

In reply please quote: DA 167.1/2023

Contact: Mr L Hawke on 9725 0274

1 December 2023

The Trustee for Moon Investment Trust
177 Albion Street
SURRY HILLS NSW 2010

Dear Sir/Madam,

PREMISES: LOT: 1 DP: 205759, LOT: 7 SEC: E DP: 4420, LOT: 2 DP: 580587, LOT: 8 DP: 25618, LOT: 5 DP: 25618, LOT: 6 DP: 25618, LOT: 7 DP: 25618, LOT: 10 DP: 255023, LOT: 2 DP: 205759

NO'S 76 BROOMFIELD STREET, 84 BROOMFIELD STREET, 86 BROOMFIELD STREET, 139 CABRAMATTA ROAD EAST, 147-149 CABRAMATTA ROAD EAST AND 151 CABRAMATTA ROAD EAST CABRAMATTA NSW 2166

PROPOSAL: CABRAMATTA EAST REDEVELOPMENT - 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.

APPLICATION NO: 167.1/2023

PAN NO: PAN-333433

Council is in receipt of Development Application (No. 167.1/2023) which relates to Stages 1 and 2 of the Cabramatta East Redevelopment. It is noted that the site is part of a larger precinct which was the subject of a Planning Proposal (Amendment No, 42) and Site Specific DCP. Given the size and scale of this precinct, it was divided into 4 stages. It is noted that this Application is for Stages 1 and 2 and does not include Stage 3 and 4.

Specifically, the proposed development comprises of the demolition of existing buildings and staged construction of a mixed-use development up to 19 storeys including 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 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.

The Proposed Development has a Capital Investment Value of over \$30 million and accordingly, the Sydney Western City Planning Panel are the determination authority. A kick off briefing occurred on the 17th July 2023 regarding the subject application and a Site Meeting on the 25th September 2023. Key issues that were discussed regarding the application included the isolation of sites within Stage 2, inconsistencies with the Site Specific DCP, access issues, future character of the area and surrounding sites, amendment to the Minimum Lot Size in the Fairfield LEP 2013 and the Pedestrian Bridge. The SWCPP record of minutes are available on the Planning Portal website and have been attached to this correspondence for your information.

Consequently, an assessment of Development Application No. 167.1/2023 has been undertaken and a number of issues have been identified regarding the proposal. The following matters are raised below for the Applicant's consideration.

Isolated/Excluded Lots within Stage 2

The redevelopment of the precinct will be a landmark for Cabramatta and will transform the locality. It is noted that the application for Stage 2 does not include a number of sites (Nos. 143-145 Cabramatta Road East and Nos. 88-92 Broomfield Street). These lots were included in the master planning for the precinct and do not currently form part of the Proposal.

It is noted that the Panel in its record of its site visit, advised that it was particularly concerned about the implications of not integrating the Broomfield St properties on the overall urban design outcome of the redevelopment of Broomfield St. Furthermore, Council has advised in two (2) previous Pre DA meetings, that raised concerns in regards to developing Stage 2 in the absence of these lots.

In response to this, the Applicant in August has sought to address the Court principles established in the *Karavellas v Sutherland Shire Council* [2004] NSW 251 (Karavellas) case. The Court Principles established in Karavellas, is a 2-step process, in which, the consent authority must be satisfied that a reasonable offer has been made and that the proposed development would not prejudice and/or sterilise the future development of the undeveloped parcels of land and/or render future development non compliant with the building envelopes within the site specific DCP.

1. Reasonable Offer

The information submitted included negotiations between the Applicant and four (4) landowners of the isolated/excluded lots. It is noted that three (3) of the landowners have not formally responded in writing or verbally. No documentation has been submitted that demonstrates that the isolated/excluded lots have received the offers from the Applicant. It is noted that the details including addresses of two (2) of the isolated/excluded landowners are different to those in Council's system. Accordingly,

it cannot be established at this point in time or reasonably considered that reasonable offers have been made to the isolated/excluded lots.

2. Prejudice Development Potential

In regards to the ability for the isolated/excluded lots to develop independently, the Applicant has advised that the design includes the ability to allow vehicle access to these lots through the basement. Furthermore, the Applicant has obtained BCA advice for any future development on the isolated lots. It is also noted that in the documentation and the 'Isolation Lot Strategy' the Applicant provides 2 options in developing the isolated/excluded lots. Council officers have reviewed the BCA advice and raise concerns. Furthermore, the proposal seeks to propose balconies and openings on the boundary which would not comply with the setback requirements required under the Apartment Design Guidelines. Accordingly, it is considered that the proposal will likely prejudice the development potential of the isolated/excluded lots given the proposed building setbacks of Tower C.

It is considered that the information submitted does not satisfactorily address the Court Principles established in *Karavellas*. Fundamentally, the Applicant's response to not acquiring the isolated/excluded lots is simply to relocate the 19 – storey tower (Building C) away from the corner of Broomfield Street and Cabramatta Road West as well as removing the 7-storey portion of the development. Whilst a number of improvements have been made to the design of the proposed built form since the Pre DA meetings, the proposal is considered to present an inadequate and unacceptable response to the issue of prejudicing/sterilising the development potential of the isolated sites. It is considered that the exclusion of these lots from the proposal will ultimately result in the failure to deliver the built forms envisaged in the Site-Specific DCP. The matter of not being able to acquire the lots does not appear to sufficiently justify the departure to the DCP of this significance and as currently presented to Council.

The Applicant's response to the issue of non-compliance with the location of buildings does not address the fundamental concern with the proposal regarding the currently unacquired lots. It is considered that the amended design does not adequately address or respond to the issue of departure from the Site-Specific DCP. The site specific DCP is clear in regard to the heights of buildings and the layout of the development area and compliance should be demonstrated and achieved.

The Planning Proposal and Site Specific DCP has been formulated on the basis that all lots/parcels of land being incorporated as part of the overall development of the precinct. On this basis, it is considered essential that all parcels of land are incorporated as part of the overall development of Stage 2.

Built form Inconsistencies with the Site Specific DCP

As part of the recent Planning Proposal for the precinct, a Site Specific DCP (SSDCP) was prepared in support of the increased Building Heights and additional FSR proposed. The SSDCP outlined a built form that included the location of buildings within the site, the heights of the buildings and a general building envelope for the whole precinct. The built form envisaged in the SSDCP was supported by Urban Design analysis/advice and this was also peer reviewed by Council. Accordingly, when the planning proposal was gazetted, the SSDCP was incorporated in the

Cabramatta Town Centre Development Control Plan No. 5/2000. The SSDCP seeks the built form of the precinct as per the following Figures:

