Statement of Environmental Effects

400-404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue, Cabramatta

Residential Development

Submitted to Fairfield City Council
On behalf of TCON Constructions

Ethos Urban

Prepared by Ethos Urban

28 July 2023 | 2220324

'Gura Bulga'
Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

Contact	Jim Murray Associate Director	jmurray@ethosurban.com 0420 960 216

This document has been prepared by:		**This document has been reviewed by:**	
Aaron Hogan	25/07/2023	Jim Murray	25/07/2023

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Ethos Urban | Ethos Urban Pty Ltd | ABN 13 615 087 931 | 173 Sussex Street Sydney NSW 2000 (Gadigal Land) | +61 2 9956 6962 | ethosurban.com

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Fairfield City Council (Council) in support of a Development Application (DA) for a proposed residential development at 400-404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue, Cabramatta.

Specifically, the DA seeks approval for the following:

- Site preparation works including removal of temporary structures on the site, bulk earthworks and tree removal;
- Amalgamation and subdivision of existing (6) lots to create two (2) new lots to align with the R4 and R3 zoned land;
- Construction and use of a part two, part three storey multi-dwelling housing (MDH) (identified as 'Stage 1') including:
  - 53 dwellings comprising:
    - 34 x two-storey 3 bed dwellings
    - 19 x two-storey + attic 4 bed dwellings
  - One storey common basement comprising:
    - 47 parking spaces
- Construction and use of a 6 storey residential flat building (RFB) (identified as 'Stage 2') including:
  - 87 apartments comprising:
    - 2 x studio apartments
    - 28 x 1 bed apartments
    - 56 x 2 bed apartments
    - 1 x 3 bed apartment
  - Two storey common basement including:
    - 109 parking spaces
    - 44 bicycle spaces
- Construction of a road to provide access in a loop format from Links Avenue to the MDH and RFB;
- Landscaping works including building setbacks, communal open space and private open space; and
- Extension and augmentation of services and utilities as required.

This SEE has been prepared by Ethos Urban on behalf of TCON Construction and is based on the Architectural Plans provided by Aleksander Projects for the Residential Flat Building (see **Appendix A**) and Designiche for the multi-dwelling housing (see **Appendix B**) and other supporting technical information appended to the report (see **Table of Contents**).

This report describes the site, its environs and the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the *Fairfield Local Environmental Plan 2013* (Fairfield LEP) and *Fairfield City Wide Development Control Plan 2013* (Fairfield DCP), as well as all relevant State Environmental Planning Policies.
- The high-quality architectural design of the residential flat building component of the proposed development will provide a high level of residential amenity, consistent with the principles and objectives of *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* (SEPP 65) as well as the *NSW Apartment Design Guide* (ADG).
- The form, massing and articulation of the proposed development demonstrates a strong understanding of the site's unique contextual constraints and characteristics.

- Supporting technical studies that accompany this DA confirm that the proposed development will not give rise to any significant adverse environmental impacts, and that any potential impacts can be addressed through appropriate mitigation measures.
- Pre-lodgement consultation was undertaken with Fairfield City Council, meeting on 19th November 2021. The Applicant and the project team have considered all feedback received and this has shaped the design development of the proposal, where reasonable and appropriate.
- The proposed development is suitable for the site and is in the public interest.

2.0 Background

2.1 Planning Proposal

A Planning Proposal (PP-2020-3237) was approved for the site by the Department of Planning and Environment (DPE) as the local plan making authority on 28 December 2021, facilitating the development proposed in this application. The following changes were made to the Fairfield LEP:

- Rezoning the northern portion of the site from R2 Low Density Residential to R4 High Density Residential to facilitate a future residential flat building;
- Rezoning the southern portion of the site from R2 Low Density Residential to R3 Medium Density Residential to facilitate future multi dwelling housing;
- Increasing the maximum height of buildings for the R4 portion of the site from 9 metres to 20 metres;
- Increasing the floor space ratio from 0.45:1 to 2:1 for the R4 portion of the site and from 0.45:1 to 0.6:1 for the R3 portion of the site; and
- Removal of a minimum lot size development standard that applied to the land.

The Planning Proposal was accompanied by an Urban Design Study that informed the site specific development control plan (SSDCP) which sits within Chapter 10 Miscellaneous Development of the Fairfield City Wide Development Control Plan 2013 (CWDCP). The SSDCP sets out the development controls for the residential flat building and multi dwelling housing on the site, including site layout, setbacks and open space. The built form and massing anticipated by the planning proposal is illustrated in **Figure 1**.

Figure 1 Planning Proposal UD Report – Indicative massing corner Cabramatta Rd West and Orange Grove Rd

Source: Aleksander Projects

2.2 Pre-lodgement Discussions

Pre-lodgement consultation was undertaken with the Fairfield City Council development advisory team on 19 November 2021. Council's written comments were received on 25 January 2022. The applicant and project team have considered all comments. A detailed response to Council's written feedback is provided at **Appendix V**.

