

July 29, 2024

2220324

Venetin Aghostin
Senior Development Planner
Fairfield City Council
86 Avoca Road
Wakely, NSW 2176

Dear Ms Aghostin,

APPLICANT RESPONSE TO MATTERS RAISED IN COUNCIL LETTER DATED 4 JULY 2024

We thank Fairfield City Council (Council) for their thorough assessment of Development Application (DA) 260.1/2023. This letter has been prepared by Ethos Urban on behalf of TCON Constructions to provide a response to the issues raised by Council in their letter dated 5 July 2024. The DA proposes staged development of the site involving construction of:

- multi dwelling housing (MDH) containing 53 dwellings and 1 storey basement;
- a 6-storey residential flat building (RFB) containing 87 apartments at time of original lodgement, reduced to 85 apartments to address matters raised in Council's first RFI letter, with two storey basement; and
- a private internal access road, earthworks, associated landscaping communal open space and tree removal.

We note Council's first letter dated 21 December 2023, which was formally responded to in letter dated March 29, 2024, accompanied by amended drawings and reports to address the matters raised by Council. This letter provides a response to the additional matters raised by Council following further assessment.

In the coming weeks, we understand a further briefing session will be held by Council with the Sydney Western City Planning Panel (Panel). We look forward to discussing the below response, seeking to work with both Council and the Panel to achieve consent for a development that addresses Council and community concerns, delivering a substantial quantum of critical housing in Fairfield City, in a climate of increasing housing shortage.

Should Council wish to further discuss the response outlined below, please contact the undersigned.

Yours sincerely,



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Supporting documentation

This letter should be read in conjunction with the following revised documents prepared to accompany this letter:

*Architectural Drawings – Multi Dwelling Development prepared by Designiche (**Attachment A**);*
*Architectural Drawings – Residential Flat Building prepared by Alexsander Projects (**Attachment C**);*
*Architectural Statement - Residential Flat Building prepared by Alexsander Projects (**Attachment D**);*
*ADG Verification Statement prepared by Alexsander Projects (**Attachment E**);*
*ADG Apartment and storage schedule prepared by Alexsander Projects (**Attachment F**);*

This letter should also be read in conjunction with the following documents provided to accompany the 29 March 2024 RFI response:

*Arboricultural Impact Assessment prepared by Urban Forestry (**Attachment G**);*
*Acoustic Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd (**Attachment H**);*
*Revised CGIs – includes version with transparent trees for information (**Attachment I**);*
*Ecological Issues and Assessment Report prepared by Gunninah (**Attachment J**);*
*Landscape Drawings prepared by ATC (**Attachment K**);*
*Civil Engineering Plans - Multi Housing Development prepared by Ana Civil Pty Ltd (**Attachment L**);*
*Civil Engineering Plans – Residential Flat Building prepared by Ana Civil Pty Ltd (**Attachment M**);*
*Landscape Statement prepared by ATC (**Attachment N**);*
*Amended Waste Management Plan prepared by Dickens Solutions (**Attachment O**);*
*Traffic Report prepared by Hemanote Consulting Pty Ltd (**Attachment P**);*
*Loading Dock Management Plan by Hemanote Consulting Pty Ltd (**Attachment Q**); and*
*Pedestrian and Mobility Plan by Hemanote Consulting Pty Ltd (**Attachment R**).*

A response to each matter raised in the RFI is provided in **Table 1**.

Table 1 Comparison of Development Application as lodged and as modified in response to Council's RFI

Item	As Lodged		As Modified		Change	
	Stage 1 MDH	Stage 2 RFB	Stage 1 MDH	Stage 2 RFB	Stage 1 MDH	Stage 2 RFB
GFA	7,023m ²	6,776m ²	6,932m ²	6,776m ²	-91m ²	N/A
FSR	0.59:1	2:1	0.58:1	2:1	-0.01:1	N/A
Dwellings	53	87	53	85	N/A	-2
Tree Retention	8 trees		14 trees		6 additional trees retained	
Communal Open Space	1020m ²	958m ²	1330m ²	958m ²	+310m ²	N/A
Landscape Area MDH and Deep Soil RFB	3,156m ²	572m ²	3,506m ²	740m ²	+350m ²	+168m ²
Canopy Coverage	2397m ²		2610m ²		+213m ²	
Bulk excavation	For the MDH basement, the SSDCP anticipated approx. 540m ² of additional bulk excavation than that proposed (given change from rectangular to square basement where less depth is required).				-540m ²	

Table 2 Summary of applicant response to each matter raised in Council's letter dated 5 July 2024

Topic	Council matter raised	Compliant Y/N	Applicant response
1. Traffic & Transport Planning Section	a) Council's Traffic and & Transport Planning Section are currently reviewing the amended application. In this regard, once the formal reassessment is completed, Council will issue the applicant with a separate letter providing written feedback on any additional traffic issues and concerns identified, that are in addition to the general issues that have been identified in this letter.	N/A	Noted.
	b) Notwithstanding that detailed comments relating to traffic impacts will be provided under separate cover, Council's assessment of the amended application finds that there are still significant concerns with the traffic impacts of the proposal on the local residents which do not appear to be satisfactorily addressed by the application.	N/A	Substantial traffic investigation and analysis, including consultation with TfNSW, was undertaken to respond to Council's earlier RFI. This is detailed in the Traffic Report provided at Attachment P . Recommended mitigation measures have been employed in the amended design to address concerns raised.
2. Vehicular Access and Traffic Impacts	c) The proposed traffic control measures such as extension of no stopping restrictions on Links Avenue results in the loss of existing on-street parking and adverse impacts on residents. The application has not considered nor addressed the number of spaces lost nor the impact of the spaces lost on existing residents.	Y	Traffic control measures to alleviate impact to Links Avenue residents and calming measures within the site are in accordance with the SSDCP. As outlined at Attachment P , off-street parking is provided on-site that exceeds the DCP minimum to provide for additional visitor and MDH parking provided (a strategy agreed with Council as part of the PP). This will alleviate the need for residents to park on local roads.
	d) Council raises concern that a development of this scale provides only one vehicle access from a dead-end local road. No information has been provided regarding the possibility of acquiring additional residential land to support additional vehicle access. An additional vehicle access is considered necessary to alleviate the impacts of traffic generated by the proposal on the local Links Avenue and on adjoining local residents who may already experience congestion and delays.	Y	Consultation with state agencies occurred during the Planning Proposal phase for the site. Informed by TfNSW, a site-specific clause in the DCP (Chapter 10.14) states that there is to be one access point to the site off Links Avenue. The proposed internal road layout is consistent with the SSDCP. Notwithstanding this, the traffic engineer has since engaged with TfNSW and received confirmation that they would not accept any access or egress from Orange Grove Rd or Cabramatta Rd (refer Attachment P).
	e) The proposed circulation road and driveway entry from Links Avenue lacks any dedicated pedestrian access (except for access provided to Cumberland Highway) and is likely to be unsafe and unacceptable for pedestrians and residents, especially children, given the number of traffic movements and two way configuration.	Y	The SSDCP states that the 'two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application' (Control 1.5.1 (iii)). The shared accessway will be a low-speed environment. The proposed traffic calming and pedestrian safety measures

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			shown in Attachment A are consistent with the recommendations provided in the Traffic Report at Attachment P .
	f) The Plans show right-hand traffic movement, instead of left-hand movement for the north most car park.	Y	Directional arrows have been corrected. Refer to Attachment A .
3. Inconsistencies with Fairfield LEP 2013	<p>The application is inconsistent with the following provisions of Fairfield LEP 2013:</p> <p>a) Floor Space Ratio (FSR) Clause 4.4</p> <p>As advised by Council in the letter dated 23 December 2023, the proposed FSR of the Residential Flat Building did not comply with the maximum 2:1 FSR permitted by the LEP; and also that the FSR of the multi dwelling housing did not comply with the maximum 0.6:1 FSR permitted by the LEP.</p> <p>The amended plans submitted in March 2024 have not satisfactorily addressed this matter resulting in an on-going breach of FSR arising from the inaccurate calculation of gross floor area (GFA) and FSR. The following issues are noted in the amended plans:</p> <p>Residential Flat Building</p> <ul style="list-style-type: none"> Amended architectural plans and GFA diagrams are incorrect and have excluded the following elements from GFA: <ol style="list-style-type: none"> An entire apartment unit on the ground floor Corridors at the ground floor x 3 Private open spaces and corridors where screens over 1.4m in height are proposed. Waste collection room at ground floor. Bulk waste collection room at ground floor Common waste storage rooms at each level of the building Horizontal circulation associated with fire stairs Anywhere where screens are proposed such as to end corridors and balconies, no annotations have been provided to verify that these are maximum 1.4m in height, nor any annotations verifying that the screens are permanently fixed open and the dimensions in mm of the opening/gap, so as to demonstrate that these spaces are permanently incapable of being enclosing otherwise these spaces must also be calculated as GFA. <p>Multi Dwelling Housing</p>	N/A	Specific items are addressed below. The proposal complies with the maximum permissible GFA and FSR.
		Y	<ol style="list-style-type: none"> This is a graphical error on the GFA diagram, and has been corrected at Attachment C. Screening to ground floor corridors is below 1.4m in height. This space is similar to an undercroft and does not contribute towards GFA. All balustrades and landscape fencing is below 1.4m in height, no corridors have screens taller than 1.4m. Refer to notes in Attachment C. The wall to the waste collection room is replaced with a mesh screen less than 1.4m in height This are does not contribute towards GFA. The wall to the bulk waste room is replaced with a mesh screen that will be less than 1.4m in height This are does not contribute towards GFA. These rooms are now included within the GFA calculations provided in Attachment C. The walls to the horizontal fire stair corridor have been removed in Attachment C and the area has been excluded from the calculation of GFA. <p>Further, additional annotations have been added to all drawings to make clear than screens and balustrades to ends of corridors and balconies are less than 1.4m in height, with design that renders them permanently incapable of enclosing the space. Refer to the GFA Plans provided in Attachment C.</p>
		Y	<ol style="list-style-type: none"> This has been corrected on the plans – refer Attachment A. This has been corrected on the plans – refer Attachment A. This has been corrected on the plans – refer Attachment A.

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	<ul style="list-style-type: none"> Amended architectural plans and GFA diagrams are incorrect and the following issues are noted: <ol style="list-style-type: none"> Unit 28 corridor from garage to external common open space must be included as GFA. This is not considered to constitute 'access to parking' given the access is not from the private open space of the unit. GFA Diagrams for Units 52 and 53 have not calculated a part of the internal dwelling floor area. GFA Diagrams for Units 52 and 53 also show an inclusion of part of the garage floor space and should be corrected. Annotations on the plans are unclear as to their meaning or relevance e.g. "GD FLR Floor area as per primary dwelling SEPP 2008 definition: 51.00m²" and should be explained. The GFA Diagrams titled 'FSR – First Floor' do not show all units at the site and have excluded Units 51, 52 and 53. The GFA Diagrams titled 'FSR – Attic' has been illustrated twice instead of once. GFA Diagrams have not been provided for the basement to demonstrate that any part of the basement where it projects 1m or more above the existing natural ground level, has been included as GFA, particularly where the GFA exclusions don't apply, for example, the waste storage room and any parking spaces that are surplus to Council's requirements. 		<ol style="list-style-type: none"> Unclear annotations removed – the GFA calculation is in accordance with the Fairfield LEP definition. Refer Attachment A. This has been corrected on the plans – refer Attachment A. This has been corrected on the plans – refer Attachment A. For the part of the basement projecting more than 1 metre above natural ground level, there is no GFA attracting area. Specifically: <ol style="list-style-type: none"> Visitor parking that is additional to the minimum required by the DCP (14 spaces) has been relocated out of the basement and is now on-grade. As such, it does not attract GFA. The portion of resident parking in the basement is part of the minimum amount required. Importantly, all resident parking on the site meets the definition provided in the Fairfield LEP for GFA, which states that <i>car parking to meet any requirements of the consent authority (including access to that car parking)</i> is excluded from attracting GFA. While the DCP minimum resident parking quantum is exceeded, Section 12.1.1 states <i>It should be noted that the parking spaces required by this DCP are minimum numbers. Some uses, due to the nature of their operation, may warrant additional parking spaces and these may be required by Council.</i> In the case of the proposed development, the consent authority has required additional parking to be provided on the site, as agreed with council to seek their endorsement of the Planning Proposal and documented by Ason Group in letter to Fairfield City Council dated 16 January 2020 and included at Appendix X to the original application. It was agreed to provide two parking spaces per dwelling (rather than minimum 1.5 as stated in the DCP). The bin storage room has now been included as GFA, refer Attachment A.
	<p>b) Earthworks Clause 6.2</p> <p>Amended Bulk Earthworks Plans were not submitted to reflect the revised site layout. While Council notes the documentation states that the earthworks associated with the change to the original basement shape have reduced the volume of works, the impact across the site are unclear given the amended plan was not submitted.</p> <p>Council also notes that the detailed camera views of the impacts of the driveways on neighbouring properties windows suggests that boundary fencing if increased to 2.4m would be sufficient to screen neighbours windows from the driveway. However fencing controls in the DCP do not permit fencing to exceed 1.8m to 2.1m unless the site is sloping and part of the fence incorporates a retaining wall in which case fence up to 2.2m might be considered. However the proposal</p>	Objectives met.	<p>Bulk earthworks plan</p> <p>An amended bulk earthworks plan can be provided, demonstrating reduction from SSDCP basement arrangement resulting from resolved alternate basement design.</p> <p>Localised fence height departure</p> <p>To achieve privacy to localised potential overlooking spots without sterilising the development of the site as envisaged by the LEP and SSDCP, the proposed boundary fence has been designed to include two(2) <u>localised</u> 2400mm high panels to achieve privacy, supplemented by retention of existing trees and introduction of new landscaping (where feasible). A minor departure (400mm) from strict DCP compliance is warranted to achieve privacy in these isolated instances, as the objectives 10.1.7 are met. Specifically:</p>

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	<p>for a 2.4m fence is inconsistent with the control and with the residential context. As such, alternative solutions to ensure there is no adverse impacts on privacy and visual amenity are required to be identified by the application, to avoid the need for a 2.4m high fence. It is also noted that elevations/details of the fencing where 2.4m proposed was not submitted to illustrate the treatment and design.</p> <p>As such, the application has not satisfactorily addressed the concern with earthworks raised by Council in the December 2023 letter which is copied below:</p> <p><i>The extent of earthworks proposed for this site is considered excessive and unreasonable and inconsistent with Clause 6.2 of the Fairfield LEP 2013, resulting in unnecessary impacts on the environment, on existing trees and on the amenity and privacy of neighbouring residents.</i></p> <p><i>Council considers that the earthworks will result in unnecessary and adverse impacts on the viability of existing sensitive vegetation which should be retained and protected as per the SSDCP, and on the privacy of residents, such as from driveway and parking areas whose proposed levels appear to be higher than levels of adjoining properties and their window levels, and with direct line of sight into neighbouring yards.</i></p> <p><i>No architectural detailing has been provided to demonstrate that there would be an acceptable relationship between the levels of the proposed development and the levels, private open space and windows of adjoining properties despite the substantial earthworks.</i></p>		<p><i>Reinforce the intrinsic character of a locality;</i> The two isolated panels of 2400mm high fence do not detract from the character of the locality given their localised nature.</p> <p><i>Ensure consistency in the building design by avoiding fencing design that interfere or obstruct resident's vision onto adjoining premises and public spaces;</i> The intent of the departure is to protect resident privacy from overlooking and light spill.</p> <p><i>Ensure that the design and materials used are consistent and complement the existing streetscape;</i> The departure does not alter materials.</p> <p><i>Fences must have adequate footings, be self-supporting and able to withstand loads;</i> The departure does not compromise structural integrity of the fence, which will be designed to support localised 2.4m high panels.</p> <p><i>and Fences must not stop or redirect surface waters so as to cause a nuisance.</i> The departure does not change the surface water conditions.</p> <p>Existing vegetation has been retained where possible. The proposed landscape plan will ensure the site will accommodate appropriate landscaping including new mature trees and planting will be located to maintain the visual privacy of existing neighbouring dwellings.</p> <p>Earthworks LEP clause We remain of the opinion that the objectives of the Earthworks clause in the LEP have been met, as detailed in our original RFI response, excerpt below:</p> <p><i>The extent of earthworks is consistent with the desired vision for the site as set out in the SSDCP. That is, earthworks are required to accommodate development on the sloping site and for the construction of basements that are anticipated in the SSDCP. It is worth noting that the basement design proposed, being more square, reduces the extent of excavation required than that shown in the SSDCP (being more rectangular). This change is due to the site rising towards the northern end of the basement and therefore minimises excavation depth.</i></p>

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			<p>Further, the parking spaces to the south of Block H have been removed which reduces excavation by maintaining that area at natural level. This move also enables units 52 and 53 to better match the natural ground level. The revised design is therefore a reduction to the overall bulk excavation to that originally lodged.</p> <p>As such, the consent authority can be satisfied that the objectives of LEP Clause 6.2 are met, specifically:</p> <ul style="list-style-type: none"> a) existing drainage patterns have been accommodated through overland flow and stormwater management as set out in the civil documentation in a manner that does result in adverse impact to neighbouring properties, b) the bulk excavation is designed to suit the specific development proposed on the land, c) the quality of the fill will be appropriately managed in line with the civil documentation and enforced by conditions of consent, d) the amenity of adjoining properties is appropriately maintained, with respect to overshadowing, privacy and the bulk and scale of the proposal, including amendments made to address Council's comments regarding neighbouring privacy and bulk of the proposal (as summarised in this table), e) the source of any fill material and the destination of any excavated material will be appropriately managed in line with the civil documentation and enforced by conditions of consent, f) the likelihood of disturbing relics will be appropriately managed by conditions of consent, g) the civil documentation concludes that the excavation does not pose risk to any waterway, drinking water catchment or environmentally sensitive area, and h) a suite of appropriate measures are proposed to avoid, minimise or mitigate the impacts of the development, as further outlined in Attachment A to Attachment D and summarised in this table. <p>Refer civil engineering plans at Attachment L and Attachment M.</p>
	<p>c) Design Excellence Clause 6.12</p> <p>Council considers that the amended development does not exhibit design excellence having regard to the matters identified in Clause 6.12 of the Fairfield LEP 2013 for the following reasons:</p> <ul style="list-style-type: none"> a. A high standard of architectural design, materials and detailing appropriate to the building type and location have not been achieved. 	Y	<p>The design team remains confident that design excellence has been achieved, as detailed in our original RFI response, excerpt below:</p> <p><i>The proposed development exhibits design excellence in accordance with Clause 6.12 of the Fairfield LEP for the reasons stated in the Statement of Environmental Effects dated 28 July 2023 in addition to the reasons outlined by the architect in Attachment D and reasons listed below:</i></p> <p><i>a. The RFB exhibits a high standard of design through the utilisation of high quality, long life materials (face brick , concrete and black steel / aluminium) that are the most appropriate materials for a residential flat building located</i></p>

