

9 December 2019

Our Ref: 10563 Submission

Chantelle Chow
Department of Planning, Industry and Environment
GPO Box 39,
Sydney NSW 2001

Attention: chantelle.chow@planning.nsw.gov.au

Dear Chantelle,

RE: Gateway Determination Review Submission for the Planning Proposal on land on Broomfield St, Fisher St and Cabramatta Road, East

Introduction

This submission has been prepared to respond to Fairfield City Council's resolution of 6 August 2019 to seek a Post Gateway Review requesting a reduction of the height of buildings in the Planning Proposal from 19 storeys to 16 storeys.

The Gateway determination by the Department of Planning Industry and Environment directed Council to exhibit the Planning Proposal as follows:

1. Prior to public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys), 57m (approximately 16 storeys), 59m (approximately 16 storeys), and 66m (19 storeys) across the site, in accordance with the planning proposal considered by Council at its meeting of 25 September 2018.

There is reference in the submission in GM Planning's Report that Council sought a reduction to 15 storeys and to 16 storeys. For clarity, the Minutes of the Ordinary Meeting of 6 August 2019 confirm Council resolved as follows:

That Council seek a review of the Gateway Determination based on Council's previous resolution, to restrict the development to 16 floors.

If applied, the Council resolution would result in the reduction of a single tower building in the entire development located on the corner of Broomfield Street and set a 16 storey height limit for other parts of the site. The different heights of the buildings were nominated in the Planning Proposal based on solar access and urban design reasons. The height of buildings was determined to ensure solar access to the central square, the residential buildings as part of this proposal and to adjacent development. The 19 storey element creates a place making gesture at the corner of Broomfield Street and Cabramatta Road East that identifies the station location and the location of the new pedestrian overbridge direct to the Cabramatta Station rail concourse to be delivered as part of the redevelopment.



This submission provides a background to the determination of the heights proposed in the Planning Proposal as well as responding to issues raised in Council's Submission to the Gateway Review prepared by GM Planning Services.

Determination of Heights in the Planning Proposal

The determination of the heights proposed in the Planning Proposal for this site has followed a long process which intends to capture the benefits of transit-oriented development on a site located adjacent to Cabramatta Station.

Fairfield City Council has itself pursued opportunities to increase the density of development in the Cabramatta Centre given the utility provided by the existing transport infrastructure. These attempts have not progressed to result in amendments to the existing planning instruments, primarily given traffic issues from increased residential densities on the western side of the rail line.

The Planning Proposal has been underpinned by a package of works to confirm the proposed heights and densities on the eastern side of the rail line. In this regard, the ultimate heights in the Planning Proposal application were informed by the following:

- A review of Council's previous Residential Strategy.
- Traffic Studies that have confirmed that the proposed rezoning together with the proposed residential opportunities in Council's Residential Strategy on the east side of the rail line can proceed without adversely impacting on the capacity of existing intersections in the area.
- Consultation with Air Services Australia to confirm the proposed height would not present an obstacle limitation for aircraft using Bankstown Airport
- An Urban Design Study by E8Urban (Urban Designers) and architectural reference schemes prepared by Plus Architecture
- Review by Council Officers of the built form proposed on the site against that allowed in the hierarchy of other centres in Fairfield LGA

An independent peer review of the Planning Proposal including architectural plans by TPG Town Planning and Urban Design (TPG). Advice from TPG Town Planning and Urban Design in their report of 28 March 2018 (TPG Report) is referenced in the GM Planning Report to suggest that their assessment described the proposal as 'unacceptable'. For clarity, the TPG report does not state that the proposal is "unacceptable." Rather, the TPG report recommends further work and reconsideration of massing to ensure that the commercial property to the south on 144–158 Cabramatta Road East can be redeveloped, and the vacant residential properties known as 126–142 Cabramatta Road East to south of the rail crossing bridge have appropriate solar access.

The work demonstrating that the solar access issues raised by TPG Town Planning and Urban Design was subsequently submitted to Council and has been at the forefront of subsequent design iterations, including those discussed later in this response.

