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Proposal: Proposed redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping at No. 34-40 Hughes Street, Cabramatta.

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Location: LOT: 3 DP: 236708, LOT: 4 DP: 236708, LOT: 2 DP: 236708, LOT: 1 DP: 236708, LOT: B DP: 100284, LOT: 1 DP: 1201667, LOT: 7 DP: 1201667, LOT: 6 DP: 1201667, LOT: 3 DP: 1201667, LOT: 4 DP: 1201667, LOT: 5 DP: 1201667, LOT: 8 DP: 1201667, LOT: 2 DP: 549499, LOT: 2 DP: 548450, LOT: 2 DP: 570243, LOT: 1 DP: 570243, LOT: 2 DP: 1201667, NO. 34-40 HUGHES STREET CABRAMATTA No. 34-40 Hughes Street, Cabramatta

Applicant: Fairfield City Council

Determination Authority: Sydney Western City Planning Panel (SWCPP)

Cost of Works: \$11, 000, 000

File No: DA 48.1/2019

Author: Hayley Tasdarian, Senior Development Planner
Fairfield City Council

RECOMMENDATION

1. That Clause 4.6 written request proposing a variation to Clause 4.3 (Height of Buildings) within Fairfield Local Environmental Plan (LEP) 2013 be supported.
2. That the proposed redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping at No. 34-40 Hughes Street, Cabramatta be approved, subject to conditions as outlined in Attachment M of this report.

SUPPORTING DOCUMENTS

AT-A	Site and Architectural Plans	2 Pages
AT-B	Stormwater Plans	6 Pages
AT-C	Landscape Plans	1 Pages
AT-D	Statement of Environmental Effects	56 Pages
AT-E	Written request pursuant to Clause 4.6 of FLEP 2013	17 Pages
AT-F	Architectural Design Statement	25 Pages
AT-G	Addendum to Design Statement and Photomontages	9 Pages
AT-H	Pedestrian Connectivity Diagrams	7 Pages
AT-I	Acoustic Report	18 Pages

AT-J	Mechanical and Electrical Services Report Excerpt and lighting Plan	6 Pages
AT-K	Traffic and Parking Assessment Report	106 Pages
AT-L	Construction Traffic Management Plan	54 Pages
AT-M	Draft Conditions	

EXECUTIVE SUMMARY

Council is in receipt of Development No. 48.1/2019 which seeks approval for the redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping at No. 34-40 Hughes Street, Cabramatta.

The application is referred to the Sydney Western City Planning Panel for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as Council related development over \$5 million where Council is the owner of the subject property and applicant, are to be determined by the Sydney Western City Planning Panel (SWCPP).

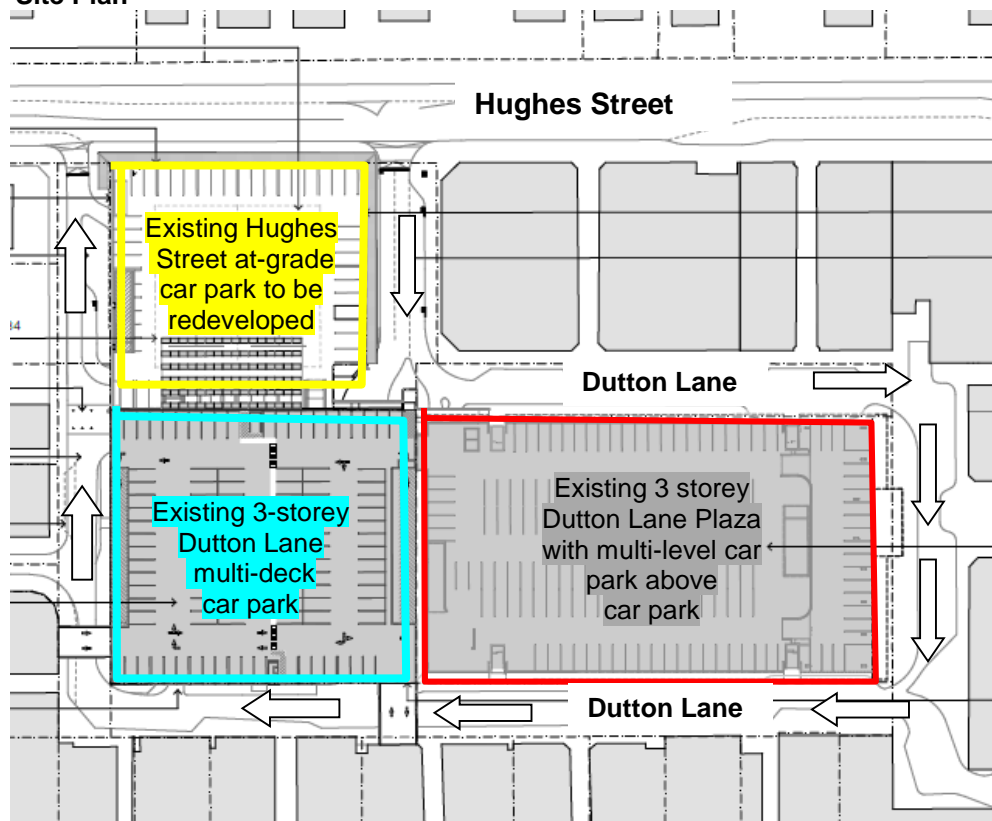
The land is zoned B4 Mixed Use pursuant to the Fairfield Local Environmental Plan (LEP) 2013 and the proposed car park is permitted with consent in this zone.

The subject site is located within the existing car parking Precinct of the Cabramatta Town Centre and the proposal involves the redevelopment and upgrading of the existing at-grade Hughes Street car park. The existing car park is located on the northern periphery of the Town Centre where it adjoins a High Density Residential zone to the north and is therefore located at the interface of the B4 Mixed Use and R4 high Density Residential zones. High density residential development comprising 3 to 4 storey residential flat buildings are located directly opposite the site on Hughes Street and immediately adjoin the car park to the west. Presently, the at-grade car park provides a total of 68 car spaces and operates on a 24-hour basis, 7 days a week.

Immediately adjoining the subject site to the south within the Town Centre is the existing 3 storey multi-deck Dutton Lane car park also owned by Council, as well as the existing 3-storey Dutton Lane Plaza comprising commercial tenancies on the ground floor and 2 levels of car parking above as shown in Figure 1 below.

The proposed development will provide for an additional 151 car spaces within the Town Centre and comprises of 2 storeys. The ground level will be fully enclosed with glazing with an additional open deck level above. The design of the building also allows for car parking on the rooftop which provides for a total of 3 levels of parking across a 2 storey structure. The upgraded car park facility will continue to operate on a 24-hour basis and will be operated by Fairfield City Council.

Figure 1 – Site Plan



The existing vehicular entry and exit to the car park will be retained as part of the redevelopment. Reconfiguration of the existing multi-level Dutton Lane and Dutton Lane Plaza car parks are proposed to be undertaken in order to provide vehicular access between both the existing and proposed car parking areas. This will allow for vehicular circulation to occur within and across all three (3) car park structures.

Assessment of the application revealed a number of key issues with the proposed development including the proposed traffic arrangements within and surrounding the site, urban design and the potential for acoustic and light spill impacts given the nature of the operation.

The development will result in modifications to the existing traffic arrangements within the car park as well as along Hughes Street and Dutton Lane. Accordingly, a Traffic and Parking Assessment Report was submitted which addresses the potential traffic impacts of the proposed development. This report along with accompanying swept path diagrams and traffic control signage has been assessed by Council's Traffic Engineering Branch who raises no concern in relation to the proposed traffic arrangements within the subject site and Dutton Lane, subject to conditions. The subject application was also referred to NSW Roads and Maritime Services (RMS) for assessment. In response, RMS contacted Council and advised that no objections are raised in relation to the proposed traffic arrangements subject to conditions.

Given the context of the site, it is considered that the proposed bulk and scale of the development is consistent with the predominant built form of the surrounding locality and

as anticipated within a Town Centre environment. Notwithstanding this, initial assessment of the proposal revealed concerns for the appearance of the building and its potential impact on the adjoining residential properties, particularly in relation to the proposed facade treatment including the use of brightly coloured glazing and aluminium vertical panels for the entire width of the building. This was also a matter raised by the SWCPP requiring further consideration.

In response, the Applicant amended the proposed facade design and submitted an Addendum to the Architectural Design Statement which provides details of the facade treatment including the use of cylindrical aluminium coloured panels to allow for adequate spacing between each colour, a greater range of subdued colours, and division of the facade into two horizontal bands, in order to identify each level of the car park and soften the appearance of the building and appropriately integrate within the existing streetscape.