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	<p>b. The form and external appearance of the development does not improve the quality and amenity of the public domain.</p> <p>c. The suitability of the land for the development has not been demonstrated.</p> <p>d. The development does not appropriately address the impact on, and relationship with existing residential land uses.</p> <p>e. The development does not appropriately address the streetscape constraints.</p> <p>f. The development has a poor relationship with development on the same site and on neighbouring sites in terms of separation, setbacks, amenity and urban form.</p> <p>g. The development does not demonstrate appropriate bulk, massing and modulation of buildings.</p> <p>h. The development does not achieve the street frontage heights typical of the locality.</p> <p>i. The development does not demonstrate sustainable design and results in unnecessary overshadowing.</p> <p>j. The development does not achieve the principles of ecologically sustainable development.</p> <p>k. The development presents poor pedestrian, cycle, vehicular and service access, and circulation.</p> <p>l. The development results in poor impact on the public domain.</p> <p>m. The interface with the public domain is substandard.</p>		<p><i>at the intersection of two heavily trafficked roads. Further the RFB includes a highly articulated facade through the modulation and detailing of the design, colours and materials across all elevations.</i></p> <p><i>b. both the form and appearance greatly improve the quality and amenity of the public domain when compared to the existing tired and unmaintained development on the site.</i></p> <p><i>c. The proposed development has been subject to numerous studies on the site including a Planning Proposal and preparation of a SSDCP. The proposed development is generally compliant with the relevant planning controls and is therefore suitable for the site.</i></p> <p><i>d. Impacts such as privacy, visual impact and overshadowing have been considered in relation to adjoining properties. The proposed development is compliant in regards to the ADG and presents an appropriate built form. Accordingly, the environmental impacts are considered appropriate.</i></p> <p><i>e. The proposed development has been updated to include a 1.8m high mosaic wall around the perimeter of the RFB to reflect Council's comments made below. Notwithstanding the above, the proposed RDB adequately responds to the streetscape through a highly articulated facade and improved built form.</i></p> <p><i>f. The built forms adopts setbacks consistent with the ADG and has increased the setback to properties to the west. As demonstrated the amended architectural plans, the RFB includes a setback of 9m to the common boundary of 398 Cabramatta Road Est which is greater than the standard requirement for the first 4 levels (6m) and complies than the standard requirement for levels 5+ (9m). As such, the setback is considered appropriate. Further, the development is generally consistent with the relevant built form controls and any overshadowing is considered appropriate.</i></p> <p><i>g. The proposed RFB has been informed and guided by the built form controls contained within the SSDCP. Nevertheless, the bulk and mass has been highly modulated through the use of different colours and materials, location of balconies and indented entries.</i></p> <p><i>h. The development complies with the street frontage heights specified in the SSDCP. Specifically, the RFB presents as a 5 storey street frontage with a recessed 6th storey. The facade is articulated with a variety of depths to modulate its visual presence.</i></p> <p><i>i. The built form has been design in regards to the SSDCP and the ADG and to that regard any overshadowing is considered acceptable. Further, the built form adopts sustainability practices as outlined in the BASIX Certificate.</i></p> <p><i>j. The development achieves the principles of ecologically sustainable development through compliance with the ADG (such as appropriate orientation, cross ventilation, use of low maintenance and long life materials and car recharging stations) as well as compliance with BASIX requirements.</i></p> <p><i>k. Access and circulation requirements are compliant with the SSDCP.</i></p>

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	n. The development does not achieve quality and integration of landscape design.		<p><i>l. The proposed RFB will replace a tired site located on a key corner and deliver a highly articulated modern design which will significantly improve the public domain.</i></p> <p><i>m. In accordance with Council's comments noted below, a 1.8m high mosaic wall has been added to the street frontage. Notwithstanding the above, landscaping elements such as trees will be visible from the public domain and the proposed development achieves a strong balance in that regards. Further, the built form will improve the public domain for the reasons listed above.</i></p> <p><i>n. The proposal includes a highly detailed ground plane with both passive and active recreations spaces for residents. Each ground floor terrace is provided with a landscaped buffer for privacy. Residents are offered communal spaces that include open turf, barbeque facilities and paved areas for gathering. The landscape design includes a variety of native species that provide colour and balance to the built form's subdued palette.</i></p>
4. Design Quality	<p>In Council's previous correspondence, Council advised that the original development did not meet the principles of good design under SEPP No. 65, and particularly does not meet the principles of Context, Built Form and Scale, Landscape, Amenity, Safety and Sustainability. Council advises that the design quality issues previously raised by Council in the letter dated 23 December 2023 have not been satisfactorily addressed.</p> <p>Council recommended that alternative designs be considered, and potentially a modified building typology and parking within the basement instead of at-grade to address some of the issues arising from the proposed scheme and to retain more trees, provide more deep soil planting, protect the amenity of neighbours and promote pedestrian use and active transport and achieves compliance with the established planning controls including SEPP 65, ADG, LEP, and the DCP.</p> <p>Council notes that the amended plans submitted in March 2024 in response to issues raised by Council have only been amended in minor ways which have not gone far enough to satisfactorily address the issues raised by Council, nor do the amended plans demonstrate consistency with the design excellence and design quality principles.</p> <p>Furthermore, Council notes that the amended application has not explored alternative outcomes or the site such as different built forms/typology for the multi dwelling housing in order to achieve better environmental and amenity outcomes overall.</p>	Y	<p>We note Council's ongoing concern with Design Quality, particularly noting Council's request for exploration of alternate built form and typologies. The applicant commends to Council the nature of a Site Specific DCP to establish the built form typology and arrangement for future development of the site. While we note that minor departures to the SSDCP have been made to address Council's concerns and improve the development outcome, wholesale change to the SSDCP (by fully revised built form arrangement and typology selection) undermines its purpose, and the urban design and technical investigations that led to its establishment and adoption by Council.</p> <p>We note the below supporting commentary from the previous RFI response:</p> <p><i>Section 4 of SEPP 65 (noting that SEPP65 has been integrated within the Housing SEPP) specifies that SEPP 65 (and the accompanying Apartment Design Guide) applies to a residential flat building. It does not apply to multi-dwelling housing (townhouses). As such, any assessment of the MDH against the ADG are incorrect and the provisions of the LEP and DCP prevail.</i></p> <p><i>Further, it is noted that the RFB demonstrates compliance with the ADG and is appropriate for its context and scale given the previous studies and endorsement formalised in the gazetted Planning Proposal and SSDCP. A revised response to the ADG is provided in Attachment E and F.</i></p> <p><i>The revised design includes an amended landscape design and the built form has been amended to retain further trees, provide more deep soil planting and promote neighbour privacy.</i></p>

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	<p>Notwithstanding this, Council reengaged the urban design expert to review the amended plans. In this regard, the following section includes the urban designers comments in relation to the amended plans as well as the original comments that have not been satisfactorily addressed:</p>		<p><i>The consideration of different housing typology is inappropriate given the extensive studies and support provided on site for a MDH and RFB development.</i></p>
	<p>Comments on Amended Plans</p> <p>The following comments have been provided in relation to the amended plans submitted to Council in March 2024:</p> <p><i>The revised proposal has only been amended in minor ways so this review will be brief. I consider that the DCP controls that the applicant has been working to puts unfortunate limiting constraints on the possible built form options that could have been considered for site. For that reason, I understand why they have only ‘tinkered at the edges this’. Nevertheless, in my opinion, more changes could have been made that do not fundamentally change their scheme.</i></p>	N/A	<p>As stated by the urban designer, the applicant has been working to the DCP controls, and their objectives. While their opinion on the unfortunate nature of the controls is noted, it is outside the remit of any applicant to rewrite the DCP.</p>
	<p>Landscape</p> <p><i>Some changes have been made such as the retention of some trees at the southern end of the site which is a welcome improvement, however this does not go far enough. No further trees along Cumberland Highway or Cabramatta Road have been retained.</i></p> <p><i>The retention of trees 65, 69, 70, 74, 75 (especially 69 and 75) would greatly enhance the scheme by providing shade and reducing the apparent scale of the scheme in the landscape. It would also promote biodiversity and retain more moisture in the soil.</i></p> <p><i>The scale of the existing trees is very important. I note that the species of trees specified for Cabramatta Road such as the Melaleuca Linearifolia and the ceratopetalum gummifera are considered bushes that grow to a maximum of 10m.</i></p> <p><i>In my opinion, for buildings to appear of an appropriate scale for their environment, especially the Cumberland Plain which has large scale trees, the canopy of the trees should be higher than the buildings. The specified species will not achieve this. Larger ones should be specified.</i></p>	Y	<p>A substantial effort was made in response to the first RFI to increase the number of trees retained on site, and to bolster the proposed trees to achieve a net canopy increase. The following excerpt from the original RFI response outlines this:</p> <p><i>The arborist (at Attachment G) has found that there are 21 trees identified in the SSDCP for retention that are consistent with the surveyed trees. The arborist has identified that 2 of those trees are either dead or no longer exist on site. Three trees are exempt (non-prescribed) species or undesirable due to their weed status. Of the remaining 16 trees, 5 are proposed for retention. However, additional to this, a further 9 trees will be retained on site (not previously identified for retention). All retained trees have either medium or high retention value. The Objectives of 1.6.3 of the SSDCP is met as outlined in Attachment G.</i></p> <p><i>Importantly, the design team worked closely with the arborist to ascertain retention capacity of Tree 75. Unfortunately, significant modification would be required to the basement and all storeys above ground to retain this tree. Given its Tree Protection Zone (TPZ), the modification would require loss of basement parking and loss of at least one apartment on each floor.</i></p> <p><i>Notwithstanding this, the landscape architect (refer Attachment K) has proposed a substantial quantum of replacement trees that exceeds the 37 trees proposed to be removed. The resulting landscape will provide additional tree coverage to that existing on the site (a total of 148 new trees are proposed).</i></p>

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			Notwithstanding the above, the applicant is willing to accept a condition of consent to vary the proposed tree species selected for the site, to plant mature native tree species where they can be accommodated.
	Traffic <i>As I understand it, the fact that TfNSW will not permit driveways from Cabramatta Road and the Cumberland Highway seems to be a justification for creating a traffic bottleneck at Links avenue with unacceptable waiting times to exit onto Cumberland Highway. I suggest that too many cars are being accommodated on the site.</i>	Y	Site access is discussed above. Further, we note that the provision of onsite parking, as detailed in the traffic report, serves to minimise burden on Links Avenue to accommodate on street parking for visitors. Additional onsite parking was a critical mitigation measure agreed with Council during the assessment of the Planning Proposal and informed the SSDCP.
	Sun Shading <i>West facing units onto Cumberland Highway would greatly benefit from additional sunshading, preferably with vertical shading devices to protect from the western sun.</i>	Y	The architect amended the design to include screening to exposed (unprotected) glazing facing west. They have further amended the screening to be vertical. This is illustrated at Attachment C .
	<u>Comments on Original Plans</u> a) Context and Neighbourhood Character ... <i>The arborist report identifies over 30 High retention value trees and about 10 Medium retention value trees.</i> <i>My initial comment is that the proposal fails to retain most of these trees (8 only) and thereby scores poorly on ecological grounds. It also misses an opportunity to capitalise on these trees for the benefit of the future residents and to better integrate the development into the landscape.</i> ... <i>There is only one vehicular access proposed for the site from the southern end of the site, which means that the development will feel disconnected from the road network and be effectively a gated community. A development of this scale could look at ways to acquire a dwelling or two to better integrate the site into the road and pedestrian networks.</i> <i>There are many good reasons why providing higher density housing in areas with high amenity and access to transport should be supported, however, the introduction of 3 and 6 storey buildings into this environment will mean a sudden change in scale and character.</i>	Y	Refer response to the urban designer's comment on landscape (tree retention) above. Vehicular access is provided in accordance with the requirements of the SSDCP and as supported by the traffic engineer and endorsed by TfNSW at both Planning Proposal and detailed DA stages. The six storey RFB is consistent with the SSDCP and the height complies with the LEP. The rezoning of the land was subject to a robust urban design and technical analysis. The applicant has demonstrated that impacts to existing low-density residential have been mitigated through setbacks to minimise overshadowing and privacy impact, and transitional built form from the corner of two major roads (most dense) to the rear corner (least dense two-storey townhouses).

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	<p><i>I am not aware of any strategic plans to extend the R4 and R3 zones beyond the subject site in the future which might establish a desired future character, but some transitional scale and density would be a good idea if this is not the case. At least in the short to medium term, the high density development will appear strangely out of place in the current urban landscape.</i></p> <p><i>The proposal seems to ignore the impact it will have on the amenity of the dwellings along its boundaries...</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>		
	<p>b) Built Form and Scale</p> <p>...</p> <p><i>The R3 medium density component has a portion with underground car parking in the centre for 47 cars but 45 out of the 53 houses have a garage directly accessible off the internal 6m wide street. This results in a very large proportion of the ground level of the site being dedicated to the motor car. Given that the deep soil on the proposed scheme is only 7% and most of this in areas where a minimum dimension of 6m is not reached, this would seem like a misguided strategy. The garages occupy approximately 17m² of the ground floor of the units, not including the storage area. If I count the 45 units with garages, This is 780m² of ground floor not including the driveways.</i></p> <p><i>If the parking was underground, this space could be given over to more generous or fewer units and more landscaping and deep soil zones.</i></p> <p><i>The private open spaces of the units is generally inadequate. Block G for example has its living rooms opening onto a outdoor area with deck a mere 3.5m from the back fence of the neighbours at lot 25 or 26. This is grossly inadequate to protect visual and acoustic privacy to and from the neighbours. To make matters worse, residents that back onto the subject site will have a continuous wall of units just behind their back fences....</i></p> <p><i>The built form of the stage 1 MDR will result in a very unsatisfactory outcome for residents and neighbours.</i></p> <p><i>The R4 RFB</i></p>	Y	<p>MDH comments:</p> <p>The parking arrangement is consistent with the SSDCP in that the majority of parking to the townhouses is provided on grade or in garages, with a minor quantum provided in basement. A significant increase to the basement car park would introduce a significantly larger quantum of excavation, in conflict with Council's expressed interest to minimise cut and fill.</p> <p>The setback to the eastern boundary accords with the site layout illustrated in the SSDCP (refer Figure 2 and 3 – 3.5m minimum). Further, Council's urban designer at our meeting following Council's issue of their RFI supported this setback distance, particularly given that the first floor setback is at 5.7m, exceeding the minimum setback and further mitigating overshadowing and privacy concerns. Refer to response in Attachment B.</p> <p>The rear landscaped area associated with Block G is greater than the minimum requirements under the SSDCP. The rear areas have a minimum dimension of 3.5m and ranges between 25.95sqm-29.36sqm which are greater than the minimum requirements of 25sqm with minimum dimensions of 2.5m. Therefore, notwithstanding the swale, appropriate amenity has been achieved to meet the objectives of this control. The landscape architect has coordinated with the civil engineer to provide realistic planting that does not inhibit operation of the swale, refer landscape at Attachment K and civil at Attachment L.</p> <p>RFB comments:</p> <p>A 6m setback has been provided to Orange Grove Road in accordance with the SSDCP. A substantial quantum of new planting is proposed within this setback, which is in deep soil.</p>

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	<p><i>The building is within the 20m height plane. I think it should have been set back further from the corner so that a high value tree could be retained. Additional setback for deep soil planting that can support mature Cumberland woodland species would be a wonderful asset to the development and the broader landscape, making the building blend into the landscape and providing additional shade from the Northern sun.</i></p> <p><i>The building is broken up into 3 sections. The two side components have double loaded corridors and the central section has deep crossover units.</i></p> <p><i>The double loaded corridor results in a building that is too deep. 23.5m is far in excess of the 18m recommended in the ADG. As a result, a very modest minimum standard 60% of units are cross ventilated. This is a very poor outcome on an open field site such as this. Where there are no inner city type existing building constraints to contend with.</i></p> <p><i>Another problem with the deep building form is the very deep units. A large proportion of the units have the back walls of the kitchens >8m or more from the facade (I have scaled off the plans as this is not dimensioned). This is mediocre at best and is a result of the built form.</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>		<p>The ADG design criteria for maximum building depth of 18m for cross through apartments is adhered to – the design has been modified to reduce depth of through apartments to max 18m. Refer Attachment C.</p> <p>Notwithstanding the context, the ADG design criteria for a minimum of 60% cross ventilated apartments is achieved. The architect has confirmed in their design statement at Attachment D that no kitchen is more than 8m from the glass line. Refer to dimensions and text on DA 05-08.</p>
	<p>c) Density</p> <p><i>In so much as the proposal meets the height and FSR controls, one would expect the density not to be an issue, however the cheek -by-Jowel nature of the MDR units and their inadequate setbacks and amenity would suggest that the density is too high for the site or the wrong building typology was chosen.</i></p> <p><i>The proposal partially meets the objectives of the principle.</i></p> <p>Council comment: Council notes that despite the above comments from the urban design expert, the FSR controls are not met and result in significant unacceptable breach of FSR and overdevelopment of the site. Further details are provided within this letter.</p>	Y	<p>The GFA has been reviewed and the development complies with the LEP FSR control, complies with the LEP height control, and generally complies with the relevant SSDCP height and setback controls. As such, the proposal represents the quantum of density, floor space and massing anticipated by the planning controls and is consistent with the strategic vision for the site established by the rezoning.</p> <p>Furthermore, the development is consistent with the FSR objectives as:</p> <ul style="list-style-type: none"> • The proposed density, bulk and scale substantially complies with the relevant SSDCP control and contributes towards the desired built form character established in the Planning Proposal. • The development supports the revitalisation of the site and retains the visual transition between the proposed development and surrounding locality. The proposed RFB is compliant with the objectives of the ADG relating to building separation; and the MDH have been designed with