In addition to the above, the GM Planning Report suggests that the TPG Report reviewed an amended Planning Proposal which included plans for only a 45m building located on the southern side of the site adjacent to Broomfield Street and Cabramatta Road East. This is not the case. The TPG Report contains a misdescription of the height of buildings in the table in Section 1 inadvertently swapping the proposed heights of buildings in Site A (Southern Portion) with those in Site B



(Northern Portion). This misdescription was corrected in the following table in Section 1.2 of the TPG Report which describes the larger building of 66m being on Site A, not Site B.

The only plans from the Planning Proposal that could have been provided by Council to TPG for its review contained a 19 storey building on the southern part of the site, adjacent to the intersection of Broomfield Street and Cabramatta Road East. It follows that the claims in the GM Planning Report that TPG only considered a 45m high building on the southern part and that the current proposal for a 66m high building would have even greater overshadowing impacts are incorrect. The TPG Report reviewed a 66m high building (19 storeys) as supported by the Gateway decision. A copy of the TPG Report is at Attachment A.

It is a matter of fact, that the only difference between the Planning Proposal reviewed in the TPG Report and the final Planning Proposal is that the 2 stages (Sites A and B) have been broken into 4 stages as requested by Council to reflect the delivery of the project, and that the FSRs and heights have been applied to guide the outcomes in each of the stages.

This, and compliance with the solar access provisions appears to be the main issue raised in the GM Planning Services submission. The solar access to the development and adjacent properties, particularly to the south is discussed in detail in the next section.

Solar Access to the Development, Market Square and adjacent properties

Plus Architecture has prepared documentation confirming that the proposed massing and maximum heights will achieve appropriate solar access to the central square, as well as the dwellings within the development and properties to the south of the site to achieve the solar access requirements in the Apartment Design Guide.

As shown in Figure 1 below, the proposed massing has the smaller buildings to the north with the highest building tower providing a landmark gesture to placemark the station location to the south east. This not only achieves appropriate solar access within and external to the development but also provides an appropriate transition and visual interface to the residential properties to the north that comprise yet to be developed residential flat building sites. The diagram below shows the proposed massing including the 19 storey component of the development.