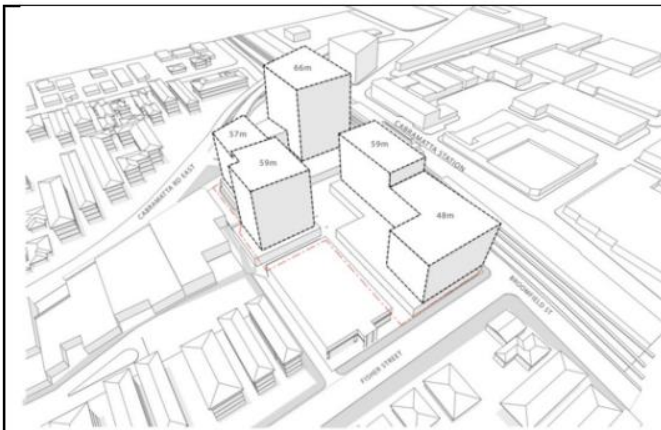


Fig. 4 – Proposed Building Envelopes

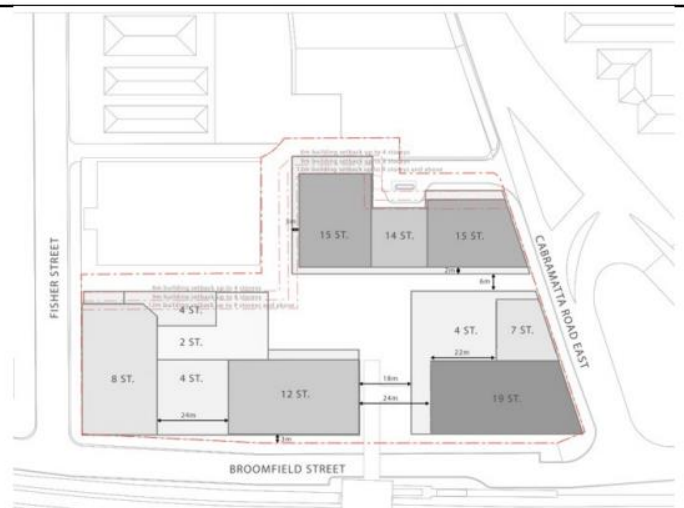
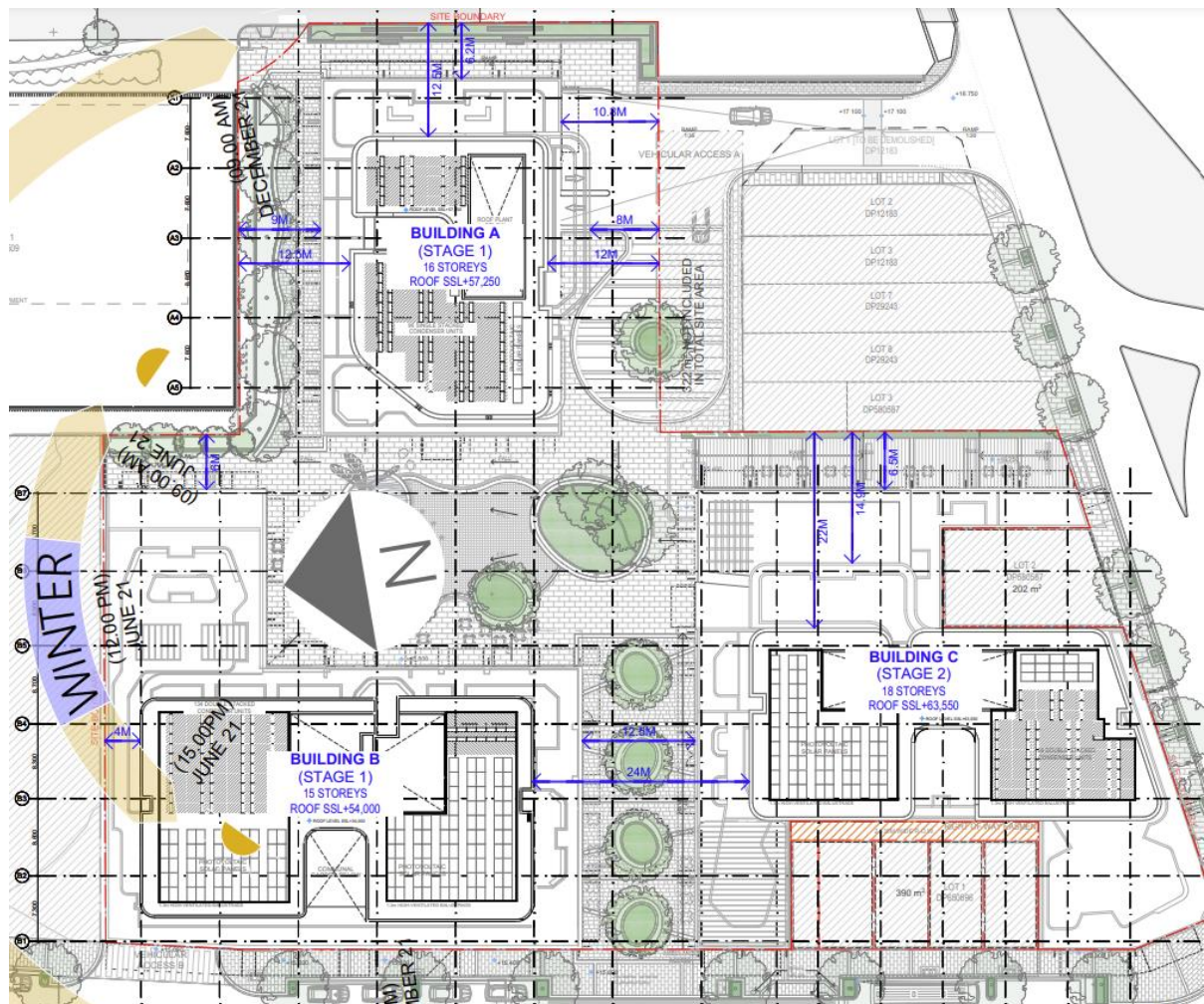


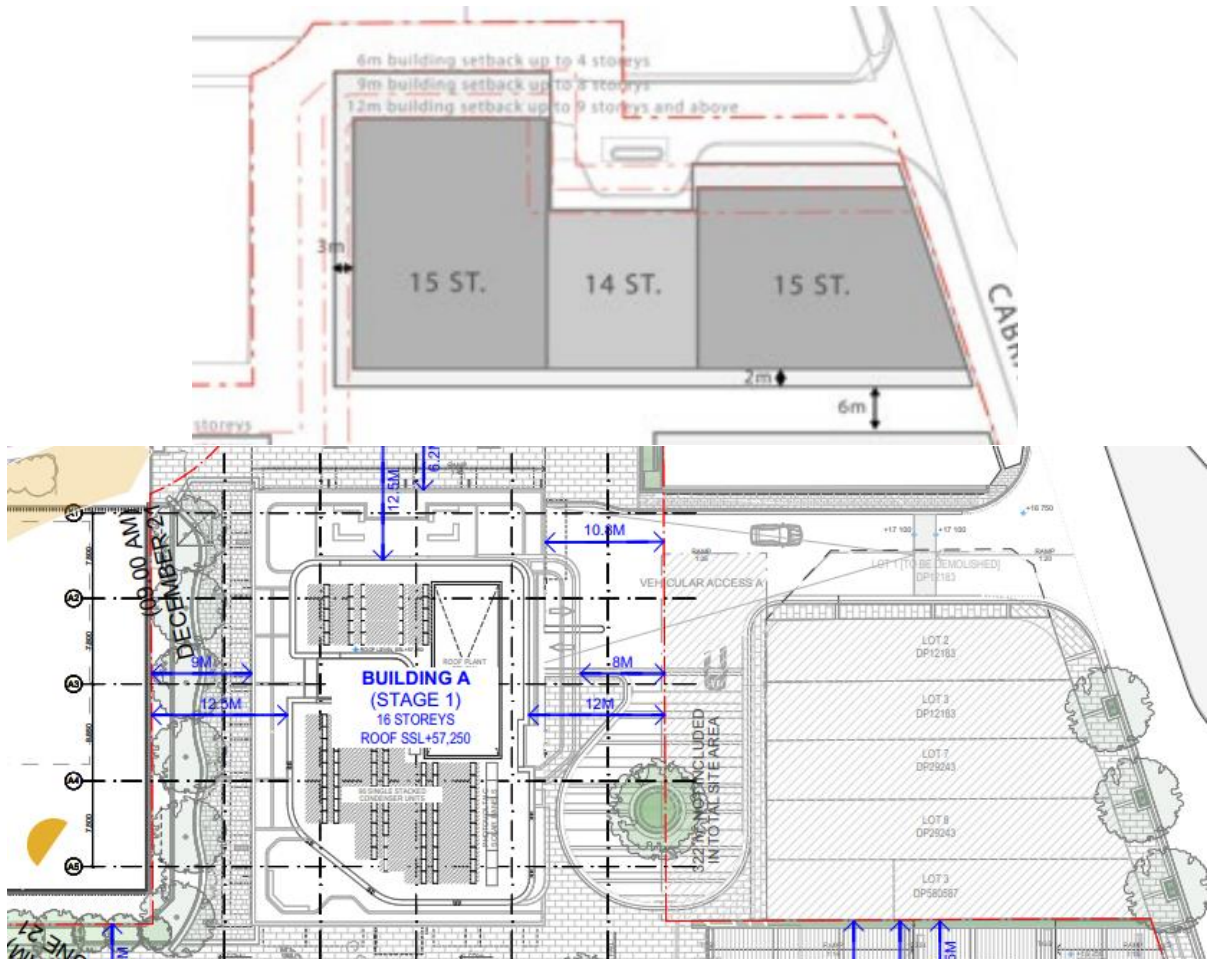
Fig. 5 – Siting and Proposed Heights

The proposed built forms in Stages 1 and 2 are as follows:

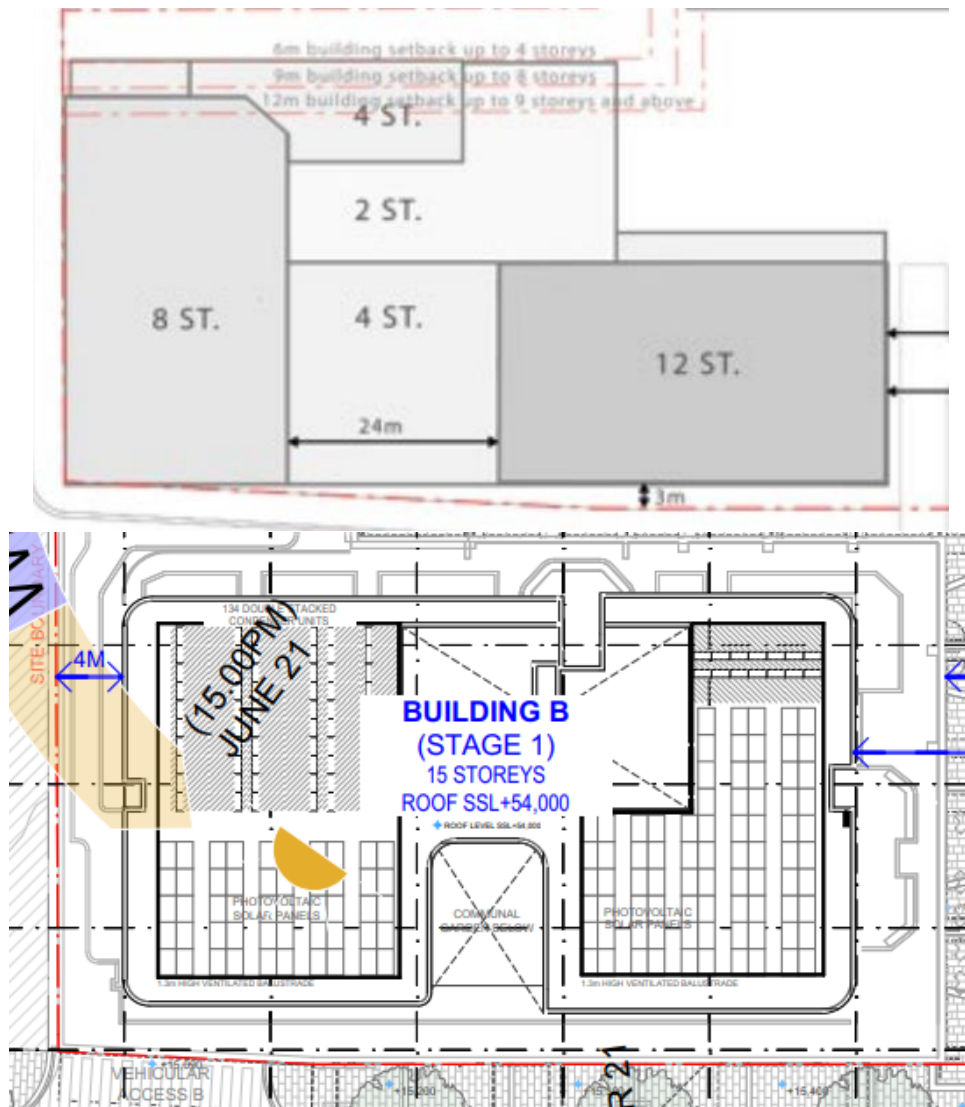


The following is noted about the differences between the SSDCP building footprint and master plan to that of the proposal.

