

DRAFT REASONS FOR REFUSAL

DEVELOPMENT APPLICATION NO. 260.1/2023

**400, 402, 402A AND 404 CABRAMATTA ROAD WEST, CABRAMATTA;
2 ORANGE GROVE ROAD, CABRAMATTA; AND
6 LINKS AVENUE, CABRAMATTA**

**PROPOSED AMAGALMATION AND SUBDIVISION OF THE EXISTING 6 LOTS
TO CREATE TWO TORRENS TITLE LOTS TO FACILITATE THE STAGED
DEVELOPMENT OF THE SITE AS FOLLOWS:**

**STAGE 1: CONSTRUCTION OF 53 MULTI DWELLING HOUSING COMPRISING
15 X THREE-STOREY AND 38 X TWO-STOREY UNITS, ACROSS 8 BLOCKS
(BLOCK A TO H), INCLUDING 1 LEVEL OF BASEMENT CAR PARKING AND
AT-GRADE PARKING PROVIDING A TOTAL OF 136 SPACES; AND ANCILLARY
WORKS INCLUDING DEMOLITION OF EXISTING STRUCTURES,
EARTHWORKS, TREE REMOVAL, CONSTRUCTION OF A PRIVATE INTERNAL
ACCESS ROAD, AND LANDSCAPING**

**STAGE 2: CONSTRUCTION OF 6-STOREY RESIDENTIAL FLAT BUILDING
CONTAINING 85 APARTMENTS (REDUCED FROM 87) WITH TWO LEVELS OF
BASEMENT PARKING PROVIDING A TOTAL OF 107 SPACES (REDUCED
FROM 109), AND ASSOCIATED WORKS**

REASONS FOR REFUSAL

Inconsistent with SEPP (Transport & Infrastructure) 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 (Transport & Infrastructure) 2021 with respect to the matters in Clause 2.119 and Clause 2.122 to do with safety, efficiency and ongoing operation of the classified road, the design of the vehicular access, sensitivity of the development to traffic noise and vehicle emissions, accessibility of the site, efficiency of movement of people, and the potential traffic safety, road congestion and parking implications

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.

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 4.4 Floor Space Ratio
- (b) Clause 4.6 Exceptions to Development Standards
- (c) Clause 6.2 Earthworks
- (d) Clause 6.9 Essential Services.

Non-Compliance with FSR Development Standard in 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 Floor Space Ratio of the residential flat building exceeds the maximum 2:1 Floor Space Ratio development standard prescribed in Clause 4.4 of the Fairfield Local Environmental Plan 2013. A written request to vary the development standard was not submitted and the development is therefore also inconsistent with Clause 4.6 of the Fairfield Local Environmental Plan 2013.

Inconsistent with Clause 4.6 – No Written Justification Submitted

Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, a written request was not submitted to address the provisions in Clause 4.6 Exceptions to Development Standards of the Fairfield Local Environmental Plan 2013 with respect to the non-compliance with Floor Space Ratio development standard in Clause 4.4.

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 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.

Adverse Environmental 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 impact upon the natural and built environment and on the amenity of the locality.

Loss of Existing Amenity Trees

Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development results in unacceptable loss of amenity from the proposed removal of existing mature trees.

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.

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.

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.