status quo is maintained.

Floor Space Ratio

The overall site consists of two (2) allotments, being Approved Lot 1, which relates to the lot involved in this modification before Council, and Proposed Lot 2, which is a residue lot.

Under Council's maps, the overall combined site has a total site area of 8,385.7m² and a maximum floor space ratio of 3.0:1. Refer to Figure 4 below.

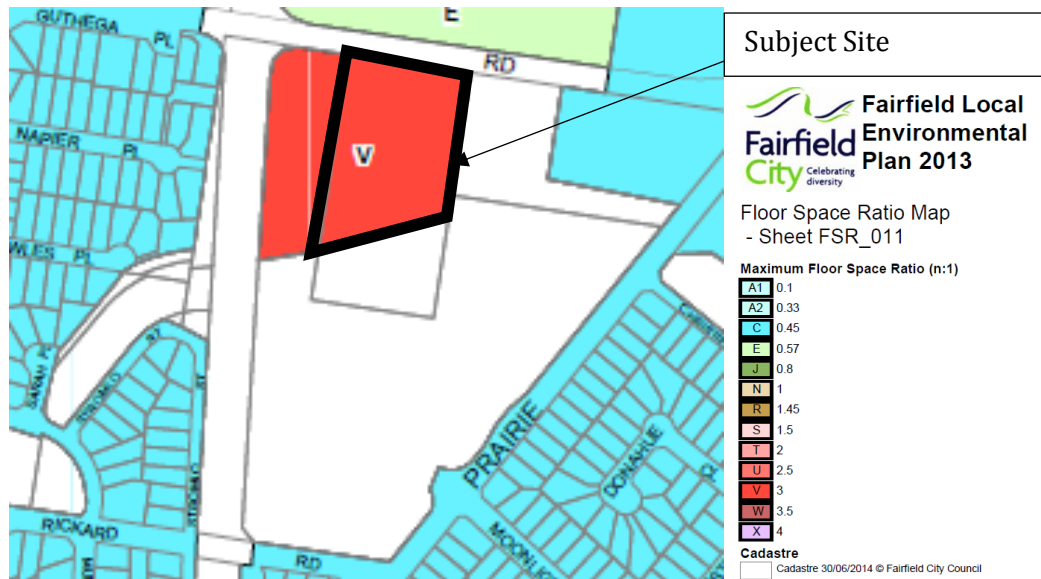


Figure 4 Floor Space Ratio Map

Source: Fairfield LEP

Under the original development application, the proposal sought for the development of Lot 1, leaving Lot 2 as a residual lot to be developed at a future stage. Therefore, it was noted the development of Lot 1 would only result in a part of the overall development potential of the combined site.

In relation to the future development of Lot 2, Condition 4 of the development consent stipulated the amount of gross floor area to Proposed Lot 2 and a Section 88B Instrument was drafted to regulate the future development potential of this residue lot. This was done with the intention so that the overall combined development on the entire site would equal to a floor space ratio of 3.0 : 1, fitting with Council's desired future density of the site.

As detailed under Section 2.0 of this report, this modification relates solely to the approved residential flat building at Approved Lot 1, which has a site area of 3,046.6m².

The approved development had a floor space ratio of 3.42:1 or a total gross floor area of 10,415.1m², exceeding the maximum permitted by some 1,275.3m² or 13.9%.

As stated within this SEE, the modifications sought to open up the previously enclosed entry foyers located on the ground floor and to include internal service cupboards to the development.

This resulted in a decrease of 191.01m² compared to the approved development, therefore the residential flat building on Approved Lot 1 will have a total gross floor area of 10,224.09m² and a floor space ratio of 3.35:1.

There is no change to the overall approved bulk and scale of the approved development, notwithstanding the built form which is proposed to the roof level of Block A which is considered to not cause any significant impact. The proposed modifications will continue to keep with the built form and overall envelope of the approved development.

As noted within the original Statement of Environmental Effects and the written statement to vary the FSR under Clause 4.6, the development is considered to be in keeping with the desired future character of the area and the justifications provided within the original SEE and Clause 4.6 Variation Statement remain relevant under this proposed modification.

Based on the above, the 191.01m² decrease in gross floor area to Lot 1 would then be transferred the gross floor area balance on Proposed Lot 2. This totals to a maximum gross floor area of 14,933.01m² that can be provided on Proposed Lot 2.

Therefore, Condition 4 of the development consent and the Section 88B Instrument applied to the Proposed Lot 2 would need to be amended to reflect the proposed reduction in Approved Lot 1. This has been detailed under Section 3 of this SEE.

4.2.2 Draft Relevant State, Regional and Local Environmental Planning Instruments

There are no draft plans applicable to the site at the time of writing.

4.2.3 Development Control Plans

4.2.3.(a) **Fairfield City Wide Development Control Plan 2013**

Refer to Appendix D for a detailed assessment against Council's DCP controls.

4.2.4 Regulations

There are no prescribed matters which hinder the development.

4.2.5 Likely Impacts

Consideration must be made to the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

4.2.5.(a) **Impact on the Natural Environment**

The development will not have an adverse impact on the natural environment, as the subject site is located within an urban environment and has an approved built form on the site.