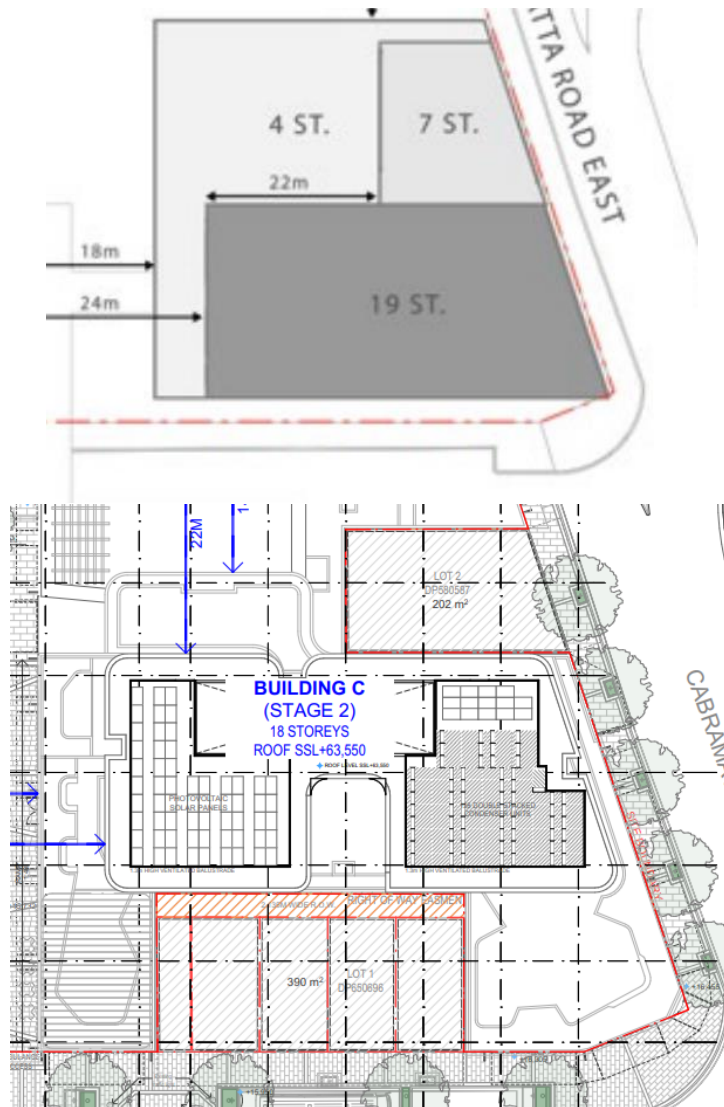
- Building A is designed as an 18 – storey building (inclusive of the mezzanine) whilst the SSDCP permits only a 15 – storey building. The building is also designed in a way that would not allow for a 14 storey building that connects with Stage 3. This is described in the figures below:



- Building B is designed as a 16 – storey building whilst the SSDCP permits a 12 storey building. The building is also designed in a way that would not allow a connection to a part 2 and 4 storey building in Stage 4. Furthermore, it is designed with openings and units facing the northern boundary of the site with only a 4m setback and therefore would not comply with the building setbacks required by the Apartment Design Guidelines. This is indicated in the figures below:



- Building C is not consistent with the built form envisaged in the SSDCP. The original master planning sought to create a precinct by creating a significant landmark as a “gateway”. The building was comprised of a part 19 and 7 storey tower at the intersection of Broomfield and Cabramatta Road East that sits on a 4 storey podium. As discussed above, given that not all the lots have been included in Stage 2 the 19 storey development has been shifted and now presents as a tall skinny building perched on a low dominant podium. Furthermore Tower C includes openings and balconies up to the boundary which is inconsistent with the Apartment Design Guidelines. This is expressed in the figures below:



The proposed inconsistencies with the built forms as depicted in the SSDCP have resulted in the following issues:

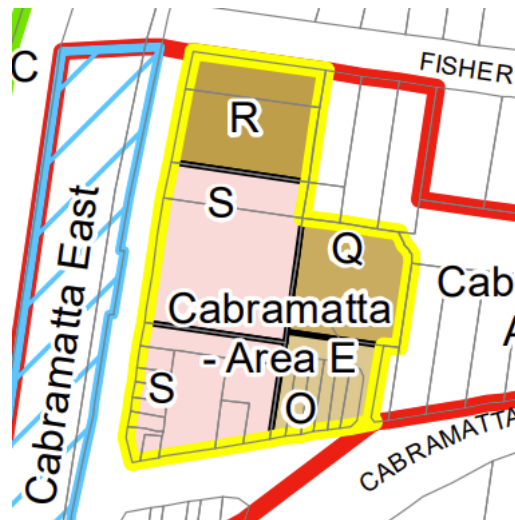
- Given the design of Tower A and B, Stages 3 and 4 are unable to be developed in accordance with the SSDCP.
- There are additional storeys proposed on Towers A and C and Tower C has been relocated. The overshadowing impacts are therefore different including the impacts to the rest of the stages within the precinct and the southern neighbours including the residential flat building across Cabramatta Road.
- Tower B and C has been located closer together which has narrowed the pedestrian link between Cabramatta Train Station and the Market Square.
- The amount of Communal Open Space and potential deep spoil in Stage 1 has been reduced.
- Tower B has a setback of 4m from the northern boundary which does not comply with the minimum setback required in the Apartment Design Guidelines.
- Tower C has a nil setback to the isolated/excluded lots which does not comply with the minimum setback required in the Apartment Design Guidelines

Given this, Council raises concerns regarding the proposed built forms, as they do not comply with the building envelopes envisaged in the SSDCP. It is considered that these inconsistencies would likely prejudice and/or sterilise the future development

within Stages 3 and 4 as Stages 3 and 4 cannot be designed in accordance with the SSDCP. Accordingly, this would prevent the delivery of the SSDCP and the impacts and urban design principles that were carefully considered during the master planning of the precinct. Accordingly, substantial amendments would need to be undertaken in order for the proposal to meet the built forms envisaged in the SSDCP.

Amendment to Fairfield LEP 2013

Please be advised that the Fairfield Local Environmental Plan 2013 (LEP) was amended (Map Amendment No 06) on the 15th November 2023. The amendment to the LEP was to fix an error on the Minimum Site Area, Town Centre Precinct Map (Sheet 17). Sheet 17 of LEP 2013 was amended to as follows:



It is noted that the intent of the Planning Proposal was to allow for a four-staged redevelopment of the precinct in order to achieve a co-ordinated approach to land acquisition, amalgamation and eventual construction. The following minimum site area is required to be met:

- Stage 1 – Minimum site area of 2,700m² (eastern half) and 1,800m² (western half); and
- Stage 2 – Minimum site area of 2,700m²

Whilst Stage 1 would meet the site area requirement, Stage 2 would not meet the Minimum Site Area required under the LEP and therefore would not benefit from the additional FSR and Building Height pursuant to Clause 7.2 and 7.3 of the LEP. Accordingly, Stage 2 of the proposal does not meet the development standards for Maximum Building Height and Floor Space Ratio in accordance with Fairfield LEP 2013. Given this, the Applicant will need to further consider this component of the proposal before proceeding further with the Application.

Pedestrian Bridge

The Site Specific DCP seeks to facilitate pedestrian access between Cabramatta Station and the Market Square through a Pedestrian Bridge over Broomfield Street. It is noted in the documentation that the proposal does not seek to construct the bridge however includes concepts of retrofitting the pedestrian bridge within the design. The built forms indicated in the SSDCP indicate that there is a 18m wide pedestrian link

between Towers B and C to allow for the bridge and maximise the pedestrian linkage. It is noted that the proposed development provides a pedestrian linkage that is 12m wide.

Given the above, it is not considered that the proposed pedestrian linkage from Broomfield Street to the Market Square is of sufficient size in order to accommodate the bridge and provide an appropriate entranceway from the Train Station.

Apartment Design Guidelines and Design Excellence

The Application has been reviewed and considered by Council's Independent External Architect. The assessment has considered State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, the Apartment Design Guidelines and Clause 6.12 Design Excellence of Fairfield LEP 2013. The following issues requiring further attention and response are provided:

Local Character and Context

It is important that developments especially in the early stages of change set a benchmark for future development within the planning structures and ADG guidelines. A key component of character outcome is scale which includes building size and proportion relative to neighbourhood, street and site scales. This would also extend to detail considerations of vegetation, setbacks, material, colour palettes etc. The existing context in this development is less informative due to the transition occurring and the design proposal does not make a constructive contribution or lead from benchmark designed developments in the determining of future character for the area. The material and colour palettes should be explained in the context of creating an overall character for the emerging area. The context analysis has been undertaken in detail however, there are a number of issues concerning neighbouring sites to the north, future development and the existing carpark both of which can be developed to at least 8 storeys. The impact for these future volumes should be considered and responded to within the application.

Precincts and individual sites

The development is to occur over 4 stages. The DA however is for Stages 1 and 2 only with Stages 3 and 4 massed only and with limited design input as part of this DA. This does raise the issue about what constitutes an acceptable outcome should the proposed development stall. i.e. Stage 2 not proceed. Should the Stages not develop then each Stage needs to be assessed independently, which includes the impact upon roads and other interfaces. To some extent the impacts can be drawn by examination of the current DA documents, it is however preferred that the applicant outline any issues and their response should the staging not proceed. This is particularly relevant where certain concessions are made at Stage 1 on the basis that the overall development will be delivered or where flow on impacts have not been assessed. These concessions/issues include - reduced COS in stage 1, reduced setback to north boundary, limited deep soil overall, impact of boundary podium wall on north boundary on neighbour, impact of access to plaza with delay to stage 2, impact on new road access to Tower A should stage 2 and/or 3 not proceed the details of the proposed road in Stage 1.