It is considered that the use of a greater variety of colours, presented in the form of aluminium cylindrical panels with adequate spacing, as well as planting of street trees along Hughes Street will provide for a balanced built form within the existing locality, and greater transition between the built form and public domain, and therefore this matter has been satisfactorily addressed by the applicant. It is considered that the proposed elevation of the building is a considerable improvement of the existing situation along Hughes Street, within which the existing weathered concrete slabs of the multi-level Dutton Lane car park are visible.

Whilst it is acknowledged that the upper floor of the upgraded car park will be of an open deck style, there may be potential for amenity considerations to be taken into account in its operation. In order to deal with any potential amenity impacts as a result of the operation of the open-deck levels, particularly in relation to light spill and noise the applicant has submitted an Acoustic Impact Assessment Report and a Mechanical Services Report and Design Statement addressing Light Spill. These documents have been reviewed by Council's Environmental Management Section who raise no concerns in relation to potential noise impacts and light spill as a result of the additional spaces provided throughout the open deck parking levels, based on the recommendations of the reports and subject to conditions.

All experiences with the existing Cabramatta Town Centre reflect that the peak parking demand of the existing Hughes Street and Dutton Lane car park occur during the day-time hours and the night time trading is minimal with low attraction rates. This is reflected in the car parking fees associated with these car parks which do not charge after 6pm.

Notwithstanding, and in order to deal with any potential amenity impacts as a result of the operations of the additional car spaces, it is considered appropriate that the applicant submit a Plan of Management addressing the operation of the site, particularly during the evening and early hours of the morning. The requirement for the installation of CCTV surveillance cameras is also considered appropriate in these circumstances. Accordingly, a draft condition has been included in the draft conditions contained in Attachment M that requires the submission of a Plan of Management prior to the occupation of the development as well as the installation of CCTV surveillance throughout the upgraded car park.

The development application is also seeking consent to vary the 10 metre maximum building height standard pursuant to Fairfield Local Environmental Plan 2013. The car

parking structure has an overall building height of 10 metres however; there are two components of the building which comprises of a lift overrun and solar panels which exceed the maximum building height limit. Accordingly, a written request to vary the height standard of the SEPP under Clause 4.6 of the Fairfield LEP 2013 has been submitted to Council. It is considered that the written request has demonstrated that the variation to the development standard is unlikely to result in any amenity impacts, is consistent with the objectives of the zone and would be in the public interest. Accordingly, the written request for a variation to the height control is considered reasonable.

The application has been assessed against the Fairfield City Wide Development Control Plan (DCO) 2013 and the Cabramatta Town Centre DCP No.5/2000 and complies with the relevant planning controls.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Subdivision Branch, Development Engineering Branch and Tree Preservation Officer for assessment. No concerns were raised to the proposal subject to conditions of consent.

The application was notified to surrounding residential neighbours and advertised in the local newspaper in accordance with Councils Notifications Policy for a period of twenty-one (21) days. No submissions were received during this time.

Having regard to the above, it is considered that the subject site is suitable to accommodate the proposed development and is therefore considered acceptable in these circumstances.

This assessment of the application has considered all relevant requirements of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and finds that there is unlikely to be any significant adverse or unreasonable impacts associated with the development. Accordingly, it is recommended that proposed development be approved, subject to conditions contained within Attachment M of this report.

DEVELOPMENT HISTORY

Existing at-grade Hughes Street car park

The existing Hughes Street at-grade car park to be redeveloped has been operating on site since the early 1980s and provides a total of 68 car spaces. No landscaping is provided on site.

Existing Dutton Lane Multi Storey car park

The existing Dutton Lane multi-level car park immediately adjoining the site to the south is a 3-storey open deck car park containing 498 car spaces and was constructed in the late 1980s.

Existing Dutton Lane Plaza with upper level car park

The existing Dutton Lane Plaza building adjoins the at-grade car park to the south east and on 3 July 2014, development consent was issued for the demolition of an existing at-

grade car park and construction of a three (3) storey building comprising ground level retail outlets, first level car parking and commercial floor space, third level car parking and associated road works at the subject immediately adjoining to the south east (Dutton Lane Plaza). This application was assessed under Development Consent No. 664.1/2013 and was approved by the Sydney West Joint Regional Panel.

Vehicular entry is currently provided to access each of these existing car parking facilities. The existing car parks also presently operate on a 24-hour basis, 7 days a week.

SITE DESCRIPTION AND LOCALITY

The site to be developed comprises 17 allotments of land and is situated within Precinct 2 – Dutton Lane Commercial and Larger Retail area of the Cabramatta Town Centre. The subject site is an irregular shaped parcel of land, with a total street frontage to Hughes Street of 75 metres, and has a total site area of approximately 16, 000 square metres.

The subject site currently contains an existing at-grade car park with 68 car spaces fronting Hughes Street and an existing 3-storey multi-deck car park with approximately 498 car spaces. The existing at-grade (Hughes Street) car park is located within the northern portion of the site fronting Hughes Street, and the existing multi-deck (Dutton Lane) car park is located within the southern portion, bounded by Dutton Lane along all four property boundaries. Located within the eastern portion of the site is the recently constructed Dutton Lane Plaza, comprising of ground floor retail space and 2 levels of car parking above. The proposed multi-level car park will provide vehicular access to the existing Dutton Lane car park to the south as well as to the upper level car parking above Dutton Lane Plaza to the east. Both the Hughes Street and Dutton Lane car parks are owned by Fairfield City Council.

The subject property is located at the interface of the R4 High Density Residential, situated on the northern side of Hughes Street and to the west, comprising a range of medium to high density residential development including 3 to 4 storey residential flat buildings. Immediately adjoining the site to the east, and south comprises of commercial development located within the Cabramatta Town Centre.

The site does not contain any significant vegetation.