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			<p>consideration of the interfaces with the neighbouring properties which are managed with appropriate landscaping and fencing..</p> <ul style="list-style-type: none"> • The density responds to the availability of infrastructure and vehicle generation. • The RFB demonstrates design excellence and ensures sufficient space is provided for the articulation and modulation of the design. • Reinforces the vision of the Planning Proposal and supports appropriate infill of the site to support housing contributions.
	<p>d) Sustainability</p> <p><i>... the wholesale removal of trees is a poor environmental outcome. The large area of hard surfaces and lack of deep soil zones and therefore lack of potential tree canopy, will add to the heat island effect and will create very uncomfortable living conditions. In western Sydney this outcome is particularly unacceptable.</i></p> <p><i>The unavoidable reliance on air conditioning will create an unnecessarily large carbon footprint.</i></p> <p><i>The overland flow is being channelled into concrete drains whereas at present there is 100% deep soil and maximum absorption to replenish the aquifers. The natural topography and water flow appears to have been ignored. This may put pressure on the stormwater system down the line, but that is not my area of expertise.</i></p> <p><i>The bare minimum 60% cross ventilation of the RFB is not considered a pass in a Greenfield site such as this one.</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>	Y	<p>Tree removal is further discussed in Attachment H.</p> <p>The development proposes to increase the quantum of trees on the site with a replacement rate of approximately 4:1. As such, the development will appropriately respond towards mitigating the urban heat island effect and provide comfortable environments. Further, the applicant is willing to accept a condition of consent to plant a set number of trees in an already mature state.</p> <p>The RFB development achieves compliance with BASIX and the relative sustainability targets in the ADG (cross ventilation, solar access, overshadowing). The provision of air conditioners will provide increased amenity for residents. Residents may choose to not use the air conditioning. Nevertheless, the provision of air conditioners is standard within RFBs and expected from residents.</p> <p>It is further noted that the site is not in a greenfield location but is located in Cabramatta West approximately 1km from the Liverpool strategic centre, and is an infill development within an urban environment.</p>
	<p>e) Landscape</p> <p><i>The Landscape has not been given due consideration in this proposal and is clearly an afterthought. The virtual complete clearing of the trees from the site, the drastic reduction in deep soil zones and lack of opportunities to plant shade trees is a very poor landscape outcome and is a huge lost opportunity.</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>	Y	<p>The proposed landscape plans in Attachment K include additional embellishments and tree plantings. The proposed development has been modified to increase the quantum of retained trees to 14 trees high or medium retention value. As such, the proposed landscaping is considered viable and appropriate to the development, with replacement tree planting and substantial communal open landscaped spaces that are exceed the minimum area required in the SSCDP.</p>
	f) Amenity	Y	Setbacks

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	<p><i>The lack of amenity for the residents and neighbours around the MDR zone have been discussed above. Visual and acoustic privacy distances are not respected and are inadequate.</i></p> <p><i>The lack of a proper pedestrian network through the site (residents are expected to walk along the shared roadway) seems to suggest that all movements are expected to be made in cars. This is a very poor outcome for active transport and creates serious safety concerns. The main entrance from Link road does not even have a pedestrian pathway.</i></p> <p><i>Whilst the proposed building achieves the minimum solar access and cross ventilation percentages, some apartments have poor amenity due to the depth of the building.</i></p> <p><i>The Urban design analysis promotes views across to the golf course as a strong selling point, and yet only 19 of the MDR units will benefit from this view and only from their bedrooms as the living rooms will have noise walls in front of them.</i></p> <p><i>The impact of the proposal on the amenity of neighbours has already been mentioned. The location of the communal open areas immediately adjacent to neighbours back or side fences is creating potential future disharmony and should be reconsidered.</i></p> <p><i>The overshadowing of the houses at Nos 1 and 3 Smith street from 1pm onwards on the 21st June only leaves 3 hours of sun. This is a drastic reduction in their solar access. A minimum of 4 hrs is more acceptable in these cases.</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>		<p>Building setbacks comply with the ADG design guidance. Additional sections have been included in Attachment A to demonstrate how visual privacy is achieved.</p> <p>Methods utilised to maximise privacy include screening, planting and raised windowsill height to the first floor. Importantly, the proposal exceeds the minimum 7m separation distance by proposing a minimum of 9m at the ground floor and 10m at the first floor. Refer to response in Attachment B for detail.</p> <p>Pedestrian Network</p> <p>The SSDCP states that the 'two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application' (Control 1.5.1 (iii)). The internal access network is a slow speed environment and the proposed traffic calming and pedestrian safety measures shown in Attachment A are consistent with the recommendations provided in the Traffic Report at Attachment P. There is no requirement for a separate pedestrian network. This design is standard within all residential townhouses development.</p> <p>RFB Solar Access and Cross Ventilation</p> <p>The proposed RFB complies with the ADG requirements for solar access, cross ventilation and building depth. These will contribute a high level of amenity to future residents.</p> <p>Views across the golf course</p> <p>The RFB apartments have good views across the gold course.</p> <p>Communal Open Space</p> <p>The location of the communal open space is per the SSDCP. The Acoustic Report in Attachment H demonstrates noise generated from this area will comply with the relevant noise criteria.</p> <p>Overshadowing</p> <p>The setbacks to the RFB accord with the ADG as discussed earlier in this letter. The overshadowing analysis conducted demonstrates that compliant solar amenity is retained to adjoining residents, including to their solar panels. Shadow diagrams for the RFB are provided in Attachment C. No overshadowing to adjoining properties occurs prior to 11am on June 21st. From 11am-2pm on June 21st minor overshadowing occurs to the private open space at 1 and 3 Smith Street. However, these areas continue to receive a minimum 3 hours direct sunlight.</p>

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			398 Cabramatta Road West receives less than 3 hours direct sunlight and the proposed RFB does not reduce this solar access by more than 20%. Refer to shadow diagrams in Attachment C .
	<p>g) Safety</p> <p><i>The lack of proper pedestrian pathways is a safety concern. The through site link is a long narrow pathway between the sides of houses and will be unsafe especially at night. The pedestrian pathways should have units facing onto them like a street to maximise passive surveillance.</i></p> <p><i>The proposal does not meet the objectives of this principle.</i></p>	Y	<p>The SSDCP strictly requires a shared environment. The design of the proposed shared network has been reviewed by a specialist traffic consultant and all their recommendations to provide an optimum network design have been incorporated into the site planning (refer Attachment A and C).</p> <p>Windows have been orientated to contribute towards passive surveillance of the pedestrian pathway, and public domain generally, to maximise safety attributes.</p>
	<p>h) Housing Diversity and Social Interaction</p> <p><i>The mix of units sizes should provide for a healthy social mix. The provision of adaptable units is also a positive aspect of the development.</i></p> <p><i>The proposal lacks meaningful urban spaces. The arrival experience is very poor and the quality of the streetscapes has already been discussed.</i></p> <p><i>It is unclear how the Gym/ community space at the ground level of the RFB is to be used. This is a completely overshadowed south facing space with very poor amenity, hardly the environment for positive social interaction.</i></p> <p><i>The proposal partially meets the objectives of the principle.</i></p>	Y	<p>The proposed development has been updated to include a 1.8m high mosaic wall around the perimeter of the RFB to reflect Council's comments made below. Notwithstanding the above, the proposed RFB makes a positive contribution to the public domain through a highly articulated façade and improved built form.</p> <p>The gym will be a fully covered by a roof overhang, to avoid excessive sun to residents while they exercise. The architect has revised the plans to indicate that this is a communal gym only and not a community space. It is appropriate that a gym is fully shaded to protect residents from direct solar while exercising. The gym will still receive indirect light, being unenclosed to the sides.</p>
	<p>i) Aesthetics</p> <p><i>In the RFB, good quality materials appear to have been identified. Low maintenance face brick is always a good choice.</i></p> <p><i>The repetitive use of the same low-standard design for the MDR buildings creates a poor environment. Allowing different architects to provide design options here for a bit of variety would be one solution, but I fear this part of the proposal needs a complete rethink.</i></p> <p><i>The proposal does not meet objectives of this principle.</i></p>	Y	<p>The RFB exhibits a high standard of design through the utilisation of high quality, long life materials (face brick, concrete and black steel / aluminium) that are the most appropriate materials for a residential flat building located at the intersection of two heavily trafficked roads. Further the RFB includes a highly articulated facade through the modulation and detailing of the design, colours and materials across all elevations.</p> <p>The MDH has been amended to include a greater variety of materials and articulation which contribute towards visual interest and aesthetics.</p>
5. Acoustic Barrier	The Acoustic Report does not appear to make any recommendations for acoustic barriers for the corner of the site to Orange Grove Road and Cabramatta Road West. Council	Y	The acoustic report can be updated to demonstrate achievement of noise criteria with 1.8m wall. The original RFI response noted:

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	notes that the front fencing controls in the DCP only permit solid front walls up to 1.8m high along Cumberland highway, as such, the acoustic report must demonstrate how noise criteria can be achieved with a maximum barrier height of 1.8m, noting that the wall will also be treated as a mosaic subject to further details.		<i>The development proposal has been modified to include a 1.8m acoustic a privacy wall to the corner of Orange Grove Road and Cabramatta Road West as recommended by Council. Further, the applicant agrees that this is a highly prominent corner and is therefore engaging an artist design a mosaic gateway artwork for the wall. A Public Art Plan has been prepared by the landscape architect, included at Attachment K. This plan will inform and guide preparation of the artwork design.</i>
6. Inconsistencies with Site Specific DCP (SSDCP) Controls	The amended application has been assessed against the relevant controls of the Fairfield CityWide DCP 2013 in particular the SSDCP controls in Chapter 10 Miscellaneous Development as well as Chapter 7 Residential Flat Buildings. The amended application does not demonstrate compliance with the majority of these controls as follows and the variations proposed are considered to be unacceptable:	Y	Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must <i>"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"</i> . We therefore seek Council's flexibility on the basis that objectives of standards continue to be met.
	p) Variations to Site Design and Layout approved in Figure 2 of the SSDCP and to the SSDCP controls, including but not limited to the following: a. Council's Traffic and Transport Planning section is assessing the proposed traffic control measures that have been incorporated into the amended application in attempts to alleviate the traffic impacts on Links Avenue residents. As already mentioned, Council will provide written feedback under separate cover.	Y	Noted.
	b. Whilst the amended application has increased the number of trees from the original plans, the proposal continues to incorporate tree removal and non-retention of 13 trees that the DCP required be retained and that Council considers should continue to be retained for on-going amenity benefits, including but not limited to Tree 36, Tree 75 etc.	Y	<p>A substantial effort was made in response to the first RFI to increase the number of trees retained on site, and to bolster the proposed trees to achieve a net canopy increase.</p> <p>Summary:</p> <ul style="list-style-type: none"> • 16 existing trees are identified for retention in SSDCP (excluding already trees removed with approval / weed trees also identified for retention in the SSDCP) • 5 of the 16 SSDCP existing trees are proposed for retention • 9 additional existing trees not identified in the SSDCP are proposed for retention • 14 existing trees in total are proposed for retention • 148 new trees proposed • Canopy coverage proposed to increase from 2,397m² to 2,610m² <p>The following excerpt from the original RFI response outlines this:</p>

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			<p>Chapter 10, Section 1.6.3 (i) and (ii) states 'the existing trees identified green on figure 2 of this SSDCP must be retained unless agreed by Council. Any development application to remove trees must provide an arborist report prepared by a suitably qualified professional'. The RFI response is accompanied by a revised arborist report and ecology report that outline retention of as many trees as possible with respect to the proposal. The team has revised the design, including reshaping selected townhouses and reworking the communal open space to preserve additional trees. Further, on-grade parking spaces have been relocated and some removed where they were in excess to the DCP parking requirement.</p> <p>Notwithstanding this, we noted that Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must "be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards". We therefore seek Council's flexibility so as to not lose additional dwellings to those already lost addressing this RFI.</p> <p>The arborist (at Attachment G) has found that there are 21 trees identified in the SSDCP for retention that are consistent with the surveyed trees. The arborist has identified that 2 of those trees are either dead or no longer exist on site. Three trees are exempt (non-prescribed) species or undesirable due to their weed status. Of the remaining 16 trees, 5 are proposed for retention. However, additional to this, a further 9 trees will be retained on site (total 14 trees). All retained trees have either medium or high retention value. The Objectives of 1.6.3 of the SSDCP is met as outlined in Attachment G.</p> <p>Importantly, the design team worked closely with the arborist to ascertain retention capacity of Tree 75. Unfortunately, significant modification would be required to the basement and all storeys above ground to retain this tree. Given its Tree Protection Zone (TPZ), the modification would require loss of basement parking and loss of at least one apartment on each floor.</p> <p>Notwithstanding this, the landscape architect (refer Attachment K) has proposed a substantial quantum of replacement trees that exceeds the 37 trees proposed to be removed. The resulting landscape will provide additional tree coverage to that existing on the site (a total of 148 new trees are proposed).</p> <p>The proposed development is consistent with the relevant SSDCP objectives as set out below.</p> <p>1.6.3(a) To provide adequate opportunities for the retention of existing mature trees.</p>

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			<p>The proposed development has carefully considered the location and retention of existing mature trees. Of the trees set for retention, all are of medium or high retention value.</p> <p>1.6.3(b) To provide a tree canopy that will form part of the broader tree canopy for the suburb.</p> <p>The site currently contains 49 trees (inclusive of low value / weed trees). 148 new trees are proposed, in addition to the 14 retained trees, more than tripling the number of trees located on site. Tree canopy will increase substantially as a result of this application.</p> <p>1.6.3(c) Provision of new vegetation that contributes to biodiversity, enhances tree canopy, minimises urban runoff and provides separation between the development and existing residential dwellings adjoining the site.</p> <p>Newly proposed trees will contribute to biodiversity values and Water Sensitive Urban Design (WSUD) measures to maximise the collection of urban runoff. Trees have been selectively placed to act as visual buffers between residential dwellings within and adjoining the site and will contribute towards improving the visual outlook of each dwelling.</p>
	c. Communal open space 3 between the multi dwelling housing and flat building has been reintroduced to the site however the size is annotated as only 96m ² and is less than that indicated in the site specific DCP i.e. 140.52m ² without explanation as to the discrepancy. Furthermore, the space has not been embellished with any usable facilities and does not provide opportunities for social interaction.	Y	<p>The original RFI response provided the following response:</p> <p><i>Figure 2 (replicated below) of the SSDCP illustrates the location of communal open space (COS) for the RFB and MDH in dark green.</i></p> <p><i>Two (not three) communal open spaces are identified – one for the multi dwelling component at the eastern boundary and for the RFB around the periphery of the site. Notwithstanding, the space indicated by Council as being a third communal open space (adjoining MDH U.35), previously shown with parking spaces and a substation in the submitted DA, has been revised to remove parking spaces and relocate the substation and be embellished with landscaping to function as a third COS. Refer plans at Attachment A and Landscape drawings at Attachment K.</i></p> <p>Importantly, the SSDCP available online does not provide a legible area for the “third COS”, however clearly indicates the minimum required area of MDH COS in both the legend of the same figure, as well as in the written controls is 1,020m². The proposed development provides 1,330m² (inclusive of a third communal open space in the centre of the site) which exceeds the SSDCP requirement by 310m².</p>

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			<p>excavation as the internal road is better aligned with the existing natural grade.</p> <p>An increased extent of buffer planting is now proposed to separate Units 51-53 from the southern Links Road properties. Further, overshadowing analysis demonstrates that the townhouses do not cause adverse impact to existing neighbours. There are no windows proposed in the wall to the eastern neighbour to maximise privacy. To that effect, the proposed development presents an improved outcome for both existing and future residents.</p> <p>Notwithstanding the variation resulting in an improved urban outcome, the proposed development remains to comply with the SSDCP objectives for site design and layout. This is demonstrated below.</p> <p>1.4.4(a) To ensure that the development site area will have sufficient area for the dwellings, vehicle access, landscaping, private and communal open space, parking, waste storage, collection, and amenity and are consistent with the desired future character of the area.</p> <p>The proposed development will deliver sufficient area for dwellings, vehicle access, landscaping, private and communal open space, parking, waste storage, collection without compromising amenity to dwellings within and adjoining the site.</p> <p>All dwellings are of sufficient size, orientation and location to provide for a high level of amenity without negatively impacting the surrounding environment. Vehicle access has been arranged as per the SSDCP requirements.</p> <p>Landscaping and communal open space has been provided in excess of the SSDCP requirements and parking has been provided generally in accordance with the SSDCP rate to ensure that the development does not unnecessarily generate additional off-street parking.</p> <p>Waste storage and collection has been arranged to ensure that it can operate in an efficient manner with minimal disruption to dwelling amenity.</p> <p>Amenity matters such as solar access, private and communal open space, outlook and other matters have been considered in detail and addressed.</p> <p>Furthermore, the desired future character for the site has been established through the planning history of the site, primarily</p>

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			including the Planning Proposal, earmarking the site for future residential development. As such, the development is consistent with the future character area and proposes permissible land uses accommodated within buildings that comply with the LEP FSR and height development standards.
	f. Third-storey of the multi dwelling housing fronting Orange Grove Road, where only two-storey is permitted, and despite reduction in amended plans to certain units, Unit 1 continues to breach the side/rear setback.	Y	<p>The LEP permits buildings up to a maximum 9m building height. The proposal complies.</p> <p>The LEP permits buildings with a maximum FSR of 0.6:1. The proposal complies.</p> <p>The three storey MDH proposed at the time of lodgement are considered appropriate and form an appropriate transition to lower density neighbourhoods.</p> <p>Notwithstanding the above, the proposed amended plans in Attachment A have redesigned:</p> <ul style="list-style-type: none"> Unit 1 to be part 1 storey, part 2 storey; and Units 2-4 to remove the attic level as so they present as a two-storey dwelling. <p>The proposed redesign ensures a gradual transition from the RFB down to the part 1 storey unit located at Unit 1.</p> <p>Unit 1 has been redesigned to be a part single and part two storey dwelling. The introduction of a single storey portion significantly mitigates the impact of this minor encroachment in terms of overshadowing, privacy and transition to the Links Avenue properties. It is noted that the setback proposed complies with a 0.9m standard side setback in the SSDCP. The first floor presents increased setback to the side boundary, approximately 2.9m at the corner and increasing from this point (given the angle of the boundary). The improved proposal does not generate adverse overshadowing (continues to receive at least 3 hours of direct solar mid-winter as per CWDCP 6A.5.1) or privacy impacts (with no windows proposed to the side wall of Unit 1).</p> <p>Furthermore, the position of Unit 1 and its separation from X Links Rd is appropriate in the circumstances and consistent with the objectives of Section 1.4.3 in the SSDCP for the following reasons:</p> <ul style="list-style-type: none"> Unit 1 complies with the Orange Grove Road setback and is part of the wider development that will enhance the established streetscape and character of the neighbourhood through the provision of a residential development that accords with the LEP.