4.2.5.(b) **Impact on the Built Environment:**

The general built form approved for the site will not significantly alter through this modification. Overall, there are no unreasonable impacts created by this proposal, as detailed in this Statement of Environmental Effects.

4.2.5.(c) Social and Economic Impacts on the Locality

The proposal will provide for additional housing supply in the Prairiewood locality that is close to public transport and amenities. The development will continue to have a positive social and economic impact for the area. On this basis, an increase in housing choice will be available once the development is complete.

4.2.6 Suitability of the Site

The land is appropriately zoned to permit the development and the development meets the objectives of the zone and the Fairfield Local Environmental Plan 2013.

4.2.7 Submissions made in accordance with this Act or the regulations

Not relevant.

4.2.8 The Public Interest

The public interest would be served by approval of this development, as it will provide for a building of a high architectural standard. This will in turn, improve the amenity of the area.

It is considered that the proposed modifications is conducive to Council's policies and does not result in any unreasonable impacts and it will maintain substantially the same development as approved on this site.

Under the circumstances of the case, it is considered that the proposed development is acceptable and should be supported.

5. CONCLUSION

The proposed modifications have had regard to the approved development, the attributes of the site and the surrounding land uses. It is considered that the proposed amendments are minor, fall within the realm of a Section 96(2) application and will not result in a significantly different development to that which has been approved under DA No. 15.1/2014.

It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the modified proposal.

The proposed modifications have been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The modifications do not result in any unreasonable impacts to adjoining properties and is conducive to Council's policies. Accordingly, it is sought that Council approve the application.

Appendix A Nine Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The following comments are provided to address the nine (9) Design Principles:

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 subject site is located within the B4 Mixed Use zone and the current built form would be substantially the same as the approved form given the minor amendments, therefore this is considered to reflect the desired future character of the area.

The approved development is considered an 'infill' development that responds positively to the site and meets desired future character of the immediate area. Where possible, the proposed modifications have made considerable effort to achieve the objectives and controls of State Environmental Planning Policy No.65 where detailed within this Statement of Environmental Effects.

Principle 2 Built 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 Block 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 scale of existing development in the area is characterised by single dwellings, up to two storeys in height the Stocklands Shopping Centre development which is effectively two storeys in height and open space uses.

Given the scale of existing development in the immediate context of the site, the proposal represents a scale appropriate to the desired future character of the area. The proposal will continue to comply with maximum building height (noting the breach is resultant from an architectural roof feature, and not habitable floor space) and the approved building setbacks will

define the future characteristics for development in this locality. An eight-storey structure is proposed and is consistent in scale anticipated within Council's planning documents.

As discussed within the report, the proposal will not differ greatly from the bulk and scale approved under DA-15.1/2014.

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 as approved will provide for new residential accommodation in a location where there is a demand for such accommodation.

The proposed modifications will not alter the number of units or unit mix compared to the approved development. Only minor amendments are sought which are in keeping with earlier conditions of consent and/or limited to internal re-planning and block articulation. The site is also well located to public transport, shops, services and amenities and is consistent with the Apartment Design Guidelines and Council's planning instruments reinforcing its appropriateness.

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:

Where possible, the principles of energy efficient and environmental sensitive design and these have been incorporated into the development.

The proposed modifications make efficient use of natural resources and include passive design principles to reduce energy consumption.

Energy efficiency parameters prescribed by the BASIX Certificate will ensure that the development meet the required targets.

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 usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

Comment:

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

The proposal and site appearance will be improved by the careful use of landscaping within the site.

The new development will provide a communal landscaped area in the central northern portion of the development lot, located at ground level for the enjoyment of all future users of the development.

Deep planting is provided around the perimeter of the development, including mature trees to the street frontages, which will ensure significant landscaping as proposed is allowed to flourish in time and provide a greening of the site that will over time be to the benefit of residents and neighbours.

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 wellbeing.

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:

The development overshadows adjoining land to the south, which is inevitable given the orientation of the site in relation to north. Notwithstanding, careful consideration has been given to the orientation and positioning of the development and design and layout of units to ensure a satisfactory level of solar access is available to this open space area. Living areas are oriented to the north while service rooms and bedrooms have been located to the south.

In addition, the design the development ensures that visual and acoustic privacy for residents is maintained. This has been further demonstrated in the architectural plans prepared by Architex.

The proposal provides future occupants with a good level of amenity in terms of solar access to habitable areas, as well as balconies and private open space.

The design has however been able to achieve a good level of amenity within the development to maximise amenity whilst addressing constraints such as orientation.

Careful planning of the proposed built form provides for 2 hours of solar access to 79% of the units in accordance with the requirements of the SEPP. The habitable areas of the apartments are no deeper than 8 metres and appropriately recessed balconies and external sun devices prevent

excessive heat load on apartments during the summer period, particularly those apartments on the western elevation.

Whilst achieving the desired percentage of solar access to apartments has been challenging, due to the sites orientation, the proposal does provide the required percentage of cross flow apartments. A total of 65% of apartments achieves excellent ventilation due to their aspect.

All apartments have a private outdoor area adjacent to living areas with a minimum depth of two meters, which has been increased in some areas to allow provision for outdoor furniture. In addition some units are provided with secondary outdoor spaces, providing greater amenity to these units. Areas provided as private outdoor space are consistent with this policy. A roof top communal open space is also provided to the roof level of the north-western Block A for resident enjoyment.