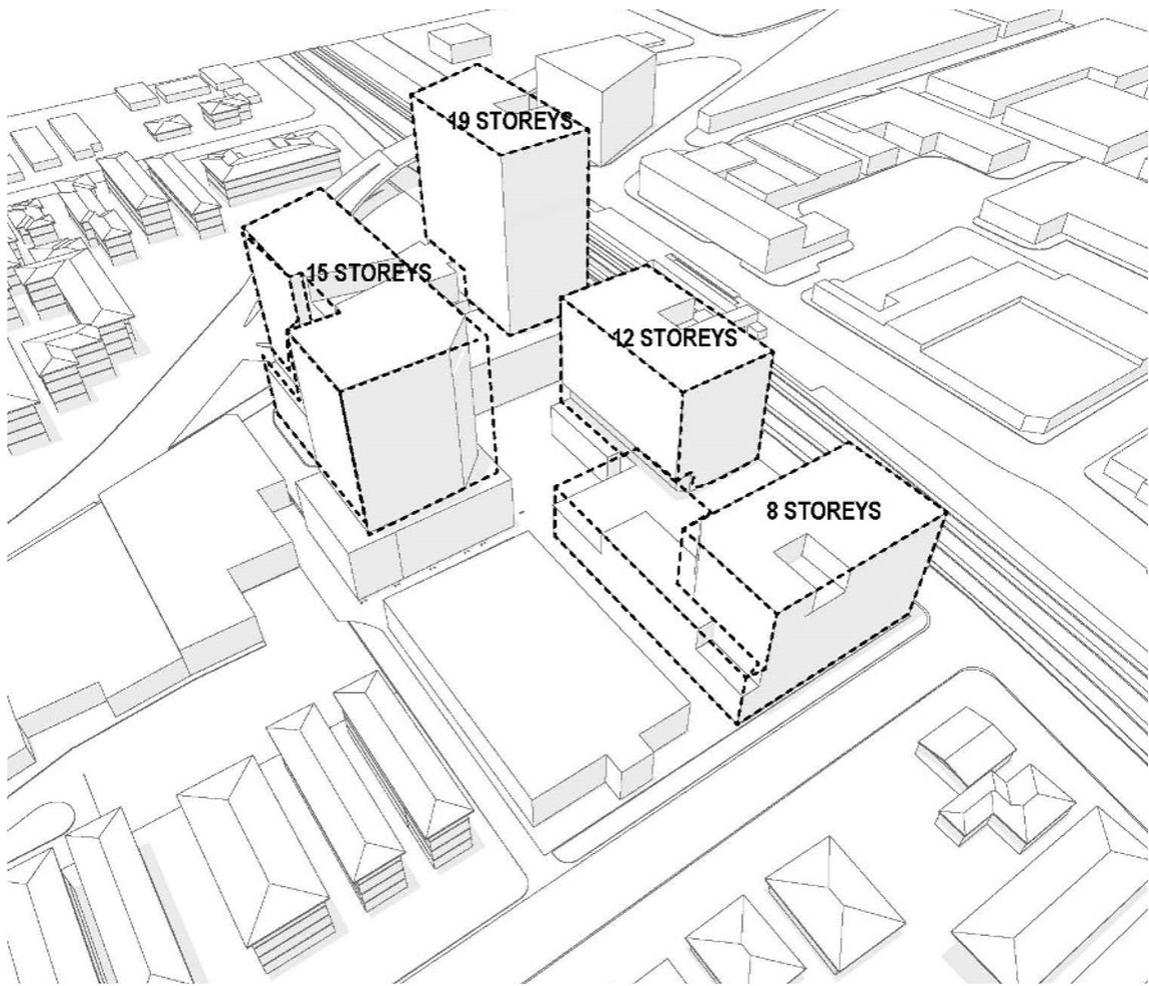
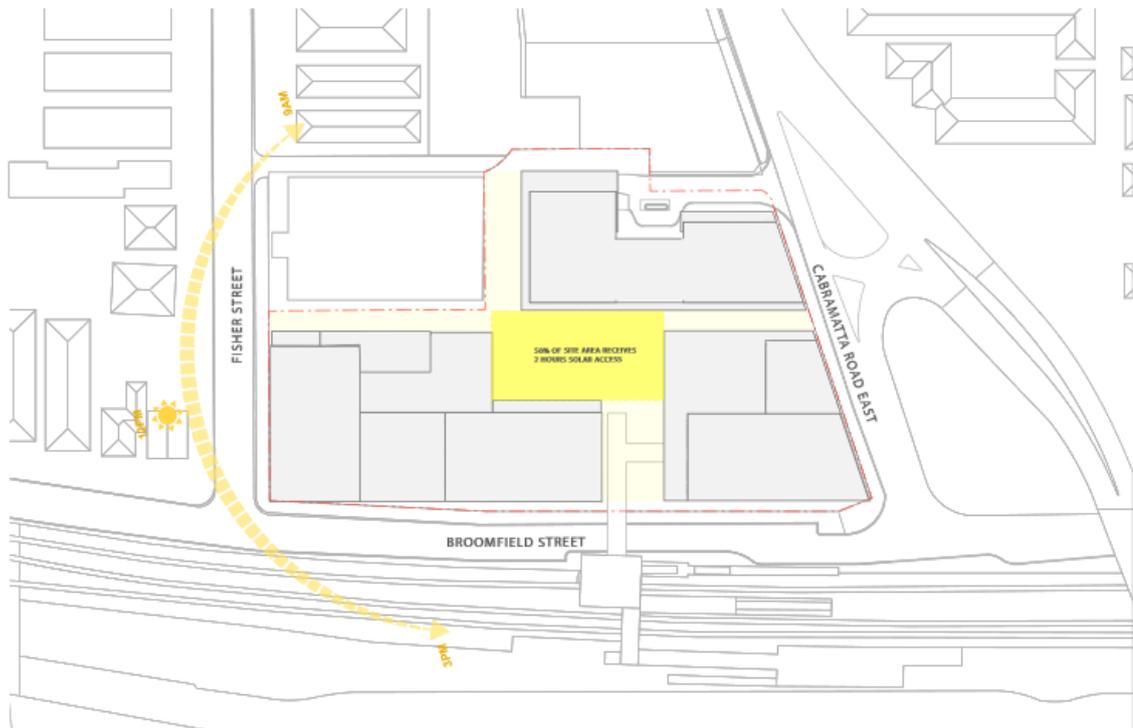


