

Record of Kick-Off Briefing Sydney Western City Planning Panel

PANEL REFERENCE, DA NUMBER & ADDRESS	PPSSWC-337 – Fairfield – DA 167.1/2023 - 84 Broomfield Street, Cabramatta
APPLICANT / OWNER	Applicant: The Trustee for Moon Investment Trust Owner: Moon Cre Pty Ltd/Milperra Hotel Pty Ltd/Lubo Medich Holdings Pty Ltd
APPLICATION TYPE	Demolition of existing buildings and staged construction of a mixed-use development up to 19 storeys comprising basement carparking over which will be a new market square, three buildings containing ground level retail, first level commercial GFA including a tavern, childcare centre for a maximum of 80 children, gymnasium, medical centre and restaurant as well and 358 apartments above. The DA also seeks consent for the public domain improvement and subdivision (by boundary adjustment) to incorporate a small section of the existing cul-de-sac head at the end of the public lane.
REGIONALLY SIGNIFICANT CRITERIA	Capital Investment Value > \$30M
CIV	\$ 215,402,700 (excluding GST)
BRIEFING DATE	17 July 2023

ATTENDEES

APPLICANT	Jim Castagnet, Stephan Castagnet, Peter Lawrence, Mahtab Bahrami
PANEL	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Hugo Morvillo
COUNCIL OFFICER	Sunnee Cullen
CASE MANAGER	Kate McKinnon
PLANNING PANELS SECRETARIAT	Sharon Edwards, Tim Mahoney

DA LODGED & DAYS SINCE LODGEMENT: 2 June 2023 (45 days)

TENTATIVE PANEL BRIEFING DATE: 6 weeks post Kick Off Briefing

TENTATIVE PANEL DETERMINATION DATE: Within 250 day target

Chair reviewed attendance and introduced Kick Off Briefing purpose and process.

Applicant

- The applicant provided a description of the site's context, planning proposal history and the proposed development.
- The applicant advised that they are fully compliant with the LEP and that variations are proposed to the DCP backed by arguments of planning merit within the SEE.
- The applicant outlined the planning issues associated with the application including:
 - Isolated sites – the applicant advised they have made several formal offers to neighbouring sites. The applicant stated that owners of isolated sites have formally indicated that they do not wish to be included within the scheme. The applicant advised that the process set out in *Karavellas v Sutherland Council* has been undertaken. Evidence of these negotiations will be provided to Council for review.
 - DCP and road closure – the applicant advised that given issues in obtaining buy in from isolated sites, variation to the DCP is required to realise development upon the site. The proposal also includes a small section of road closure to enable basement construction under, to be reinstated upon completion of basement construction.
 - Pedestrian bridge to Station – applicant advised that the pedestrian bridge has been removed from the DA as support from Sydney Trains has not been forthcoming. A planning agreement is proposed to provide commensurate monetary contributions for community facilities and the proposed development has been designed to allow for retrospective construction of the bridge should the position of Sydney Trains change.
- The applicant advised that they have sought to negotiate with owners of the land adjoining the existing church without success. Given this, there are no current plans to redevelop the site of the existing church.

Council

- Council advised that through its pre lodgement process a Council appointed, independent external urban designer provided comment on the application. The application as proposed has now been referred to the urban designer for review.
- Council noted that there is a site specific DCP which is predicated upon incorporation of all sites within the precinct (inclusive of the isolated sites). Given that not all sites are proposed for incorporation, the applicant has proposed a development which includes variations to the DCP with respect to building envelopes and heights. Council advised that these departures will require thorough assessment.
- Council noted that due to variations to the DCP proposed, overshadowing not anticipated by the DCP will occur and that proposed balconies may have the potential to overlook the isolated sites. Council will undertake an assessment of these potential impacts.
- External and internal referrals remain outstanding, notification of the proposal concludes today (17/07/23) - 8 submission received to date.
- Council requested that the next briefing be held in person at Council.

Panel

- The chair advised that if isolated sites are to be incorporated that an early decision on this would be ideal. Site amalgamation is considered a threshold issue for the development and requires early attention.
- The chair requested that the the Panel be briefed early with the evidence relied upon to establish that adequate attempts had been made to acquire or amalgamate with the isolated sites a and for Council to advise the Panel whether this is satisfactory or deficient with respect to the planning principle identified in *Karavellas v Sutherland Council*.
- The Panel enquired as to the future plans for the existing church located in stage 4.
- The Panel requested that Council again seek advice from TfNSW regarding the pedestrian bridge and reasons for their lack of support for the structure, and advise the Panel if inquiries had been unsuccessful.
- The chair noted Council's request for an in person briefing and advised that the necessity of this will be considered closer to the date of the briefing, with the potential for an inspection of the site to occur on the same day. Council are to liaise with the Secretariat to determine the location for the future briefing to be held potentially in approximately 6 weeks time.

Note:

Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered by the Sydney Western City Planning Panel and therefore future comment will not be limited to the detail contained within.