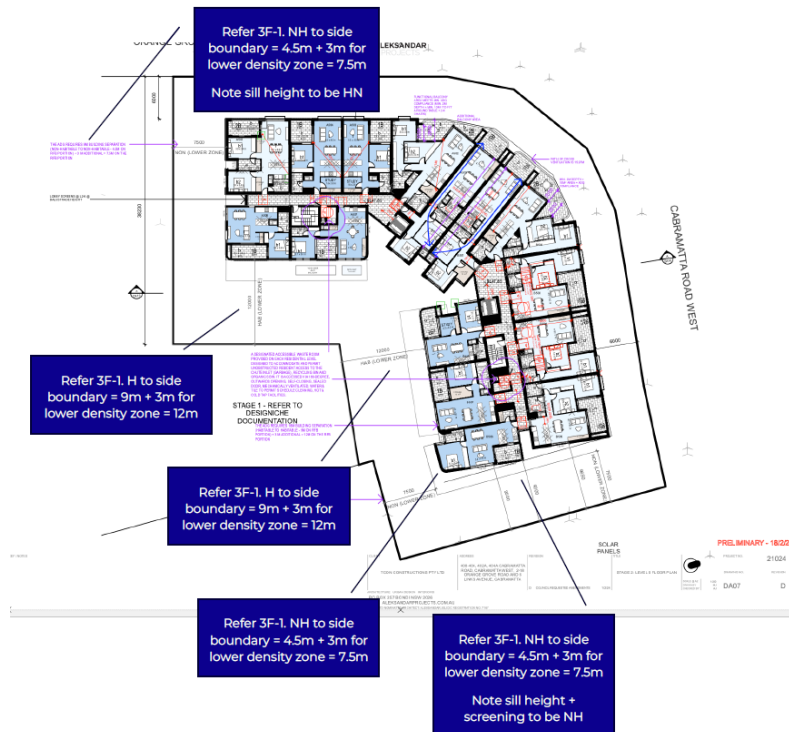
Topic	Council matter raised	Compliant Y/N	Applicant response
			<ul style="list-style-type: none"> The portion of Unit 1 located within the setback encroachment does not contain any windows and will maintain privacy to adjoining properties. The portion of Unit 1 located within the setback encroachment avoids the use of blank facades and includes a staggered and articulated built form. This includes an increased setback towards the eastern portion of Unit 1 and a height transition from 2 storeys to 1 storeys. There is sufficient space between the dwellings to accommodate planting to increase visual separation. The landscape plan identifies sufficient space for a row of <i>Photinia Glabra</i> 'Ruberts' which can grow to a height of 3m.
	g. Amended plans did not increase the width of the carriageway including kerb and remains non-compliant with the DCPs requirement for minimum 8.850m and is as narrow as 7.354m-8.5m which is unacceptable especially considering the lack of any pedestrian access or safety considerations within the circulation roadway.	Y	<p>The separation distances between Blocks A&C and B&E are 8.85m which comply with the SSDCP (the 8.5m dimension was between piers added to the townhouses for architectural interest, however the plans have been adjusted to achieve 8.85m between piers). Further, the separation distance between Unit 44 and 55 is reduced from the SSDCP only to the garage door, when measured between windows it is 10.7m. Separation between first floor windows exceeds the SSDCP minimum. Refer Attachment A.</p> <p>Further, as discussed, the internal roadway is a low speed shared zone. Traffic calming devices have been incorporated into the carriageway, in accordance with the recommendations of the Traffic Report in Attachment P.</p> <p>Further to the above, there is now compliant separation between units 44 and 29 (7m) and units 44 and 50 (8.4m).</p>
	h. Amended plans did not amend the carriageway width to comply with the DCPs minimum required 12.15m carriageway width between properties situated adjacent to each other across the internal road network measured from the building line of the garage. Plans show a reduction to as low as 9.6m which is unacceptable especially considering the lack of any pedestrian access or safety considerations within the circulation roadway.	Y	<p>Section 1.5.1(vi) states:</p> <p><i>The carriageway width between properties situated adjacent to each other across the internal road network is to be 12.150 metres measured from the building line of the garage.</i></p> <p>The proposed development provides a compliant carriage width between Block A/B and Block C/D (8.850m in accordance with Section 1.5.1(v)).</p> <p>There is an approximate distance of 9.6m between the garages located within Block A/B and Block C/D. The proposed variation is supported by project's Traffic Engineer who concluded:</p> <p><i>The proposed internal carriageways of the site have a minimum width of 6 meters between kerbs, as per Clause 1.5.1 iv. of SSDCP, which is adequate for vehicles to access the proposed garages and provide two-way manoeuvring around the site.</i></p>

Topic	Council matter raised	Compliant Y/N	Applicant response
			<p>Notwithstanding the variation, the proposal is consistent with the relevant SSDCP objectives contained within Section 1.5.1 for the following reasons:</p> <ul style="list-style-type: none"> • The carriageway is wide enough to adequately provide vehicle access to garages and two-way manoeuvring throughout the site. • 'No parking' signage will be posted along both sides of the internal circulation roadway to ensure the width of the carriageway is always maintained. • The Traffic Engineer has modelled vehicle manoeuvres and has confirmed that width between garages will not affect manoeuvring in and out of the garages. <p>Refer to Traffic Report in Attachment P.</p>
	i. Continued loss of existing mature trees in the deep soil zones and setbacks required contrary to the deep soil controls of the SSDCP.	Y	<p>Tree removal is addressed above.</p> <p>There are no numerical deep soil controls in the SSDCP. The SSDCP references the following objectives for deep soil:</p> <ul style="list-style-type: none"> • landscaping opportunities along the boundary where basement car park is proposed (1.4.3(f)). <p>In response, the basement for both the MDH and RFB are setback from the boundaries to facilitate landscaping in deep soil zones.</p> <ul style="list-style-type: none"> • deep soil along Orange Grove Road to enhance privacy and mitigate acoustic impacts (1.4.3(i)). <p>In response, a compliant 5m setback is provided to Orange Grove Road.</p> <p>The development has been redesigned to be generally consistent with setback requirements with only minor variation of Unit 1 into the setback.</p>
	j. The Boundary Articulation to Orange Grove Road is not in accordance with the SSDCP and has been reduced in depth and quality, is devoid of mature trees and results in loss of existing mature trees in those existing areas.	Y	<p>The boundary wall is indented in the locations identified in the SSDCP, with planters at regular intervals to be embellished with landscaping. The multi dwelling housing is set back from this boundary by minimum 5m as per the SSDCP. The rear wall of the multi dwelling housing is staggered to improve articulation, addressing Section 1.4.3(d) in that it achieves a staggered and articulated built form.</p>
	k. The overall treatment and embellishment of COS across the site including over the residential flat building is unsatisfactory. The design does not demonstrate a responsive high quality outcome for residents. A more considerate design response is required to all of the COS across the site. The response must be proportionate to the scale and number of occupants of the development.	Y	<p><u>RFB COS</u></p> <p>The COS is 958m² which equates to 28% of the site area, exceeding the ADG minimum of 25%. The principal usable part of the COS is 387m² in area (located to the east of the RFB), and greater than 50% of this area receives a minimum of 2hrs sunlight in mid-winter which meets the numeric requirements of the ADG.</p> <p><u>MDH COS</u></p>

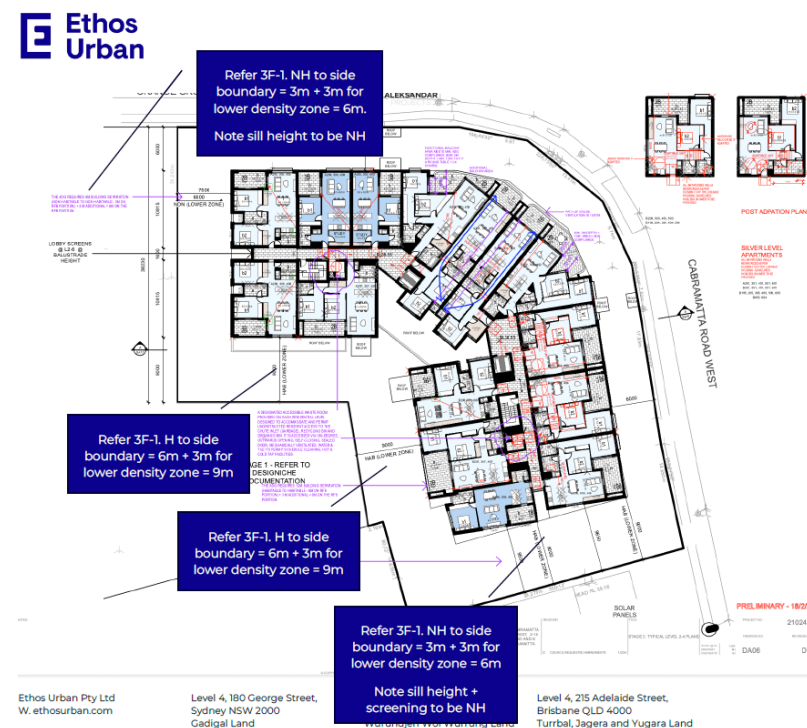
Topic	Council matter raised	Compliant Y/N	Applicant response
			<p>The COS is 1,330m² and achieves a minimum of 3hrs sunlight to approximately 80% of the area in mid-winter which exceeds the numeric requirements of the CWDGP.</p> <p>The landscape design provides an appropriate embellishment of the communal open space in a manner that responds to the changing levels and allows mature trees to be retained. Notwithstanding this, the applicant is willing to provide additional open space embellishment and we invite discussion with Council's landscape officer to determine preferred approach.</p>
	l. The consolidated COS along the eastern boundary has a functional/embellished/useable area that is minimal relative to the size of the COS. The COS is limited to one narrow entry point, offers no steps other than a ramp, and does not enable access to the terraced tree protection areas. These terraces should also be designed to incorporate useable facilities, seating and passive recreation opportunities.	Y	The landscape design has sought to provide an appropriate embellishment of the communal open space without compromising the quantum of trees to be retained. Notwithstanding this, the applicant is willing to provide additional open space embellishment and we invite discussion with Council's landscape officer to determine preferred approach.
	m. Council notes that the ½ basketball court and pool have been deleted instead of being relocated, but no similar facilities have been proposed.	Y	<p>The half court was removed as it required the removal of existing trees. The pool was removed in response to Council's request to provide a more appropriate communal use in that location.</p> <p>The landscape design has sought to provide an appropriate embellishment of the communal open space without compromising the quantum of trees to be retained. Notwithstanding this, the applicant is willing to provide additional open space embellishment and we invite discussion with Council's landscape officer to determine preferred approach.</p>
	n. Development does not achieve the design quality principles of SEPP 65 nor is it compliant with the controls of the Apartment Design Guide.	Y	The proposed RFB achieves the design quality principles of the ADG as outlined in Attachment E and F . This is further discussed in the respective ADG sections of this letter.
	o. Building setbacks and separation requirements not met:	Y	(Refer items below).
	l. Residential flat building has not been amended and still provides 7.5m setback instead of the minimum 9m setback required by both the DCP and ADG for habitable rooms at Levels 1, 2 and 3 (i.e. 2nd, 3rd and 4th storeys) between the flat building and the R3 zoned multi dwelling housing. Furthermore, the 5th and 6 th storeys do not provide the minimum 12m setback that is required between the flat building and the proposed multi dwelling housing proposing 7.5m instead of 12m. The corridors	Y	<p>We would like to further discuss this with Council as the architect has prepared a design that meets the ADG privacy separation criteria. Below is an extract from the original RFI response.</p> <p><i>All setbacks are compliant with the ADG as illustrated below (ADG reference numbers shown). It is important to note that walls with windows at 1.8m sill height are treated as non-habitable, as a resident cannot look through a window at this height. Refer additional detail at Attachment D.</i></p>

appear to be setback 10.4m instead of 12m but are not dimensioned on the plans.

Levels 5 and 6:



Levels up to 4 storeys:



- II. Residential flat building has not been amended to provide the minimum 9m setback from the 1st to 4th storeys, nor the minimum 12m setback for the fifth and sixth storeys to the south-eastern boundary with adjoining R2 zoned properties including but not limited to No. 1 Smiths Avenue. This is required to meet the ADG control requiring a minimum 9m setback from habitable spaces to the boundary plus 3m to a lower density zone.

Y

Refer to response (1) above.

The proposed development has incorporated an additional 3m to land zoned for lower density development where appropriate. Please note that the additional 3m is applied to a non-habitable setback to facades where the window sill is at 1.8m above floor level (no ability to overlook).

- III. Council notes that where the development does not comply with the DCP and ADG

Y

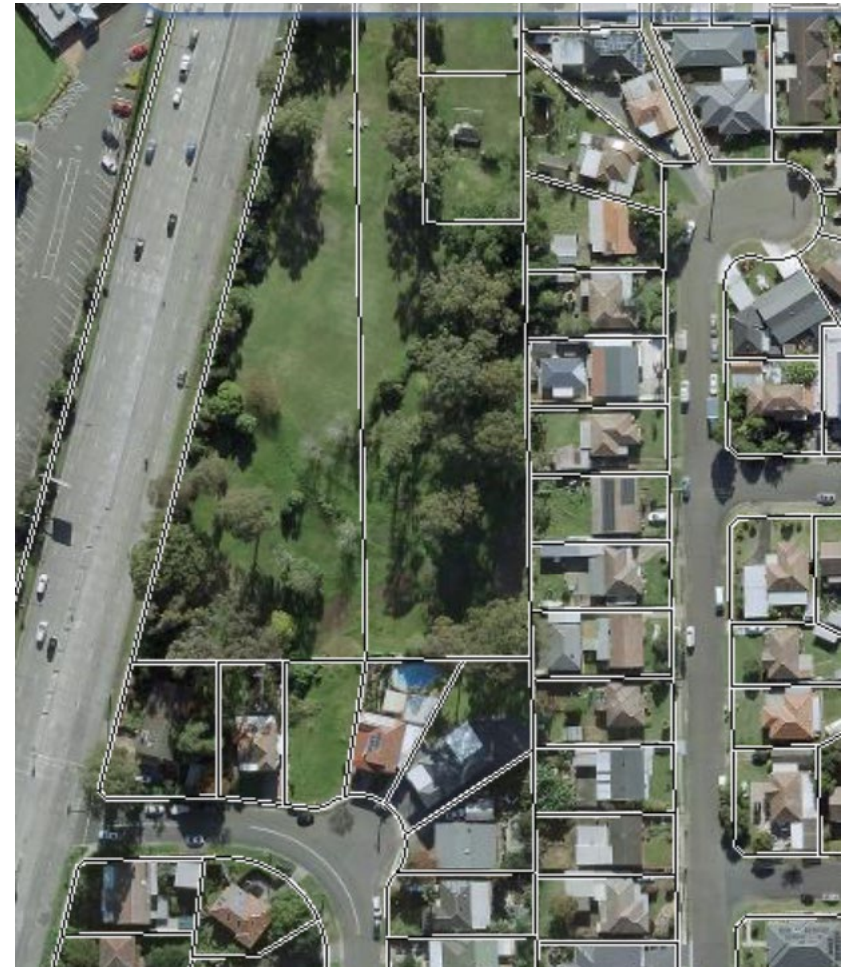
The architect has incorporated high level windows to retain privacy to bedrooms and secondary living rooms only. Primary outlook windows remain

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	<p>minimum setback requirements, the plans have incorporated high screening to habitable windows and private open spaces. These are considered unacceptable for a greenfield site, resulting in poor amenity for occupants, preventing outlooks and also adversely impacting the architectural quality of the external elevations which are visible from Orange Grove Road and Cabramatta Road West, and also visible from adjoining development. Additionally 1.8m high screens to balconies will result in increase in GFA and further unacceptable breach of the LEPs FSR standard. The screening treatment is not supported.</p>		<p>full size and are oriented to face streets and limit overlooking opportunities. Where appropriate, screening to balconies provides additional privacy. It is noted that full height screening to balconies extends across part of the balcony perimeter only and does not provide weather protection. As such, the screening does not create a wintergarden and therefore the balcony does not contribute to GFA.</p>
IV.	<p>The residential flat building has not been amended to comply with the separation distances required between the east and west wing of the building resulting in unacceptable and unnecessary privacy screening which is concerning as outlined in the above point.</p>	Y	<p>Refer to building setback controls addressed above and in Attachment C and D. ADG compliant separation distances are provided, achieving the minimum amenity requirement and objectives in the ADG.</p>
V.	<p>Building setbacks and separation distances within the development do not meet the controls of the DCP and ADG.</p>	Y	<p>A response in relation to the ADG is provided in (I and IV) above and Attachment D.</p> <p>In relation to the DCP, the setbacks shown at Attachment A meet the objectives for the setbacks stipulated in the SSDCP and Chapter 6A of the Fairfield City Wide DCP. Refer to response in Attachment B, and responses below.</p>
VI.	<p>The minimum rear-building setback control of 4.5m to the Links Avenue properties is not achieved for Unit 1 despite the amended plans incorporating a reduction of the number of storeys from three storeys to two-storey; and remains incompatible with existing neighbours. Unit 1 appears to have a ground floor setback of 1m at the ground floor and 2.88m from the first floor which are inadequate given these buildings adjoin a rear yard of the existing neighbour.</p>	Y	<p>It is the side of Unit 1 that is adjacent to the rear of the Links Avenue properties. Section 1.4.3 (iii) states that 'the minimum side-building setback to the adjoining property boundaries is 0.9 metres'. Strictly applying the 4.5 rear setback control to ensure privacy and solar access doesn't acknowledge the fact there are no openings on the southern side elevation of Unit 1.</p> <ul style="list-style-type: none"> • The minimum setback between the ground floor of Unit 1 and the common boundary with the Links Avenue properties is 1m. • The maximum setback between the ground floor of Unit 1 and the common boundary with the Links Avenue properties is approximately 5m. • The minimum setback between the first floor of Unit 1 and the common boundary with the Links Avenue properties is 2.89m. • The maximum setback between the first floor of Unit 1 and the common boundary with the Links Avenue properties is approximately 5m.