Built form and scale

Tower A south elevation when viewed from Cabramatta east does present as a long wall as no indent has been included at the upper level to adjust the skyline (this may be a result of distorted perspective view) as has occurred in Tower B and C. COS to Tower C appears the most impacted by the relocation of the Tower C. The proposed development along the north boundary adjacent to Stage 1 Tower B is not ideal. It presents as one solid wall 10 metres tall the full length of the block. The design has proceeded on the basis that stage 4 will infill this neighbouring site however it is unclear as to this occurring. This wall could in effect be inset for a long period and its design should be subject to compliance review independent of Stage 4.

Primary Controls height, FSR, depth, separation, setback

Tower B façade to north is less than 6 metres from the boundary (appears to be approx. 4.0metres) this is a non compliance. The setbacks do not meet ADGs and therefore this can compromise the development of Stages 4.

Public domain interface

Lobby entry to Tower B from Broomfield appears to focus on service /escape doors and be surrounded by service facilities, louvres and doors. This is leading to an unfortunate experience when entering from street, due to location of planter which forces users towards escape doors and the general arrangement and the design of adjacent services. The location and detail design of service louvres/doors and escape doors requires careful consideration on such a development. Particularly as these are adjacent the ramp access this length of facade will be largely inactive. These service elements are best slightly recessed and finished in materials and colours that lessen the impact visually. This should be undertaken with due consideration of the signage that is needed for the services so a coordinated design outcome is achieved onto the public domain. Plaza entry from Broomfield appears to have planters centrally located and with seating adjacent as shown on landscape drawings will result in potentially narrow areas for pedestrians which will become more of an issue when the pedestrian bridge is installed. Test design to ensure adequate space is left for foot traffic in and around this area, especially consider impact should rail access bridge structure be included. Rail bridge integration is not adequately designed. Should this proceed it will have substantial impact on the width and access through this plaza entry due to structure needed to support. The seating planter designs may need adjustment or relocation to allow this future structure and escalators. The rail access bridge design and structure as shown appears heavy and unresolved and it is recommended that an alternative lighter and possibly less pragmatic structure be included to free up this ground plane and visually lighten the resulting bridge element. Precedent image shows much lighter freeform solution. Plans including Landscape design do not adequately describe the future impact of this bridge. The facades for the podium indicate a good use of natural materials with some variety, also with inlay of metalwork details and awnings. This is well proportioned and is supported as it will provide a good background and scale of the retail and street front activity. There is however a lack of detail at the street elevation to Broomfield Street and Tower B. The plans indicate certain arrangements for services, entries and planters which are not shown on the elevations.

Public Domain, Wind impacts

Extract from wind report "*The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort. Suggested treatments are described as follows:*

- *Retention of the proposed impermeable awnings along the various aspects of the development as indicated in the architectural drawings.*
- *Inclusion of the densely foliating trees proposed within the various planter areas as indicated in the architectural drawings.*
- *Note the local wind conditions can be further enhanced with the inclusion of effective wind mitigation features such as densely foliating vegetation in the form of trees or shrubs/hedge planting, and localised screening. In particular around areas intended for short duration stationary activities such as outdoor seating. With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses".*

The architect has not confirmed all recommendations have been incorporated into the design.

Communal and public open space

For such large developments with multiple buildings it is important that COS be distributed so each building has an appropriate COS areas and mix of uses to meet each buildings occupants needs. Too much concentration of COS in one area will not necessarily give equitable access to all residents. Best location of COS is at entry and with good access from lobbies. COS ideally is collocated with deep spoil and when on podium it is expected that some deep planters provide a similar outcome. The COS design should also seek to identify the types and range of uses suitable for the buildings occupants. The communal open space in this design is distributed across 3 buildings at podium and upper levels of the building which in principal is supported. It is not clear however whether the distribution reflects the different levels of occupation for each building such that the required 25% site area for COS is proportioned to match the buildings occupancies. It appears that Tower A contains -27% units for stages 1 and 2 and only 16% of total COS, Tower B -37% units and 30% of total COS, Tower C -35% of units and 53% of COS. This effectively means that Stage 1 is delivering 64% of total units and only 46% of the required COS. Part of the COS in Building C has constrained access and appear to include perimeter/circulation spaces adjacent POS and bedrooms. This is not ideal. COS Building B is in 4 parts, 2 parts appear largely paved and one being circulation to the Primary outdoor space. The circulation is adjacent living areas and bedrooms. COS in many areas is adjacent bedrooms/living areas of neighbouring apartments and this needs to be clarified in detail as to how acoustic and visual privacy is being met for the occupants. COS generally should provide a range of uses but include primary open space that is approximately 50% of the overall distribution for that building. The large new public plaza provides good access and support to COS needs for the occupants. A number of the units POS areas appear undersized (ADG recommends 15m²) Building C , COS at level 2 Broomfield frontage, needs to be clarified as the plans do not match landscape drawings, areas may have a conflict with ROW allowances for the site which has not been amalgamated. The ability of this narrow strip to be used affectively

as COS is questionable. Building A and C have COS at Level 8 adjacent apartments A806, C801. Privacy issues arise here given the length of shared wall. COS solar to Building B at Level 2, does need to be clarified given that building envelopes to the north have not been modelled.

More detailed analysis of the proposal and why it is the right mix as well as more clarity of type of facilities to be included are required. The principle of distributed COS across the buildings and the access to public plaza are supported. The plaza can be used as an offset to some extent for the required COS. This however needs to be clearly articulated and supported in an overall approach to COS and what is being delivered across the site for the mix of occupants. The detail is important, especially with staged developments, and it is recommended that the areas be checked that it is providing the correct distribution of COS areas, mix of COS activities, any undersized POS impact, thin linear strips of COS useability, privacy impacts from units shared walls, solar access, equitable distribution of COS areas and mix of uses, deep soil/substantive planting all be assessed in more detail to ensure the concept actually delivers the appropriate areas and uses for this important major project.

Deep soil zones

The site is effectively completely excavated for basements with no deep soil allowances. As such it is expected that substantial soil beds be created within basements and on podiums to deliver equivalent deep soil outcomes. This is especially important for the plaza, street edges and key primary COS areas on the podium. It is not clear what soil volumes are to be provided in these areas and from inception of the drawings the allowances appear inadequate to sustain the appropriate scale and mix of planting in these areas.

The applicant should investigate a number of deep soil areas of up to 2 metres minimum which may mean adjusting basement carpark to accommodate planting at the plaza level (max planter depth appears to be 1000mm). It is not expected that slab top planters will provide an acceptable outcome. Similarly for the podiums a clear strategy to be described for achieving substantial tree plantings and appropriate soil depths/volumes.

Visual privacy

Many of the units adjacent COS areas share walls with living rooms and bedrooms. Clarification needed as to adequacy of separation for both visual and acoustic privacy.

Driveway and acoustic privacy

Tower B driveway from Broomfield is not clearly described on the elevation. Given its scale and proximity to the main street some treatment of lining may be appropriate. Also the nature of gates and boom control should be clearly understood as this may have an impact on pedestrian safety and general noise levels with gate movements. Given the quantity of vehicles using this entry and exit this warrants special attention.

Solar and daylight access

There are a number of solar issues which need clarification. The potential volumes for neighbouring sites to the north do not always appear to be included in the analysis. The modelling should include future stage to the north and discuss/include the

potential for the carpark to be developed. These will have impacts upon the claimed solar for Tower A and B lower level apartments and the COS areas. Particularly the COS midwinter for Tower B. Solar claimed for certain apartments is also not clearly described in the models for east facing units Tower A 06 on all levels, Tower C units 08 and 07 on all levels. Both the living and balcony compliance should be clarified at higher detail plans showing solar penetration to ADG. Childcare outdoor space also requires 30% potential solar access.

Apartment size and layout

A number of the apartments are slightly undersized in Tower C one beds at 49m² should be 50m² minimum. There are no dimensions on plans. Typical 2 storey appear narrow at B402, 404 and similarly where this model is used in other Towers. Provide plans that indicate compliance to dimensional controls for apartments including mandatory living and bedroom widths.

Private open space and balconies

The POS areas on podium are not clear as many are 2 level and some appear less than the ADG 15m² minimum. It is not clear on some units what the primary balcony size is and i.e. at C807 and similar units two balconies provide 8m²+5m² =13m² however ADG recommends 12m² in one location to allow use for the expected size of groups that would occupy a 3 bed unit. Many of the POS/Balconies contain dog leg which will impact on useability. No dimensions are shown nor layouts to indicate capability to provide ADG. AC and clothes drying is not shown and this needs to be clarified as any condensers or other uses on the balcony will impact on their ability to meet ADG minimum requirements.

Common circulation and spaces

A number of the common circulation areas are borderline in meeting the ADG guidance due to excessive length and number of units served and shape of corridors and access to natural light and ventilation. Tower B L2 serves 15 units on one level only, Tower B, L3 to 13, 10 units served with T shaped corridor with window and dead end corridors, Tower C, L2, 9 units and 3 on podium, L3-7 9 units with T shaped corridor, L8-13 similar, Tower A L shaped corridor. Tower B level has a number of units that appear to share access to childcare level amenities. This requires further explanation as the unit lobby appears to separate the childcare reception from the rest of the childcare operations.

Clarify childcare and units lobby level 1 and clarify generally the corridor design including shape, colour, materials anticipated to be used to meet ADG guidelines for length and units numbers and confirm windows for natural light and ventilation to all lobbies. It may be appropriate to widen corridors that have an excessive length and have material break or other devices to reduce the narrowness of the linear corridors.