The key items raised, and the project team's responses are summarised below (refer to **Appendix V** for further detail):

Table 1 Key Items raised and addressed in the development advisory meeting

Item	Response
General note: a number of items were raised regarding noncompliance with the CWDCP, as the development advisory meeting took place prior to adoption of the SSDCP.	Since the development advisory meeting and issue of notes, the SSDCP has been adopted by Council and as such assessment of the proposed development can be made against the SSDCP where required. Items of concern raised, made permissible via the SSDCP include: • Attics to townhouses • Provision of above ground parking • One vehicle access and entry point of Links Avenue • Location of basement parking to access the townhouses
Eave height	Council noted that the development must not exceed the 9 metre LEP height limit. The development proposal includes eave heights greater than 7.2m from natural ground, however, the development does not exceed the 9 metre height limit. Further discussion of height and massing is included in **Section 5.2** of this SEE.
Council requested compliance with CWDCP 6A.2.4, limiting the GFA of the first floor to maximum 65% of the ground floor GFA for the multi dwellings.	The proposal seeks a variation to 6A.2.4. The proposed density and scale will achieve the relevant DCP objectives and will not result in any unreasonable adverse impacts to neighbouring development. Refer to **Section 5.2** of this SEE.

3.0 Site Analysis

3.1 Site Description

The site is 400-404 Cabramatta Road West, 2-18 Orange Grove Road and 6 Links Avenue, Cabramatta which is in the Fairfield City Local Government Area (LGA). The site comprises the six lots identified in **Table 2** at the corner of Cabramatta Road West and Orange Grove Road, Cabramatta. It has a secondary frontage to Links Avenue to the south. Refer to **Figure 2** below.

The site has an area of 15,327sqm and is a prominent corner site at the southern gateway to the Fairfield Local Government Area. It is relatively flat at the Cabramatta Road West frontage and then develops a pronounced cross fall of approximately 11m to the south towards to Links Avenue (refer to the Site Survey prepared by Chami and Associates and included at **Appendix E**). There are remnant structures and outbuildings at the northern boundary of the site.

Figure 2 Site aerial and lot boundaries

Source: Nearmap / Ethos Urban

Table 2 Site details

Address	Legal Description
400 Cabramatta Road West	Lot 1 DP 29449
402 Cabramatta Road West	Lot 1 DP 503339
402A Cabramatta Road West	Lot 2 DP 503339
404 Cabramatta Road West	Lot 6 DP 709126
2-18 Orange Grove Road	Lot 7 DP 709126
6 Links Avenue	Lot 3 DP 30217

3.2 Site Location and Context

The locational context of the site is illustrated at **Figure 3**. The following development surrounds the site:

- **North:** A BP service station and Hungry Jacks restaurant lie immediately north of the site across Cabramatta Road West (refer **Figure 4**). Low density housing lies to the north east and west. Cabramatta West Public School is approximately 350m walking distance north-east of the site.
- **East:** Low density housing along Smiths Avenue borders the eastern edge of the site (refer **Figure 5**). Cabramatta High School lies further beyond approximately 1.1km walking distance. There are two churches located along Cabramatta Road West. Further west is the Cabramatta Railway Station and Cabramatta Public School.
- **South:** Low density housing borders the southern edge of the site and extends to the Panorama Reserve neighbourhood park which is approximately 400m walk south of the site (refer **Figure 6**). The Reserve is connected to an extensive network of parks and sports fields via the Cabramatta Creek Trail. The Orange Grove MegaCenta lies further south beyond Cabramatta Creek.
- **West:** The Cabramatta Golf Course and Club (including restaurant and bar) lies immediately west of the site across Orange Grove Road (refer **Figure 7**). The Golf Course accommodates 'Red Gums' which are listed as a heritage item in the Fairfield LEP.