All dwellings achieve 2700mm ceiling heights to both living areas and bedrooms. The planning and orientation of primary living areas within individual units have been determined to provide optimal amenity for inhabitants, whilst maintaining visual and acoustic amenity between units.

Other amenity improvements include accessible design in accordance with AS4299, with lift access provided between all levels of the building, including the car parking level where accessible/visitor car spaces are provided.

A more than adequate volume of private storage is provided for each dwelling, both inside the dwellings and separately located within the basement. SEPP65 requires storage volume for a building of this proposed mix excluding kitchen cupboards and wardrobes. The proposal satisfies this requirement.

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:

The approved development has had regard to the principles of 'Safer by Design', which will be maintained by this proposal. Aspects such as natural surveillance and controlled access have all been taken into consideration. The central access to the building is of an open design, with glazing allowing casual surveillance between the access point and the street.

The proposed development has made provisions for natural surveillance for both communal and public areas. The common areas will be appropriately lit to ensure safety and visibility after dark.

Each entry of the development is clearly visible. The entrances to all units are clearly visible from the common access areas, and common areas will be illuminated at night for the safety of residents.

The new development will provide landscaped setbacks to each street frontage, which will allow for deep soil planting and will provide improved separation to the properties immediately opposite the site.

The landscaping will also provide for a level of privacy between the properties that will in turn result in higher levels of amenity for existing neighbouring properties and future occupants of the development. This is also the like for the three remaining boundaries of the development. Furthermore, the landscaping will define the public and private domain, therefore providing territorial re-enforcement.

Access to the building will be through a controlled security system and a roller shutter door to the basement car park. An intercom system will be provided for access.

The street numbering and the identification of the building will be quite clear to prevent unintended access and to assist persons trying to find the building.

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, providing opportunities for social interaction amongst residents.

Comment:

The development as approved, provides for new residential supply within an established area, which is located near public infrastructure and the Stocklands Shopping Centre. The area can support an increase in density, this is encouraged by Council's future desired character for the precinct and from the recent approvals in the area.

The development as approved, provides for a range of apartment sizes and layouts to cater to different housing needs and lifestyles of the community. Adaptable apartments are also included.

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

Comment:

It is considered that the proposed modifications incorporate the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The site, its future desired character and bulk and scale of surrounding developments have been considered in the modified design of the development, which is not significantly different from the bulk, scale and design of the approved development. The internal functions and structure have been clearly expressed through the articulation and massing of the facades.

Design Verification Statement:

This proposal seeks for the modification of an approved development. A Design Verification Statement has been prepared by Architex and submitted under separate cover to this SEE.

It is considered that the minor modifications sought under this proposal maintains substantially the same development in terms of bulk & scale, number of units, building envelope and its interaction with the public domains and adjoining properties.

Appendix B Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Complies
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	<p>The shadows cast by the proposed modification would not result in any material change in the overshadowing impact.</p> <p>The increase to the built form located on the western section of the development, resulting from the lift overrun and stairwell to the roof terrace, would see a minor increase in shadows cast at 9.00am.</p> <p>However, its minor bulk results in shadows which would largely fall within the shadows of the approved form and will not cause any significant impact.</p> <p>The overall development will not change in its</p>

STANDARD	OBJECTIVE	COMPLIANCE
		maximum height, overall bulk and scale. Complies.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies
Communal And Public Open Space	3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping <i>Design criteria:</i> Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid-winter).	No change to the approved communal open space on the ground level. An additional communal open space with BBQ facilities is provided to the roof level of the north-western most building, being Block A, improving overall amenity and recreational options for the future residents. Complies
	3D-2 – Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Complies
	3D-3 – Communal open space is designed to maximise safety.	Complies
	3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	N/A.
Deep Soil Zones	3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality <i>Design criteria:</i>	No change to the approved.

STANDARD	OBJECTIVE	COMPLIANCE												
	<p><i>Deep soil zones are to meet the following minimum requirements:</i></p> <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
Visual Privacy	<p>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><i>Design criteria:</i> <i>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:</i></p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</i></p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>No change from the approved.</p> <p>Complies.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
	<p>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>Complies</p>												
	<p>3G-1 - Building entries and pedestrian access connects to and addresses the public domain.</p>	<p>The proposal provides for suitable pedestrian</p>												

STANDARD	OBJECTIVE	COMPLIANCE
Pedestrian Access And Entries	3G-2 - Access, entries and pathways are accessible and easy to identify.	access to the development, particularly via the main entry of each core access lobby area.
	3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations	The layout of the proposed development allows for through site pedestrian connections at ground level for the occupants of the development, promoting safe and active environments at this level.
Vehicle Access	3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	No change from the approved.
Bicycle And Car Parking	<p>3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><i>Design criteria:</i> <i>For development in the following locations:</i> <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i> <i>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i> <i>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</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p>	<p>The proposed modification provides for an additional residential car space, totaling to 134 car spaces.</p> <p>The layout of the carpark has improved as part of the proposed modifications.</p> <p>Complies.</p>
	3J-2 - Parking and facilities are provided for other modes of transport	

STANDARD	OBJECTIVE	COMPLIANCE
	3J-3 – Car park design and access is safe and secure.	
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	
Solar And Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. <i>Design criteria: 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 In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</i>	No change from the approved.
	4A-2 – Daylight access is maximised where sunlight is limited.	
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	
Natural Ventilation	4B-1 – All habitable rooms are naturally ventilated.	No change from the approved.
	4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	
	4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents <i>Design criteria: 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 Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i>	
Ceiling Heights	4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access <i>Design criteria:</i>	No change from the approved.