Storage

It appears that storage is provided within the dwellings as well as the basements levels. Notwithstanding insufficient detail is provided on the architectural plans in order to confirm that each proposed unit meets ADG.

Facades

The facades generally provide a good mix of scale change recognising the visual importance of the group as a cluster and as singular building. These are further broken down to reduce wall length impacts and highlight roof top, through breaks, recesses, material change and scale changes. The use of colour is supported to further develop identity. There are also a wide range of screen devices included. It is not clear whether these are operable or fixed. Ideally they are operable to give the owner control for climate adjustment and privacy.

Landscape design

It is expected that landscape design provide a thorough analysis of the units occupants needs and resulting mix of spaces to be provided to meet COS and other requirements. It is not sufficiently clear that this level of detail has been undertaken and informed the design. This comment is in addition to these previously noted in COS and deep soil above. Tower C appears to have a long paved area at Level 2 on the south side which is of questionable use. Access and security issues may arise especially adjacent the undeveloped sites. It is recommended that these areas be re-designed to relate to the units adjacent and include landscape. Tower B COS contains large areas of paving. The extent of paving is questioned, especially given that this building contains the most units and the least lawn area. The communal areas located in the upper levels while a good idea, lack detail as to how they are to be used. Ideally these areas should be planned in more detail and appropriate services included. Are these areas envisaged to be used for dining areas, BBQ areas or just passive seating.

Provide detailed analysis of type of uses considered appropriate design and distribution across the 3 buildings and the plazas together with detail area calculations supporting the outcome. Provide more deep soil and volume with larger trees in plaza on street edges and on select podium locations.

Universal design

Extract from accessibility report *"consideration of waiting spaces within fire-stairs should be strongly considered for people with mobility impairment. The current configuration of stairs suggests the spatial requirements would not be incorporated without layout amendments, but if provided with future design development these would generally require. Further work will be required during design development stage to ensure appropriate outcomes are achieved for a number of issues"*. The applicant shall confirm if this has been incorporated in the design.

BCA compliance

The issue of adjacent non developed sites and impact upon the new building location, setback, façade and fire protection Tower C is described briefly within the architectural documents. However the BCA report does not appear to cover this item. It would be expected that given the importance of this issue relative to size and location of Tower C that a detailed assessment be included.

Ventilation and air exhaust

No kitchen ventilation or HWU indicated. The applicant shall describe location and design detail for HWU and kitchen/bathroom exhaust.

Future air conditioning/clothes drying

AC shown on wall visible for street. No clothes drying indicated. Indicate AC, condenser locations sizes and any screens for both AC and clothes drying.

Given the matters raised above, it is considered that the proposal as currently submitted does not meet SEPP 65, the Apartment Design Guidelines nor exhibit design excellence as required by Clause 6.12 of Fairfield LEP 2013.

The Applicant shall review the issues noted above in responding to the matters raised.

Access and Laneway Acquisition

Access to the entire development precinct is via 3 key entry points. Access via Cabramatta Road East however is dependent on the Applicant purchasing the existing public laneway from Council. Accordingly, this Application is contingent on this occurring and no information/documentation has been submitted demonstrating that this is to occur and the timing of it. Furthermore, it is considered essential that this accessway remain open and accessible to all existing lots (in Stage 3) that currently use the lane for servicing until such time as they are redeveloped. The Applicant shall therefore provide further documentation that demonstrates that the construction of Stage 1 will not impact the servicing for all lots within Stage 3 of the precinct.

It is also noted that the proposed development relies on 2-way access to Cabramatta Road East. In order to facilitate 2-way access, a commercial building on Lot 1 DP12183 is required to be demolished and incorporated into the road system. It is understood from the documentation submitted that Stage 3 is not included in the subject application. Accordingly, concern is raised regarding the timing of the 2-way access point for Tower A within Stage 1.

Servicing and Loading Arrangements

The proposed development includes two (2) vehicle access points into the basement for Stages 1 and 2. One (1) vehicle access point is provided along Broomfield Street which can accommodate trucks and cars and one (1) vehicle access point along Cabramatta Road that can accommodate cars only. One (1) truck loading bay is provided on basement Level 1 that can only be accessed via Broomfield Street is provided and appears to service the entirety of Stage 1 and 2.

Council raises concern that based on the information submitted, there is insufficient servicing arrangements provided for Stages 1 and 2. No Servicing and Access Plan has been submitted that demonstrates that there is sufficient loading area for all commercial and residential uses and that they have safe and easy access to this area. It is also noted that vehicle access to Tower A is restricted to cars only and therefore the residents and commercial tenancies would not have access to a loading bay.

Overshadowing Impacts

Overshadowing diagrams have been provided, however, the impact from the future redevelopment of Stage 3 is not shown. It is anticipated that this tower under Stage 3 will have the greatest impact on adjoining properties and it is unclear if the location and or bulk/scale of this tower has been changed due to the redesign of Stage 2

(Building C). Therefore, overshadowing impacts relating to future stages will need to be considered given the amended design of Stage 2 (Building C).

2-Storey Apartments

The proposal incorporates numerous 2 – storey apartments as part of the proposed development. It is noted that many of these units have been proposed in this configuration in order to meet the natural ventilation requirements as required by the Apartment Design Guidelines. Concern is raised that some of the apartments particularly the units within Tower B could be converted into dual key apartments. This would reduce natural ventilation and would increase the car parking demand. Accordingly, Council raises concerns regarding the use of 2-storey apartments through the development.

Environmentally Sustainable Design

There does not appear to be a sustainability report as part of the submission. Given the scale of this development it is considered appropriate that the development respond to the environmental sustainability principles. The applicant shall provide details of how the design meets the principles of Sustainability.

Cabramatta Town Centre DCP 5/2000 and Site Specific DCP

An assessment of Cabramatta Town Centre DCP 5/2000 and the Site Specific DCP contained within Precinct 4A of this DCP has revealed the following:

Part C Active Street Frontages, Awnings & Materials

Concern is raised regarding providing an active frontage along Broomfield Street from Tower B and the Tavern facing the Market Square. Furthermore, more detail is required to ensure that the awnings that are part of the proposed development are consistent with the controls and Figure 12.

Part D Safety and Security

An external lighting strategy/plan has not been provided in support of the proposed development. A Light Spill impact assessment prepared by a qualified consultant also has not been submitted demonstrating that the proposed, adjoining or nearby dwellings would not be impacted by light spill. A CCTV plan also has not been provided showing the locations of all CCTV around the development.

Part F Loading, Waste, Vehicular Access and Car Parking

The DCP requires that specialty uses such as Childcare Centres and medical centres are to have parking and drop off areas located in close proximity to the lifts, stairs or entry. Drop off zones have not been identified on the documentation.

Part H Signage

Details are limited regarding any proposed signage in order to accurately assess if any signage complies with the SSDCP.

Part I Staging

The proposal is for Stages 1 and 2 within a 4 Stage redevelopment of the precinct. It is considered that insufficient documentation has been submitted to ensure that the proposed development in Stages 1 and 2 can operate independently and ensure there is no impact to Stages 3 and 4. Based on the proposal in its current form, it appears the proposal would impact the operation of the existing lots within Stages 3 and 4.

Roads and Maritime Services

The Application was referred to TfNSW, Roads and Maritime Services (RMS) in accordance with Section 2.119 of SEPP (Transport and Infrastructure) 2021. RMS have advised that they do not support the proposal. The concerns raised by RMS are detailed below:

The assessment has indicated an increase in Level of Service (LoS) and the SIDRA model indicates the base case at the intersection of Cabramatta Road (East) major and Cumberland Street has a LoS F, right turning lanes from all approaches. This proposal is expected to compound additional delays unless additional capacity is provided.

The SIDRA model also indicates that the gap and follow-up parameters have been adjusted without any supporting information/justification. Additionally, the length of the right turn bay from Cabramatta Road (East) major to minor, in the model, does not reflect existing site conditions and should be modelled with adjacent Cabramatta Road and Cumberland Street traffic signals. The base model needs to replicate existing site conditions. For example, the queue lengths and delays observed on site are to be compared with that computed by SIDRA and presented in a tabular format and the observed queue length should be within 10%.

TfNSW notes there is a long queue (approximately 250m) on the Cumberland Street South approach to the CRE major intersection during peak hours and weekends. Also, there is a long queue of approximately 260m on Broomfield Street approaching the roundabout of Bareena Street.

The setup parameters in the Base Model for traffic signals are not in accordance with the SCATS data for traffic signals. TfNSW notes the model is predominantly using defaults, where some examples do not use actual lane widths, grades, pedestrian walk and clearance times, red arrow protection for pedestrians, nor consideration of the Peak Flow Factor. Please include the existing site parameters in the base and future SIDRA model.

The calibration of the base network model must be undertaken, and the methodology and difference between observed and calculated data is to be tabulated in a supplementary report, please, to ensure all intersections are being modelled accurately. The calibration method is to follow that described in the SIDRA User Guide Section 2.6.2 – 2.6.4 in conjunction with TfNSW's Guide to Traffic Modelling.

Intersection	Grades	Walk Time Clearance 1		Clearance 2 Pedestrian Protection		Yellow Time	Red Time	Cycle Time
Hume/Lansdowne	Level	8s	13s	7s	15s	A and B = 5s	C=3	140s AM and PM peaks
Hume/CRE	west leg = -3.2%, east = +2.2%, North = -1.4%	6s	CRE = 11s Hume = 15s Hume = 17s	7s all		A, B and D = 5s	C=3s	140s AM and PM peaks
Hume/Chadderton/Hollywoo	north = -2%, south = +2%, Hume Hwy = level	6s	Side streets = 13s Cumberland = 9s CRE East = 10s CRE West = 8s	6s all	13s across Hume Hwy, 8s across side street	A, B, C = 5s	D, E, F, G = 3s	140s AM and PM peaks
Cabramatta/Cumberland	west = +2.2%, east = -1.3%, north = +3.3%, south = -3.6%	6s		6s all	12s across CRE, 6s across Cumberland		D=3s	120s AM and PM peaks

In terms of the traffic generation, the adopted trip rates are very low, in comparison to the TfNSW Guidelines. TfNSW notes this is based on the survey and TA Report dated 2017, which should be considered outdated noting the importance of maintaining the efficiency and safety of road network a “worse case” scenario should be adopted using the higher generations rates.