Figure 2 – Aerial Map

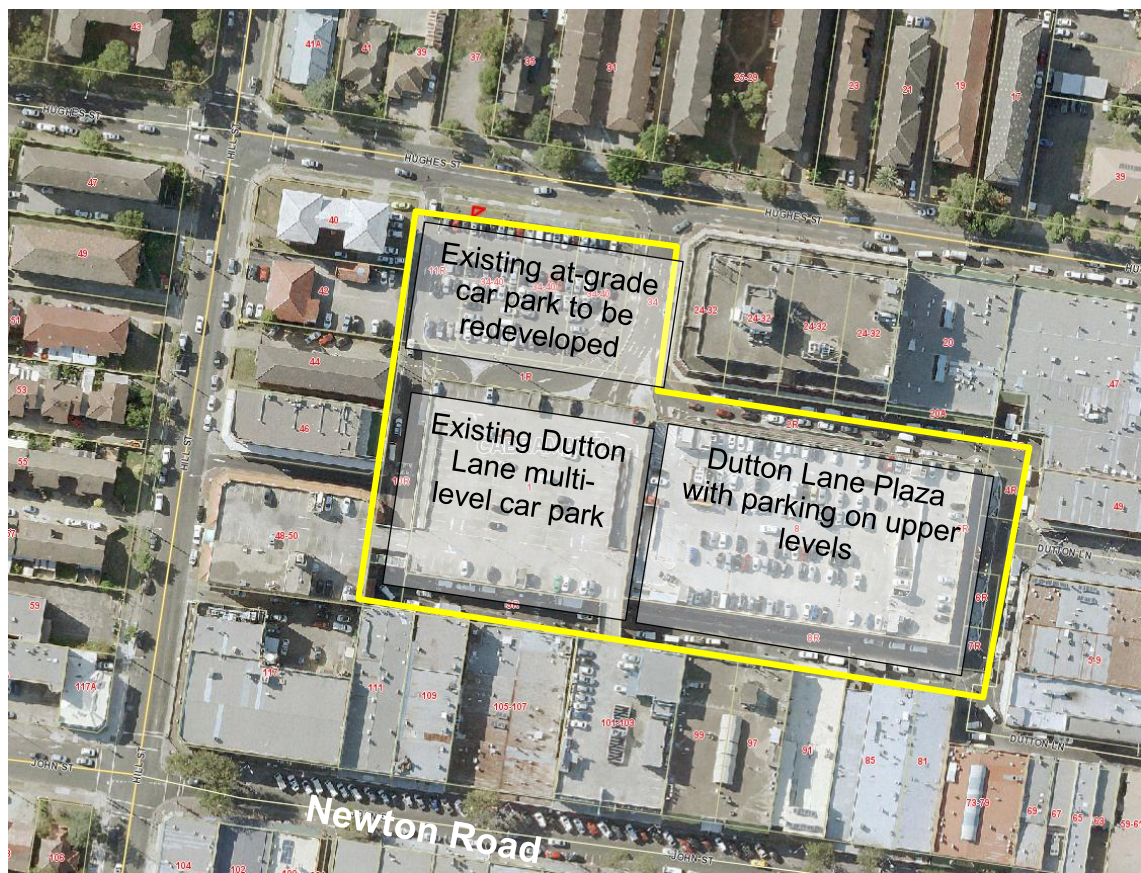
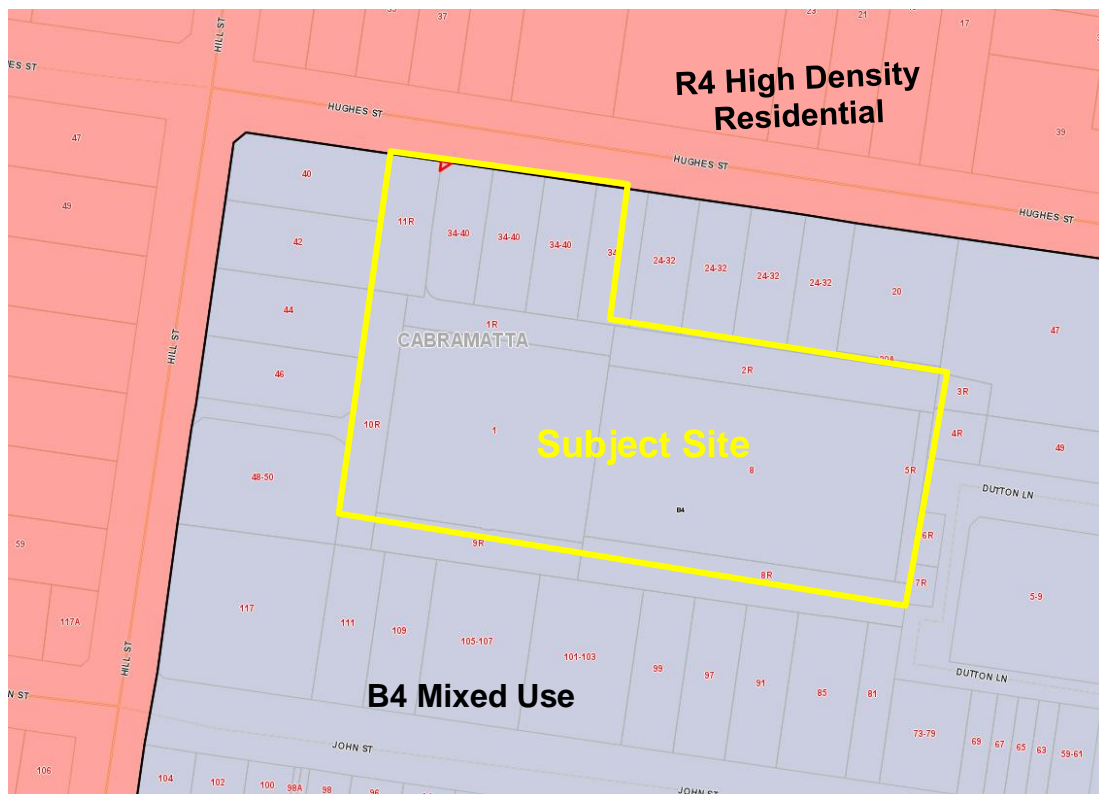


Figure 3 – LEP 2013 Zoning Map



PROPOSAL

The development application is seeking approval for the redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 new car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping at No. 34-40 Hughes Street, Cabramatta.

Specific details of the proposed development are as follows:

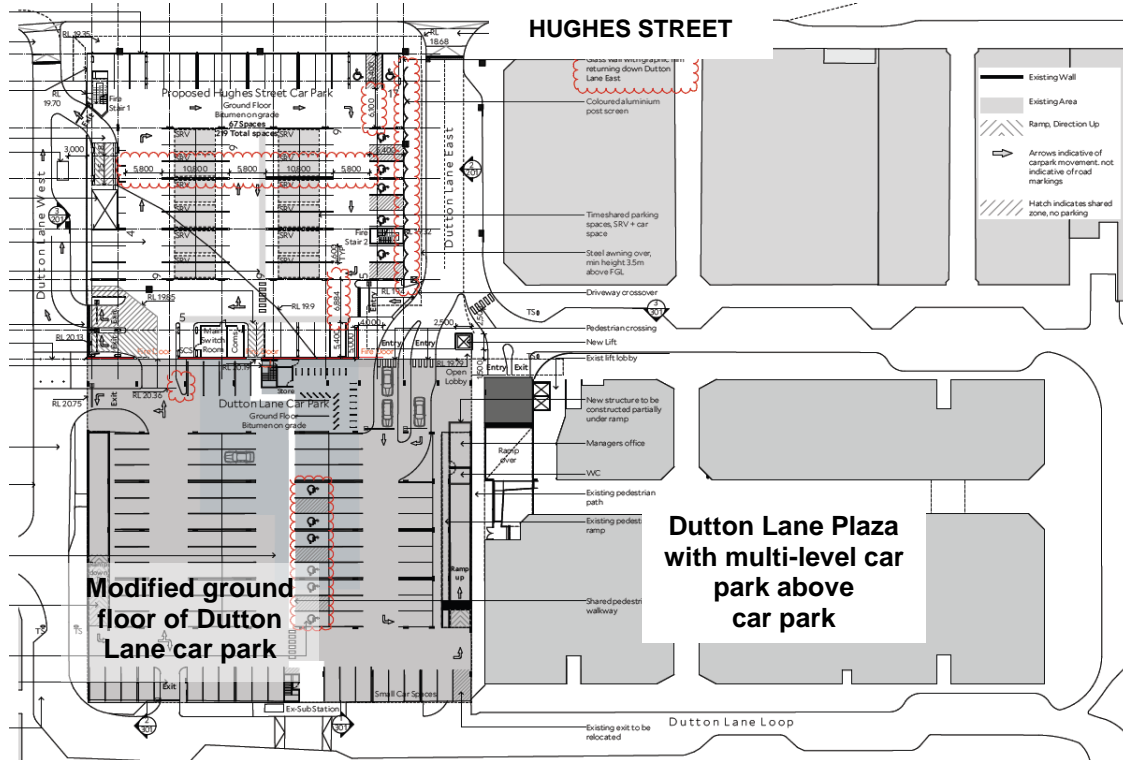
Subdivision

- The subject site comprises 17 allotments which are proposed to be subdivided in order to create 3 new lots.

Built Form

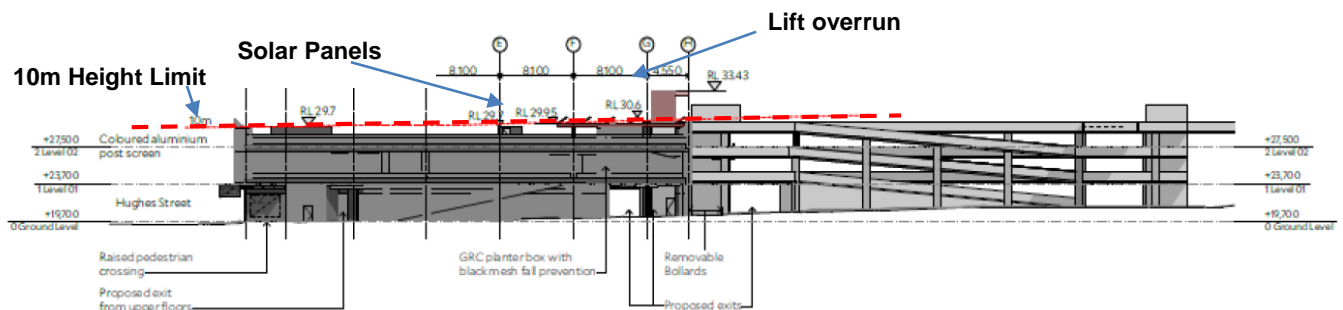
- The development application proposes the construction of a 2-storey open deck car park with a zero boundary setback along each of the property boundaries.
- An awning will also be constructed above the existing Council footpath along Hughes Street frontage along the northern building elevation.
- Associated signage and wayfinding is proposed throughout the development including a digital signboard above the car park entrance. The signboard will display available parking spaces, as well as public information such as the time, temperature and Fairfield City Council events.
- The proposed signboard above the entrance will have a sign face area of approximately 10m².