STANDARD	OBJECTIVE	COMPLIANCE												
	<p><i>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> <p><i>These minimums do not preclude higher ceilings if desired.</i></p> <p>4C-2 - Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p> <p>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
Apartment Size And Layout	<p>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><i>Design criteria:</i> <i>Apartments are required to have the following minimum internal areas:</i></p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p><i>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p> <p><i>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</i></p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	No change from the approved.		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													

STANDARD	OBJECTIVE	COMPLIANCE															
	<p>4D-2 – Environmental performance of the apartment is maximised.</p> <p><i>Design criteria:</i> <i>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</i> <i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p>	No change from the approved habitable room depths															
	<p>4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p><i>Design criteria:</i> <i>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</i> <i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</i> Living rooms or combined living/dining rooms have a minimum width of: <i>3.6m for studio and 1 bedroom apartments</i> <i>4m for 2 and 3 bedroom apartments</i> <i>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></p>	This proposal provides for minimum areas which do not change from the approved.															
Private Open Space And Balconies	<p>4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><i>Design criteria:</i> <i>All apartments are required to have primary balconies as follows:</i></p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> <p><i>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i> <i>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 15m² and a minimum depth of 3m.</i></p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	No change from the approved private courtyards and balconies.
	Dwelling type	Minimum area	Minimum depth														
Studio apartments	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3+ bedroom apartments	12m ²	2.4m															
<p>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>																	

STANDARD	OBJECTIVE	COMPLIANCE										
	4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.											
	4E-4 - Private open space and balcony design maximises safety											
Common Circulation And Spaces	4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments Design criteria: The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No change from the approved.										
	4F-2 - Common circulation spaces promote safety and provide for social interaction between residents											
Storage	4G-1 - Adequate, well designed storage is provided in each apartment Design criteria: In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	Complies.
	Dwelling type	Storage size volume										
	Studio apartments	4m³										
1 bedroom apartments	6m³											
2 bedroom apartments	8m³											
3+ bedroom apartments	10m³											
4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.												
Acoustic Privacy	4H-1 - Noise transfer is minimised through the siting of buildings and building layout	No change from the approved.										
	4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.											
Noise And Pollution	4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	No change from the approved.										
	4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.											

STANDARD	OBJECTIVE	COMPLIANCE
Apartment Mix	4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.	No change from the approved.
	4K-2 - The apartment mix is distributed to suitable locations within the building.	
Ground Floor Apartments	4L-1 - Street frontage activity is maximised where ground floor apartments are located	No change from the approved.
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	No change from the approved.
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	The proposed modification to the materials and finishes will improve the overall façade of the development, providing for a complementary palette.
	4M-2 - Building functions are expressed by the façade.	
Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	The proposal maximises the opportunity to provide an additional communal open space on the roof level of the north-westernmost block, being Block A. Complies.
	4N-3 – Roof design incorporates sustainability features.	Complies.
Landscape Design	4O-1 – Landscape design is viable and sustainable	Complies
	4O-2 – Landscape design contributes to the streetscape and amenity.	

STANDARD	OBJECTIVE	COMPLIANCE
Planting On Structures	4P-1 – Appropriate soil profiles are provided.	Complies
	4P-2 – Plant growth is optimised with appropriate selection and maintenance.	
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies. No change from the approved development.
	4Q-2 - A variety of apartments with adaptable designs are provided.	
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A
	4S-2 - Residential levels of the Block Are integrated within the development, and safety and amenity is maximised for residents.	
Awnings And Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	Complies
	4T-2 - Signage responds to the context and desired streetscape character.	No change from the approved development
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies. Refer to the BASIX Certificate.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	
	4V-1 - Potable water use is minimised.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
Water Management And Conservation	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Refer to the BASIX Certificate.
	4V-3 - Flood management systems are integrated into site design.	
Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	
Building Maintenance	4X-1 - Building design detail provides protection from weathering.	Complies.
	4X-2 - Systems and access enable ease of maintenance.	
	4X-3 - Material selection reduces ongoing maintenance costs.	

Appendix C Fairfield Local Environmental Plan 2013

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 2.7 Demolition	<ul style="list-style-type: none"> Development consent required 	No change from the approved.
Zoning	<ul style="list-style-type: none"> Zone B4 Mixed Use 	<p>Complies.</p> <p>The approved residential flat building development will not change as result of this modification.</p>
Clause 4.3 Height of Buildings	<ul style="list-style-type: none"> 26.0m 	No change from the approved overall height of the development.
Clause 4.4 Floor Space Ratio	<ul style="list-style-type: none"> 3:1 	<p>The proposed floor space ratio is 3.35 :1 or a gross floor area of 10,224.09m². This equates to an additional 1,084.29m² or a variation of 10.6%.</p> <p>It is worth noting that the proposed modification resulted in a reduced floor area than the previous approval due to the opening up of the ground floor entry foyers and through the exclusion of services and ducting.</p>