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			<p>The relevant objectives of the SSDCP setback controls are:</p> <ul style="list-style-type: none"> • Protect the privacy and solar access of adjacent properties. • Ensure appropriate space between buildings and boundaries is provided to maintain privacy, allow reasonable solar access and opportunities for landscaping where appropriate <p>With reference to the relevant objectives, Unit 1 is compatible with the Links Avenue neighbours for the following reasons:</p> <ul style="list-style-type: none"> • There will be no opportunities for overlooking from within Unit 1 into the rear yards and internal living areas of the Link Avenues properties as no windows are proposed on the southern elevation of Unit 1. • Direct solar access is maintained to the rear yards and internal living areas of the Links Avenue properties for a minimum of 3 hrs during mid-winter which complies with CWDGP 6A.5.1. • The Unit 1 building height transitions from 2 storeys to 1 storey to reduce the bulk and massing adjacent to the Links Avenue rear yards. It will be designed with a variety of materials including face brick and colorbond roof to achieve a reasonable visual response for a medium density residential setting. <p>Refer additional response in Attachment B.</p>
	<p>VII. Insufficient setbacks of only 2.2m are provided to the rear of Smiths Avenue properties for the new two-storey Units proposed in Block H which was not envisaged by the SSDCP and is incompatible with neighbours. This is inadequate given these buildings adjoin a rear yard of the existing neighbour, result in a blank two-storey wall with no articulation and adverse visual impacts.</p> <p>Council notes that the site specific controls do not specify what the minimum rear-building setback should be to Smiths properties. In the absence of such control, the setback shall be at least a minimum of 4.5m (similar to the control for Links Avenue properties) at the ground floor and further at the first level in order to be considered by Council.</p>	Y	<p>Like Unit 1, it is the side of Block H that is adjacent to the rear yard of 30 Smiths Avenue, rather than the rear of Block H facing the rear of 30 Smiths Avenue. The Block H side setback to the common boundary is 2.21m. The proposed setback is appropriate in the circumstances as it will meet the relevant SSDCP objectives, namely:</p> <ul style="list-style-type: none"> • Protect the privacy and solar access of adjacent properties. • Ensure appropriate space between buildings and boundaries is provided to maintain privacy, allow reasonable solar access and opportunities for landscaping where appropriate <p>The objectives are met for the following reasons:</p> <ul style="list-style-type: none"> • Privacy will be maintained as no windows are proposed on the side elevation. Additionally, there will be a 1.8m high no gaps fence separating the properties. • Continues to receive at least 3 hours of direct solar mid-winter as per CWDGP 6A.5.1 • The façade will be articulated and contribute towards visual interest. • Landscaping opportunities are provided.

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	VIII. Amended plans have not increased the inadequate setback of 3.5m provided to the Block G units.	Y	<p>The setback to the eastern boundary accords with the indicative scheme illustrated in the SSDCP (refer Figure 2 and 3.5m minimum).</p> <p>The objectives are met for the following reasons:</p> <ul style="list-style-type: none"> • Privacy will be maintained as no windows are proposed on the side elevation. Additionally, there will be a 1.8m high no gaps fence separating the properties. • Continues to receive at least 3 hours of direct solar mid-winter as per CWDCP 6A.5.1 <p>Further, Council's urban designer at our meeting following Council's issue of their RFI supported this setback distance, particularly given that the first floor setback is at 5.7m, exceeding the minimum setback and further improving mitigating overshadowing and privacy concerns. Refer to response in Attachment B.</p> <p>The rear landscaped area associated with Block G is greater than the minimum requirements under the SSDCP. They all have a minimum dimension of 3.5m and ranges between 25.95m²-29.36m² which are greater than the minimum requirements of 25m² which minimum dimensions of 2.5m. Therefore, notwithstanding the swale, appropriate amenity has been achieved to meet the objectives of this control. The landscape architect has coordinated with the civil engineer to provide realistic planting that does not inhibit operation of the swale, refer landscape at Attachment K and civil at Attachment L.</p>
	<p>IX. Amended plans have not increased the inadequate setback and spatial separation from the proposed Block G multi dwelling housing units along the eastern boundary. The buildings are proposed to be 3.5m from the rear boundary contrary to the minimum 4.5m control of the site specific rear setback controls and also contrary to the minimum 4m control of Chapter 6A.2 of the DCP).</p> <p>The areas are considered to be dysfunctional, offering insufficient spatial separation to accommodate the open space and landscaping needs especially with the spread of any canopy trees. Furthermore, there is insufficient depth for any mature plantings which are positioned far too close to the building and impractical.</p>	Y	Refer to responses above.
	X. Given the unbroken, imbalanced and repetitive design of the rows of multi dwelling housing, it would be difficult to	Y	The relationship between Unit 1 and the Links Avenue properties is addressed above.

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	support any second storey to units that are located parallel to the rear yards of Links Avenue and Smiths Avenue properties, as the visual impacts and proximity of structures is unsympathetic and inconsistent with the established character of open rear yards and is unlikely to respect the sensitive residential interface. In the event the applicant wishes to retain the reduced setbacks to neighbouring boundaries, Council would consider single storey units at this interface.		<p>The objectives are met for the following reasons:</p> <ul style="list-style-type: none"> • Privacy will be maintained as no windows are proposed on the side elevation. Additionally, there will be a 1.8m high no gaps fence separating the properties. • Continues to receive at least 3 hours of direct solar mid-winter as per CWDCP 6A.5.1 <p>The established character on Smith Street is illustrated below and shows open rear yards as well as properties accommodating rear additions.</p> <p>The side elevation of Block H facing Smith Avenue properties have been designed to minimise overlooking and maximise privacy. Amended drawings can be provided which improve the design and materiality of this façade above the 1.8m high fence.</p> <p>With regard to Block G, these dwellings have a 3.5m setback to the Smith Avenue properties at the ground level, which is compliant to the SSDCP control. The first storey is setback by 5.72m which exceeds the minimum setback control. Visual interest is added to the level and will feature a variety of materials including aluminum framed windows, face brick and colorbond roofing. This level of visual interest is typical for a development of this form.</p>



- XI. Minimum separation distances are not achieved between Unit 50 and Unit 44 at ground and first floor level and are also not achieved between Units 29 and 44.

Y

The plans in **Attachment A** have been revised to achieve compliant separation between Unit 44/50 and Unit 44/29.

- XII. Pedestrian access/walkways and safety throughout the site is unacceptable and has not been satisfactorily addressed along the circulation road. Whilst the driveway can be shared with pedestrians, the pedestrian

Y

The SSDCP states that the 'two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application' (Control 1.5.1 (iii)). The proposed traffic calming and pedestrian

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	<p>areas should be distinguished and identifiable. Minor improvements have been incorporated into the amended plans however a substantial response is required in order to provide designated pedestrian walkways along all the circulation roads. In this regard, the amended development does not meet the objectives of the separation and setback controls of the DCP, nor has it been amended to meet the numerical requirements for separation and setbacks as outlined above, as they relate to ensuring pedestrian safety.</p>		<p>safety measures shown in Attachment A are consistent with the recommendations provided in the Traffic Report at Attachment P.</p> <p>It is noted that there is no control in the SSDCP which requires dedicated pedestrian walkways along the circulation zone. The proposed shared road layout is appropriate and typical for a multi dwelling development.</p>
	<p>p) The design of the development incorporates excessive blank/plain walls that are publicly visible, including but not limited to the south and east walls of the residential flat building; and within the multi dwelling housing development: Units 19, 35, 45, 53 and all of the units facing the main pedestrian walkway etc.</p>	Y	<p>The southern and eastern walls of the RFB have been primarily designed to reduce overlooking and promote privacy. These walls include a variety of materials which contribute towards visual interest. This includes a mixture of concrete and light-grey brick with high level framed windows. These facades also include a variety of articulation and depth which contribute towards additional visual interest.</p> <p>Notwithstanding the above, the architect has added high-level windows to the south west walls and increased the extent of glazing in the eastern wall overlooking the open space, to further enhance the articulation of these walls.</p> <p>For the MDH development, units 19, 35, 45 and 53 have been designed to focus visual outlook towards either the front or rear setbacks. Visual outlook towards the side boundary has been discouraged.</p>
	<p>q) The following issues have been identified with the car parking allocation for the multi dwelling housing:</p>		<p>Refer below.</p>
	<p>a. 104 residential parking spaces are provided where 106 spaces are required according to the DCP.</p>		<p>The drawings at Appendix A have been updated to show a total of 106 resident spaces for the multi dwelling housing.</p>
	<p>b. Units 29, 43, and 50 only have 1 parking space instead of 2. All are 3 or more bedrooms.</p>		<p>This has been corrected on the plans, refer Appendix A.</p>
	<p>c. Unit 53 has 3 spaces instead of 2.</p>		<p>This has been corrected on the plans, refer Appendix A.</p>
	<p>d. 4 parking spaces have not been assigned as visitors nor residential units and should be addressed. These are spaces 71, 72, 105 and 106.</p>		<p>This has been corrected on the plans, refer Appendix A.</p>
	<p>e. Once the above issues are adjusted on the plans, there appear to be 2 surplus residential spaces on the</p>		<p>A total of 106 spaces is provided for resident parking (two per dwelling). Visitor parking discussed below.</p>

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	site for the multi dwelling housing development and surplus visitor spaces are discussed directly below.		
	f. 29 visitor parking spaces are provided where only 14 spaces are required by the DCP, resulting in a surplus of 15 spaces. Council notes that 15 of the visitor spaces are located in the basement and the rest at grade and distributed across the site. Wherever the basement projects 1m or more from the existing natural ground level, the basement is considered to be a storey, and any parking spaces located within that storey that are surplus to meeting Councils DCP requirements must be included in the calculation of gross floor area (GFA). The site is already identified by Council as being in breach of the FSR standard which would be further exacerbated by the surplus parking.		The visitor parking in the basement have been removed, refer Attachment A . The additional visitor parking spaces are located on grade (not attracting GFA as they are not enclosed).
	g. There appears to be a total of 31 surplus parking spaces. The applicant will need to consider this issue further given the issues raised in this letter.		The proposed parking on site meets the minimum requirements of the SSDCP, and the proposed visitor parking spaces (16 additional visitor spaces, above the minimum 14 spaces – total 30 visitor spaces) are a mitigation measure to alleviate impacts to Links Road and the adjacent street network, accommodating short term parking on site rather than on street. Notwithstanding this, the applicant is willing to reduce the quantum of visitor parking to the DCP minimum and replace the hardstand with additional communal open space and landscape with trees.
	h. No accessible parking spaces have been provided at the site for the multi dwelling housing.		As advised by the access consultant, the parking spaces to the adaptable dwellings are larger in accordance with the adaptable housing Australian standard, refer Appendix A .
	i. Not all car parking spaces are compliant with the Australian Standards. Unit 11 and Unit 43 garage depths are only 4.7m and 4.4m. Dimensions are not annotated on the plans to verify the dimensions. Storage areas cannot be included in the parking space dimension.		The dimensioning has been corrected on the plans, refer Appendix A .
	r) The Pedestrian Access and Mobility Plan submitted to Council did not address the impact on the Transport NSW requirements of a strategic cycling corridor and walking corridor in Transport NSW Sydney Cycling Future 2013.	Y	A Pedestrian Access and Mobility Plan has now been provided at Attachment R and addresses these matters raised by Council.
	s) The amended development does not comply with the majority of controls in Chapter 6A.2 Built Form and Urban Design of the Fairfield City Wide DCP 2013 despite being required to comply with Chapter 6A.2 under the SSDCP controls. Non-compliances include but are not limited to:	Y	In accordance with Chapter 10.14 Section 1.2, ' <i>In the event of an inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency</i> '. To that effect, the proposed development has been designed in accordance with Chapter 10.14 of the Citywide DCP (the SSDCP). Individual matters are addressed below.

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	<p>a. Council notes that 4 out of the 19 three-storey units facing Orange Grove Road have been reduced to two-storeys to comply with the applicable DCP controls and improve the transition and scale to existing low-density residential properties. The remaining row of units along this frontage are still proposed as three storeys and exceed the maximum 2 storeys permitted by the DCP. It appears that whilst the three-storey form was envisaged by the Planning Proposal the controls enabling three storeys were not incorporated into the site specific DCP such that the relevant controls only allows 2 storey built form with additional floor space only contained within a proper attic.</p>	Y	<p>The 15 three-storey units comply with the 9m maximum LEP height limit. The LEP enables three storey built form. It has been demonstrated in the DA and RFI 1 that, notwithstanding the proposal to accommodate three storey townhouses, the objectives of the LEP R3 Medium Density Residential zone and the objectives of SSDCP Section 1.4.5 Building Form Medium Density Housing are achieved.</p> <p>Refer to the comments to the below point for further discussion on the fact that the proposed third storey does not present adverse additional impact to adjacent existing neighbours.</p>
	<p>b. The first floor of multi-dwelling housing do not comply with the controls set out in Section 6A.2.4 Balanced Building Form within the Fairfield City Wide DCP 2013 which allow the first floor to be a maximum 65% of the ground floor area. The proposal exceeds 134%. The proposal results in unacceptable visual impacts, repetitive built form and adverse bulk and scale especially towards sensitive R2 zoned neighbouring properties.</p>	Y	<p>The proposal seeks to vary this control to enable the site to accommodate the development and built form envisaged by the LEP and preceding planning proposal.</p> <p>Where a garage is provided to the ground floor of a townhouse, the proposed first floor GFA is greater than the ground floor GFA (all blocks except for block E). For dwellings with basement parking (no garage on ground floor, Block E), the first floor GFA is less than the ground floor GFA. Refer to the area schedule provided by Designiche at Attachment A.</p> <p>DA 30.1/2015</p> <p>We refer to the above DA for 46 Cobbett Street, Wetherill Park, which also exceeded this DCP control to 137.5% (similar to the proposed). Council's assessment report notes the following (emphasis added in bold):</p> <p><i>Pursuant to Clause 6A.9 Subclause 3.2 the GFA of the upper levels are to be a maximum of 100% of the ground level GFA. The proposed dwellings have a Ground GFA of 40m² (excluding the garage) and a First floor GFA of 55 m², which is a ratio of 137.5%. The proposal therefore does not strictly comply with the control.</i></p> <p><i>In accordance with Subclause 2.3 variations to the DCP can be accepted if compliance with the numerical control would be unreasonable or unnecessary in the circumstances of the case. As discussed above, the subject site went through an extensive rezoning and consultation process in which Council adopted a SSDCP for the subject site. As part of the rezoning and SSDCP, building envelopes were provided which envisaged a terrace style built form. Generally a terrace style building typology would typically have a 100% upper floor to lower floor ratio however garages have not been included in this. The subject application provides garages on the ground floor as required under the SSDCP and the proposed built form is consistent with the building envelopes. Accordingly, the proposal</i></p>

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			<p><i>is consistent with the strategic planning for the site which was the built form outcome adopted by Council through the site specific DCP process.</i></p> <p><i>The following must also be taken into consideration when assessing the proposed variation:</i></p> <ul style="list-style-type: none"> <i>• The manner in which the development has been designed would ensure that the proposed development would have minimal adverse impact upon neighbouring properties in terms of visual and acoustic privacy and overshadowing impacts.</i> <i>• The proposal is below the maximum FSR allowed onsite.</i> <i>• Strict compliance would result in the loss of density onsite which is inconsistent with the broad strategic objectives of the site regarding increasing densities at locations near public transport and services.</i> <p><i>The objective of the controls is to enable the development of townhouses with full sized upper levels. It is considered that the proposal meets the objectives of the DCP in that regard. Given the above, it is considered that the variation can be accepted in this circumstance and would not warrant the refusal of the application.</i></p> <p>The same circumstances apply to the proposed development, in that a SSDCP has been prepared subsequent to a rezoning which anticipates a terrace style arrangement of townhouses. The proposal is consistent with this arrangement, and therefore with the strategic planning for the site which was the built form outcome endorsed by the then Department of Planning and Environment.</p> <p>The matters listed above for consideration in varying the DCP standard are equally addressed in the subject application, as outlined below:</p> <p>Minimal adverse impact on neighbouring properties</p> <p>Notwithstanding the proposed variation to 6A.2.4 in the CWDCP, the proposed density and scale will not result in any adverse impacts to neighbouring properties or the streetscape. Further, the development will remain consistent with the relevant objectives for the reasons outlined below:</p> <p>a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas development.</p> <ul style="list-style-type: none"> • The two storey plus attic dwellings are contained within the Orange Grove Road fronting blocks, away from the existing low-scale residential to the east and south of the site.