Figure 4 – Ground Floor Plan



- Solar panels are proposed to be installed at the rooftop level of the car park.
- The car park structure will have an overall building height of 10 metres. There are two components of the building comprising a lift overrun and solar panels which exceed the overall building height.
- The maximum building height of the solar panels is 10.9 metres above natural ground and the lift overrun is 13.73 metres above natural ground as shown in Figure 5 below.

Figure 5 – Western Elevation



- Coloured aluminium screening is proposed around the lift core and each of the facades of the building along the first floor. The screening comprises vertically aligned fine aluminium tubes in an assortment of colours.
- Coloured glazing will be provided at street level to match the coloured aluminium tubular panels above.

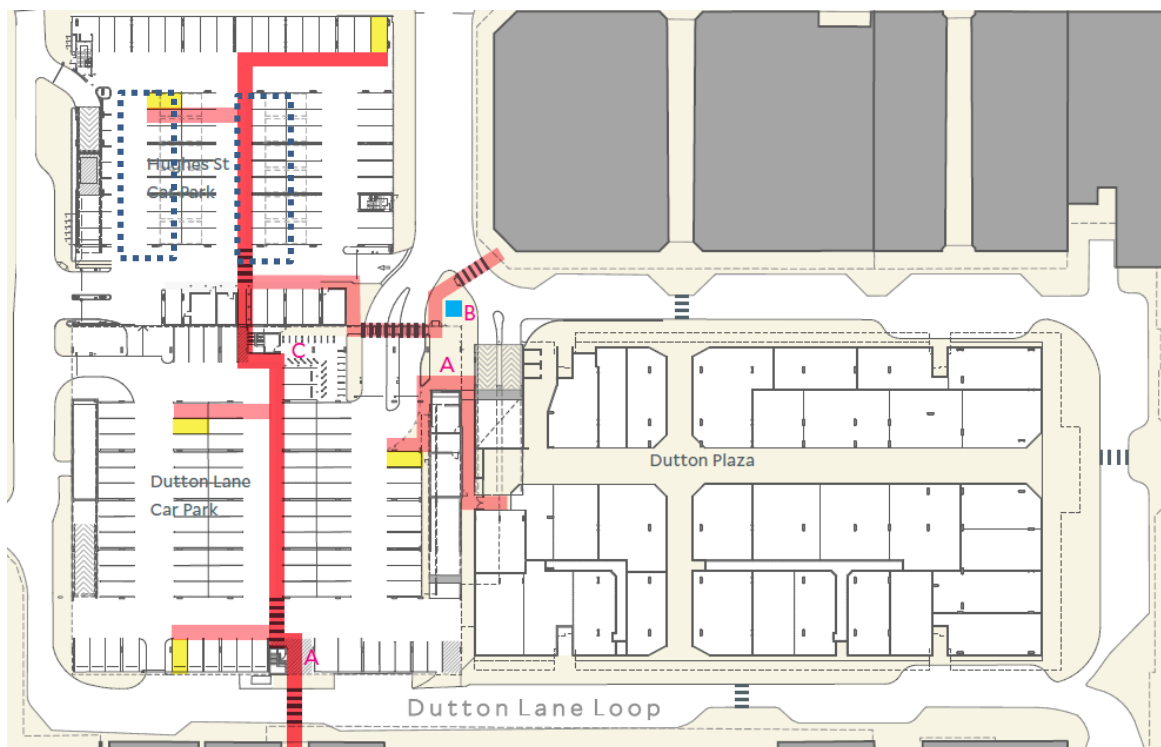
Vehicular Access

- The proposed entry into the proposed multi-deck car park and the existing car park will be provided via three (3) traffic lanes accessed from Hughes Street. Each lane will divert traffic into each of the car parks.
- A single entry will be provided for the proposed car park, and the existing entries into Dutton Lane will be retained.
- The proposal also involves the reconfiguration of the existing multi-level Dutton Lane car which adjoins the proposed car park to the south. The applicant proposes to modify the existing internal traffic arrangements in order to allow vehicular access between the existing and proposed car parks.

Site Operation

- The existing at-grade car park located on site operates on a 24-hour basis, seven (7) days a week and the proposed car park will operate on this basis.
- The car park will be managed and operated by Fairfield City Council via a paid parking system that is currently used within the existing Dutton Lane car park.
- New pedestrian access paths are proposed within the site, including the installation of a lift within the Dutton Lane car park, which will provide linkages between the proposed Hughes Street and existing Dutton Lane car park and Cabramatta Town Centre to the south, as shown in red in Figure 6 below.

Figure 6 – Pedestrian Connectivity



Loading Facilities

- A total of 12 loading bays are proposed at the ground level of the proposed car park covering 36 car spaces within the central parking aisles as shown dashed in Figure 5 above.
- The loading bays will accommodate for small rigid vehicles only and will be time restricted between the hours of 6am to 10am. Outside of these hours, the loading bays will be used for the purpose of visitor parking.

Landscaping

- Vertical green wall planting of Bamboo is proposed within planter boxes located along the first floor façade of the eastern building elevation.
- Street trees with a mature tree height of 8-10 metres will be planted along the Hughes Street frontage of the site.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. State Environmental Planning Policy (Infrastructure) 2007

The following provisions in the SEPP are applicable:

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

The proposed development is a car park facility and on this basis, is defined as 'Traffic Generating Development' Pursuant to Clause 104 of the SEPP.

The applicant has submitted a Traffic and Parking Assessment Report in support of the application that includes a survey of the proposed vehicle movements. The report concludes that traffic generated by the development is unlikely to result in any adverse impact on Hughes Street, Dutton Lane and the surrounding road network. In addition, the application was referred to Roads and Maritime Services who raised no objections to the application subject to conditions of consent.

2. Draft State Environmental Planning Policy (SEPP) - Remediation of Land and SEPP No. 55 (Remediation of Land)

The Draft Remediation of Land SEPP seeks to repeal and replace SEPP No. 55 (Remediation of Land) in relation to the management and remediation of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

- Require all remediation work carried out without the need for development consent to be reviewed and certified by a qualified contaminated land consultant,
- Categorise remediation work based on scale, risk and complexity of the work, and

- Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

A Contamination Report has been submitted with the application and concludes that the site is suitable for the intended land use and building works.

The submitted report has been assessed against the provisions of SEPP No. 55 and it is considered that the land is suitable for the proposed works. Further, the proposal is considered satisfactory with respect to the provisions of Draft SEPP Remediation of Land.

3. State Environmental Planning Policy (SEPP) – No. 64 – Advertising and Signage

The subject application proposes signage and wayfinding throughout the development including a digital signboard above the car park entrance that can be viewed from the public domain and therefore the application has been assessed against the provisions of SEPP No. 64 as follows:

Assessment Criteria	Proposal	Compliance
1 Character of the area <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage will provide suitable site identification and wayfinding within the existing car parking precinct and is considered to appropriately integrate with the façade design of the development.</p> <p>It should also be noted that the proposed signboard above the car park entrances is located within the central portion of the site and is located approximately 50 metres from Hughes Street.</p>	Yes
2 Special areas <ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signage sits within the central portion of the site and is located approximately 50 metres from Hughes Street. It should also be noted that the closest residential property is separated from the sign by the existing 4 lanes of traffic, street lighting and the proposed car park building. It is therefore considered unlikely that the proposed signage will result in any unreasonable amenity impacts.</p>	Yes
3 Views and vistas <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	<p>Given the location of the sign within the central portion of the subject site and that it will be attached to the proposed lift tower it is considered that the proposal will not obstruct or compromise any views.</p> <p>Further, given that the proposed sign will be located on the building elevation that is</p>	Yes

	located within Dutton Lane it is unlikely that the sign will reduce the quality of the existing vistas.	
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The proposed signage is in scale and contributes with the existing building. Based on the assessment of the submitted plans the size proposed signboard attached to the lift tower equates to 1.3% of the total northern building façade of the development.</p> <p>Proposed signage is for identification and way finding purposes and therefore contributes to the streetscape.</p> <p>The proposed signage is appropriately located as to not create clutter with the existing signage in the area.</p> <p>The proposed signage will not protrude above the building.</p> <p>The proposed signage does not require ongoing vegetation management.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is compatible with the scale of the building.</p>	<p>Yes</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>There are no proposed ancillary structures.</p>	<p>Yes</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? 	<p>A portion of the proposed signage is illuminated. The illumination will unlikely detract from the amenity of the closest residential properties adjoining the site to the north given its location within the central portion of the site. A condition has been imposed to ensure that all signage</p>	<p>Yes</p>

<ul style="list-style-type: none"> • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>proposed is to comply with the relevant Australian Standard for illumination.</p> <p>The intensity of the illumination can be adjusted automatically with environmental sensors or manually if necessary. Illumination is not subject to a curfew.</p>	
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>It is considered that the proposed signage will unlikely result in adverse safety impacts.</p>	<p>Yes</p>

4. Greater Metropolitan Regional Environmental Plan (REP) No 2—Georges River Catchment

The subject development is considered to be consistent with the objectives and the requirements outlined in the above REP. In addition, the specific matters of consideration as outlined in the REP are as follows:

“Specific matters for consideration

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council’s requirements for stormwater management.*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- *Likely impact on groundwater and remnant vegetation.*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- *The adequacy of planned waste water disposal options.”*

The applicant has submitted a Statement of Environmental Effects demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

5. Fairfield Local Environmental Plan (LEP) 2013

The subject site is zoned B4 Mixed Use under Fairfield LEP 2013 and the subject development is characterised as a car park. Car parking facilities are defined by Fairfield LEP 2013 as follows:

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

The proposal is permissible within the zone subject to consent.