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
		See further comments under Section 3 and Section 4.2.1(g) of this report.
Clause 5.10 Heritage Conservation	<ul style="list-style-type: none"> N/A 	N/A
Clause 6.1 Acid Sulfate Soils	<ul style="list-style-type: none"> N/A 	N/A
Terrestrial Biodiversity	<ul style="list-style-type: none"> The objective of this clause is to maintain terrestrial biodiversity by protecting native fauna and flora. 	The approved basement levels will not change in a significant manner. In fact, the proposed re-orientation of the fire stairs will reduce the amount of excavation required.
Riparian Land and Watercourses	<ul style="list-style-type: none"> The objective of this clause is to protect and maintain the following: <ol style="list-style-type: none"> water quality within watercourses, the stability of the bed and banks of watercourses, 	A portion of the site is mapped as a riparian zone. The original application addressed this as being contained wholly within the recreation zone immediately south of the development site.
Earthworks	<ul style="list-style-type: none"> Before granting development consent for earthworks, the consent authority must consider the following matters: <ol style="list-style-type: none"> the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, the effect of the proposed development on the likely future use or redevelopment of the land, the quality of the fill or the soil to be excavated, or both, 	The proposed modifications will result in less excavation as we seek to remove the third basement level.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> d) the effect of the proposed 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) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. 	The remaining excavation required on site is as per approved.
Flood Planning	<ul style="list-style-type: none"> • Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: <ul style="list-style-type: none"> 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 	<p>A Flood Report by Sinclair Knight Merz was submitted and considered under the original development application.</p> <p>N/A.</p>

