

4 June 2024

Our Ref: 11049\_Letter Purchase of Cul de Sac and TfNSW response Cabramatta

Liam Hawke  
Fairfield City Council  
Administration Centre  
84 Avoca Road  
WAKELEY NSW 2076

Dear Liam,

**Update on negotiations for Cul de sac acquisition and TfNSW comments  
Part of Public Lane off Cabramatta Road East as Part of development of 84 Broomfield  
Street Cabramatta**

This letter is to update you on the progress of negotiations on the acquisition of a small section of the cul de sac head (187m<sup>2</sup>) for inclusion in the broader development site and the progression of the assessment of the development application from this point.

Moon Investments has agreed with Council on a price for the land. However, Council has stated that it will not accept any terms and must be an unconditional contract with acquisition to occur after the road is closed. Based on this advice, Moon Investments will progress the acquisition and enter into a sales contract after development consent is issued.

Council will no doubt be aware that based on the decision in *Sydney City Council v Ipoh Pty Ltd [2006] NSWCA 300* handed down by the NSW Court of Appeal in 2006, there is no requirement for the Council to have issued its owners consent to enable the determination of the Development Application.

Given the above there is no outstanding commentary or further response required related to this specific matter which was included in Council's original RFI request.

Council has also referred us to comments from TfNSW uploaded to the Planning Portal in relation to the proposed development. We have sent an email prepared by our traffic consultant based on the additional work required by TfNSW and in this regard it is noted:

1. The TfNSW statement that the intersection of CRE Major and Cumberland St operates at Level of Service LoS E or LoS F is an incorrect based on the SIDRA analysis presented by ARC Traffic and Transport report and the conventional way that TfNSW and the industry describe the outcomes from this work, which must factor all delays when considering the overall operation of an intersection.
2. In response to the comment questioning why the assessment adopted low trip rates, this is consistent with TfNSW previous assessments where sites are located in close proximity to public transport, shops, schools and open space, and where car parking meets only the minimum



carparking requirements stipulated by TfNSW. We note also that previous correspondence from TfNSW specifically identified the potential for lower trip rates further to using these minimal parking rates.

3. The traffic assessment, including analysis of surrounding intersections, prepared for this site already factors in Council's other planned upzonings in the area, and hence provides a sound understanding of the traffic impacts associated with the development of the site and other sites on the eastern side of Cabramatta Station to their full potential. After allowing for all the additional traffic, the assessment found no mitigation works were required. Perhaps the mitigation works may be required when the upzonings Council has separately progressed are developed (and moreover when any additional access points for these sites are known) but there is no requirement for this development to undertake any additional assessment of the local road network given the very detailed scope of the traffic assessment.

We note that TfNSW comments are for consideration (as opposed to requiring concurrence) under the State Environmental Planning Policy (Transport and Infrastructure) 2021. The matters in the TfNSW comments are addressed above and, in any event, would not appear to pass the Newbury test as the condition would not be reasonably related to either the assessment completed or to address the impacts associated with the proposed development.

We look forward to Council completing its assessment of the application.

Yours faithfully

**GLN PLANNING PTY LTD**

**PETER LAWRENCE**  
**DIRECTOR**