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			<ul style="list-style-type: none"> The attached dwelling arrangement results in windows to upper floors that are oriented to face the internal road or rear private open space. Overlooking to neighbouring properties is minimised. The upper floor to four of the townhouses in Block G is further setback from the eastern boundary. The townhouses are generally separated as per the SSDCP. <p>b) Reduce bulk and achieve a mix of single and 2 storey built elements that respond to the opportunities and constraints of the site.</p> <ul style="list-style-type: none"> The multi dwelling development does not exceed the LEP floor space maximum of 0.6:1 or the LEP building height maximum of 9m. The number of townhouses is consistent with that prescribed in the SSDCP. The development proposes a mix of two and two storey plus attic dwellings as permissible in the SSDCP. The bulk is reduced to two storeys within the site (away from Orange Grove Road) to provide transition to the low scale existing residential adjacent. The attic level in the Orange Grove Road fronting blocks is distinguished from the lower floors by a change to material and general containment within the roof form fronting Orange Grove Road. The design has been amended to reduce four previously three storey townhouses to two storeys adjacent to the Links Road properties, representing a loss of residential floorspace than that which was previously proposed and could be achieved on the site without exceeding the permissible FSR <p>c) Encourage the massing of the dwellings to take into account overshadowing impacts on surrounding properties and private open space within the development.</p> <ul style="list-style-type: none"> The proposed development does not present adverse overshadowing impact to private open spaces internally within the development or to neighbouring properties. <p>d) Ensure development is compatible with its surroundings.</p> <ul style="list-style-type: none"> The proposed development follows a planning proposal endorsed by Council officers, the Local Planning Panel and the DPE following detailed analysis of the potential environmental impacts. This informed the arrangement of built form across the site, and the subsequent floor space ratio and height of building development control amendments. The arrangement of built form concentrates massing to the Orange Grove Road frontage and transitions to the adjacent lower scale residential. Communal open space is provided to the eastern

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			<p>boundary to provide additional buffering to adjacent development as well as landscape amenity that includes tree planting.</p> <p>The consent authority can be satisfied that, notwithstanding the variation to this CWDCP control, the proposed development achieves the built form objectives.</p> <p>Below the maximum FSR allowed on site</p> <p>The proposed development does not exceed the maximum FSR set out in the LEP.</p> <p>Strict compliance would result in the loss of density onsite which is inconsistent with the broad strategic objectives of the site regarding increasing densities at locations near public transport and services.</p> <p>Strict compliance would result in loss of density in this well-located site identified as suitable for density in the rezoning.</p>
	c. Height of units have not been amended to comply with the DCPs maximum height of eaves and ridge line from existing ground levels. Where flat roofs are proposed, the ridge height cannot exceed 8m.	Y	<p>Compliance with LEP maximum height (9m) is achieved. As there is a specific mention of height in the SSDCP, excerpt below, this prevails over the CWDCP.</p> <p><i>Multi Dwelling Housing Height</i></p> <p><i>i. The maximum height of the multi dwelling housing for the R3 Medium Density Residential portion of the site is 2 storeys plus attic (excluding basements) and 9 metres as outlined on the Fairfield LEP 2013 Height of Building Maps.</i></p> <p>Notwithstanding the above, the upper floor of four previously three storey townhouses has been removed, to assist transitioning the built form to the detached single dwellings on Links Avenue. 25 of the 53 townhouses (47%) have maximum eave height below 7.2m. All townhouses are below the LEP maximum height.</p> <p>For the remainder, the proposed variation above the 7.2 metre eave height is necessary to accommodate the change to existing ground level that facilitates the internal road. The eave height varies across each townhouse block. Notwithstanding this, the proposal meets the CWDCP objective to minimise overshadowing on neighbouring property, maintains sunlight to private and communal open spaces and maintains privacy to neighbouring properties, as demonstrated at Attachment A.</p>
	d. Minimum 4m side and rear setback specified in Chapter 6A does not comply as already mentioned further above, noting Chapter 6A control is 500mm less than the site specific DCP control.	Y	Refer to response above.

Topic	Council matter raised	Compliant Y/N	Applicant response
	e. The minimum number of villa units as required by Chapter 6A.2 is not complied with. The DCP requires at least 6 units to be villas, i.e. single storey units. The proposal provides no villas.	Y	As the SSDCP takes precedence where there is a conflict with the Citywide DCP, the applicant is providing 6 townhouses with a ground floor bedroom rather than 6 villas, as per the SSDCP control. Further, we note that this approach is in accordance with the reference scheme submitted with the Planning Proposal, which did not include single-storey townhouses.
	f. It is considered that the overshadowing impacts of the development on adjoining residences as a result of non-compliance with building setbacks is unreasonable and unacceptable and does not demonstrate design excellence.	Y	<p>It is important to note that Design Excellence, as per the LEP, must only be achieved by the RFB.</p> <p>The setbacks to the RFB accord with the ADG as discussed earlier in this letter. The overshadowing analysis conducted demonstrates that compliant solar amenity is retained to adjoining residents, including to their solar panels. Shadow diagrams for the RFB are provided in Attachment C. No overshadowing to adjoining properties occurs prior to 11am on June 21st. From 11am-2pm on June 21st minor overshadowing occurs to the private open space at 1 and 3 Smith Street. However, these areas continue to receive a minimum 3 hours direct sunlight.</p> <p>398 Cabramatta Road West receives less than 3 hours direct sunlight and the proposed RFB does not reduce this solar access by more than 20%. Refer to shadow diagrams in Attachment C.</p>
	g. Units 35, 45 and 46 do not meet the minimum 3 hours required for solar access in mid-winter and do not comply with Chapter 6A.5.1 Solar Access.	Y	Refer to amended drawings in Attachment C .
	h. The development does not comply with Chapter 6A.5.3 Privacy and Council considers that the development has not responded to the privacy needs of occupants or neighbours as a result of:	Y	Chapter 6A.5.3 relates to privacy for the MDH. The revised plans in Attachment A include additional privacy mitigation measures such as either 2100mm or 1800mm high fences and landscape buffering. A response to additional privacy measures is discussed throughout Attachment B .
	I. non-compliant building setbacks and separations;		I. Refer separate discussion on setbacks in this letter. Refer also to response in Attachment B .
	II. inadequate privacy measures such between Block C and E;		II. The minimum setback between Block E and the closest dwelling (being those in Block C) is 7m which is compliant with the SSDCP control. This is further discussed in the separation distance section of this letter and at Attachment B .
	III. poor placement of Unit 19 directly adjacent to the on-site waste service area without adequate physical separation.		III. Unit 19 is offset from the basement entry by 6.2m and the closest wall to the waste service area is a black wall with no open windows. To that effect, the amenity of Unit 19 will not be impacted by the waste service area. This is further discussed at Attachment B .
	IV. locating the communal facilities directly adjacent to neighbouring residences;		IV. Acoustic impacts from noise from communal areas are addressed in Section 7.2 of the revised acoustic report at Attachment H .

Topic	Council matter raised	Compliant Y/N	Applicant response
	t) The proposal does not comply with the open space, landscaping and environment controls of the SSDCP as proposed landscaping results in loss of trees, proposed landscaping is unviable, does not enhance residential amenity, is at places unusable and dysfunctional, does not maximise opportunities for passive and active recreation across the site nor maximises opportunities for social interaction.	Y	Refer to responses in Attachment B and throughout this letter. The proposed communal open spaces have been amended to now exceed the minimum areas required in the SSDCP. Further, the RFB communal open space has been greatly increased in usable area by deletion of the swimming pool. The addition of open space in lieu of the substation and parking adjoining Block G has also improved the landscape outcome for the site. Additional existing trees are now proposed to be retained, supplemented by 143 proposed new trees. All communal open space areas are overlooked by first floor windows, achieving passive surveillance.
	u) There is a distinct lack of useable embellishments to the communal open space with hardly any facilities provided to accommodate all the residents on the site, nor ability for passive recreation.	Y	Additional embellishments have been incorporated into the landscape plans in Attachment K . Embellishments, in addition to increased planting include a communal gym, timber decking, open lawns, seating, and tables.
	v) Not all units adjacent to COS are designed to take advantage of their location with no views, no POS abutting the COS, no openings, no address, nor access except for the movement of bins. (Units 50, 51, 52 and 53).	Y	Blocks E, F and H contains first floor windows which face the COS and are orientated to take advantage of the COS. The provision of side access from Block H and Block G is considered a security concern and not deemed required when suitable access can be provided elsewhere.
	w) POS of Unit 35 impinges on the already reduced area of COS 2 which was identified in the site specific controls as approximately 140m ² but is proposed as only 96m ² .	Y	The minimum required COS for the MDH is exceeded. As discussed elsewhere, this central open space is not identified as communal open space in the SSDCP.
	x) The proposed 3.5m setbacks are considered to be unviable and will result in the POS of certain units being dysfunctional and unable to be used, especially with the spread of canopy trees which will occupy the little remaining space.	Y	The setback to the eastern boundary accords with the indicative scheme illustrated in the SSDCP (refer Figure 2 and 3 – 3.5m minimum). Further, Council's urban designer at our meeting following Council's issue of their RFI supported this setback distance, particularly given that the first floor setback is at 5.7m, exceeding the minimum setback and further improving mitigating overshadowing and privacy concerns. Refer to response in Attachment B . The rear landscaped area associated with Block G is greater than the minimum requirements under the SSDCP. They all have a minimum dimension of 3.5m and ranges between 25.95m ² -29.36m ² which are greater than the minimum requirements of 25m ² which minimum dimensions of 2.5m. Therefore, notwithstanding the swale, appropriate amenity has been achieved to meet the objectives of this control. The landscape architect has coordinated with the civil engineer to provide realistic planting that does not inhibit operation of the swale, refer landscape at Attachment K and civil at Attachment L .
	y) Documents submitted with the application indicate privacy fencing up to 2.4m in height is proposed to protect privacy of neighbouring residents. This breaches the maximum height of fencing permitted by the DCP which allows maximum 2.2m in		To achieve privacy to localised potential overlooking spots, the proposed boundary fence has been designed to include <u>localised</u> 2400mm high panels to achieve privacy, supplemented by retention of existing trees and introduction of new landscaping (where feasible). A minor departure (400mm)

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	height and only where the site slopes, otherwise a maximum height of 1.8m is permitted by the DCP.		<p>from strict DCP compliance is warranted to achieve privacy in these isolated instances, as the objectives 10.1.7 are met. Specifically:</p> <p><i>Reinforce the intrinsic character of a locality;</i> The two isolated panels of 2400mm high fence do not detract from the character of the locality given their localised nature.</p> <p><i>Ensure consistency in the building design by avoiding fencing design that interfere or obstruct resident's vision onto adjoining premises and public spaces;</i> The intent of the departure is to protect resident privacy from overlooking and light spill. The neighbouring residents do not have their vision obstructed where privacy impacts do not take precedence.</p> <p><i>Ensure that the design and materials used are consistent and complement the existing streetscape;</i> The departure does not alter materials.</p> <p><i>Fences must have adequate footings, be self-supporting and able to withstand loads;</i> The departure does not compromise structural integrity of the fence, which can be designed to support localised 2.4m high panels.</p> <p><i>and Fences must not stop or redirect surface waters so as to cause a nuisance.</i> The departure does not change the surface water conditions.</p>
	z) Waste management requirements not met. Further detail in relation to these issues are provided in this letter.	Y	Refer to the response for waste matters below.
	<p>aa) The proposed residential flat building is inconsistent with the following controls of Chapter 7 Residential Flat Buildings of the Fairfield CityWide DCP:</p> <p>a. Building setback/separation, solar access, private open space, common open space and landscaping requirements which are similar to the ADG and are further discussed within this letter.</p>	Y	<p>Building separates are addressed above and are consistent with the objectives of the ADG. Further matters regarding solar, POS, COS and landscaping are addressed in Attachment E and F and to the ADG matters section of this letter below.</p>
7. Inconsistencies with the ADC	The amended application has been assessed against the relevant controls of the Apartment Design Guide. The application does not demonstrate compliance with the criteria, as follows:	Y	<p>a. The orientation of the building is consistent with the site layout presented in the SSDCP and setbacks meet or exceed the minimum requirements. For example, the ADG requires a 6m setback to the common boundary for the first 4 levels and a setback of 9m to the common boundary for levels 5-8. The proposed development provides a consistent setback of 9m throughout the</p>

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	<p><u>Orientation</u></p> <p>a) Orientation of building causing unnecessary additional overshadowing of adjoining properties resulting from non-compliant building setbacks, particularly on No. 398 Cabramatta Road West, No. 1 Smiths Avenue and No. 3 Smiths Avenue. Whilst these properties may achieve the minimum solar access required by Council's DCP, the increased overshadowing arising from non-compliant setbacks is unreasonable and cannot be supported.</p> <p>b) Orientation of building causing 100% overshadowing to the proposed communal open space at ground level annotated as gym and the areas consisting of bench seating. No details have been provided to demonstrate how the space can be improved to ensure functionality in all seasons especially winter.</p> <p>c) Orientation of the building and non-compliant setbacks will reduce sunlight to existing solar panels on neighbouring buildings which have not been illustrated in the documentation, but given their location from aerial imagery, the panels will be unreasonably impacted by the development.</p>		<p>elevation and exceeds the minimum requirements. To that effect, any overshadowing resulting from the built form is considered acceptable.</p> <p>b. The positioning of the RFB is consistent with the SSDCP and previous Planning Proposal. As a result of this requirement, this space will be overshadowed. The gym use takes advantage of this additional shadowing. Persons using the gym do not typically wish to be exposed to excessive sunlight and will prefer to be in a cool environment. The gym use is an appropriate response to the proposed development and SSDCP.</p> <p>c. 398 Cabramatta Road West and 1A Smith Street contain solar panels. As demonstrates in the shadow diagrams, the panels will have full access to solar between 9am-1pm during the winter solstice. The shadowing presented by the compliant built form will impact the solar panels from 1pm onward. During the summer solstice During the autumn solstice and spring solstice (21 March and 21 September respectively), no overshadowing to adjoining properties solar panels will occur between the hours of 9am and 3pm. It is therefore considered that sufficient solar is provided to these panels.</p>
	<p><u>Public Domain Interface</u></p> <p>a) The amended architectural plans have not detailed the screen proposed around the loading bay and the height is unknown. Also it is not detailed as to whether the screen is permanently fixed open or operable and able to be closed. Council's Waste Management Section has raised concerns with the screen obstructing the truck.</p> <p>b) The Substation is prominently located within view and not integrated into the building nor hidden from view.</p> <p>c) The detailing of the second building entry is not sufficient to create a sense of entry and is diminished and obstructed by the wall of the driveway to the basement.</p>	Y	<p>a. Refer to RFB Architectural Plans in Attachment C. The screen to the loading area has been removed.</p> <p>b. The substation has been relocated to a discrete position, which also increases communal open space to the area once occupied by the substation.</p> <p>c. The secondary entries have been enlarged to increase the sense of entry. Further, driveway entry walls have been replaced by balustrades so entry portals are unobstructed, promoting a greater sense of entry is created. Refer da 28 at Attachment C.</p>
	<p><u>Communal and Public Open Space (COS)</u></p> <p>a) The overall treatment of COS across the site (including over the multi dwelling housing site) is unsatisfactory. The design does not demonstrate a responsive high quality outcome for residents. A more considerate design response is required to all</p>	Y	<p>a. Communal open space has been provided in accordance with the SSDCP and meets the ADG minimum. The principle usable part of the communal open space has been increased by removal of the swimming pool. Refer to plans at Attachment D. Additional opportunities for social interaction can be included in amended plans.</p>

Topic	Council matter raised	Compliant Y/N	Applicant response
	<p>of the COS across the site. Opportunities have not been provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p> <p>b) The calculation of communal open space has still included areas of the site which do not serve any communal open space purpose, such as bicycle parking, columns and ancillary structures.</p> <p>c) Whilst the pool has been removed from the plans, the eastern setback which is the only area that receives a minimum 2 hours of sunlight, has not been embellished with a range of facilities for residents, and is solely landscaped. Useable facilities should include but not be limited to BBQs, play facilities, and seating for groups and individuals and varied and integrated into the landscaping elements.</p> <p>d) The floor layout plan does not provide any details regarding the proposed communal room/gym area, the type of equipment in the space, and as it is presented, the space is not useable, for example does not contain any facilities for outdoor cooking, seating for groups/individuals such as to use the space for active/passive recreation. Given the community room is fully shaded and undesirable in winter, details on how the space will be made useable and practical in winter have not been provided.</p> <p>e) Ideally, a communal room should be co-located with the principle useable COS to expand the space available for residents, achieve sunlight and provide a consolidated area of COS. Consideration has not been given in the current design as to how a consolidated COS can be achieved at the site. It does not appear any options have been explored such as redesigning and relocating the ground floor units to improve the functionality, visibility and connection of the communal room to the principal useable area of COS in the side setback.</p> <p>f) Windows of units adjacent to the principle useable COS are provided with high sill windows which prevent any ability to provide an outlook over the COS nor any passive surveillance other than via one balcony. The design does not maximise the units' positions adjacent to the COS.</p>		<p>b. Communal open space has been calculated in accordance with the ADG definition of COS.</p> <p>The revised plans provide COS in accordance with the SSDCP. COS has been consolidated with deep soil zones. The extent of basement has been revised to achieve additional deep soil to the communal open space. Refer to plans at Attachment A and D.</p> <p>c. The pool has been removed to allow for greater usability and recreational embellishment of the principle communal open space. Refer to plans at Attachment D. The pool has been removed and replaced with additional landscaping and lawned area to improve usability of the area. The seating areas provide opportunities for outside recreation in both sun exposed and shaded areas.</p> <p>d. Approval is sought for the cold shell of the gym. The term community space has been removed from the plans. This space may be used for a variety of exercise-based uses ranging from yoga to fitness machines. The final fitout of this space will be confirmed prior to the issue of the relevant CDC/Construction Certificate.</p> <p>e. The location of COS maximises the variety and space offered by the development. Both areas are functional and service their own purpose. They include a variety of spaces to accommodate weather and individual requirements. Open lawns and landscaping has been provided in spaces with high solar access whilst a gym use is provided in areas where sufficient shading is provided.</p> <p>f. All communal open space areas are overlooked by first floor windows, achieving passive surveillance. Upper level floors are articulated with high level windows to prevent overlooking to neighbouring properties.</p>