Appendix D Fairfield City Wide Development Control Plan 2013

Note: As there are no modifications relating to this application which would alter the approved development in a significant manner, it is deemed that Chapter 3 of the Fairfield City Wide DCP 2013 has been adequately considered under the original development application.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Prairiewood Town Centre Southern Precinct Development Control Plan 2013		
Site Development	<ul style="list-style-type: none"> The land subject to this DCP should be developed as either a consolidated parcel or in a maximum of two primary development parcels, with each parcel being generally the same as the two existing lots (excluding the rear of Lot 7, which is being dedicated as public open space); The development of the first parcel provides for the whole of the singular access road connecting to Restwell Road to be constructed to Council's normally accepted standards and subject to consultation with the RTA; That documentation is submitted with any application for the development of the first parcel that demonstrates that the second parcel can be developed at a later date in a manner that will comply with relevant controls (including solar access) and in a way that will satisfy the intent of the DCP and substantially achieve the development potential envisaged for the land; That development of the second parcel is to be sympathetic to the architectural style of the development approved on the first parcel and use similar or compatible materials. 	<ul style="list-style-type: none"> No change to the approved.
Streets	<ul style="list-style-type: none"> New streets are to be located generally in accordance with the Indicative Southern Precinct Plan (see Figure 2), with a single access point into the site from Restwell Road. Street locations shown in Indicative Southern Precinct Plan are indicative in terms of location, but not in terms of function. The north-south and east-west internal connections are to provide for efficient access and vehicular and pedestrian flow within the site. All potential new roads as shown on Figure 2 are to be constructed wholly within the land the subject of this DCP. The primary access from Restwell Road (see Figure 2) should be dedicated as a public road with a minimum 20m reservation. All other roads are to have a minimum reservation and design specification as determined by Council dependent on road function and urban design considerations. The exact location of the Restwell Road intersection, and associated design details, shall be in accordance with traffic engineering assessment and design to be submitted with any development application for the site. Generally, street blocks should not exceed 120m in length unless the alignment is a rational 	<ul style="list-style-type: none"> No change to the approved street network provided in accordance with the Indicative Southern Precinct Plan.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>extension of adjoining streets.</p> <ul style="list-style-type: none"> • The Transit-way is an access-denied road. There will not be any internal road connection to the Transit-way. • The need for provision or to link in with cycleway routes is to be determined in consultation with Council and the RMS. • Development applications are to be accompanied by a Traffic Report, prepared by a suitably qualified person, addressing the relationship of the proposed internal street / access arrangements with existing and likely future road networks. • The street network shall take into consideration the potential need to connect to adjoining land in the future to facilitate the long term vision of the Prairiewood Masterplan. The primary criteria in reviewing the status of other future roads are that public roads should be required: <ul style="list-style-type: none"> ○ to provide for access to later stages of development, if not able to be resolved by easements; ○ whether this would be essential to facilitating access to future development to the east as envisaged by the Prairiewood Masterplan; and ○ to provide public access to civic spaces and the adjoining public open space land (if not able to be resolved by easements) 	
Driveways	<ul style="list-style-type: none"> • Buildings should have multiple vertical circulation cores and have multiple common entries along the street. • For every 10m² of retail GFA, there should be a minimum of 1m of active street frontage. • All dwellings with floor areas adjacent to, or within 1.4m of the adjoining public domain should have access from the public domain. • The articulation of street facades is to respond to the location of common entries. Common entries are to be visible and recognisable from the street. • Lanes, share ways or through-site pedestrian links should be incorporated at the breaks between buildings. • Breaks between buildings should be aligned with openings between buildings, street or lanes in the surrounding area. • Ground floor non-residential frontages should be designed as shop fronts with no less than 70% of the shop front glazed with clear glass. • 50% of frontage should be individual shops 6m wide or less. • Ground floor levels of residential buildings are to be at or near ground level and, in any case, no 	<ul style="list-style-type: none"> • No change to the approved layout, location of entries and presentation of the proposed development to the ground level.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>more than 1.4m above pavement level.</p> <ul style="list-style-type: none"> Ground level entrances to retail and commercial development must be at the same level as the adjacent footpath. 	
Residential Dwelling Type	<ul style="list-style-type: none"> Minimum dwelling mix: Studio 5%, 1 bed 15%, 3+ bed 25% - no minimum for 2 bed. 10% of dwellings to be adaptable which equates to 10.7 units. 	<ul style="list-style-type: none"> No change to the approved unit mix and the number of adaptable dwellings.
Mixed Use Development	<ul style="list-style-type: none"> Residential units with ground floor access (i.e. next to other permitted uses at ground floor level, rather than above other uses) may have work spaces as home offices. Separate access points, service areas and garbage areas are required for different uses. Wherever possible, uses should be separated at ground level and be located on individual property titles. Noise generating land uses shall not result in unacceptable impacts on surrounding residents. 	<ul style="list-style-type: none"> N/A. Separate access points have been provided for servicing, pedestrians and vehicles. No separate uses proposed. N/A.
Setbacks	<ul style="list-style-type: none"> Except where otherwise specified, buildings are to be set back a maximum of 2m from the boundary, as depicted by Figure 6, with edge treatments in accordance with Figures 7-13, depending on proposed use. Note: A 2m setback applied to the ground and first floors will create a streetscape with a defined built form. For retail frontages this allows for a generous footpath and the potential for outdoor seating and for residential frontages a landscaped area for screen planting to improve privacy. The building may be setback further than 2m where a public place in the form of a “square”, “piazza”, or “plaza” is proposed. Where such a public place is proposed, 90% of the frontage of buildings facing onto it must be “active frontage”. Above the fifth storey, buildings should be set back from the building envelope by an additional 4m. The first two levels above ground level are required to be developed to the extent of the building envelope for 70% of the lot frontage. 30% of the frontage may have a setback of up to 4m from the building envelope to allow for Block Articulation and any residential courtyards. Where car parking is proposed at ground level, it is not to be visible from the street and is to be concealed behind the built form. Basement car parking is preferred to above ground car parking. 	<ul style="list-style-type: none"> No change to the approved setbacks of the built form. Basement car parking is provided as preferred by the development control plan and not visible to the street.