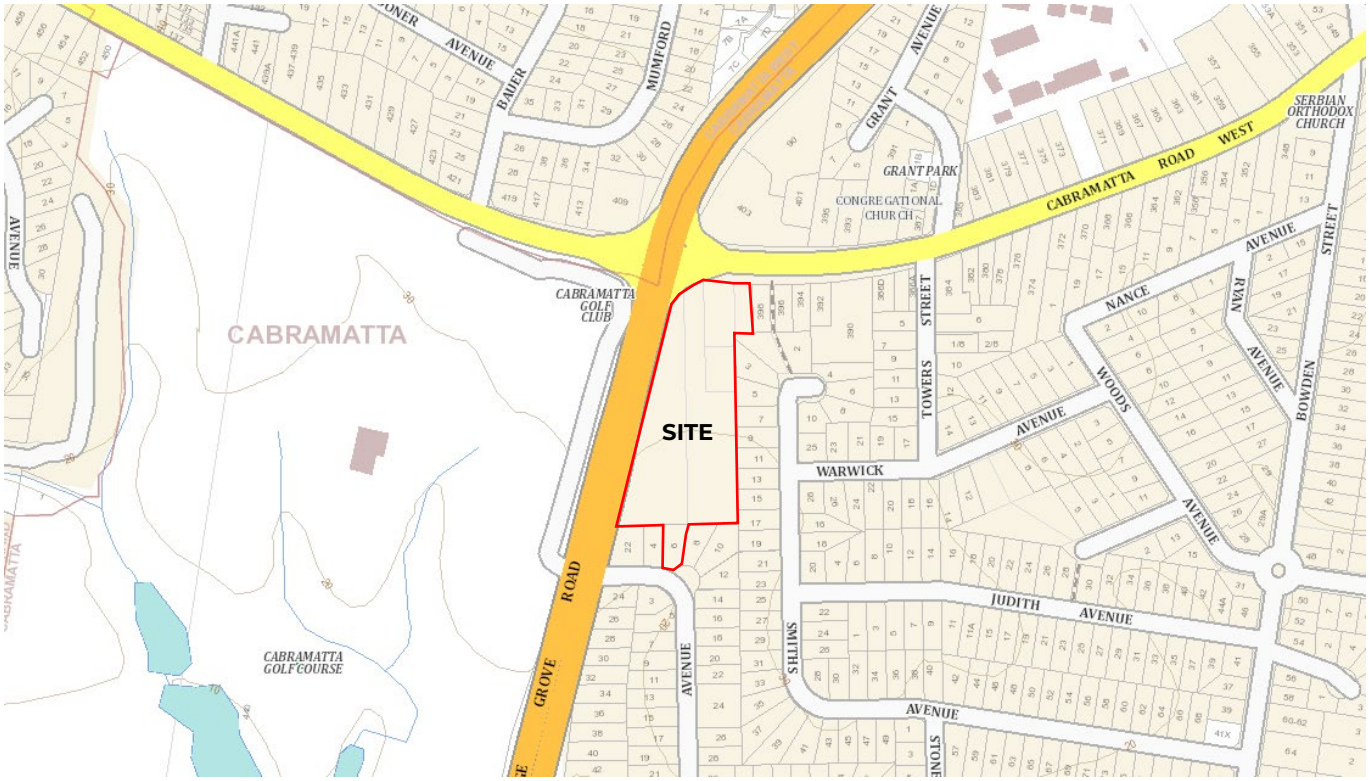

Figure 3 Site Context

Source: ePlanning spatial viewer / Ethos Urban

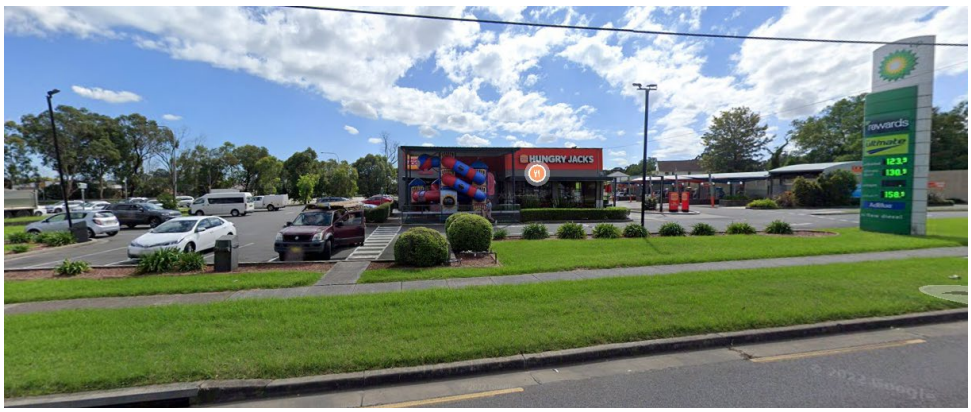

Figure 4 Hungry Jacks and BP service station north of site across Cabramatta Road West

Source: Google StreetView

Figure 5 Low scale residential development to east of site on Smiths Avenue

Source: Google StreetView

Figure 6 Low scale residential to south of site on Links Avenue – entry to site at centre

Source: Google StreetView

Figure 7 Cabramatta Golf Club west of site on Orange Grove Road

Source: Google StreetView

4.0 Description of Proposed Development

This application seeks approval for the following development:

- Site preparation works including removal of temporary structures on the site, bulk earthworks and tree removal;
- Amalgamation and subdivision of existing (6) lots to create two (2) new lots to align with the R4 and R3 zoned land;
- Construction and use of a part two, part three storey multi-dwelling housing (MDH) (identified as 'Stage 1') including:
  - 53 dwellings comprising:
    - 34 x two-storey 3 bed dwellings
    - 19 x two-storey + attic 4 bed dwellings
  - One storey common basement comprising:
    - 47 parking spaces
- Construction and use of a 6 storey residential flat building (RFB) (identified as 'Stage 2') including:
  - 87 apartments comprising:
    - 2 x studio apartments
    - 28 x 1 bed apartments
    - 56 x 2 bed apartments
    - 1 x 3 bed apartment
  - Two storey common basement including:
    - 109 parking spaces
    - 44 bicycle spaces
- Construction of a road to provide access in a loop format from Links Avenue to the MDH and RFB;
- Landscaping works including building setbacks, communal open space and private open space; and
- Extension and augmentation of services and utilities as required.

Architectural drawings illustrating the proposed development are included at **Appendix A** for the residential flat building component and building designer drawings at **Appendix B** for the multi dwelling component. A photomontage of the proposed development is shown at **Figure 8** and **Figure 9**.

Figure 8 View of the proposal looking south east at the corner of Orange Grove Rd and Cabramatta Rd West

Source: Studio 5253

Figure 9 View of the proposal looking north east from Orange Grove Road

Source: Studio 5253

Figure 10 Internal view of the proposal looking north from the southern end of the site

Source: Studio 5253

4.1 Subdivision

The site consists of six lots as identified in **Table 2** (total area of site: 15,327 sqm). The land is zoned as R4 High Density Residential to the north and R3 Medium Density Residential to the south. This DA seeks approval for subdivision of the site to create two new lots. The northern lot contains the R4 zoned land for the RFB and the southern lot contains the R3 zoned land for the MDH.

The proposed subdivision plan, prepared by Masri Survey Group is included at **Appendix N**, excerpt at **Figure 11** below. This plan identifies the proposed lots and areas at **Table 3** below.

Table 3 Proposed lots and areas following subdivision

Lot	Zone	Area
Lot 1	R4 High Density Residential	3,398 sqm
Lot 2	R3 Medium Density Residential	11,929 sqm

The internal access road is proposed to be the sole vehicular access route to the R4 zoned land (to the RFB). Assessment of the subdivision plan against the relevant Fairfield DCP controls is provided at **Section 6.7** of this SEE.