Figure 1 Proposed built form of the development around the central plaza

Solar Access to the Market Square

The work by Plus Architecture has sought to ensure that the building massing and heights achieve appropriate solar access to the public domain plaza at the centre of the development. Figure 2 shows the central plaza location and trajectory of the northern sun.



SOLAR ACCESS PLAZA

The building massing ensures that the key part of the central plaza achieves solar access as summarised in the table below:

JUNE SOLAR ACCESS			
9:00 AM	205	m sq.	17%
9:30 AM	323	m sq.	27%
10:00 AM	486	m sq.	41%
10:30 AM	565	m sq.	47%
11:00 AM	678	m sq.	57%
11:30 AM	736	m sq.	61%
12:00 PM	584	m sq.	49%
12:30 PM	429	m sq.	36%
1:00 PM	258	m sq.	22%
1:30 PM	114	m sq.	10%
2:00 PM	41	m sq.	3%
2:30 PM	2	m sq.	0%
3:00 PM	0	m sq.	0%

More detailed shadow diagrams are included in Attachment B.

Solar Access to apartments within the Development

Plans prepared by Plus Architecture confirm that the overall development is capable of achieving solar access that meets or exceeds the Apartment Design Guideline requirements of 2 hours to balconies and living spaces. Figure 2 below shows the edges of residential buildings that can receive solar access based on the trajectory of the sun.