The objectives of the zone are as follows:

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

It is considered that the proposed development, would be consistent with the above objectives of the B4 General Mixed-Use zone.

In accordance with Clause 4.3 of the LEP 2013 *Height of buildings*, the maximum permitted building height at the subject site is 10 metres above natural ground. The car parking structure has an overall building height of 10 metres however; there are two components of the building which consists of a lift overrun and solar panels which exceed the maximum building height limit.

The maximum building height of the solar panels is 10.9 metres above natural ground and the lift overrun is 13.73 metres above natural ground and therefore the development exceeds the maximum building height limit by 3.73 metres which is equal to 37.3%.

Accordingly, the Application has been accompanied by a written request (made pursuant to Clause 4.6 of the Fairfield LEP 2013) which seeks to justify the non-compliance with the maximum building height Development Standard (of Clause 4.3 (2) of the Fairfield LEP 2013).

The written request includes the following items of justification in relation to the non-compliance with the maximum height limit:

5.2 Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary

The five common ways in which compliance with a development standard may be considered to be unreasonable or unnecessary, as summarised by Preston CJ in Wehbe v Pittwater Council at [42]-[51], have been considered and assessed below in the circumstances of this case.

Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard

An assessment against the objectives of Cl 4.3 of FLEP 2013 is provided in Section 5.3, which concludes the objectives of the standard are achieved notwithstanding the area of non-

compliance.

Wehbe Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

An assessment against the objectives of CI 4.3 of FLEP 2013 is provided in Section 5.3. The purpose of the standard is to control the height of buildings. The purpose of the control is considered relevant to the development. However, as discussed in this report, it is considered that the increase in building height facilitates the achievement of a substantially positive urban design impact.

The lift core exceeds the height limit by 37.3%, however, it is screened with a coloured aluminium post screen and a digital signage panel. The lift core is proposed on the corner of the proposed carpark structure and existing Dutton Lane Carpark. The proposed lift is essential for the operational requirements of the car park.

The lift core occupies a small floor space and is located approximately 65 metres east of the residential development on the western boundary of the site (Figure 3). The visibility of the lift core structure from the residential development is limited due to the distance of the lift core from the site boundary and its architectural treatment.

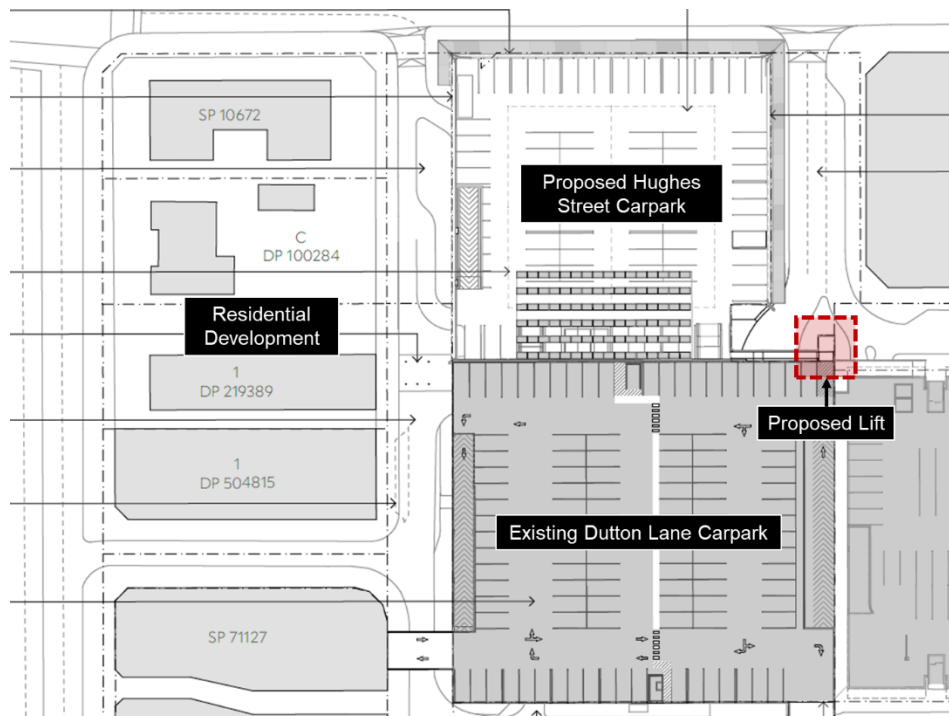


Figure 3: Proposed Lift Core in context of surrounding development (outlined in red)

The proposed solar panels exceed the height limit by 0.9 m and is considered negligible. The solar panels are essential for the operational requirements of the car park and are not likely to be visible from the surrounding locality (Figure 2).

Therefore, the height exceedance represents an improvement to the functionality and sustainability of the subject site.

Wehbe Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

The provision of a development that strictly complied with the height controls would result in a significantly inferior urban design outcome of the site as discussed in Section 5.2 above.

The proposal is considered superior to a strictly compliant scheme as:

- *a strictly compliant proposal would result in a significant reduction in car parking spaces*
- *a strictly compliant proposal would result in a less sustainable structure due to the removal of the solar panels*
- *a strictly compliant proposal would not meet relevant operational requirements, and would therefore fail to provide sufficient accessibility*
- *a strictly compliant proposal would contribute less to the functionality of the Cabramatta Town Centre*

Therefore, a strictly compliant scheme would fail to deliver a development of sufficiently high quality and would not provide adequate public benefit and for these reasons, compliance is unreasonable.

Wehbe Test 4: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

The proposed increase in height of the proposal is in response to accessibility and sustainability issues associated with the site and is not considered to result in the development standard being virtually abandoned or destroyed.

Wehbe Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The land has been zoned appropriately and the controls applicable to the site are generally acceptable. The proposed development is consistent with the objectives of the zone, as discussed in Table 3 of this Request.

For the reasons outlined in this request, the proposed variation to the maximum height of buildings standard under FLEP 2013 would better achieve the objectives of the zone than a strictly compliant scheme.

5.3 Clause 4.6(3)(b) – Environmental planning grounds to justify contravening the development standard

The development (including the height non-compliance) will provide for a new multi storey car park comprising 219 car parking spaces (including seven disabled car spaces) within the Cabramatta Town Centre.

In this context there are sufficient environmental planning grounds and significant public benefits to justify contravening the maximum height control. The key environmental planning grounds to justify the contravention of the FLEP 2013 are as follows:

- *improved public benefit for the Cabramatta Town Centre*
- *improved accessibility*

- improved environmentally sustainable design
- improved visual outcome

5.3.1 Improved public benefit

The proposed car park is considered a public benefit for the following reasons:

- provides parking infrastructure to support the Cabramatta Town Centre
- improves access to goods, services and public transport
- contributes to the functionality of Cabramatta Town Centre
- improves the road network
- provides bicycle and disabled parking spaces which contributes to accessibility

The exceedance to the height limit enables the provision of the car park. A strictly compliant proposal would not result in the same level of public benefit.

5.3.2 Improved accessibility

The exceedance of the maximum height limit accommodates the lift core of a new centralised lift at the intersection of the Dutton Lane Car Park and the future Hughes Street Car Park.

The proposed lift will provide pedestrian accessibility from Dutton Lane off of Hughes Street, to both Dutton Lane Car Park and the Hughes Street Car Park.

The lift core will be designed to comprise a digital signage panel that will display available parking spaces, as well as public information such as the time, temperature and Fairfield City Council events.

5.3.3 Improved environmentally sustainable design

Solar panels are proposed on the rooftop of the proposed Hughes Street Car Park. The solar panels are required for the operation of the car park. The power generated is intended to support the power demand of the proposed car park, making the car park more self-efficient and environmentally sustainable.

