

**DRAFT REASONS FOR REFUSAL
DEVELOPMENT APPLICATION NO. 167.1/2023**

LOT: 1, DP: 205759, NO. 84 BROOMFIELD STREET, CABRAMATTA

Demolition of existing buildings and staged (Stages 1 and 2) 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 including a tavern, Childcare Centre for a maximum of 80 children, two (2) medical centres 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.

REASONS FOR REFUSAL

Inconsistent with SEPP (Housing) 2021

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of SEPP (Housing) 2021: Chapter 4 Design of Residential Apartment Development; and inconsistent with the associated Apartment Design Guide and does not achieve meet the principles for good design.

Development Fails to Demonstrate Design Excellence

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate design excellence in accordance with Clause 6.12 of the Fairfield Local Environmental Plan 2013.

Inconsistent with Fairfield LEP

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Fairfield Local Environmental Plan 2013, particularly as the development does not demonstrate consistency with relevant development standards and provisions of the Fairfield LEP with respect to:

- (a) Clause 4.6 Exceptions to Development Standards
- (b) Clause 7.3 Cabramatta – Height of Buildings

Inconsistent with Clause 4.6

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the submitted written request to vary the

Development Standards of the Fairfield Local Environmental Plan 2013 with respect to the non-compliance with Clause 7.3 cannot be supported given that it has not met the relevant tests.

Inconsistent with Cabramatta Town Centre DCP 2000

Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not comply with the Cabramatta Town centre DCP 2000.

Adverse Impact on Stages 3/4 and Isolated Lots

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact upon the natural and built environment on Stages 3 and 4 as well as the isolated lots within Stage 2 that are part of the Cabramatta East Precinct

Inconsistent with Fairfield CityWide DCP 2013

Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the controls and objectives of the Fairfield CityWide DCP 2013.

Waste Management

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate that the waste management arrangements of the development are acceptable.

Inconsistent with SEPP (Transport & Infrastructure) 2021 Chapter 3

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of SEPP (Transport & Infrastructure) 2021 with respect to the matters in Chapter 3 – Educational Establishments and Child Care Facilities and Child Care Planning Guideline 2021.

Adverse Acoustic Impact

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse acoustic impact upon the residential dwellings within the development from the proposed tavern, childcare centre, medical centre, restaurant and commercial premises.

Traffic Impacts and Vehicular and Pedestrian Access

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate that the traffic impacts and the vehicular and pedestrian access of the development are acceptable.

Lack of Car Parking

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the Cabramatta Town Centre Development Control Plan 2000 with respect to car parking. The proposal does not provide the required number of car parking spaces for residential visitors nor the non-residential uses and therefore will likely have an adverse impact to the locality.

Privacy

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the development would have an adverse impact on the future Stages 3 and 4 and the isolated sites with respect to overlooking and privacy due to the non-compliant ADG separation distance.

Insufficient Details

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, Insufficient information has been submitted to Council to enable a thorough assessment of the potential impact of the proposed development on the amenity of the surrounding locality. No fit-out and operational details have been provided for the non-residential uses proposed in the application.

Failure to Provide Owners Consent

Pursuant to the provisions of Section 4.15(iv) of the Environmental Planning and Assessment Act, Owners Consent required under the Environmental Planning and Assessment Regulation 2021 has not been provided.

Public Submissions Upheld

Pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard to public submissions the development is unsuitable for the site.

Public Interest

Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.