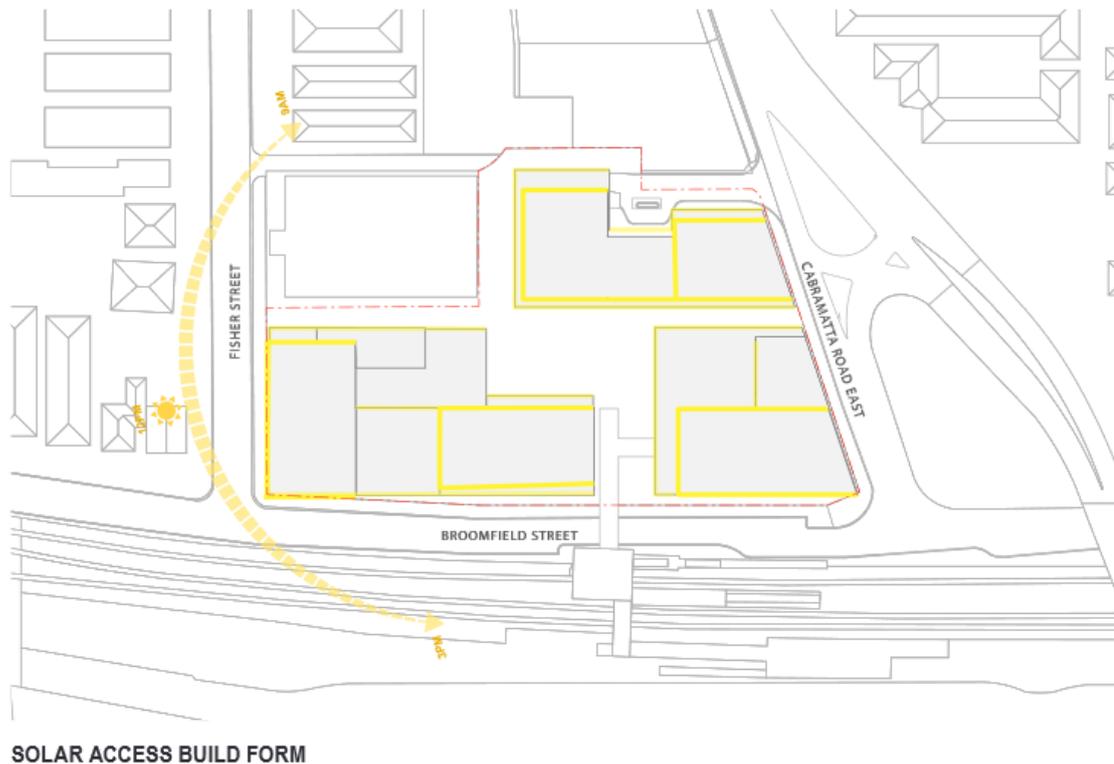


Figure 2 – Solar Access to Built form in the development site

The plans submitted with the Planning Proposal for the site and all subsequent iterations confirm that the proposed development can readily meet the solar access requirements in the Apartment Design Guidelines given the different heights and facades exposed to direct sunlight as shown in Figure 2 above.

Solar Access to properties to the south

There are two properties to the south of the site identified by Council and TPG Town Planning and Urban Design that are potentially overshadowed by development to the north. The TPG report identified that the development on the Planning Proposal site may require further massaging of built form and heights to ensure that they would, when redeveloped, be capable of meeting the Apartment Design Guideline criteria for 2 hours of solar access. The two properties are:

1. The commercial properties known as 144–158 Cabramatta Road East, and
2. the vacant residential properties known as 126–142 Cabramatta Road East to south of the rail crossing bridge.

See Figure 3 below for the property locations in relation to the Planning Proposal site.



1. Properties at 144-158 Cabramatta Road East

The properties at 144–158 Cabramatta Road East comprise a small irregular shaped parcel comprising 6 lots of about 1,200m², bounded by the Cabramatta Road East rail line elevated bridge, the at grade section of Cabramatta Road East and Broomfield Street. There appears to be no residential uses within any of the buildings on the parcel and only 5 carparking spaces attached to the end tenancy to the east.

Under Fairfield Local Environmental Plan 2013, this parcel has a maximum FSR of 2.2:1 if the building incorporates between 10 to 50% residential accommodation. and a maximum height of 14m. The property is considered to have very limited potential for redevelopment incorporating residential accommodation given; the existing planning controls, the high level of fragmentation in ownership and the costs associated with providing underground basement parking for the small amount of residential floorspace.

Plus Architecture prepared a concept for a 10 storey building based on the hypothetical upzoning of the site based on its location in the centre close to public transport infrastructure and by applying the same solar access parameters to itself to enable the required sunlight to be achieved to any redevelopment of properties south of Cabramatta Road East. This building is shown in Figure 4.