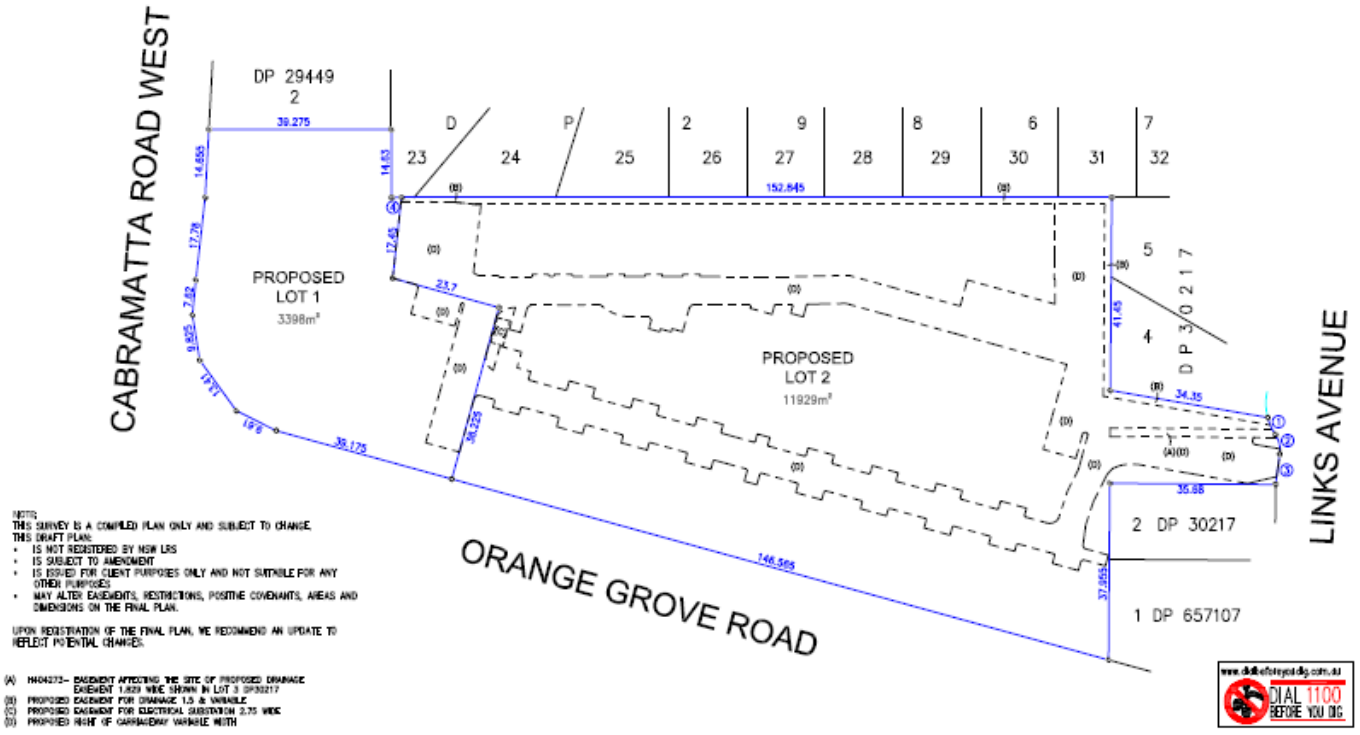

Figure 11 Proposed Subdivision Plan

Source: Masri Survey Group

4.2 Numerical Overview

The key numeric development information is summarised in **Table 4**.

Table 4 Key development information

Item	Stage 1 MDH	Stage 2 RFB	Site Total
Site area	11,929 sqm	3,398 sqm	15,328 sqm
GFA	7,023 sqm	6,776 sqm	13,799 sqm
FSR	0.59:1	2:1	-
Maximum Height	9m	20m	-
Dwellings	53	87	140
Dwelling Mix • Studio • 1 bedroom • 2 bedroom • 3 bedroom • 4 bedroom	 • 34 • 19	 • 2 • 28 • 56 • 1 0	 • 2 • 28 • 56 • 35 • 19
Car spaces	47 (basement) 48 (garages) 59 (uncovered at grade)	109 (basement)	262

4.3 Development/Urban Design Principles

A SEPP 65 Statement has been prepared by Aleksander Projects and is included at **Appendix C,** which details the progression of the proposed design concept and provides insight into the massing approach. To inform this, the architect has undertaken a detailed site analysis involving multiple site visits to ensure the design of the proposed development is highly responsive to the surrounding built form and natural context, including the unique contextual features of the site. Accordingly, the key principles that have guided the concept design include:

- Deliver residential dwellings across a large vacant site in a well-serviced locality, contributing to meeting the demand for housing provision in Fairfield City.
- Provide an appropriate arrangement of massing across the greater site, with higher density positioned at the intersection of Orange Grove Road and Cabramatta Road West, and a lower density for the majority of the site to provide transition to the existing low-scale residential development adjacent the site.
- To provide a development that does not exceed height or FSR controls to minimise impact to existing neighbouring development, further supported by compliance with the relevant DCP and ADG setback controls.
- To deliver a high-quality residential offering that exceeds the provisions prescribed in the ADG for the RFB and aligns with the objectives of the DCP for the MDH.
- Provide a high-quality residential living experience with communal open spaces across both the RFB and MDH lots, supported by a resolved landscape design.
- Deliver a development outcome that provides a mix of housing and apartment types to meet the needs of the local community, including adaptable and silver-level liveable dwellings and a range of internal configurations to support varied family structures and to cater to first home buyers as well as allow the community to age in place.

