

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 26 February 2024, 10:30am to 11:00am Site inspection undertaken on 25 September 2023
LOCATION	MS teams

BRIEFING MATTER(S)

PPSSWC-337 – Fairfield – DA 167.1/2023 - 84 Broomfield Street, Cabramatta - 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.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), David Kitto, Louise Camenzuli
APOLOGIES	NIL
DECLARATIONS OF INTEREST	Kevin Lam and Hugo Morvillo voted on the VPA associated with this site. Councils' other representatives also voted on this site and cannot participate.

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Liam Hawke, Sunnee Cullen
APPLICANT	Jim Castagnet and Anthony Parisi (Applicant) Peter Lawrence (GLN)
PLANNING PANELS SECRETARIAT	Sharon Edwards, Renah Givney, Tim Mahoney

KEY ISSUES DISCUSSED

- **DA status:** Following the site inspection last year, Council issued a detailed RFI in December re issues arising from assessment. The Applicant has responded to this RFI, predominantly on 9 February this year. Council is presently re-assessing the application in view of the additional information provided. The DA has also been re-referred to technical staff, along with Sydney Trains and TfNSW. The application has also been re-notified. The Applicant considers it has responded to the bulk of issues raised.
- **Legal issues:** Council's LEP was amended late last year to insert a black line on the zoning map for the site, which Council says was inadvertently omitted by DPHI and the Department has accepted it made an error. The site is located in Area "E". A legal letter regarding this change was provided to the Council by Applicant's solicitor on 30 January 2024. The Applicant's position is that the omission of the line was not in error and, that even if it was, its addition does not have the effect that the Council is

contending regard the height outcome on the southern part of the site, which as a consequence would be less than 2700sqm. I.e. it is Council's position that the line effectively splits the site in two. The site is compliant on the northern part, but the southern part would be circa 2450sqm, meaning the Applicant cannot trigger the maximum height control in the LEP (cf clause 7.3(5A) of the LEP). The Applicant also asserts that there were two pre-DA meetings and this was not raised and that the exhibited map showed no line. The Council is reviewing the Applicant's legal advice.

- **The Panel Chair directed that both parties provide Panel with a submission within 7 days on this issue for the Panel's consideration and assessment as to whether independent legal advice is required on the matter.**
- **RFI:** The Applicant stated that a large part of RFI was dedicated to comparing the DA to a diagram in the DCP and that the Applicant undertaking the comparison in this way is incorrect as it highlights discrepancies in micro setbacks and distances between buildings that aren't intended by the DCP. It is the Applicant's position that Figure 5 of the DCP deals with detailed dimensions and Figure 4 establishes the height and siting of buildings, including the envelope within which bulk and scale can be moved about. The Applicant says the test in Figure 5 is directed at providing solar access to parts of the building and adjoining property. For this reason, the Applicant says that it has responded to all of the technical requirements of the DCP, including acoustic and traffic modelling matters.
- **The Panel Chair directed that Council's position on the Applicant's compliance with the DCP in view of the above is to be provided within 7 days, along with anything further the Applicant wishes to say on the matter for the Panel's consideration.**
- **Site isolation:** The Application excludes several lots. The Panel Chair reminded Council that at the site inspection the Panel requested that the Council writes to the owners of the excluded lots re the Proposal and highlight that the excluded sites risk their development potential being significantly constrained if the sites are not amalgamated. I.e. Panel wishes to ensure that the owners understand the implications of the Proposal.
- The Applicant indicated that it has provided evidence of the offers that have been made and details of those approached. The Applicant believes it has provided all necessary required information to the relevant parties and has pointed out the planning restrictions in the offer letters.
- Council's position is that while evidence was provided that owners of isolated lots have been consulted, some gaps were identified. In response to this, the Applicant has provided further information, which Council is currently considering.
- The Panel Chair noted that the Panel will need to be satisfied that sufficient communication has been had with the owners of the excluded sites in accordance with *Karavellas*. **Accordingly, the Chair directed that the Applicant draw the Panel's attention to the relevant information relating to site isolation on the Portal and the Council to advise Panel whether it takes any issue with the information provided within 7 days.**
- **Traffic and Access:** TfNSW has questioned the use of SIDRA modelling. The Applicant has indicated that TfNSW wants the Applicant to assess the proposal outside of the usual default settings for some reason, which makes the traffic outcomes more adverse. However, the Applicant says that this exercise has been undertaken as requested and, even with these changes, the proposed development still has an acceptable impact. The Council to assess this position and update the Panel at the next meeting or as part of its Assessment Report following further advice from TfNSW.
- **Waste:** The proposed development relies on private waste collection. The Applicant indicated that this is because the development cannot accommodate Council's large waste collection vehicles (being both a height clearance and turn-around issue). The Applicant understands that it is Council's position that the development has to accommodate the Council's standard trucks for waste collection in the usual way. **The Panel Chair directed that the Council consult its waste department and indicate whether**

there is an ongoing concern with private waste collection within 7 days and, if so, the basis for the concern.

Subject to the Panel’s review of the additional information requested, if there are outstanding issues, the Panel Chair indicated that another meeting may be required or a response outlining the Panel’s position or direction on each issue may be provided in writing, in order to allow for the assessment of the application to proceed as expeditiously as possible.