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	<p><u>Deep Soil Zones (DSZ)</u></p> <p>a) The proposed DSZ at the frontage of the site to Orange Grove Road does not retain all of the existing mature trees and is contrary to the controls of the ADG which requires that DSZs be located to retain existing significant trees.</p>	Y	<p>a. The objective of Section 3E Deep Soil Zones of the ADG is “<i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i>”. The design criteria for Section 3E requires a site to have 7% of the site area as deep soil zones. The proposed development provides in excess of that as outlined above. It is noted that the retention of significant trees is a design guidance control. Notwithstanding the above, the RFB and MDH have been designed to retain 14 trees which are of high or medium retention value.</p>
	<p><u>Building Setbacks</u></p> <p>a) The development does not comply with the minimum setback and separation requirements of the ADG and Council's DCP, as already mentioned earlier.</p> <p>b) Additionally, the development does not provide a further increased setback of 3m to adjacent to R2 and R3 zones, on top of the minimum setback requirements, to provide for a transition in scale and increased landscaping. The treatment of habitable rooms and balconies as blank walls is unacceptable for a greenfield development site and for reasons as already mentioned including but not limited to resulting in poorer quality building elevations to the south and east.</p> <p>c) Building separation distances of the ADG are not complied with between proposed windows and separation distances and outlooks are less than the minimum requirements, resulting in poor outlooks and poor amenity for affected units, due to the need to provide privacy screening.</p>	Y	<p>a. Refer to building setback controls addressed above and in Attachment C and D.</p> <p>b. The proposed development has incorporated an additional 3m to land zoned for lower density development where appropriate. Please note that the additional 3m is applied to a non-habitable setback to facades where the window sill is at 1.8m above floor level (no ability to overlook). The addition of 1.8m high windows is a common solution to prevent overlooking while achieving increased solar and cross ventilation. These windows are not required to achieve the ADG requirements but removing them will result in poor internal amenity and façade articulation. As such, these additions are considered appropriate from an amenity and design perspective.</p> <p>c. As outlined above, ADG compliant separation distances are provided, achieving the minimum amenity requirement and objectives in the ADG.</p>
	<p><u>Pedestrian Access and Entries</u></p> <p>a) Building entries and pedestrian access from the rear of the building fronting the private road as amended remains substandard, does not create a sense of entry despite being the main entry point, and relates poorly to the multi dwelling housing development.</p>	Y	<p>a) The secondary RFB building entries to the rear of the RFB have had entry portals added, to mimic the entries from the street and creating a sense of entry into this side. Refer to DA28 in Attachment C.</p>
	<p><u>Privacy</u></p> <p>a) Habitable rooms and kitchens of the ground floor unit have been designed directly adjacent to the waste collection room. This is not an appropriate solution and must be physically separated.</p>		<p>Habitable rooms and the waste collection room will be physically separated by walls. Noting that the waste collection room is occupied by bins on waste collection day only. Masonry wall separation is typical in RFB developments.</p>

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	<p><u>Vehicle Access Points</u></p> <p>a) Driveway access and wall leading into the basement has not been fully integrated into the design of the building, obstructing visibility of the building entrance from the rear, projecting outwards of the upper level units and diminishing the external quality of the building.</p> <p>b) Vehicle access point into the basement as well as the private circulation road in general is not designed and located to achieve safety, minimise conflicts between pedestrians and vehicles nor does it contribute to creating a high quality streetscape or environment for residents. There are no pedestrian pathways, no safe refuges to protect pedestrians from on-coming vehicles.</p> <p>c) Pedestrian and vehicle access has not been separated nor is it distinguishable along the main circulation road connecting the residential flat building to Links Avenue.</p>	Y	<p>a. The driveway access and walls have been amended so that the visibility of the building entrances from the rear are no longer obstructed. The structure is integrated and coherent with the overall architectural design. Refer DA05 & 28 in Attachment C.</p> <p>b. Entries into the RFB basement avoid crossing the basement entrance and a pathway is introduced behind the Stage 1 visitor parking next to Stage 2 basement entry to provide safe passage. Refer plans at Attachment C</p> <p>c. Vehicles will be guided to the basement ramp whilst pedestrians will be guided through fencing to access to building entrance. There is a clear distinction between these spaces. Refer DA05 at Attachment C.</p>
	<p><u>Natural Ventilation</u></p> <p>a) Amended plans still breach the overall depth of units for a total of 10 apartment units which exceed the maximum apartment depth of 18m. These units are the two central, long units at each level from Level 2 through to Level 6. The Plans have been dimensioned to show depth from window to window is 16.2m however the windows are not opposite and are obstructed by walls and doors. The overall depth measure by Council appear to be 19.4m window to window. The breach also results in non-compliance with building setback and separation requirements of the ADG and are not supported.</p>		<p>The central apartments have been amended to be 18m in depth, to accord with the ADG maximum. Plans have been amended to annotate the depths of the central units. Annotation on the plans show the paths of cross ventilation. Refer plans at Attachment C.</p>
	<p><u>Apartment Size and Layout</u></p> <p>a) Plans still do not provide a schedule of the apartment mix and sizes to demonstrate whether or not compliance with the ADG is achieved for apartment sizes, room sizes, etc. Floor layout plans are also not annotated to reflect the unit sizes. Internal layouts suggest unit sizes remain non-compliant.</p> <p>b) Further to the above point, two study rooms at ground level are provided with a window facing onto a communal/public corridor located outside of the unit, and does not face an external wall of the building. Additionally, the required 6m</p>	Y	<p>a. A schedule of apartment and storage size is provided in Attachment D and ADG Verification Statement at Attachment E. All unit sizes comply with the ADG minimum areas.</p> <p>b. These studies and windows facing into public corridors have been removed, Refer DA05 in Attachment C. All studies have been removed, replaced by open storage areas, showing shelving. All separational distances are adhered to.</p> <p>c. All study dimensions are below those required as minimum bedroom dimensions (3m x 3m) and cannot be included as bedrooms. All storage areas are shown in m2 as per the ADG. Refer plans at Attachment D.</p>

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	<p>building setback has not been provided. Additionally the window is unlikely to comply with the BCA. The rooms cannot borrow light from an internal covered corridor/walkway.</p> <p>c) All rooms labelled on the plans having a study regardless of being less than 3m in dimension will be considered by Council as a bedroom and require to comply with apartment size layout controls of the ADG. As it stands the plans for units with studies do not comply and require studies to be redesigned as principally open spaces without walls or nooks otherwise apartment sizes must be increased to comply with the ADG.</p> <p>d) Oversized storage rooms such as the 12m³ must be provided with dimensions and a floor layout showing fittings/shelving.</p> <p>e) Oversized storage in B507 must be relocated to improve the connection between living spaces and the balcony which is currently poor on the plans, relying on access from the narrow end of the balcony.</p>		<p>d. A storage schedule is provided in Attachment E and confirms all units achieve the minimum requirements. Storage locations have been indicated on plans with shelving shown.</p> <p>e. The storage door and wall has since been removed. Refer to Attachment C.</p>
	<p><u>Private Open Space</u></p> <p>a) The air conditioning of all units has not been shown on the plans (Unit A103, B106, A206, 306, 406, B206, 306, 406, several units at Level 5 and Level 6). The air conditioning units must be excluded from the minimum area of POS required by the ADG.</p> <p>b) The balconies of some units (i.e. the V shaped units) remain dysfunctional where one side is not accessible from the other end and columns restrict access.</p> <p>c) Balcony sizes of the units provided with a study capable of being a room are undersized and do not comply with the balcony area required for a 2-bedroom unit.</p>	Y	<p>a. All A/C are shown on the amended plans. They are located within a screened service area on the balcony or are within the roof top service area. Refer plans at Attachment C. Where shown on balconies, the balcony area excludes the air conditioner unit.</p> <p>b. Balconies to V-shaped units (such as A202 and B202) have been amended to improve accessibility and functionality. Refer to Attachment C.</p> <p>c. balcony sizes for 1 bedroom with a studio comply with the minimum requirements for a 1-bedroom unit. All studies that were capable of being a room have been removed. Refer plans at Attachment D.</p>
	<p><u>Storage</u></p> <p>a) Plans still do not provide a schedule of the apartment mix and sizes to demonstrate whether or not compliance with the ADG is achieved for storage sizes volumes and storage location splits (i.e. amount located in bedroom versus amount located in basement etc.).</p>	Y	<p>a. A schedule of apartment and storage size is provided and demonstrates compliance with the ADG. Refer plans at Attachment D and ADG Verification Statement at Attachment E.</p>
	<p><u>Acoustic Privacy</u></p>	Y	<p>a. It is common for units to abut waste storage areas which can be treated to ensure reasonable amenity in terms of odour and acoustic disturbance. The</p>

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	<p>a) Ground floor unit located abutting the waste storage room is a poor outcome and is likely to be affected by odour seepage through walls as well as experience unreasonable noise and vibration.</p> <p>b) Inadequate building setbacks and separations contribute to unnecessary noise transfer.</p>		<p>abutting waste storage wall will be insulated solid masonry materials. Refer acoustic report at Attachment H.</p> <p>b. Building setbacks comply with the ADG as set out above.</p>
	<p>Noise Pollution</p> <p>a) Private open spaces of the development are oriented towards the classified road instead of internally within the property which would result in poor amenity for occupants. The applicant has not identified alternative options for the site involving private open spaces located inwards.</p>	Y	<p>a. Private open space has been positioned to accord with the SSDCP building volume. Where facing a classified road, the private open space is oriented in this direction to receive direct solar. Noise impact mitigation has been proposed as per Council requirements, including a 1.8m acoustic wall. Where a double loaded corridor is achieved, apartments are oriented to face the interior of the site.</p>
	<p>Roof Design</p> <p>a) Roof design does not incorporate any solar panels.</p>		<p>The BASIX assessment does not require solar panels. Notwithstanding this, the applicant is willing to discuss inclusion of solar panels with Council.</p>
	<p>Landscape Design</p> <p>a) As already mentioned in this letter, landscape design is not considered to be viable or sustainable and diminishes the existing amenity through the loss of significant existing trees.</p>	Y	<p>As outlined above, the proposed landscape plans in Attachment K include additional embellishments and tree plantings. The proposed development has been modified to increase quantum of retained trees to 14 trees high or medium retention value. As such, the proposed landscaping is considered viable and appropriate to the development, with replacement tree planting and substantial communal open landscaped spaces that exceed the minimum area required in the SSCDP.</p>
8. Tree Removal and Impact on Vegetation	<p>The amended plans have incorporated retention of additional existing mature trees however the proposal continues to incorporate removal of trees that are considered to provide significant amenity benefits and contribute to the urban tree canopy. Significant trees identified in the DCP and including but not limited to the following trees should be retained, protected and incorporated into the design of the development, with increased setbacks provided to enable adequate tree protection zones:</p> <ul style="list-style-type: none"> o T7, T28, T36, T69, T70, T74, T75 o T68, T72, T73 	Y	<p>Chapter 10, Section 1.6.3 (i) and (ii) states <i>'the existing trees identified green on figure 2 of this SSDCP must be retained unless agreed by Council. Any development application to remove trees must provide an arborist report prepared by a suitably qualified professional'</i>. The RFI response is accompanied by a revised arborist report and ecology report that outline retention of as many trees as possible with respect to the proposal. The team has revised the design, including reshaping selected townhouses and reworking the communal open space to preserve additional trees. Further, on-grade parking spaces have been relocated and some removed where they were in excess to the DCP parking requirement.</p> <p>Notwithstanding this, we noted that Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must <i>"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"</i>. We therefore seek Council's flexibility so as to not lose additional dwellings to those already lost addressing the first RFI.</p>

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			<p>The arborist (at Attachment G) has found that there are 21 trees identified in the SSDCP for retention that are consistent with the surveyed trees. The arborist has identified that 2 of those trees are either dead or no longer exist on site. Three trees are exempt (non-prescribed) species or undesirable due to their weed status. Of the remaining 16 trees, 5 are proposed for retention. However, additional to this, a further 9 trees will be retained on site (not previously identified for retention). All retained trees have either medium or high retention value. The Objectives of 1.6.3 of the SSDCP is met as outlined in Attachment G.</p> <p>Importantly, the design team worked closely with the arborist to ascertain retention capacity of Tree 75. Unfortunately, significant modification would be required to the basement and all storeys above ground to retain this tree. Given its Tree Protection Zone (TPZ), the modification would require loss of basement parking and loss of at least one apartment on each floor.</p> <p>Notwithstanding this, the landscape architect (refer Attachment K) has proposed a substantial quantum of replacement trees that exceeds the 37 trees proposed to be removed. The resulting landscape will provide additional tree coverage to that existing on the site (a total of 148 new trees are proposed).</p> <p>It is further noted that control (iii) requires an removal of vegetation to be supported by an ecological report. An Ecological Issues and Assessment Report has been provided in Attachment J. The Report confirms that the subject site includes a mixture of native and introduced species that results from remnant and regrowth. Many trees have been planted. The Report confirms that the subject site is not considered likely to be of significance or particular value with respect to the natural environment in general or biodiversity conservation outcomes in particular.</p> <p>The site has been highly disturbed and any biodiversity value is extremely limited. As such, any tree removal is not likely to have an adverse impact upon biodiversity values. As such, removal of the vegetation should not be prevented for ecological reasons. Further discussion on the Biodiversity Conservation Act is discussed in Attachment J.</p> <p>Drawing 07 in Attachment A demonstrates that the development has been redesigned to retain Tree 51. Tree 36 is required to be removed to accommodate the road network. Notwithstanding the above, a total of 14 trees (including Tree 51) have been retained as a result of this design development.</p>

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9. Landscape Design Issues	<p>Council's Landscape Design Services section has assessed the amended application and raised the following issues of concern:</p> <p>a) Gardens and impact of shade:</p> <ul style="list-style-type: none"> Stage 2 Garden south of Building - Due to the heights of the buildings, there is significant shade created. Gardens may not be viable due too little to no sunlight (less than 1 hour) during winter when the species specified are all full sun requiring plant species. Stage 2 Garden on ground floor going West-East is entirely shaded by levels above the ground floor and is covered in full sun plant species (Lomandra) – needs to be substituted for shade or part shade loving plants. Stage 1 Block B – Gardens to units 17, 18 and 19 will also have virtually no sun during winter due to Stage 2's building. Likely failure to occur. Stage 1 Garden Beds between blocks C & E will have less than 4 hours of sunlight during winter, this is at risk of failure as well with these sun loving varieties, but at a lesser extent. 		<p>The Arboricultural Impact Assessment provided in Attachment G has been prepared by a Level 5 arboriculturist and includes general and specific tree protection recommendations that have informed the design proposed.</p> <p>The area on ground level south of the RFB is primarily hardstand for COS (gym). Small pockets of landscaping are provided in this space to contribute towards greening efforts. Amended plans can be provided which include species that tolerate higher degrees of shade or removal landscaping from this area all together.</p> <p>Amended plans can be provided to substitute landscaping species on the ground floor going west-east for shade tolerant species.</p> <p>Shadow diagrams in Attachment C demonstrate that Block B gardens will be shaded in the early morning but will access to full sun from 11am until 3pm.</p> <p>With regards to garden beds between Block C and E. amended plans can be provided with shade tolerant species identified as acceptable for approximately 4 hours of sunlight.</p>
	<p>b) Internal playgrounds and community space:</p> <ul style="list-style-type: none"> There's not enough detail on the play space for an adequate review of this for safety, circulation, and accessibility. The same equipment is used four times, this is not a finished design nor is it ideal. Play equipment should be more versatile, they appear to be the same three pieces. Requires play certification for safety for the design and later at installation completion. Documentation was not submitted to demonstrate that the playground complies with the relevant Australian Standards. 	Y	<p>The landscape architect confirms that: <i>The Playground itself and all playground equipment shall comply with Childcare National Standards, including Children (Education and Care Services) Supplementary Provisions Regulation, The National Law and National Regulations from The Australian Childrens' Education and Care Quality Authority, City of Sydney Childcare DCP, Access DCP and the new SEPP Childcare Planning Guidelines plus all current and relevant Australian Standards for Playgrounds and Playground Equipment. Refer Attachment N.</i></p> <p>Notwithstanding the above, the matters raised can be addressed through an amended design following collaboration with Council or facilitated by conditions of consent.</p>
	<p>c) Vegetable garden beds:</p> <ul style="list-style-type: none"> The Landscape Documents notes community raised vegetable gardens in a reference image though its not shown on the drawings with no further details. Please note, timbers safe for use 		<p>Noted. The use of appropriate timber can be enforced through imposing conditions of consent. The location and design of vegetable garden beds can be further resolved in updated drawings.</p>

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	for vegetable gardens can only be used i.e., ACQ timber or natural hardwoods such as H4 Cedar. All other timbers (CCA timber) are treated with arsenic which is toxic and will leech into produce. This material must be specified.		
	d) The use of Poa libilarderi should be swapped with another type of species such as Dianella revoluta (native to Fairfield LGA) or Lomandra longifolia.		Noted. This can be imposed through a condition of consent.
10. Waste Management Issues	<p>Council's Waste Management Branch has assessed the amended application and raised the following issues of concern:</p> <p><u>Stage 1 Multi Unit Dwellings (MUDs)</u></p> <p>a) Collection Vehicle Access</p> <p>The updated 'Traffic & Parking Impact Assessment' (attachment P) proposes a three-point turn for Councils HRV to manoeuvre within/against an active carriageway. The proposed manoeuvre will inhibit the provision of a safe and efficient waste collection service.</p> <p>Note: Councils Traffic & Transport Section is reviewing this aspect of the proposal and written feedback on this matter will be provided under separate cover.</p>	Y	Noted, will hold responding to until response is received from Council's Traffic and Transport Section.
	<p>b) Waste Collection</p> <p>The designated kerbside collection areas (Attachment A, Drawing No. 40) to permit unobstructed access for Councils collection contractors to perform scheduled collections. The following collection areas proposed to be updated accordingly:</p> <ul style="list-style-type: none"> Unit 36: bin presentation area to align with HRV swept path models 'Traffic & Parking Impact Assessment' (Appendix E, PDF pg.55). The current location is not accessible to Councils vehicle Unit 44: bin presentation area to be rotated 90 degrees clockwise to permit bin presentation parallel to the street. 	Y	The plans have been amended, refer Attachment A .
	c) Bin Movements		The plans have been amended, refer Attachment A .