4.4 Site Preparation and Excavation

The site is vacant apart from temporary structures located at the north of the site.

A bulk excavation diagram has been provided at **Appendix O** to illustrate the location of the excavated zones – refer also **Figure 12**. The site's cut and fill arrangement are illustrated at **Appendix O**.

The site contains trees that are required to be removed to accommodate the proposed development. The arborist report at **Appendix F** details the trees to be removed.

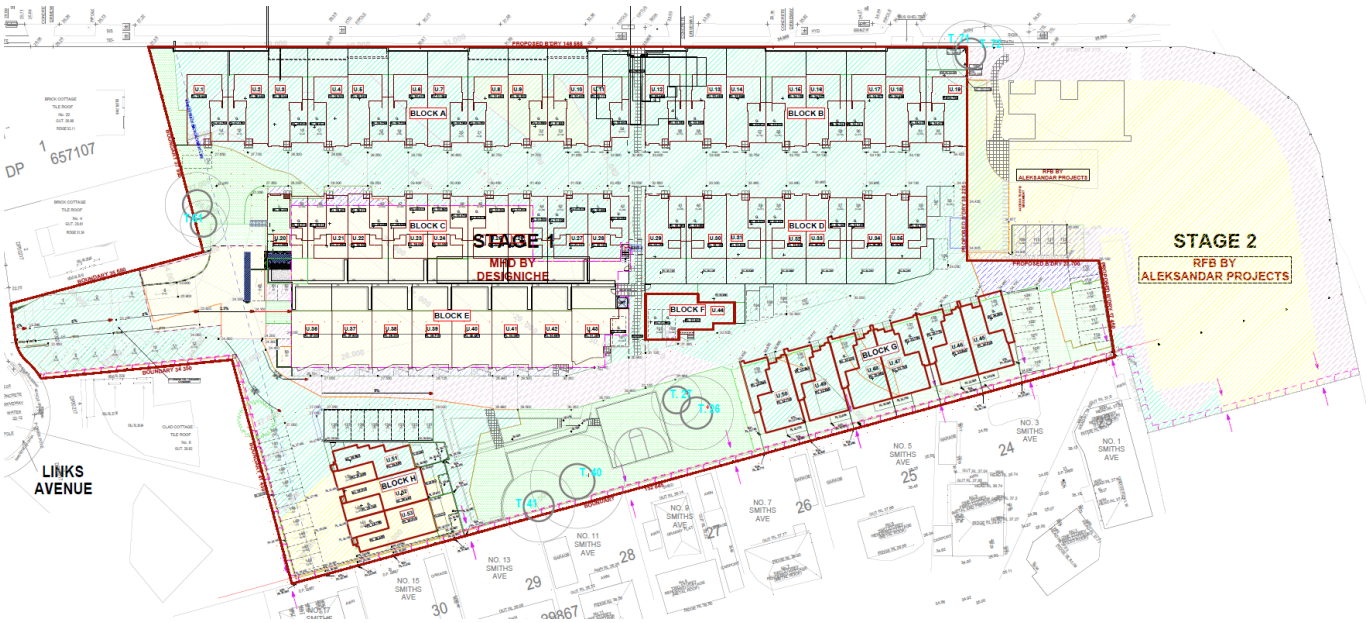

Figure 12 Excavation diagram (cut and fill) for the proposed MDH and RFB basements

Source: ANA Civil

4.5 Built Form and Urban Design

The development is proposed in two stages. The first stage is the Multi Dwelling Housing development (**Appendix B**), located on the southern portion of the site and to be contained on a separate amalgamated lot. The second stage is the RFB (**Appendix A**) comprising six storeys and two levels of basement parking, located at the northern end of the site on the corner of Cabramatta Road West and Orange Grove Road.

Access to the development is provided from Links Avenue, south of the site via a loop road that provides street frontage to each townhouse and to the RFB basement entry / exit.

The MDH is arranged in 8 blocks (Block A to Block H). Each townhouse is provided with private open space to its rear. In addition to the loop road, a through site link extends from Orange Grove Road (via a security gate) through the centre of the site terminating at the communal open area. The through site link provides access to the basement via a lift and stair.

The two blocks fronting Orange Grove Road contain three storey townhouses. The remainder are two storeys. The arrangement of blocks is designed to minimise impacts to the existing detached dwellings to the east and south of the site. Block G is setback approximately 3.5 metres from the eastern boundary. Communal open space and an on-grade car park to the southeast corner of the site provides a wide buffer between the proposed built form and the existing low scale development. The communal open space includes a BBQ area, kids play area and a cycle path. The internal roadway adjacent the southern boundary provides a wide buffer between the proposed built form and the existing low-scale development (**Figure 14**).

The RFB is generally arranged as an arc to address the Cabramatta Road West and Orange Grove Road street frontages. This form (north and west orientation) maximises solar access to the apartments. Communal open space is located to the east and south of the built form and includes a swimming pool within the eastern setback (**Figure 13**). Basement access is provided off the internal road at the south, with a separate HRV loading bay located within the southern setback. The proposed development of 6 storeys is contained within the LEP height limit and provides ADG compliant setbacks to the existing residential development to the east, and the proposed MDH development to the south. These setbacks accommodate landscaping over deep soil to allow mature growth to increase the visual buffer between buildings. Pedestrian access is provided at two locations, one off each street address and connecting to each lift core.