Please also note, any direct vehicular access to the site from Cabramatta Road East, a State Road, is not supported. The existing “One Way” exit arrangement from the site onto Cabramatta Road East (local road) should not be changed and should be retained as exit only, as per its current format. The modification to the island/median at this junction, as Figure 16 on the architectural plan is not supported.

Traffic and Parking Implications

In addition to the matters raised above, Council’s Traffic Engineer has advised of the following concerns:

Trip Generation (General retail, slow retail and commercial)

The report provides estimated trip generation rates for existing land uses across Precinct 4, based on traffic surveys and site observations. It has been assumed that majority of the retail space within Cabramatta East will generate a high proportion of walking and public transport trips rather than private vehicle trips, In particular, the following trip generation rates were estimated:

- For General Retail, 1.0 trips per 100m² in the AM peak and 3.0 trips per 100m² in the PM peak
- For Slow Retail, 0.25 trips per 100m² in the AM peak and 0.75 trips per 100m² in the PM peak
- For Commercial, 1.5 trips per 100m² in the AM peak and 1.2 trips per 100m² in the PM peak

It is noted within the report that these trip generation rates remains unchanged from previous assessments and agreed for use by Transport for New South Wales (TfNSW) and Council. Given that the majority of the assumptions used throughout the assessment have been agreed by TfNSW and Council, it is recommended to provide evidence of such agreement for trip generation rates for Precinct 4 as well as other proposed land uses as listed below.

Trip Generation (Medical centre)

The assessment estimated a provision of 10 consulting rooms and adopted the following rates based on updated surveys for Medical Centres (2015):

- 2.2 trips per consulting room in the AM peak hour
- 2.3 trips per consulting room in the PM peak hour

These rates are generally lower than the peak hour rates (vehicle trips per room) identified from the 2015 surveys which has an average of 3.8 peak hour vehicle trips per room across the Sydney sites.

GFA's of existing land uses

Section 3.1.3 of the report provides estimated trip generation rates for different land uses across Precinct 4, based on traffic surveys and site observations. It is recommended that the GFA's for existing land uses to be provided for comparison/review purposes.

Trip distribution (Arrival and Departure)

The Arrival and Departure profile provided in Table 6 only include profiles for Residential, Retail and Commercial and uses. It is unclear what the profiles for the other land uses proposed for the site, i.e. Child Care, are in this assessment.

Peak periods for Traffic Analysis

The report only considers peak periods from typical weekdays (Tuesday and Wednesday) and does not include analysis for a weekend. Given that the proposed development consists of land uses that are also expected to have high activity levels and generate trips during the weekend peak period, an analysis of the weekend peak period trip generation should be considered to determine the worst case scenarios amongst the peak periods.

Vehicular site access (Cabramatta Road East Minor)

Vehicular access for residential parking has been proposed via Cabramatta Road East Minor, with a left in / left out priority control. Largest vehicle expected to utilise this intersection is a B99 passenger vehicle. Swept paths should be undertaken to demonstrate that the largest design vehicle can enter and exit in a relatively safe and comfortable manner, with details of sight distance assessment (other than the mention in section 9.1) to be provided.

Vehicular site access (Broomfield Street)

Vehicular access to retail, commercial and visitor parking, and to on-site servicing area has been proposed via Broomfield Street, and will operate under priority control. Waste collection has been proposed to be undertaken by a private waste contractor. Largest vehicle expected to utilise this intersection is a Medium Rigid Vehicle (MRV) sized waste truck. Use of the MRV for waste collection is expected to be detailed within the waste management plan and subject to Council's approval. It is to be noted that the DCP requires to consider a 10.5-metre waste collection truck with 4.5-metre height clearance. As shown in Figure 31 of the assessment, swept paths of the MRV entering and exiting the site access has been undertaken. Details of a sight distance assessment should be shown to demonstrate that sufficient sight distances have been provided at the site access driveway

Driveway Category (CRE Minor)

The development has proposed the use of Category 2 Driveway for CRE Minor. Based on Table 3.1 of AS/NZS 2890.1:2004, a provision of 301 car parking spaces for the carpark with CRE Minor access driveway would result in the requirement of a Category 3 Driveway. It is recommended to undertake a queuing analysis at this access to understand if the use of Category 2 Driveway is appropriate for the proposed 301 car parking spaces.

Connectivity and accessibility for cyclists

Details of how the proposed active transport paths from the development tie-in with the existing/future active transport network should be provided.

Anticipated peak demands periods of Shared Parking

It has not been indicated if the anticipated percentage of peak demand for each land use, in Table 21, Table 22 and Table 26, is for weekday or weekend. Different peak periods are expected for retail during a weekday and a weekend. This would result in different overall peak periods and peak parking demands.

Car parking design

The report only mentions compliance with Australian standards (Section 8.5). Swept paths at critical locations should be provided, in particular at access driveways, manoeuvring in and out of ramps, blind aisle, etc.

Passenger Car Unit (PCU) factors.

The SIDRA model is shown to use the default PCU factor for Heavy Vehicles (1.65). It is recommended this PCU value be changed to 2.0 to be in accordance with the TfNSW transport modelling guidelines.

Pedestrian Volumes

It is detailed in the Transport Assessment report that the traffic surveys contained pedestrian counts at the signalised intersections. It is observed that only the south approach pedestrian crossings at Hume Highway/ Lansdowne Road and Hume Highway/Cabramatta Road East have been changed from the default value of 50 pedestrians per hour. If pedestrian volumes are available it is recommended that these volumes are updated on all other approaches.

Signals

For each site the 'Phase Transitions' have not been applied in the signal phasing. It is recommended these be updated per the following:

- Hume Highway & Lansdowne Avenue: B Phase – Lansdowne Avenue approach left turn
- Hume Highway & Hollywood Drive & Chadderton Street: B Phase – Hollywood Drive and Chadderton Street approach left turns
- Hume & Cabramatta Road East: B Phase – Cabramatta Road East approach left turn

Failure to include the phase transition results in more green time being provided for the left turn movements which can overstate the capacity and reduce queues and delays.

For each site the 'Undetected' movements have not been defined in the signal phasing. It is recommended these be updated per the following:

- Hume Highway & Lansdowne Avenue: C Phase – Lansdowne Avenue approach left turn

- Hume Highway & Hollywood Drive & Chadderton Street: C Phase – Hollywood Drive and Chadderton Street approach left turns
- Hume & Cabramatta Road East: C Phase – Cabramatta Road East approach left turn

Volumes

Some minor discrepancies are shown in the volumes presented in Figure 14 within the report and the volumes within the SIDRA models. For the Hume Highway / Hollywood Drive / Chadderton Street intersection the AM peak north approach volumes presented in the report show 67 and 65 vehicles for the left and right turns respectively. Within the model 62 and 61 vehicles are entered respectively. It is recommended this be amended for consistency, although it is noted that the change will likely have a negligible impact on the outcomes of the assessment.

Intersection Geometry

It is observed that the Chadderton Street approach is coded with the short lane for the through and left turn movements. A review of Nearmap aerial imagery shows that the short lane is designated for the right turn. Furthermore, the short right turn lane is observed to be approximately 20m compared to the 40m coded in the SIDRA models. It is recommended the Chadderton Street approach be reviewed and updated.

Intersection Geometry

It is noted that the Lansdowne Road departure lanes are modelled as a full length lane and a short 80m long lane due to parking. A review of Google Streetview shows that parking is prohibited between 7:30am-9:30am and 3:30pm-5:30pm. Although the reviewer does not know the area well, consideration could be given to reviewing the parking restrictions applicable in the peak hours to see if Lane 3 on the north approach right turn could operate better.

Advanced Parameter Settings

It is noted that the advanced parameter setting for Exit (Downstream) short lane model: Distance for Full Lane Utilisation has been changed from the default 200m length. This parameter differs between the AM and PM peak hour models with lengths of 115m and 100m respectively. It is recommended that this is reviewed and applied consistently between models.

Stormwater and Flooding

Council's stormwater engineers have reviewed the proposal and raise the following matters:

1. To ensure proper management of stormwater runoff presenting generated by the laneway, it is necessary to relocate Council's stormwater asset currently situated within the lot that will be created upon completion of the proposed Subdivision/Road Closure. A qualified engineer shall prepare Civil Engineering Plans outlining the relocation of Council's stormwater assets outside the proposed lot boundaries. These plans should also include the extension of the kerb and gutter along the proposed boundary to effectively capture the

stormwater runoff from the laneway, considering that the existing pit is the lowest point within the laneway.

2. Once the excavation of the basement levels takes place, all of Council's stormwater assets within Lot 10 DP 255023, including the stormwater pit located at the north-western corner, will be removed. Provide details on how the stormwater runoff from the laneway will be directed and managed during the construction stage.
3. The proposed Civil Engineering Plans, prepared by Northrop (Revision 02, Dated 11.05.23), outline a box culvert line that begins at Cabramatta Road East and connects to Council's stormwater asset downstream on Fisher Street. The following details are required to be submitted for further assessment:
 - a. The box culverts will connect to Council's stormwater asset which will discharge into two, 300 Diameter pipes across the street, which do not provide sufficient capacity to handle the flows. Consequently, this situation leads to surcharging in Fisher Street and the pits located upstream. In accordance with section 3.5.3 of Council's Stormwater Management Policy 2017, the development shall accommodate the passage of overland flow over the site.
 - b. The proposed 1200x600 Box Culvert line is intended to run along the perimeter of the existing lot boundaries and in some sections will be located within the basement level, which is considered unacceptable. To ensure clear access for future maintenance purposes, the box culverts should be located outside of the basement level.
 - c. The proposed Civil Engineering Plans include a Kerb Inlet Pit at the cul-de-sac's end; however, there are no specific details regarding its connection to Council's stormwater system. Provide information on how this pit will be connected to Council's stormwater system. Please note that stormwater pipes should not be underpinned to the ceiling of the basement level.
 - d. Council does not accept the proposed construction of an 8000mm x 1200mm grated drain (Pit 01/01) within the laneway facing Cabramatta Road East. Present an alternative solution for capturing stormwater runoff in this location.