Building Height	<ul style="list-style-type: none"> Residential storeys with a ceiling height greater than 4m will be counted as 2 storeys. Undercroft and basement car parking is not considered to be a storey, but any part of a building 	<ul style="list-style-type: none"> N/A.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>used for parking above ground level is included in the calculation of overall number of storeys.</p> <ul style="list-style-type: none"> The floor level of the first habitable level above semi-basement car parking should not be more than 1400mm above the level of the adjacent footpath. Semi-basement parking may protrude above ground level. Where the floor level of the first habitable floor is greater than 1400mm above the adjacent ground level the parking will be counted as a storey. 	No change to the approved floor to ceiling heights.
Variation in Heights	<ul style="list-style-type: none"> Development is to provide a range of building heights as indicated by Figure 14. Building height is to be distributed to maximise solar access to communal and public open space. Variations to building heights must not compromise other principles or controls applying to the development. 	<ul style="list-style-type: none"> There is no change to the overall height of the approved development. The approved development reflects the building heights prescribed by the DCP. N/A. None proposed.
Solar Access, Natural Light and Ventilation	<ul style="list-style-type: none"> Direct natural lighting should be provided to all living, dining and sleeping areas of each dwelling (not limited to the BCA minimum requirements). However, where reliance on borrowed light is demonstrated to be unavoidable, only non-habitable rooms and kitchens shall be designed with access to borrowed light. The location of kitchens on an outside wall is encouraged. Upper storeys should take advantage of the natural light and ventilation through the use of skylights and vents for kitchens and bathrooms on the upper level. 	<ul style="list-style-type: none"> No change from the approved development.
Private Open Space	<ul style="list-style-type: none"> Private open space must be provided for each dwelling in accordance with the requirements of the NSW Residential Flat Design Code (Department of Planning 2002). Private open space, particularly upper floor balconies, is to be located or screened to avoid any potential visual privacy impact between dwellings. If screening is necessary, it should be integrated into the building design and must not unduly add to the building bulk. Balconies shall not extend into any road reserve or public open space. 	<ul style="list-style-type: none"> No change from the approved development. The additional private open spaces to Units B20, B21, C20, C21, C22, D25, D26 and D26 on Level 6 will be more than compliant with the ADG requirements.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Communal Open Space	<ul style="list-style-type: none"> Communal open space must include features such as seating, shade structures, child play equipment or barbeques to satisfy the recreation needs of all residents. Communal open space must be accessible from all dwellings within the development. It should be possible for residents of at least two dwellings to visually monitor this space. Communal open space should be provided as a consolidated area of useable dimensions (minimum 20m). Detention basins can be counted as communal open space if: <ul style="list-style-type: none"> the difference between natural ground level and the lowest level of the basin is not more than 0.5m; and it provides recreation features such as barbeque, seats or similar. The incorporation of these elements will reduce basin capacity and should be recognised when preparing calculations. 	<ul style="list-style-type: none"> The proposal provides for a north-facing ground level communal open space with lush landscaping, child play equipment and shaded seating. <p>An additional communal space with plantings and BBQ facilities is provided on the roof level of Block A</p> <p>The communal open spaces have been designed with useable dimensions which can accommodate a variety of activities, age groups and lifestyles.</p> <p>Reference should be made to the revised Landscape Plans attached under separate cover.</p>
Landscape	<ul style="list-style-type: none"> A minimum of 25% of any individual development site is to be landscaped area. Landscaped roof areas above basement car parks, or other parts of a building, may contribute up to a maximum of half of the required landscaped area, but only if the soil depth is greater than: <ul style="list-style-type: none"> 400mm for grassed areas; 600mm, minimum 1m width at any point, for shrubs and small trees (less than 3m in height at maturity); and 900mm, minimum 2m at any point, for larger trees (over 3m in height). A minimum of 10% of the site should have deep soil. Landscaping should incorporate native and low water use plant species. Water-wise planting is strongly encouraged in the precinct. 	<ul style="list-style-type: none"> No change to the landscaped areas and deep soil zones of the approved development which was compliant. <p>Reference should be made to the revised Landscape Plans which is submitted under separate cover to this application.</p>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> The use of turfing in more widely visible spaces is to be minimised. The landscaping of the site must incorporate the intensive use of a variety of species (both with respect to variety and height). Ground covers, shrubs and trees are to be planted at an advanced stage. Plantings should be hardy and suited to the Sydney climate. 	
Safety Design	<p>by</p> <ul style="list-style-type: none"> All ground floor units, including those above semi-basement car parking, should have direct access from the street. This may be the only access or may supplement internal circulation and access. Loading and storage areas should be well lit and lockable after hours. Pedestrian entrances are to be highly visible and identifiable as entry points, within a 90 degree line-of-site, from each entry point. Minor obstructions to views are acceptable. Access to residential and commercial parts of a mixed use building should be separate. Residential and commercial parts should have separate garbage disposal facilities. Where a basement wall extends more than 1m above ground level, it shall be screened by planting in the 2m setback. <p>Where residential uses are proposed for the ground floor, provide a small level change of 600mm – 800mm between the private and public realm to aid in the privacy and liveability of dwellings.</p>	<ul style="list-style-type: none"> No change from the approved development.
Accessibility and Parking	<ul style="list-style-type: none"> Car parking shall be provided generally in accordance with Chapter 12 of the Fairfield City Wide DCP 2013. Council will consider reductions in the provision of spaces where this can be justified by a detailed parking study that considers the parking needs and public transport provisions applicable to the wider town centre precinct. DCP requires: <ul style="list-style-type: none"> 1 resident space per dwelling, plus 4 visitor spaces per 4 dwellings, plus 2 disables spaces per 100 spaces Visitor parking is to be provided at ground level, not as part of a semi-basement, basement, or upper level car park. Reciprocal use of car-parking bays for uses within a comprehensive development with different peak usage requirements may be approved, provided that bays provided for residential use are available at all times. Car parking for dwellings is not to be visible from the street and is to be provided as a basement or 	<ul style="list-style-type: none"> 134 spaces provided in total, comprising of: 107 residential car spaces, inclusive of 11 adaptable spaces. 27 visitor car spaces, inclusive of 1 adaptable space. Ample opportunities are available around the perimeter of the development in the form of an on street short term additional visitor parking.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<p>concealed behind the built form.</p> <ul style="list-style-type: none"> Short-term parking may be provided within setback areas if no reasonable alternative exists, in the opinion of Council. Traffic Impact Assessments prepared by a suitably qualified person are required to be submitted with each Development Application to ensure that the traffic for each can be appropriately accommodated and managed. 	<p>The proposed modifications does not significantly differ in terms of the number of parking spaces from the approved.</p> <p>Complies.</p> <p>Also refer to Internal Traffic Management Report attached under separate cover.</p>