Figure 13 RFB arrangement at northern end of site with communal open space to eastern boundary

Source: Aleksander Projects

Figure 14 Townhouse arrangement at southern end of site with access off Links Avenue

Source: A Total Concept

4.6 External Materials and Finishes

A schedule of materials and finishes has been developed by both Aleksander Projects for the RFB (**Appendix A**) and Designiche for the MDH (**Appendix B**). The proposed built form is highly articulated with a refined palette adding visual interest to the streetscape.

The proposed RFB development will provide a combination of contemporary materials such as exposed concrete, black palisade balustrades and black aluminium framed windows (refer **Figure 15**). The MDH façade design includes a palette of materials that will be applied in variety of combinations. Each façade type consists of a combination of face brick, sheet cladding and colorbond metal (refer **Figure 16**). While the variety of facade types avoids monotony, the common palette of materials allows for a familial connectivity across the MDH development.

Figure 15 External finishes to the proposed RFB

Source: Aleksander Projects

Figure 16 External finishes to the proposed MDH

Source: Designiche

4.7 Access and Parking

A single point of entry to the site is proposed, in accordance with the site layout illustrated in the SSDCP. The entry of Links Road connects to a two-way loop road that provides access to each townhouse (and to the garage of that townhouse where required) and to the RFB development at the north of the greater site.

The internal road provides access to:

- The RFB basement comprising:
  - 87 resident parking spaces
  - 22 visitor spaces
  - 1 car wash bay
  - 44 resident bicycles
- The MDH basement comprising:
  - 47 resident spaces (including 14 spaces with direct access to 7 townhouses)
- 48 in ground floor dwelling garages
- 59 on grade parking spaces comprising:
  - 48 visitor spaces
  - 11 resident spaces

The internal access road has been designed to provide access and manoeuvrability for Council's waste collection vehicle and for emergency vehicles. Traffic calming mechanisms are proposed to support a shared pedestrian and vehicle environment, as documented in the traffic engineer's report at **Appendix R**.

4.8 Landscape and Communal Open Areas

A comprehensive landscape design has been developed by A Total Concept and is included at **Appendix D**. The proposed design is generally consistent with the arrangement of landscaped zones in the SSDCP. The proposal comprises landscaping to communal open spaces, buffer planting within setbacks and to planters fronting each townhouse and planting at the site entry. The proposal includes:

- 1,020sqm of communal open space within the MDH lot (as per the SSDCP)
- 958 sqm of communal open space on the RFB lot
- A principal usable part of the RFB communal open space that receives a minimum of 2 hours solar mid-winter and comprises a swimming pool, turfed area and trees within deep soil (refer **Appendix A**).
- A variety of recreational options to each communal open space, including a play area, seating areas, barbeque facilities and half court.