The existing Civil Engineering Plans need to be revised to include the additional details as requested above.

4. The basements shall be protected from overland flooding by providing a minimum of 300mm freeboard from the 100 Year ARI flooding. A Proposed freeboard of 100mm is not considered acceptable for a three level basement carpark.
5. Proposing freeboard to habitable areas by installing flood gates is not supported by Council since it will be difficult to guarantee proper working of this device in the long run.

6. It is required that the Drains model used in the determination of OSD volumes and orifice sizing be submitted to Council for review. It appears that the OSD storage will be below the 100 Year ARI flooding within easement at the connection point and not likely to function hydraulically.

Site Access, Parking and Manoeuvring

The following concerns are raised:

1. The ramp and manoeuvring areas intended for service trucks shall have 4.5m vertical clearance. The architectural plans at basement B1 do not demonstrate adequate clearance.
2. The intersection of retail entry and ramp intersection at basement B1 level is designed for three way traffic and likely to create conflict.
3. At basement levels B1, B2 and B3 the residential ramp is located next to the isle on the eastern side. The vehicle from the ramp onto the eastern isle is not feasible due to inadequate manoeuvring space for a u- turn.
4. A turning bay shall be provided close to residential parking No 29 at basement levels B1 and B2.
5. The retail ramp is located adjacent to driveway isles on the eastern and western sides at basement level B2. Vehicles manoeuvrability from the ramp onto these isles will not be feasible due to inadequate manoeuvring space.
6. Provide dimensions of parking spaces at all levels to demonstrate compliance with AS2890.1:2004 requirements.
7. Accessible Spaces in the residential sections of the basement do not comply with AS2890.1:2004.

Detailed Acoustic Assessment

A review by Council's Senior Environmental Officer has advised that the submitted acoustic brief is lacking critical information associated with the proposed development. As a result, the applicant is requested to submit a detailed noise impact assessment for further assessment. A detailed noise impact assessment should include but not be limited to the following:

- (1) Noise monitoring data used by the acoustic consultant is more than 4 years old. Recent noise monitoring data is required as older data is not reliable.
- (2) All nearest sensitive receivers within the proposed development and surrounding must be labelled and identified correctly. The report should include elevations of the proposed development and elevations of the nearest sensitive receivers.
- (3) The proposed Childcare centre's operating hours are 7:00 am to 6:00 pm, it is likely that staff would arrive potentially up to 30 minutes prior to opening. An assessment of maximum noise events associated with cars arriving and door

- closing/slamming and other activities during the morning shoulder period, should be conducted to ensure sleep disturbance is assessed.
- (4) When assessing the outdoor play area (childcare centre), the consultant shall use all age groups of the children when determining the sound power levels of children playing.
 - (5) The consultant shall provide information about location of children distributed within the outdoor play area.
 - (6) The detailed acoustic report shall be clearly structured and easy to read. In saying this the report shall include an executive summary, in-depth discussion of chosen noise assessment methodology, conclusion, and recommendations.
 - (7) The tavern is proposed to operate 24/7 with a maximum capacity of 300 patrons. It is noted that the premises will not have an outdoor area. However, it is likely that patrons will gather outside for smoking or queuing to enter the premises. The consultant shall demonstrate that outdoor noise associated with patrons has also been acoustically assessed and included within the assessment.
 - (8) The consultant did not provide NSW EPA NPfl intrusive noise criteria, project amenity criteria, and noise emission criteria for plant and equipment noise. The detailed noise impact assessment shall include tables that clearly identify intrusive noise criteria, project amenity criteria and noise emission criteria for plant and equipment.
 - (9) The gymnasium (gym) is occupying 507 sqm of GFA in Building C. However, a noise impact assessment for the gym is not provided by the acoustic consultant. The Gym will likely pose an adverse acoustic impact on nearby sensitive noise receivers. Therefore, a detailed noise impact assessment is required for the gym.

Land Contamination

- (1) Based on the potential contamination sources identified and the potential for contamination, a detailed Site Investigation (DSI) is required to be undertaken by a qualified contaminated land environmental consultant. The DSI shall establish whether the site is either suitable in its current state, or whether it needs to be remediated. Therefore, the applicant shall submit a Detailed Site Investigation Report.
- (2) The DSI report shall be prepared in accordance with NSW EPA Consultants reporting on contaminated land, Contaminated Land Guidelines documents dated April 2020 and any other relevant/applicable guideline or document.
- (3) A hazardous building material survey has not been submitted by the applicant. It is important to identify the existence of any potentially hazardous materials within the existing on-site structures. Therefore, the applicant shall submit a hazardous building material survey.

- (4) As per Section 10.7 certificate indicated that the site is within a region of known salinity. Council's Building in Saline Environments applies to this land. It was also recommended by the JKE that salinity investigations occur for the proposed development. Therefore, applicant is to conduct a salinity investigation and submit report to Council.

Landscape Comments

Council's landscape architect has reviewed the proposal and raises the following matters:

1. As discussed above, the development should include deep soil zones throughout the site in order to allow an appropriate scale and mix of planting in these areas.
2. The paving and planting proposed shall align with Council's Public Domain Plan – Cabramatta, section Public Domain guidelines materials framework.
3. The development shall further contribute to the public domain by extending the landscape interventions into the adjacent space of the traffic islands. This extension would allow an overall uplift to the public domain in this area. This potential improvement is also listed as an objective for public domain improvement in Council's Public Domain Plan for Cabramatta.
4. Seating in line with Fairfield City Council's public domain manual shall be provided in the streetscape to assist in public amenity.
5. The trees located along the street frontage and especially in the parking bay of the roadway, should use methods to help provide a higher level of soil volume in order to ensure their sustainable and long-term success in this urban environment. One such solution is the use and integration of 'tree cells/strata vault systems' into the ground surface to allow for a greater soil volume availability for the trees planted and growing in urban conditions. This is particularly important in areas where trees are being shown proposed to be grown in narrow garden beds within road reserved.

Waste Management

Council's Waste officer has reviewed the proposed development and provides the following comments:

1. The OWMP outlines:

'The site will be serviced by a MRV vehicle with dimensions and a turn circle as presented in Table 11.'

The proposed development proposes a MRV to conduct waste collections which will inhibit the safe and efficient collection by FCC. Council's standard waste collection vehicle is a 10.5m HRV, whilst the application proposes an 8.8m MRV (AS2890.2) inhibiting the provision of Council's collection vehicle.

The proposal is required to be updated (architectural plans, clearances, swept paths) to accommodate Council's standard 10.5m HRV in accordance with AS2890.2.

2. The OWMP outlines two proposed collection frequencies:

- *'Option A: Three times weekly'*
- *'Option B: Four times weekly'*

For residential dwellings, the collection frequency for waste streams is General Waste (weekly) and recycling (fortnightly). The OWMP, architectural plans and associated waste collection infrastructure is required to be updated to permit waste collection in accordance with FCC collection frequencies.

3. The OWMP proposes the use of bulk bins (660L & 1,100L) bins. To support safe and efficient collection operations by FCC, 660L bins are required to be used for both General and Recycling waste streams. Additionally, to support the movement of bulk bins a minimum corridor width of 2500mm is needed throughout all bin movements on-site. The OWMP, architectural plans and associated waste collection infrastructure to be updated accordingly.
4. The respective chute rooms (Blocks A-C) propose the use of 2x 1,100L bins on a linear track system. The current clearances and orientations of the system proposed will inhibit a safe and efficient waste collection service. This can be observed in 'Block A' chute room which cannot rotate/load bulk bins due to the protrusion of the wall.

All chute rooms (Blocks A-C) shall accommodate the following infrastructure (including but not limited to):

- Incorporate a linear/circular carousel system to accommodate a minimum 4x660L bins for each waste stream (General & Recycling)
- Minimum 900mm clearance around the linear/carousel system
- Minimum 1800mm clearance between the linear/carousel system and the entrance to permit loading/unloading and operations
- Room to be accessed via a minimum 1800mm wide, dual, outwards opening, self-closing, sealed doors
- Accommodate addition bins (2x 660L) for each waste stream to permit rotation of bins once the linear/carousel system is full
- Floor waterproofed and graded to a central drainage point connected to the sewer
- Adequate ventilation (mechanical) to be provided through a mechanical ventilation system
- Adequate lighting (sensor) to be provided
- Hot and Cold water tap facilities provided to permit schedule/ongoing washing
- Minimum unobstructed internal height clearance of 2700mm

Updated architectural plans, details, and elevations shall be provided of each chute room to permit a detailed assessment by FCC. Additionally, resident access is not permitted within the chute room/s due safety concerns of falling objects, machinery etc.

5. To support the movement of bulk bins (660L) on-site, a bin tug device and trailer shall be provided/stored on-site. The device shall be stored within a designated room and electrical provision provided to permit charging. Details of the bin tug device to be provided to permit a detailed review by FCC.

6. The architectural plans proposed bulky waste rooms adjacent to the loading bay. The plans to outline the 'path of travel' from each of the respective blocks (A-C) to demonstrate items can be safely moved from respective units, down the elevator and to the collection rooms located in Basement 1.

Direct resident access to the loading bay is not permitted as this poses a safety concern for residents. The bulky waste rooms shall be designed to permit access without requiring residents to walk through a loading bay.