The proposed solar panels exceed the 10 m height limit by 0.9 m. This exceedance is considered negligible and any adverse impacts of the height exceedance for the solar panels are outweighed by the environmental benefits.

5.3.4 Improved visual outcome

The proposed variation in height results from the following built elements:

- lift core; and
- solar panels.

A coloured aluminium screening is proposed around the lift core. It comprises vertically aligned fine aluminium tubes in an assortment of colours. The individual colours will be identifiable when viewed closely, but when viewed from a distance the aluminium screening will appear as a more singular colour across the façade of the development.

The design of the overall proposal is unique in its experience, as the visual impact changes depending on distance, however, it is in keeping with the surrounding precinct due to its use of colour.

The lift core is located on the corner of the proposed Hughes Street Carpark and existing Dutton Lane Carpark, approximately 65 metres east of the residential development on the western boundary of the site (Figure 3).

The lift core will not detract from the overall visual impact of the proposal as the visibility of the lift core structure from the residential development is limited and its architectural treatment is in keeping with the design of the proposed car park.

Additionally, as discussed above, the lift core will be designed to comprise a digital signage panel that will display available parking spaces, as well as public information signage such as the time, temperature and Council events. The digital signage panel will be modern and in keeping with the desired future character of the locality.

The visual impact of the solar panels is negligible due to the minor height exceedance and the panels being set back from the Hughes Street boundary, therefore reducing its visual catchment.

Figure 2 shows the proposed car park viewed from Hughes Street. As shown in the photomontage, the solar panels are not visible and the lift core is integrated within the design of the proposed Hughes Street car park and the Dutton Lane car park.

In summary, the proposed increase in height is considered to result in a superior outcome for the following reasons:

- the site is consistent with the zone and development standard objectives of the FLEP 2013, as discussed in Tables 3 and 4 below,*
- the proposal results in improved accessibility for the locality*
- the proposal provides substantial public benefits*
- the proposal results in a visually interesting development, which is not likely to have any adverse visual impact on surrounding residential development*
- elements exceeding the height control are considered minor and are setback from the street and adjoining residential properties to reduce potential impact on surrounding residential development*
- the proposed lift core is enhanced with a digital informative signage panel and aluminium tubing to screen the appearance of the lift core.*

Strict compliance with the development standard is considered to result in an inferior outcome for the following reasons:

- it would result in the reduction of car spaces, reducing the functionality of the car park and Cabramatta Town Centre; and*
- it would result in the site being less environmentally sustainable due to the removal of the solar panels.*

5.4 Clause 4.6(4) – Consistency with objectives

The proposed development is consistent with the objectives of the B4 Mixed Use zone as outlined in Table 3 below.

<i>Zone B4 Mixed Use Objectives</i>	<i>Achievement of Objectives</i>
<ul style="list-style-type: none"> <i>To provide a mixture of compatible land uses.</i> 	<ul style="list-style-type: none"> <i>The proposal identifies the surrounding area as the Cabramatta Town Centre in the Fairfield Local Government Area (LGA).</i> <i>The proposed car park is compatible within the surrounding area, and within Precinct 2 (Commercial and larger retail area), as identified in the (CTC DCP).</i>
<ul style="list-style-type: none"> <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> 	<ul style="list-style-type: none"> <i>The site is located within the Cabramatta Town Centre and is in proximity to retail and commercial uses and the Cabramatta Rail Station.</i> <i>The proposal provides 219 car spaces for locals and visitors to use, which will encourage public transport patronage by providing car spaces in proximity to public transport.</i> <i>The proposal will encourage walking and cycling by providing safer and well-designed footpaths.</i>
<ul style="list-style-type: none"> <i>To support the development of Prairiewood, Fairfield and Cabramatta as the principal locations for specialist cultural, retail, business, tourist and entertainment facilities and services.</i> 	<ul style="list-style-type: none"> <i>The provision of a car park will support the Cabramatta Town Centre as a principal location for specialist cultural, retail, business, tourist and entertainment facilities and services by providing additional car parking spaces.</i> <i>The proposed multi-storey car park is ancillary to the function of the Cabramatta Town Centre and will improve access to day-to-day goods and services for the local community.</i>

Table 3: Consistency with B4 zone objectives

An assessment against the objectives of CI 4.3 of FLEP 2013 has been undertaken in Table 4 below. As the proposed development is consistent with the objectives for development of the zone in which it is proposed to be carried out, it is in the public interest.

<i>CI 4.3 Objectives</i>	<i>Achievement of Objectives</i>
<p><i>(a) To establish the maximum height for buildings,</i></p>	<ul style="list-style-type: none"> <i>Clause 4.3 limits the building height to 10m.</i> <i>The proposal exceeds the maximum height; however, the exceedance is limited to the lift core and solar panels, which make up a small portion of the subject site.</i> <i>The exceedances are considered minor.</i>

<p>(b) To ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,</p>	<ul style="list-style-type: none"> • The proposed additional height is considered to complement the streetscape and character of the area in which it is located. • The proposed lift core exceeds the height limit by 3.73m, however, the lift core will be framed with coloured aluminium tubing, inspired by the locality. It will also comprise a digital clock and have informative signage. • The lift core will result in a positive visual impact on the streetscape, as it is in keeping with the character of the commercial area. • The proposed solar panels exceed the height limit by 0.9m. This is considered to detract from the streetscape and character of the area.
<p>(c) To minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.</p>	<ul style="list-style-type: none"> • The proposal will not result in the loss or disruption of views. The position of the lift core is located between Dutton Lane Car Park and the proposed multi storey Hughes Car Park. This results in the lift core being substantially set back from Hughes Street and Dutton Lane, reducing the visual impact on surrounding residential development. • The height exceedance of both the proposed lift core and solar panels will not result in the loss of solar access to residential development. Reduction in solar access to existing car parking is considered to be negligible.

Table 4: Consistency with CI 4.3 objectives

5.5 Concurrence of the Secretary – Clause 4.6(5)

5.5.1 Clause 4.6(5)(a) – Matters of significance for State or regional planning

The proposed exceedance of the maximum height of building for the site does not raise any matters of State or regional planning significance as:

- the development is not of a size or nature to have more than local impact;
- overall the increase in height is minor in the context of the surrounding area;
- there are no significant amenity or environmental impacts; and
- the site is not a site designated to be of State significance.

5.5.2 Clause 4.6(5)(b) – Public benefit in maintaining the development standard

As demonstrated in the previous sections of this report, the variation to the development standard would establish the best design response for the site. Conversely a strictly compliant development would result in a smaller, less accessible and environmentally sustainable car park structure.

In light of the significant public benefits arising from allowing a variation, it cannot be reasonably assumed that there is any public benefit in maintaining the existing maximum height of building control.

5.6 Is the objection well founded?

For the reasons outlined in previous sections, it is considered that the objection is well founded in this instance and that granting an exception to the development standard can be supported in the circumstances of the case.

6 Conclusion

Clause 4.6 allows for flexibility in the application of development standards in appropriate circumstances and this Request has been shown to satisfy the provisions of Cl4.6 of the FLEP 2013.

It has been demonstrated that compliance with the 10 metre height control under Cl 4.3 of the FLEP 2013 is unnecessary and unreasonable given the specific circumstances of the proposal. In addition, sufficient environmental planning grounds have been provided to justify contravening the development standard.

The proposal is consistent with the objectives of the development standard and the B4 Mixed Use zone. Given the high standard of the proposal and public benefits, in addition to the consistency with the zone objectives, the development is in the public interest.

Overall, and for the reasons set out above, the proposed development represents a superior outcome for the site and it is therefore justified and appropriate that the development standard be varied as proposed.

Given the above, it is considered that the written request for a variation to the maximum building height standard has reasonably established that compliance with the standard is unreasonable and unnecessary. The proposed maximum building height of 13.73 metres represents a variation of 37.3% to the maximum 10 metre building height standard.

It is considered that the written request has demonstrated that the variation to the development standard is unlikely to result in any amenity impacts, is consistent with the objectives of the zone and would be in the public interest. Accordingly, the written request for a variation to the height control is considered reasonable. Given that the proposed development generally complies with all other relevant planning controls and the overall

design of the development is unlikely to result in any adverse amenity impacts, it is considered that the variation will result in an acceptable planning outcome and is supported in this circumstance.

In addition, the non-compliance with the development standard does not raise any significant matters with respect to State or Regional Planning and no public benefit is obtained by adhering to the relevant planning controls. The variation pursuant to Clause 4.6 of the Fairfield LEP 2013 is therefore considered acceptable in this circumstance and therefore supported.