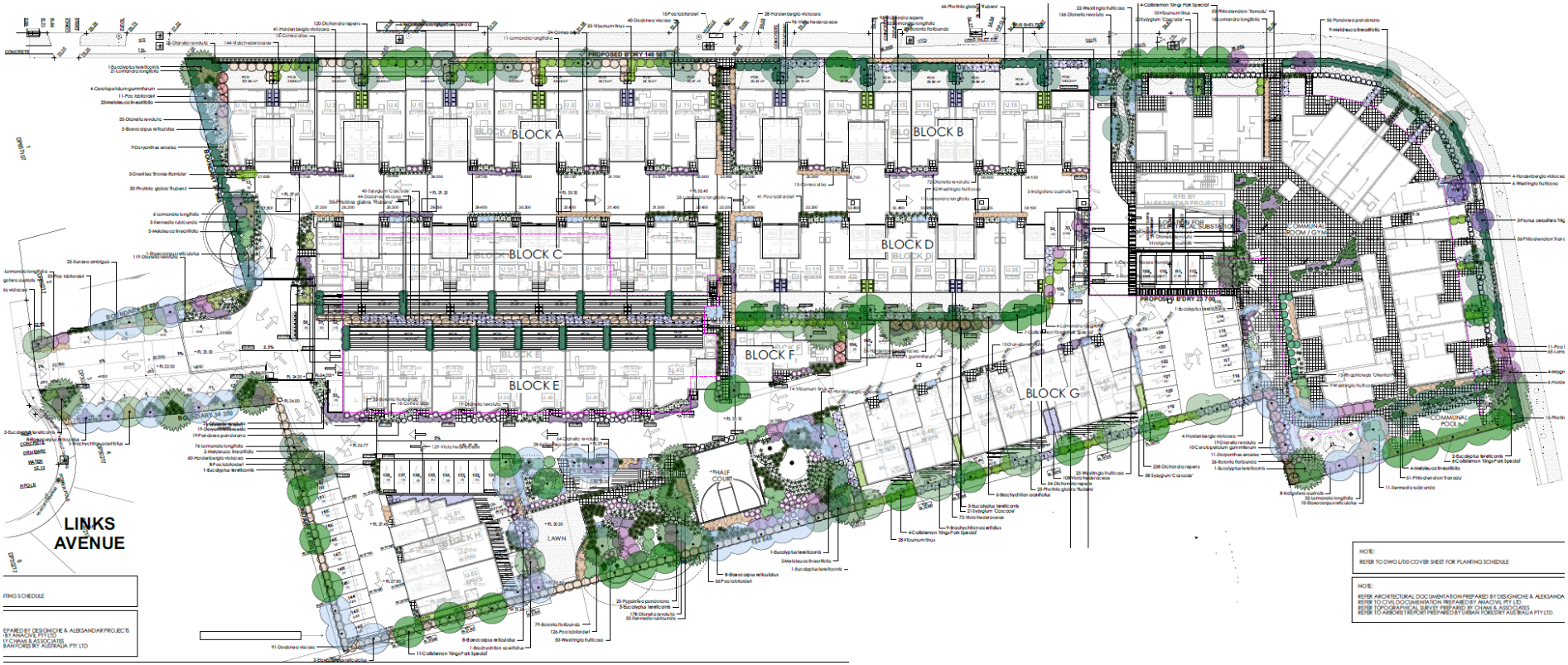

Figure 17 Landscape planting diagram

Source: A Total Concept

4.9 Waste Management

An Operational Waste Management Plan has been prepared by Dickens Solutions and is included at **Appendix L**. The proposal allows for all residential waste and recycling services to be provided by Fairfield City Council.

Multi Dwelling Housing

Each dwelling is provided with bins as listed below. All bins will be stored adjacent the respective dwelling in the locations identified on the plans included at **Appendix B**, with exception to units 36 to 42. For these units, bins are stored in a communal waste area in the basement. The bins will be located for kerbside collection to the internal roadway as identified in **Appendix B**.

- **General waste:** 1 x 240L bins collected 1 x weekly (per dwelling)
- **Recycling:** 1 x 240L bins collected 1 x fortnightly (per dwelling)
- **Green waste**: 1 x 240L bins collected 1 x fortnightly (per dwelling)

Residential Flat Building

Each of the two cores is provided with a general waste garbage chute located in a separate compartment, alongside a 240 litre mobile recycling bin. The building manager is responsible for substituting full bins in the chute rooms at Basement 1 with empty bins, as well as replacing the recycling bins on each floor with empty bins as required. Waste will be collected in accordance with Council's collection schedule. The building caretaker will be responsible for transporting full bins to the collection area located adjacent the car park entry on the ground floor. A dedicated waste collection vehicle bay is provided to facilitate collection. Bulky waste areas are provided to each bin room at Basement 1. Bulky waste is to be transported for collection by the Building Manager, coordinated with clean up services to be arranged with Council.

- **General waste:** 16x660L bins collected 1 x weekly
- **Recycling:** 56 x 240L bins collected 1 x fortnightly
- **Green waste**: 5 x 240L bins collected 1 x fortnightly

4.10 Water Cycle Management

A stormwater management strategy has been developed by ANA Civil and is included at **Appendix I**. The development includes On-site Stormwater Detention (OSD) in accordance with the SSDCP. The OSD tank on the MDH lot is located below the internal roadway at the Links Road connection. The OSD tank on the RFB lot is located adjacent the southeast boundary. Connection to Council's stormwater system is proposed at Link Avenue. Mechanisms to manage overland flow include a swale to the eastern boundary and is further detailed by the civil engineer. Rainwater tanks are provided to each lot.

4.11 Ecologically Sustainable Development

The proposed development has been designed taking into account Ecologically Sustainable Development (ESD) principles. BASIX Certificates and Stamped Plans have been prepared by GEC Consulting and are located at **Appendix H** for both the RFB and MDH components. This sets out the various ESD initiatives that are being incorporated into the development and confirms that the proposed development meets the relevant energy and water reduction targets.

4.12 Development Staging

The MDH and RFB are identified as Stage 1 and Stage 2 respectively. It is proposed that the construction will be staged in order to enable work to proceed in a timely manner, with separate site preparation works for each stage. Approval is sought under this DA for Construction Certificates to be seprated to each stage, including separate Early Works Construction Certificates for each stage. It is requested that Council's conditions of consent are structured accordingly:

Stage 1: Multi Dwelling housing

- MDH Construction Certificate Stage 1: Early works package – demolition and site preparation works.
- MDH Construction Certificate Stage 2: Building construction above ground level.

Stage 2: Residential Flat Building

- RFB Construction Certificate Stage 1: Early works package – demolition and site preparation works.
- RFB Construction Certificate Stage 2: Building construction above ground level.

To enable this, it is appropriate for conditions to reference 'the relevant Construction Certificate' as opposed to 'the first Construction Certificate' or 'a construction Certificate'.

5.0 Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

5.1 Environmental Planning Instruments

The DA's consistency and compliance with the relevant environmental planning instruments is considered in the sections below. Variations to, the key standards and guidelines highlighted in the table are discussed in the following sections of this environmental assessment.

5.1.1 State Legislation

The relevant Acts are assessed in **Table 5** below.

Table 5 Summary of consistency with State Acts

Plan	Comments
Environmental Planning and Assessment Act 1979	The proposal has been assessed in accordance with the relevant provisions of the EP&A Act. This section provides an assessment of the relevant matters prescribed in section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).
Biodiversity and Conservation Act 2016	This Act applies to the proposed site works. The ecology report prepared by Gunninah (included at **Appendix P**) details assessment of the proposal against the relevant provisions of the Act. The ecologist concludes that: *"the proposed development on the subject site at Cabramatta is not "likely" to impose a "significant effect" (or, indeed, any effect) upon any "threatened species or ecological communities, or their habitats" that are present in the vicinity or that could occur at this location – pursuant to Section 7.3(1) of the BCon Act."*

5.1.2 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 6** below.