Universal Access	<ul style="list-style-type: none"> 10% of all dwellings are to meet the requirements of AS4299 Adaptable Housing Standard (Class B); An additional 10% of all dwellings are to meet the requirements AS4299 Class C. 	<ul style="list-style-type: none"> Complies. Refer to the Access Report under separate cover.
Bicycle Parking	<ul style="list-style-type: none"> Provision shall be made for the parking of visitor bicycles for non-residential uses at a rate of 1 bicycle-parking bay per 200m² of Net Lettable Area (NLA). End-of-trip facilities, including showers, are also required to be provided and can be shared or provided within individual tenancies. Bicycle parking for non-residential uses is to be conveniently located and designed in accordance with Australian Standard 2890.3 to provide ease of access for bicycle users. Bicycle parking for residential uses shall be in the form of appropriately-sized store rooms, at a rate of 1 bicycle space per dwelling. 	<ul style="list-style-type: none"> The proposal has been designed to comply with Condition No. 2A and provides for 106 bicycle spaces being 1 bicycle space per dwelling. <p>Complies.</p>
Energy Efficiency	<ul style="list-style-type: none"> Buildings are to be designed to minimise operational energy consumption and greenhouse emissions. Solar or gas hot-water systems are encouraged rather than electric hot-water systems. The provision of outdoor clothes-drying areas is encouraged as a way of minimising the use of clothes dryers (and thereby reducing energy consumption) in the precinct, and should be incorporated into developments wherever possible. Outdoor clothes-drying areas may be provided as part of balconies but are required to be screened from view from the street. Tenancy sub-metering and energy demand reduction measures are to be included in mixed-use developments. 	<ul style="list-style-type: none"> The proposed modifications is accompanied by a BASIX report which includes thermal, energy and water measures for the development. <p>The proposed modification to the approved development will continue to see the development</p>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	<ul style="list-style-type: none"> All mechanical devices and appliances installed as part of the development, including air-conditioners, heating devices and clothes dryers, are to have a minimum 5-star energy rating. Proposals for new development should be accompanied by a report prepared by a suitably qualified sustainability consultant, outlining the design and management elements (including financial and environmental costs of operating buildings after construction) proposed to be implemented to optimise sustainability performance for non residential parts of the development. The heat loading effect of the summer sun on west and north-facing windows should be minimised. Techniques such as external sun shading devices should be considered and dark or reflective tinting should be avoided. External sun shading is more efficient at reducing the heat load on windows and also provides extra architectural detail and interest to the façade. Buildings are to achieve cross-ventilation through the placement of openings, therefore reducing the need for air-conditioning. 	achieving passive thermal design and provide for natural cross ventilation as per the ADG.
Water Consumption	<ul style="list-style-type: none"> Buildings are to be designed to reduce water consumption by occupants through such measures as sub-metering of water use, alternatives to water-based building-cooling systems, grey water usage, rainwater capture and reuse, water efficient fittings and fixtures (e.g. taps, toilets) and water sensitive landscaping design. 	<ul style="list-style-type: none"> Reference is made to the BASIX report and hydraulic plans submitted with this current application which outlines such measures.
Waste Collection	<ul style="list-style-type: none"> Provision must be made for bin storage, including recycling bins, for each dwelling in private areas. Containers must not be visible from common or public areas except when out for collection. <p>In cases where bins cannot be stored in private areas, a place near the street frontage is to be purpose-designed for bin storage. The bin storage area must be screened from open view and shaded by landscaping or by an attractive, well-ventilated, enclosing structure.</p>	<ul style="list-style-type: none"> Each unit is provided with adequate waste storage facilities to accommodate a day's waste. Waste would then be taken to the communal waste storage area in the basement to be taken out by a caretaker on bin collection days.
Electricity	<ul style="list-style-type: none"> Internal / on-site power poles must be located at the intersection of the front and side boundaries. They must be black or grey in colour. 	<ul style="list-style-type: none"> The requirements of theDCP will be satisfied and the proposal will meet the Conditions of Consent.
TV Antennas	<ul style="list-style-type: none"> Master TV antennas are to be provided to multi-unit housing developments to avoid having many individual antennas. The antenna must be located at the rear of the site to reduce visibility from the street. 	<ul style="list-style-type: none"> The requirements of theDCP will be satisfied and the proposal will meet the Conditions of Consent.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Satellite Dishes	<ul style="list-style-type: none"> Satellite dishes attached to the dwelling must be: <ul style="list-style-type: none"> less than 900mm in diameter, of a height that does not exceed the ridge line, and located on the rear elevation of the dwelling. Larger satellite dishes that are freestanding and visible from a public place, road or adjoining residents must: <ul style="list-style-type: none"> be no greater than 2.5m in diameter; have a pole height no greater than 1.8m above natural ground level; be adequately screened so as to not reflect, cast glare or impact upon surrounding residences; located 3m from any boundary; and <p>be of a dark colour.</p>	<ul style="list-style-type: none"> The requirements of the DCP will be satisfied and the proposal will meet the Conditions of Consent.
Mailboxes	<ul style="list-style-type: none"> A letter box must be provided in accordance with the requirements of Australia Post. Letter boxes should be incorporated into the fence, or into the development. 	<ul style="list-style-type: none"> No change from the approved location of mailboxes.
Fences	<ul style="list-style-type: none"> Any fencing fronting onto a street development is not to exceed 1.2m in height. If a fence is proposed higher than 1.2m, that portion of the fence above 900mm will be 70% visually permeable. Boundaries directly adjoining public squares or public open space shall not be fenced. No at-grade boundary fence may exceed 1.8m in height above finished footpath level. Fences above basement or retaining walls more than 800mm above footpath level shall not extend more than 1m above the finished floor level. Any component of the fence more than 1.2m above the footpath shall be 70% visually permeable. Fences visible from a public place must be designed as part of the development and constructed of materials that consistent or compatible with those used in the main building. Typical suburban fencing such as Colorbond panels or timber paling fences would not be considered acceptable. 	<ul style="list-style-type: none"> No change from the approved.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
Storage	<ul style="list-style-type: none"> For each dwelling unit, a storage room is to be provided with a minimum floor area of 2m² to allow for bicycle storage. This must be integrally designed into the buildings, external to the associated dwelling, conveniently accessible to occupants and ideally located within basements. 	<ul style="list-style-type: none"> Complies. The basement storage area has been designed to accommodate a bicycle space to each unit and as well as general cage storage for the occupants of the unit.