6. Fairfield City-Wide Development Control Plan 2013

The proposal has been assessed against the controls stipulated within the Fairfield City Wide DCP, 2013, however given the nature of the proposed development the majority of the controls do not apply. Section 12.3.5 of Chapter 12 - Car Parking, Vehicle and Access Management within the DCP 2013 contains provisions for the design and presentation of multi-level car parks.

Based on Councils assessment of the application, it is considered that the applicant has adequately demonstrated that the car park building will provide for a balanced built form within the existing locality, and greater transition between the built form and public domain. This is further discussed in the Town Planning Assessment below.

7. Cabramatta Town Centre Development Control Plan No.5/2000

The subject site is located within Precinct 2 – Dutton Lane: Carpark, Commercial and Larger Retail Precinct of Cabramatta Town Centre. On this basis, the proposal has been assessed against the relevant controls stipulated within the Cabramatta Town Centre DCP as follows:

Criteria	Standard Required	Proposed	Complies
Height	The maximum height of a building shall be 3 storeys	2 storey car park proposed	Yes
Unloading/loading facilities	Loading bays of sufficient size and number shall be provided on site for use by trucks and delivery vehicles required to service the development.	The proposed development does not require the provision of loading facilities however loading bays which will be time restricted are proposed at ground level of the car park in order to provide additional facilities to service the Town Centre.	Yes, Considered acceptable.
Setbacks	Existing streetscape should be maintained, or enhanced where the existing streetscape is characterised by development on the street boundary. Where the existing buildings are immediately on the	The existing at grade car park has a zero boundary setback to Hughes Street. The proposed car park building will maintain this zero boundary setback	Yes

	boundary of the street frontage, then a zero lot boundary applies.	and is considered to be consistent with the setbacks of the adjoining commercial development located on Hughes Street.	
Pedestrian Movement	Pedestrian movement routes, where applicable and indicated on the Precinct Map for Precinct 2 are to be incorporated into development.	The applicant has submitted pedestrian connectivity diagrams demonstrating how all car park users will access the site. These diagrams are consistent with the Precinct Map. Further, it is considered that the diagrams demonstrate that safe pedestrian travel routes are provided within and surrounding the site for adequate access to other areas within the Town Centre.	Yes
Advertising Signs	Advertising and signage should contribute to the character and amenity of the precinct and the Town Centre.	<p>The proposal includes digital wayfinding signboards throughout the development. These signs will not be used for advertisement and will display the entries and exits of the car park as well as directional symbols and the number of car spaces available.</p> <p>A large signboard is also proposed at the entrance of the car park that will be located on the northern elevation of the lift tower. This sign will be used to display the Fairfield City Council Logo, time, date and the number of car spaces available.</p>	Yes, considered acceptable.

The above compliance table demonstrates that the application is considered satisfactory with the controls stipulated within the Cabramatta DCP No.5/2000.

PLANNING ASSESSMENT

Further assessment of the proposed building height, presentation, pedestrian connectivity and potential light spill and acoustic impacts is discussed below:

Building Height

In accordance with the Fairfield Local Environmental Plan (LEP) 2013 the maximum permitted building height for the proposed building is 10 metres. The car park building has a maximum building height of 10 metres above natural ground, however there are two components which exceed the maximum building height standard. These include the solar panels and a lift overrun.

The maximum building height of the solar panels is 10.9 metres above natural ground and the maximum building height of the lift overrun is 13.73 metres above natural ground. Therefore, the development exceeds the maximum building height limit by 3.73 metres which is equal to 37.3%.

A written request to vary the height standard of the LEP under Clause 4.6 of the Fairfield LEP 2013 relating to the proposed building height of the proposed car park building has been submitted to Council.

Based on Council's assessment of the written request as discussed in Section 4 above, it is considered that the written request has demonstrated that the variation to the development standard is unlikely to result in any amenity impacts, is consistent with the objectives of the zone and would be in the public interest. Accordingly, the written request for a variation to the height control is considered reasonable and therefore supported in this instance.

Permeability and Pedestrian Safety

Initial assessment of the submitted plans raised concern in relation to pedestrian connectivity and safety, particularly at the vehicular entries and pedestrian links between the proposed and existing multi-deck car park. Concern was also raised for the efficient and safe movement of delivered goods from the proposed ground floor loading bays through the existing Dutton Lane car park and to the surrounding commercial premises.

In response, the applicant submitted diagrams demonstrating pedestrian access throughout the site and different travel paths for each of the car park users, including the movement of delivered goods through the site as shown in Figure 6 and Attachment F of this report.

Given that each car park user will be provided with a clear path of travel as shown in the diagrams, it is considered that the applicant has adequately demonstrated that safe and sufficient paths of travel will be provided throughout the parking precinct for all pedestrians visiting and using the site. Further, the proposed pedestrian connectivity diagrams are consistent with the pedestrian movement routes stipulated within the Precinct Map for Precinct 2 within the Cabramatta Town Centre DCP No.5/2000 and is therefore considered acceptable in these circumstances.

Light Spill and Acoustic Impacts

Whilst it is acknowledged that the upper floor of the upgraded car park will be of an open deck style, there may be potential for amenity considerations to be taken into account in its operation. In order to deal with any potential amenity impacts as a result of the operation of the open-deck level, particularly in relation to light spill and noise the

applicant has submitted an Acoustic Impact Assessment Report and a Mechanical Services Report and Design Statement addressing Light Spill.

The submitted Acoustic Impact Assessment Report states that the operation of the open deck levels will comply with the NSW Environment Protection Authority Noise Policy for Industry noise level criteria at the nearest residential and commercial receivers without the need for additional noise controls. Councils Environmental Management Section has assessed this Report and raises no concern in relation to the potential acoustic impacts as a result of the operation of the car park.

It is also noted within the submitted Traffic Impact Assessment Report that the peak parking demand of the existing Hughes Street and Dutton Lane car park occur during the day-time hours. Experiences of the Cabramatta Town Centre also indicates that the night time trading is minimal with low attraction rates. This is reflected in the car parking fees associated with these car parks which do not charge after 6pm.

Notwithstanding, in order to deal with any potential amenity impacts as a result of the operations of the additional car spaces, it is considered appropriate that the applicant submit a Plan of Management addressing the operation of the site, particularly during the evening and early hours of the morning. Accordingly, a draft condition has been included in the draft conditions contained in Attachment M that requires the submission of a Plan of Management prior to the occupation of the development as well as the installation of CCTV surveillance throughout the upgraded car park.

In order to address the impacts of potential light spill, the applicant has submitted a lighting layout plan and a Mechanical and Electrical Services Report as well as a Design Statement concluding that the development complies with AS AS 4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting' and is unlikely to result in unreasonable light spill based on the following:

- Low glare fittings have been adopted throughout the development site to minimise visual light pollution on the nearest residential apartment building to the west.
- Solid concrete balustrades and upturns between 600mm-100mm high form barriers will be provided along the western façade preventing direct headlight glare onto the adjacent residential buildings.
- Planting will be provided above these barriers in order to minimise indirect headlight glare.
- The northern façade is made up of a dense aluminium tube screen that will obstruct headlight glare.
- It should also be noted that the residential dwellings located directly opposite the site on the northern side of Hughes Street, are situated 30 metres away across 4 lanes of traffic that experience high volumes of traffic with street lighting.
- Lighting control for the carpark to be controlled via building management system (BMS) controls, within activation time to be adjustable by Fairfield City Council.

Having regard to the above the submitted application indicates that the operation of the car park is unlikely to result in unreasonable amenity impacts in relation to light spill upon the adjoining residences provided that these mitigation measures to control headlight and fixed lighting spill are implemented.

Further, Council's Environmental Management Section has assessed the Application and supporting documentation and advises that the applicant has adequately demonstrated that the development complies AS 4282-1997 'Control of the Obtrusive Effects of Outdoor Lighting' and is unlikely to result in any unreasonable light spill impacts upon adjoining properties provided that the abovementioned methods to control headlight spill from cars using the car park are implemented on site. Notwithstanding this, a condition is included in the conditions of consent which requires all lighting on site to comply with the relevant Australian Standards.

Interface of the Commercial and Residential zones

In accordance with the controls for multi-level car park developments of the Fairfield City Wide Development Control Plan 2013, all new car park buildings should contribute to preserving and enhancing the existing streetscape, the image of the existing centre as well as the amenity of adjoining residential properties.

On this basis, initial assessment of the submitted elevations raised concern for the presentation of the building, particularly along the Hughes Street frontage which adjoins residential properties on the opposite side of the street.

The original façade design implemented to screen the open deck car park consisted of brightly coloured aluminium vertical panels, presented as one singular and continuous band along the first floor and coloured glazing to match at street level as shown in Figure 7 below.