The bulky waste room shall be designed to accommodate the following infrastructure (including but not limited to):

- Room to be accessed via a minimum 1800mm wide, dual, outwards opening, self-closing, sealed doors
 - Floor waterproofed and graded to a central drainage point connected to the sewer
 - Adequate ventilation (mechanical) to be provided through a mechanical ventilation system
 - Adequate lighting (sensor) to be provided
 - Hot and Cold water tap facilities provided to permit schedule/ongoing washing
 - Minimum unobstructed internal height clearance of 2700mm
7. The use of roller doors/similar system is not permitted for waste collection infrastructure rooms (waste collection, bulky waste etc) for residential and commercial/retail. All infrastructure to be accessed via a minimum 1800mm wide, dual, outwards opening, self-closing, sealed doors.
 8. The retail/commercial waste collection room is located in basement 1. A 'path of travel' is to be provided outlining the movement of bins infrastructure from respective tenancies to the communal waste collection room located in basement 1.
 9. In accordance with the 'Better Practice Guide for Resource Recovery in Residential Flat Buildings' (pg. 85) all on-site waste collection infrastructure/storage rooms are to incorporate the following:
 - Ensuring BCA compliance, including ventilation. Where required, ventilation system to comply with AS1668.4-2012 - The use of ventilation and air-conditioning in buildings.
 - Ensuring storage areas are well lit (sensor lighting preferred) and have lighting available 24 hours a day.
 - Provision of bin washing facilities, including taps for hot and cold water provided through a centralised mixing valve. The taps must be protected from bins and located where they can be easily accessed even when the areas are at bin capacity.
 - Floor constructed of concrete at least 75mm thick.
 - Floor graded so that any water is directed to a sewer authority approved drainage connection to ensure washing bins and/or waste storage areas do not discharge flow into stormwater drain.
 - Provision of smooth, cleanable and durable floor and wall surfaces that extend up the wall to a height equivalent to any bins held in the area.

- Ensuring ceilings are finished with a smooth-faced non-absorbent material capable of being cleaned.
- All surfaces (walls, ceilings, floors) finished in a light colour.

Building Code of Australia

Council has significant concerns regarding the balconies of Tower C proposed along the boundary of the isolated lots. The following is not addressed within the submitted BCA Report:

- a. Detailed information on the number and location of openings on levels 5 to 19 of Tower C that are required to be protected in accordance with Part C4D5 of the BCA.
- b. Details on how compliance with Part C4D5 of the BCA can be achieved considering the openings are within sole occupancy units, that may be reliant on natural ventilation. (Part F6D7 of the BCA)
- c. Details on how compliance with Part F6D2 and F6D3 can be achieved given the minimal setback of the balconies on Tower C to the property boundary.

Right of Way and Access

It appears that there is a Right of Way located within Stage 2 of the precinct that runs along the boundary of Nos. 94-96 Broomfield St, which access the isolated sites fronting Broomfield Street. No details of have been submitted regarding the Right of Way and how the proposal including the construction of the podium over this Right of Way does not impact the terms of the Right of Way.

Construction Impacts

The proposal includes the excavation of three levels of basement car parking up to the boundaries. Concern is raised regarding the potential construction impacts to the isolated lots and the other properties within Stage 3 and 4. It is considered appropriate that documentation be submitted to address any construction impacts to these sites and mitigation measures that are to be employed to ensure that these lots can continue to operate during the construction of Stages 1 and 2.

Sewer and other Services

The proposed development seeks to excavate nearly the entirety of the site. The submitted Statement of Environmental Effects indicates that the proposal will include the relocation of a sewer that is located within the premises. No information has been provided if there are other services within the premises that may be impacted by the proposed development.

It is unknown if these services including the sewer can be relocated as they may service the existing development within the isolated/excluded sites or the lots within Stages 3 and 4. If these are not to be developed in the subject application, then it must be demonstrated that any relocation of essential services would not impact these lots.

Notification

In accordance with Council's 2020 Community Engagement Strategy, the subject Development Application was publicly notified for a period of fourteen (14) days. In response a total of eleven (11) submission were received during the notification period. The concerns raised by the neighbours are summarised as follows:

- The land size has been reduced since the site specific planning proposal and now it's an irregular shape to accommodate the density proposed.
- Parking impact on the local streets
- Increase in traffic and road congestion
- Negatively affect the uniqueness of Cabramatta
- Strain on the local infrastructure
- Increase population results in increase in crime
- Enough shops should be a playground
- Too much density when compared to the rest of Cabramatta; and
- The proposal will have negative implications to the isolated sites.

The submissions can be viewed on Council's online DA Tracker System, available on the Fairfield City Council website. The Applicant shall respond to the concerns raised in the submissions.

GFA Calculations

A review of the GFA calculations plans has been undertaken, and clarification is required on the following as it appears that they may also be considered as gross floor area:

- Within Tower C the first floor lobby, corridor and toilets. Also the lobby on Level 2 that accesses C2.11, C2.11 and C2.12.
- All three towers include a vacant area on the top level.

Clarification is needed in regards to these areas and if they are to be included as Gross Floor Area.

Childcare Centre

The proposal includes a childcare centre for 80 children on the first floor level of Tower B. The following matters are raised regarding this use:

- Details about the operation of the childcare are limited. It is recommended that a more detailed analysis be provided for the operation of the childcare centre. This should clarify how lift, child drop off, lobbies operate on day-to-day basis given the issues raised about conflict between the childcare centre and the residential dwellings. It is noted that no details of staff numbers and the breakdown of children ages has been provided.
- Childcare facilities are subject to NSW Government Childcare Planning Guidelines which include minimum amounts of unencumbered indoor and outdoor play area is provided per child. It is noted that 7m² per child is required as outdoor space and 30% of this space is to be able to receive sunlight. Given that this is a new building it is considered reasonable that these guidelines and others are strictly met. It is not clear that the outdoor space provided will meet

- the requirements to be considered outdoor space nor is it clear that it will achieve solar requirements.
- Details on how the proposal meets the unencumbered indoor and outdoor space requirements has not been provided. It appears that the proposal also does not include a nappy change facilities or craft sinks.
 - It appears that the children's outdoor play area can be viewed from the residential podium above. It is not considered appropriate that residents from the residential dwellings would be able to interact and see children within the childcare centre.
 - Details of the fencing around the outdoor play to ensure that there are no climbable features that could result in a safety risk.
 - Details of a safe refuge to accommodate all the children and staff (0.25m² per person) in the event of an emergency. The doors, walls, floors and ceiling of the refuge shall have a minimum Fire Resistance Level (FRL) equal to that required for the fire stairs.

Medical Centres, Restaurant, Tavern and Gymnasium

It is considered that there are limited details regarding the proposed specific uses as part of the Application. The proposed Medical centres and Gymnasium do not include fitout details. More detailed documentation of the operation and scale of these uses needs to be provided including (but not limited to) hours of operation, patronage numbers, staff numbers, security arrangement, servicing and waste arrangements as well as any details regarding liquor licence requirements. These details are considered necessary in order for Council to assess their potential impacts to the development and surrounding locality.

Plan of Management

To ensure the impact of the proposed commercial uses is minimised to the proposed residential dwellings, the Applicant shall provide a Plan of Management for all commercial uses proposed including the childcare centre, licensed premises, and gymnasium. The Plan of Management should demonstrate how the proposed development will operate to ensure no negative impact on amenity on the proposed residential dwellings and any neighbouring sites. The Plan of Management should be individual and specific for each proposed development such as childcare centre, licensed premises and gymnasium.

Conclusion

The proposed development is part of the redevelopment of Cabramatta Town Centre East which relies upon a Planning Proposal and Site Specific DCP. The master planning of the precinct has been formulated on the basis that all lots/parcels of land be incorporated as part of the overall development of the precinct. The proposal for Stages 1 and 2 does not include all lots within the Planning Proposal and departs from the controls and built form outcomes outlined in the Site Specific DCP.

It is considered that the documentation submitted does not demonstrate that the proposal would not impact/prejudice the development potential of the isolated/excluded lots and Stages 3 and 4. Given this, it is not considered that all the lots within the precinct would be able to deliver the built forms and massing as envisaged in the Site Specific DCP.

Accordingly, Council's assessment of the Application identifies numerous technical issues relating to Design Excellence, SEPP 65, Servicing Arrangements, Traffic and Parking Impacts, Overland Flooding, Acoustic Impacts, Land Contamination, Waste management and the Building Code of Australia.

Given the matters raised in the assessment above, it is recommended that the Applicant further consider the proposal before proceeding further with the subject Application.

In accordance with Clause 36(3)(c) of the Environmental Planning and Assessment (EP&A) Regulations 2021, 183 days of the 'assessment period' have since elapsed from the date of this correspondence. Should the requested information not be submitted within the specified timeframe, then in accordance with the provisions of Clause 36(5) of the EP&A Regulations 2021, the applicant is taken to have notified Council that the requested information will not be provided. As such, Council will proceed to determine the application based on the information as submitted, resulting in a recommendation of refusal. Should any difficulties arise in responding to the matters raised within the timeframe noted above, then you may wish to withdraw the application until such time that the requested information is ready for submission. Any refund will be at the discretion of Council.

During the formal assessment of the application, Council may again require either additional information or clarification of that information already submitted. Please note that the request for the submission of the above details is made without prejudice to any decision the Council may reach in the future of this matter, and nothing contained in this correspondence should be interpreted as implying consent will be granted.

Should you wish to discuss the matter further, please contact Mr Liam Hawke via email at lhawke@fairfieldcity.nsw.gov.au or directly on Ph. 9725 0274 within Council's City Development and Compliance Group.

Yours faithfully,

A handwritten signature in grey ink, appearing to read 'L. Hawke', is positioned above the printed name and title.

Mr Liam Hawke
Coordinator, Development Planning