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	<p>To proposed bin movements of Block E (Units 36-42) the Waste Management Plan (PDF. Pg 5) outlines the bins will be moved from B1 to the collection point 'using a Mobile Bin Towing Device'. No towing device has been proposed or designated storage area identified on architectural plans for Stage 1.</p> <p>To permit a detailed assessment of the storage compartments (basement 1) proposed for Block E (Units 36-42), detailed architectural plans to be provided to support storage of 3x 240L bins. Noting 240L bin dimensions of 740mm x 600mm wide.</p>		
	<p><u>Stage 2 Residential Flat Buildings</u></p> <p>a) On-site Loading Infrastructure</p> <p>The proposed HRV loading bay is enclosed by screening. This will inhibit unobstructed access to the rear (200mm) of the vehicle and side access for the driver to permit scheduled collections. Consideration may be given to the removal of the screening and installed line marking to identify the area. The line marked area to be enforced through the installation traffic signage, 'No stopping – waste collection vehicle excepted' to permit unobstructed access for Councils collection vehicles to perform collections.</p>		<p>This can be accommodated. The applicant is willing to accept a condition to this effect.</p>
	<p>b) Chute Room</p> <p>The WMP (PDF pg. 12) outlines 'chute will discharge from a chute outlet point with 2x 240L waste bins under the chute outlet point'. The WMP to be updated to reference 3x 660L bins.</p> <p>Section 4.2 & 4.3 of the WMP (PDF pg. 21-22) 'bins positioned under the chute outlet point of three (3) bins mechanically operated linear track system'. This then contrasted by the proposed bin capacity of '2x 660L bin systems being 1320L'. The WMP (section 4.2 & 4.3) and architectural plans to be updated to accommodate 3x 660L bins (1,980L).</p> <p>Consideration may be given to rotating the 660L bins clockwise 90 degrees and shifting the linear track to the west to align parallel to wall.</p>	Y	<p>The WMP will be updated to outline this. The applicant will consider rotating the bins and linear track as suggested. The applicant is willing to accept a condition to this effect.</p>
	<p>c) Waste Storage Room</p> <p>All waste storage rooms (01 – 02) located within basement 1 to be locked and not accessible to residents. Resident access to bin infrastructure to be provided on each residential level within the bin cupboards only.</p>		<p>This can be accommodated. The applicant is willing to accept a condition to this effect.</p>

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	<p>d) On-site Waste Infrastructure</p> <p>All on-site waste infrastructure (chute room, waste storage, waste collection and bulky waste) to accommodate the following infrastructure:</p> <ul style="list-style-type: none"> Floor grade to central drainage point (connected to sewer) Floors waterproofed and extended 1200mm high on walls Hot & Cold water tap/s Mechanical ventilation Sensor lighting Unobstructed minimum height clearance of 2700mm 	Y	This can be accommodated. The applicant is willing to accept a condition to this effect.
	<p>e) Bilock Access</p> <p>To permit unobstructed access for Councils collection contractors to perform scheduled collections the waste collection infrastructure located on ground floor (Waste Collection Room & Bulky Waste Room) to be keyed to Councils Bi-lock key system.</p>	Y	This can be accommodated. The applicant is willing to accept a condition to this effect.
11. Council's Asset Management Issues	<p>The amended development application was referred to Council's Asset Management Branch for assessment. The following issues of concern which were raised by Council in the letter dated 23 December 2023 have not been addressed:</p> <p>a) Plans do not shown that the redundant lay backs are to be replaced with standard kerb and gutter with the provision of appropriate lintel opening and silt trap for the existing grated gully pit. Council notes that the redundant layback on Orange Grove Road is to be reinstated to standard 150mm high kerb & gutter.</p>	Y	This can be addressed in amended Civil Plans provided prior to determination. Alternatively, the applicant is willing to accept a consent condition to this effect.
	<p>b) The existing concrete at the Bus Shelter is to remain to provide access for commuters. The Landscape Plans still show the concrete around the shelter as proposed to be removed.</p>	Y	There is no intention to remove the bus shelter. The applicant is willing to accept a condition to this effect.
	<p>c) The application has not identified whether or not there are any other Council assets that are proposed to be demolished or impacted by the proposed design, for example, the existing stormwater main running through the property at 6 Links Avenue which is not shown on the plans. The existing stormwater main is not shown on plans to be removed.</p>	Y	The existing stormwater main will be removed. This can be addressed in amended Civil Plans provided prior to determination. Alternatively, the applicant is willing to accept a consent condition to this effect.
12. Cabramatta Place Management Issues	<p>Council's Place Manager of Cabramatta has assessed the amended application and raised the following concerns:</p>	Y	The location and extent of the wall while shown on the elevations, will be coordinated across the architectural, landscape plans and acoustic report.

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	<p>a) Introduction of a mosaic is supported in principle, however additional details are required concerning the acoustic wall. The following documents do not appear to specifically reference the proposed acoustic wall or need updating:</p> <ul style="list-style-type: none"> a. Architectural Drawings including but not limited to the site plans and Photomontage etc. b. Acoustic Report, specifically whether the acoustic wall should be 1.8m or 2.1m high. See Attachment D (stage 2 area without notations). <p>Council's notes:</p> <p>Council notes that Council's DCP does not permit front fencing to exceed a maximum height of 1.8 metres due to the classified road. Any barrier recommended that is higher than 1.8m will unlikely be accepted and will require the acoustic engineer to consider alternative solutions.</p> <p>Council also notes that architectural and landscape plans lack any dimensions for the width/extent of the mosaic. The landscape plans do not include any annotations to identify the location of the mosaic wall.</p>		<p>Please refer excerpt from the original RFI response below:</p> <p><i>The development proposal has been modified to include a 1.8m acoustic a privacy wall to the corner of Orange Grove Road and Cabramatta Road West as recommended by Council. Further, the applicant agrees that this is a highly prominent corner and is therefore engaging an artist design a mosaic gateway artwork for the wall. A Public Art Plan has been prepared by the landscape architect, included at Attachment K. This plan will inform and guide preparation of the artwork design.</i></p> <p><i>Council's Local Infrastructure Contribution Plan 2023 states that applicants can offer to dedicate land free of cost, pay a monetary contribution, provide works-in-kind or provide another material public benefit, or any combination of these, to be used for or applied towards a public purpose in full or partial satisfaction of a monetary contribution under this Plan. The applicant recognises that the proposed expansive artwork on this prominent corner is serving a public benefit, and is planning to undertake delivery of the artwork. The applicant would like to discuss the opportunity with Council to offset the cost of provision of this public art against the local contribution fee required to be paid.</i></p> <p><i>We would like to meet with Council to engage in this discussion prior to Council's preparation of the draft consent conditions to be provided to the Panel.</i></p>
13. Construction Impacts	<p>Council has received submissions raising concerns regarding the construction impacts of the development and potential for adverse impacts on residents, loss of street parking for residents and lengthy construction delays, dust, noise etc. The application has not addressed this matter to demonstrate how the development would not result in adverse impacts on residents and on the street network.</p>	Y	<p>The applicant is willing to accept a condition of consent (or deferred commencement) to prepare a Construction Environmental Management Plan (CEMP) to address impacts present during construction, prior to the commencement of construction works.</p>
14. Other Matters	<p>Council has identified the following gaps in the information submitted:</p> <ul style="list-style-type: none"> a. Landscape Plans have not included a planting schedule of all the proposed species, quantities, pot sizes, mature height and spreads etc. b. A coloured Schedule of Finishes and Materials does not appear to be provided for the multi dwelling housing development. 	N/A	<p>These matters are noted and a response is provided below.</p> <ul style="list-style-type: none"> a. Additional information can be prepared prior to determination. b. A coloured schedule of finishes and materials was included within the original application set (was not amended and included in the revised set). A complete current collated set can be provided prior to determination c. This plan has been updated to show this, refer Attachment A. d. An additional section has been provided, refer Attachment C.

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	<p>c. The proposed lift opening at ground floor adjacent to the multi dwelling housing units should open on to the communal walkway and not onto the private gate of the adjacent unit.</p> <p>d. Only 1 section plan was provided through the residential flat building.</p> <p>e. Architectural section plans still illustrate the pool, which has been removed from the proposal.</p> <p>f. Amended architectural plans are missing title blocks.</p> <p>g. RFB Drawing No. ADG04 is missing</p> <p>h. There is a drafting error where not all windows have been illustrated on floor plans of the multi dwelling housing development and rooms such as bedrooms are illustrated with blank walls.</p> <p>i. Unit 45 side setback to its POS fencing needs to be dimensioned and adjusted to minimum 900mm as the plans suggest the dimension is less than 900mm which would not be sufficient.</p> <p>j. Colorbond fencing proposed to parts of the development in the front setbacks and anywhere that is visible from the street and the public domain is not permitted. In this regard fencing at the Links Avenue entry to the site is required to be replaced with a more appropriate material.</p> <p>k. Fencing plans for the multi dwelling housing do not identify increased fencing stated in the documents as 2.4m, however as already mentioned Council's controls do not allow 2.4m and this matter needs to be reconsidered.</p>		<p>e. This has been corrected, refer Attachment C.</p> <p>f. This has been corrected, refer Attachment C.</p> <p>g. This has been corrected, refer Attachment C.</p> <p>h. This has been corrected, refer Attachment A.</p> <p>i. Noted. This can be imposed through a condition of consent or adjusted through amended plans.</p> <p>j. Noted. This can be imposed through a condition of consent or adjusted through amended plans.</p> <p>k. The proposed localised fence height departure is discussed earlier in this response, and is determined to be consistent with the objectives of Section 6A.4.3. The fencing plan can be amended to locate the 2.4m high sections.</p>
15. Submissions	<p>Council renotified the application and received a further 31 submissions objecting to the proposal and raising concerns that the applicant should respond to. These submissions are in addition to the 21 submissions and petition signed by 43 persons received during the notification of the original plans. This brings the total number of submissions objecting to 52.</p>	N/A	<p>The public submissions are noted and a response to the key concerns is provided below.</p> <p>a. The built form has been designed with close reference to the SSDCP and the ADG and to that regard any overshadowing is considered acceptable. Shadow diagrams for the RFB are provided in Attachment C and demonstrate that compliant solar amenity is retained to adjoining residents. No overshadowing to adjoining properties occurs prior to 11am on June 21st. From 11am-2pm on June 21st minor overshadowing occurs to</p>

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	<p>The submissions are available on Council's public DA Tracker on Council's website. A summary of the key issues of concern include but are not limited to:</p> <ul style="list-style-type: none"> a. Overshadowing of Smiths Avenue properties b. Overshadowing of residents solar panels c. Overlooking of Smiths Avenue properties from windows and openings d. Loss of tree canopy e. Loss of local wildlife and impact on the natural environment f. Poor servicing by public transport g. Limited infrastructure available for the development h. Limited parking available i. Congestion and length of time delay for residents accessing links road traffic signals current light only allows 3-4 cars to exit before turning red – residents wait 5-7 minutes at times j. Residents turning right on links road will be difficult k. Site should utilise orange grove road for access l. One vehicular access insufficient m. Traffic generation and impacts n. Links Avenue can only accommodate low density development o. Immediate residential properties concerned with loss of privacy, overlooking and noise impacts 		<p>the private open space at 1 and 3 Smith Street. However, these areas continue to receive a minimum 3 hours direct sunlight.</p> <ul style="list-style-type: none"> b. 398 Cabramatta Road West and 1A Smith Street contain solar panels. As demonstrated in the shadow diagrams, the panels will have full access to solar between 9am-1pm during the winter solstice. The shadowing presented by the compliant built form will impact the solar panels from 1pm onward. During the summer solstice During the autumn solstice and spring solstice (21 March and 21 September respectively), no overshadowing to adjoining properties solar panels will occur between the hours of 9am and 3pm. It is therefore considered that sufficient solar is provided to these panels. c. Privacy impacts have been considered in relation to adjoining properties. The RFB integrates design measures to mitigate impact including general compliance with setback controls and high windows to prevent overlooking. There are no windows proposed in the wall to the eastern neighbours to maximise privacy. To that effect, the proposed development presents an improved outcome for both existing and future residents. Refer to Attachment E for further details on visual privacy. d. A substantial effort was made in response to the first RFI to increase the number of trees retained on site, and to bolster the proposed trees to achieve a net canopy increase. The development proposal has been amended to retain additional trees to that originally proposed. 14 trees are now retained, in addition to the 148 new trees proposed (well exceeding the number of trees lost and representing an overall increase to the existing canopy coverage on the site). e. In Chapter 10, Section 1.6.3 of the SSDCP, it is noted that control (iii) requires a removal of vegetation to be supported by an ecological report. An Ecological Issues and Assessment Report has been provided in Attachment J. The Report confirms that the subject site includes a mixture of native and introduced species that results from remnant and regrowth. Many trees have been planted. The Report confirms that the subject site is not considered likely to be of significance or particular value with respect to the natural environment in general or biodiversity conservation outcomes in particular. f. The preceding Planning Proposal was endorsed on the basis of demonstrated connectivity to public transport, including regular bus services on Cabramatta Road West. g. The site is appropriately serviced to accommodate this form of development, demonstrated by the civil and stormwater engineer's documentation submitted with the application. h. The parking arrangement is consistent with the SSDCP. Further, on-grade parking spaces have been relocated and additional parking has been provided at Council request to support the Planning Proposal. i. Impacts on intersection operations are addressed in the Traffic Report (Attachment P), also discussed earlier in this Table.

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	<p>p. Construction impacts, noise and dust nuisance</p> <p>q. Construction vehicle impacts will block available street parking for residents</p> <p>r. Loss of parking on local street and road safety impacts</p> <p>s. Up to six storey buildings being out of character</p> <p>t. Property devaluation</p> <p>u. Potential to increase opportunities for crime</p>		<p>j. Noted, however, the access road is consistent with the SSDCP which always envisioned a connection to Links Road and has been supported through numerous traffic studies and endorsed by TfNSW, refer Traffic Report provided in Attachment P.</p> <p>k. As outlined above, use of Orange Grove would be inconsistent with the SSDCP and connection to a Orange Grove Road or Cabramatta Road west is not supported by TfNSW, refer Traffic Report provided in Attachment P.</p> <p>l. For the reasons addressed above, including compliance with the SSDCP and numerous traffic studies, access to the site via Links Road is the only TfNSW supported option, refer Traffic Report provided in Attachment P.</p> <p>m. The proposed development provides car parking rates in accordance with the applicable parking rate. The development provides sufficient resident and additional visitor parking to alleviate off-site parking. Refer to Traffic Report provided in Attachment P.</p> <p>n. The development follows a Planning Proposal that rezoned the land for higher density development. The proposed development has been designed in accordance with the applicable planning controls and is appropriate for the site. Notwithstanding the above, both the RFB and MDH have been appropriately designed to retain neighbouring amenity including privacy, visual outlook, overshadowing and scale, with further amendments made including removal of upper floor of townhouses in proximity to Links Road residences.</p> <p>o. Additional amenity studies and acoustic testing provided in response to this RFI demonstrates that impacts to neighbours have been mitigated and managed where appropriate. Refer to Attachment A, C and H for further details on visual privacy, overlooking and noise impact measures.</p> <p>p. Construction impacts will be managed in accordance with a wider Construction Environmental Management Plan (CEMP) prepared by a contractor, prior to the commencement of construction works.</p> <p>q. Addressed above (p).</p> <p>r. As outlined in the Traffic Report provided in Attachment P, off-street parking is provided that meets the DCP quantum, with additional visitor and MDH parking provided. This will alleviate the need for residents to park on local roads. Road safety is addressed in the Traffic Report.</p> <p>s. As identified above, the development follows a planning proposal that rezoned the land for a six-storey RFB development. The proposal accords with this, which is endorsed by the SSDCP. Thorough urban design analysis, submitted with the original application, demonstrates that a six storey building is appropriate in the context, strategically located at the intersection of two major roads. The RFB integrates design measures to mitigate impact including general compliance with setback controls and high windows to prevent overlooking.</p> <p>t. This is not a relevant matter for consideration under the Environmental Planning and Assessment Act 1979.</p> <p>u. The existing site is vacant and receives limited opportunity for passive surveillance. The proposed redevelopment of the site will provide greater</p>

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			levels of passive surveillance and terrestrial reinforcement which contribute to a safer environment.