Figure 7 – Original façade design



Council's assessment revealed that further consideration should be given to the façade treatment and colour scheme along the street edge in order to provide a balanced transition between the proposed built form and adjoining residential properties to the north and west as well as the existing commercial buildings within the Cabramatta Town Centre, particularly the existing Dutton Lane Plaza adjoining the site to the south.

In response, the Applicant has amended the proposed façade design and submitted an Addendum to the Architectural Design Statement which provides details of the façade treatment including the use of cylindrical aluminium coloured panels to allow for adequate spacing between each colour, a greater range of subdued colours, and division of the

façade into two horizontal bands in order to identify each level of the car park and soften the appearance of the building and appropriately integrate within the existing streetscape as shown in Figure 8 below.

Figure 8 – Amended Façade Design



The updated Architectural Design Statement was submitted to Council which includes the following items of justification in relation to the proposed façade design concept:

The external appearance for the proposed Hughes Street carpark is conceived as an abstract and colourful three-dimensional tapestry, symbolising with a unique combination of architecture and landscape, the vibrancy and multiculturalism of the Cabramatta and wider Fairfield community. The building includes richly coloured facade treatments, alongside integrated planting in the form of vertical green walls.

The proposed building integrates with the locality and adjoining residential properties in several ways:

Dutton Lane North Elevation, adjacent to Dutton Plaza

- *The proposed Hughes Street Car Park meets the Dutton Plaza building along the northeast area of the Dutton Lane Loop.*
- *The Dutton Plaza building is characterised by a facade of dark red perforated metallic panelling, offering screened and direct views into the upper parking levels.*
- *The adjacent facades of the new building have been designed to complement the existing Dutton Plaza building with an increased percentage of dark red toned elements within the adjacent areas of the proposed Hughes Street facade screen. The inclusion of these elements will create a blending effect, gradually and subtly transitioning from the darker red tones to the wider range of colours elsewhere in the new building.*

Hughes Street North Elevation

Along Hughes Street, the proposed elevation comprises a coloured glazed screen at street level and the proposed aluminium screen system at the upper two floors. The upper and lower areas are separated by a horizontal facade awning in dark grey toned metallic finish.

Of note:

- *The lower coloured glazed screen will incorporate lighter colour tones along the pedestrian footpath*

- *The awning will serve to provide sun and weather protection to pedestrians, as well as provide separation from the parking levels above in this area.*
- *Street planting has been designed to complement and soften the form, presentation and colours of the new building, as well as provide a pleasant outlook for residents of the southern units in the apartment buildings on northern Hughes Street.*
- *The lower colour glazed screen is structured into 8.1-8.6m segments of frames glass, emulating the adjacent retail tenancies that surround the subject site.*

It is considered that the use of a greater variety of colours, presented in the form of aluminium cylindrical panels with adequate spacing, as well as planting of street trees along Hughes Street improves the building appearance within the existing streetscape and the transition between the built form and public domain.

Based on Council's assessment of the updated façade design and supporting documentation, the amended façade design, is considered acceptable in these circumstances.

INTERNAL REFERRALS

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

Building Control Branch	No concern has been raised and conditions have been provided to comply with the BCA.
Development Engineering	No concern has been raised, subject to conditions.
Subdivision Branch	No concern has been raised in relation to the proposed subdivision of the site, subject to conditions.
Environmental Management Branch (EMB)	EMB is satisfied with the information submitted, including the Acoustic Assessment and Mechanical and Electrical Services Report as well as a Design Statement for Light Spill and raises no concern to the proposal, provided that the recommendations of these reports are implemented and subject to conditions of Consent.
Traffic Engineering Branch	Traffic Engineering Branch has reviewed the submitted Traffic and Parking Assessment and Construction Traffic Management Plan, along with the accompanying swept path diagrams and proposed access arrangements and raise no concern to the proposal, subject to conditions.
Tree Preservation Officer	No concern has been raised in relation to the landscape design and species of plantings proposed.

EXTERNAL REFERRALS

Roads and Maritime Service (RMS)

The application was required to be referred to Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2007. RMS raised no objections

provided that the recommendations of the submitted Traffic and Parking Assessment are implemented on site and vehicle management signage is installed within the car park.

It should also be noted that the RMS does not support the provision of continuous foot path treatment along the Hughes Street frontage across the vehicular entrance given that the proposal does not meet the relevant warrants for these to be installed. These matters have been included as draft conditions of consent in Attachment K of this report.

PUBLIC NOTIFICATION

In accordance with Councils Notifications Policy the development application was advertised in the local newspaper and notified to surrounding residents for a period of twenty-one (21) days. No submissions were received during this time.

SECTION 4.15 CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 (formerly Section 79C) of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 4.15(1) (formerly Section 79C).

(1) Matters for consideration—general

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

(a) the provisions of:

(i) Any environmental planning instrument

This report has demonstrated that the proposed development is permissible within the B4 Mixed Use zone pursuant to the provisions of the Fairfield Local Environmental Plan 2013 (FLEP).

Consideration of the development under the provisions of Draft Remediation of Land SEPP and SEPP No. 64 – Advertising and Signage has been found to be satisfactory.

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

Consideration of the development under the provisions of Draft Remediation of Land SEPP has been found to be satisfactory.

- (iii) *any development control plan*

The proposed development complies with the provisions of Fairfield City Wide Development Control Plan 2013 and Cabramatta Town Centre DCP No.5/2000.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Water Pollution

Council's Development Engineering Branch and Environmental Management Section has assessed the submitted application and has raised no concern in relation to potential water pollution of the proposed development on site.

Noise Pollution

An Acoustic Report has been submitted concluding that the noise generated by the proposed development is of minimal impact within the context of the site. Council's Environmental Management Officer has assessed the submitted report and has raised no concerns in relation to the potential acoustic impacts of the proposal and advised that the noise generated by the proposed development complies with the maximum noise limit of NSW Industrial Noise Policy.

Air Pollution

Council's Environmental Management Officer has reviewed the application and has raised no concern in relation to the potential air pollution of the car park operation. Further, Council's Coordinator of Building Control has reviewed the submitted application and raises no concern in relation to the ventilation based on the open-deck design.

Traffic Impact

Based on Council's and RMS assessment of the Traffic and Parking Assessment Report and Construction Traffic Management Plan. It is considered that the subject site is suitable to accommodate the proposed development and the proposed vehicular access and traffic arrangements and areas are adequate to accommodate the operation of the proposed car park. The proposed development is therefore considered acceptable in these circumstances.

In terms of traffic generation and on-site manoeuvring, Council's Traffic Engineers have reviewed the documentation submitted with the application and concluded that the traffic generated by the development will not create a significant impact on Hughes Street, Dutton Lane and the surrounding road network.

Amenity

Based on the assessment of the application it is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality.

Social and Economic Impacts

The proposed development will increase the efficiency of the existing car parking precinct and provide additional parking and loading facilities within the Cabramatta Town Centre. The proposal will have a positive economic impact in the locality and the Town Centre. Further, it is considered that the proposal has negligible social impacts.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

No submissions were received during the notification period.

(e) the public interest

Having regard to this assessment the proposed development is considered to be in the public interest and warrants approval.

REASONS FOR RECOMMENDATION

The proposed development is considered acceptable and is recommended for approval for the following reasons:

1. The subject site is zoned B4 Mixed Use pursuant to Fairfield LEP 2013. The proposed development includes the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping and would be defined as a car park which is permitted with consent within the B4 Mixed Use zone.
2. It is considered that the written request submitted under the provisions of Clause 4.6 Exceptions to Development Standards pursuant to Fairfield LEP 2013 has demonstrated that the proposed variation to the building height development standard is unlikely to result in any unreasonable amenity impacts, is consistent with the objectives of the zone and would be in the public interest. The written submission is considered well founded and supported.
3. The Applicant has satisfactorily demonstrated that the proposed development is consistent with the objectives and the development principles stipulated within the Cabramatta Town Centre DCP No.5/2000 and Fairfield City Wide DCP 2013.
4. Pursuant to the Section 4.15C of the EP&A Act 1979, the proposed development has been assessed having regard to likely impacts on the natural and built environment and any social and economic impacts on the locality, and found to be acceptable.
5. The applicant has satisfactorily demonstrated that the proposal appropriately responds to the character of the surrounding locality in terms of built form, massing, bulk and scale. It is considered that the proposed development has been designed to minimise potential impacts on the environment and the amenity of the adjoining locality.

Accordingly, it is recommended that proposed development be approved subject to conditions contained within Attachment K of this report.