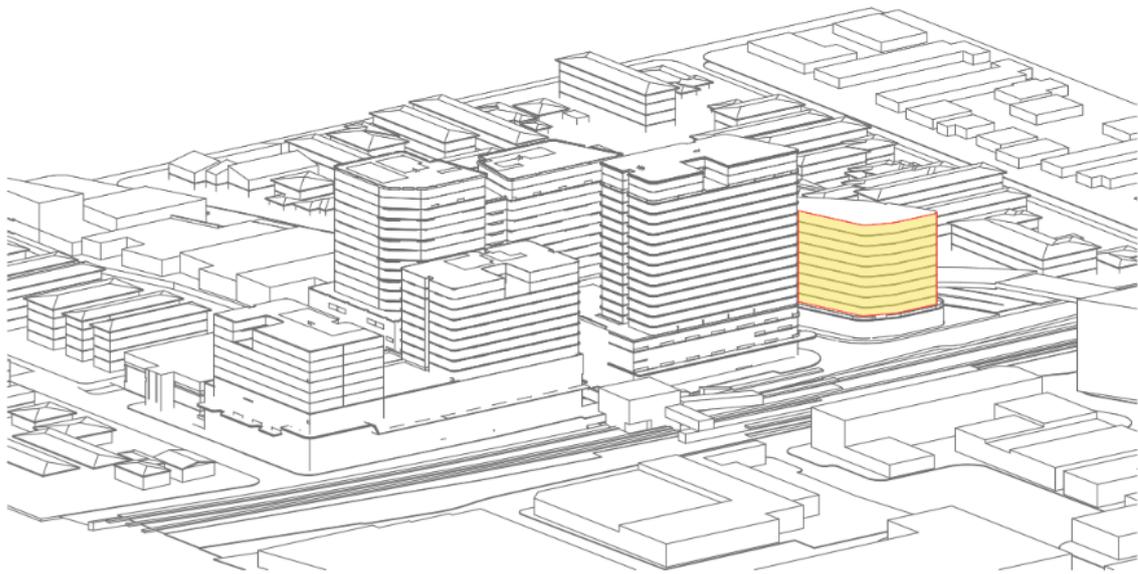


Figure 4 Redevelopment of 144–158 Cabramatta Road East

The concept 10 storey building design by Plus Architecture is capable of achieving solar access required by the Apartment Design Guide of 2 hours to a minimum 70% (ie 73%) of dwellings. Plus Architecture has advised that it has run similar testing for a 6 storey building on this site and that this is also capable of achieving Apartment Design Guide Compliance.

The concept 10 storey building including analysis of the facades and dwellings receiving solar access, as well as the overall shadow diagrams are included in Attachment C.

2. Vacant Residential Properties at 126-142 Cabramatta Road East

The vacant residential properties known as 126–142 Cabramatta Road East to south of the rail crossing bridge comprise a triangular residential parcel with an area of about 1,700m² and street access only to Cabramatta Road East. It is noted that land in this parcel is subject to a covenant requiring the written consent of The Commissioner of Main Roads to construct or allow to be constructed any means of access from Cabramatta Road East. It is also noted for the purposes of determining shadow impact that the adjoining residential flat building to the east of this parcel maintains a minimum setback to Cabramatta Road East of some 8.5m, which would also be applied to any development on this parcel.

The shadow diagrams prepared by Plus Architecture show that for the 2 hours between 9am and 11am the extent of overshadowing from the proposed development or the concept 10 storey development to the south has minimal impact on the development footprint on the site and would not compromise solar access to any development on the properties south of Cabramatta Road East. Between 11am and 2pm, the shadow from the proposed development and concept 10 storey building will extend and traverses across parts of the site over this period. After 2pm the property is overshadowed by the built form of the concept 10 storey building.

The shadow diagrams show that there is a substantial window of time in the morning of the winter solstice where a future development of 126–142 Cabramatta Road East is capable of meeting solar access requirements in the Apartment Design Guide.

The detailed shadow diagrams showing the extent of overshadowing of this land are also included in Attachment C.

Conclusion

The above demonstrates that solar access within the development and external to the development has been properly considered and can be achieved with the 19 storey proposed height.

GM Planning for Council states in its conclusion that:

This Urban Design Review identified in Section 4.3 of the report that the proposed 45metres in this location was unacceptable and "further investigation be required of the proposed built form, massing and overshadowing impact on the developed land parcels to the south to ensure that the future development of the subject site does not unfairly prejudice the development of these lots."

This is incorrect, as the Urban Design Review clearly considered the 66m 19 storey built form proposed on the southern part of the site on the corner of Broomfield Street and Cabramatta Road East and never suggests that this built form is "unacceptable." It did recommend further investigation to ensure an appropriate context to properties that may have redevelopment potential to the south. This submission further addresses that context.

The development proponent has commissioned detailed studies to ensure compliance with solar access requirements in and adjacent to the development. Any review of the Gateway Determination should be founded on factual evidence alone.

That objective assessment is not to be found in GM Planning assumptions of what planning motivations may have been in the mind of Council (paras 5 and 6 on page 20) in restricting the height of the propose development to 16 storeys as no written reasons were advanced by Council. Nor is that to be found in 'rule of thumb' assessments of the reduction in shadow length given a reduction in building heights. No formal shadow study has been undertaken by GM Planning to demonstrate any lack of solar access compliance to the south of the development site.

Should you have any queries or wish any other matter to be further addressed, please do not hesitate to call me.

Yours faithfully

GLN PLANNING PTY LTD



**PETER LAWRENCE
DIRECTOR**



ATTACHMENT A



ATTACHMENT B



ATTACHMENT C