Table 6 Summary of consistency with State Environmental Planning Polices

Plan	Comments
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 details an assessment framework for potentially contaminated land. The preliminary site investigation prepared by Waratah (included at **Appendix M**) confirms the site is suitable for the proposed residential development. The report finds that the site is not mapped as containing acid sulfate soils and therefore the risk of ASS is considered low. The report concludes that previous demolition activities on the site may present contamination risk. Waratah recommends that any suspicious soil materials should be investigated during the waste classification works to ensure no gross soil contamination is present.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (2002 EPI 530)	This SEPP details provisions relating to design quality of residential apartments to ensure they provide an appropriate level of amenity. A SEPP 65 Statement has been prepared by Aleksander Projects that address the principles of SEPP 65 and is included at **Appendix C**. Consideration of the NSW Apartment Design Guide is included in the Architect's Statement, further detail is provided **Section 5.1.3**.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	A BASIX Certificate and BASIX Stamped plans are provided at **Appendix H** which confirms that the proposed development is capable of meeting BASIX requirements.
State Environmental Planning Policy	Pursuant to Clause 2.19 and Schedule 6, the proposed development is declared regionally significant development for the purposes of the EP&A Act (section 4.5(b)). The proposed development is general development with a capital investment value of over $30 million (refer

Plan	Comments
(Planning Systems) 2021	cost summary at **Appendix Q**). Section 2.15 of the EP&A Act applies and the functions of the consent authority under Part 4 of the Act will be exercised by the Sydney Western City Planning Panel.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 details provisions regarding the preservation and management of vegetation in non-rural areas. As the land is zoned both R3 Medium Density Residential and R4 High Density Residential and is located within the City of Fairfield LGA, the provisions of this Chapter apply to the proposed development. The existing trees specified in the arborist report at **Appendix F** are proposed to be removed to accommodate the development. The consent authority can be satisfied that the aims of the Chapter are achieved for the following reasons set out in **Section 6.6** in this SEE.
	Chapter 11 details provisions regarding the Georges River Catchment. The site is located within the mapped Georges River Catchment referred to in Section 11.1 of the SEPP. The consent authority can be satisfied that the proposed development will not result in adverse impact to the water quality and river flows of the Georges River. A civil and stormwater design by ANA Civil (refer **Appendix I**) provides systems to adequately manage stormwater and overland flow, including provision of on-site detention (OSD) to contain site run-off. Please refer to the detail provided in the **Section 4.10**.
State Environmental Planning Policy (Transport and Infrastructure) 2021	As identified in *Schedule 3 Traffic generating development to be referred to TfNSW,* the proposed development includes residential accommodation in excess of 75 dwellings, on a site with access to a road (Links Avenue) that connects to a classified road (Cumberland Highway / Orange Grove Road) and has site access within 90 metres of this connection. Clause 2.119 (relating to development with frontage to a classified road) requires the consent authority to be satisfied that vehicular access is provided by a road other than the classified road. Clause 2.122 Traffic Generating Development also applies to the development. Before determining this development application, the consent authority must give written notice of the application to TfNSW within 7 days after the application is made and consider: • any submission that RMS provides in response to that notice within 21 days after the notice was given • the accessibility of the site concerned, including: - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips - the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail • any potential traffic safety, road congestion or parking implications of the development The considerations noted above that are relevant to the proposed development are addressed in the traffic impact statement included at **Appendix R** and discussed in **Section 6.4** of this SEE. Further, Clause 2.120 (Impact of road noise or vibration on non-road development) requires the consent authority to not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that specified LAeq levels are not exceeded. This has been addressed in the acoustic engineer's report included at **Appendix K** and discussed in **Section 6.5** below.

5.1.3 SEPP 65 – Design Quality of Residential Apartment Development

The proposed development has been designed to provide all dwellings with a high quality of internal amenity and outlook. As outlined in the SEPP 65 Statement prepared by Aleksander Projects included at **Appendix C**, the proposal has been designed in accordance with the nine principles of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65).

The Apartment Design Guide (ADG) accompanies SEPP 65 and the underlying purpose of the ADG is to provide guidance for the development of new apartment buildings, specifically in relation to achieving the design principles set out in SEPP 65. Of particular relevance to the assessment of development applications is Parts 3 and 4 of the ADG. Within these parts are a number of objectives, some of which contain Design Criteria and Design Guidance.

Where provided, Design Criteria are the first step in ensuring consistency with an objective. Essentially, if a proposal numerically complies with the criteria, it automatically achieves the objective. There is an acknowledgment in the ADG

that rigid numerical controls (the criteria) are not always able to be achieved. As such, a set of Design Guidance principles are provided as a starting point for an alternative solution to achieve the objective. The guidance principles are assessed on merit and importantly are not intended to be an exhaustive list of alternative solutions of achieving consistency with the objective.

The ADG reinforces the validity in this method of implementation by stating:

> *"The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance be used to assist in this."*

The Department of Planning and Environment's publication 'Better Apartment Design Frequently Asked Questions' (June 2015) also reinforces this method of implementation:

> *"It may not be possible in all instances to satisfy the design criteria in the Guide, so it gives designers the flexibility to innovate and demonstrate they will achieve the same result with a different approach."*

The proposal is consistent with the Design Criteria. Key points of compliance and methods employed to achieve key objectives is discussed in **Section 6.3**, please refer also to the assessment of the proposal's consistency with the objectives of the ADG in **Table 7** and the SEPP 65 Statement by Aleksander Projects included at **Appendix C**.

Table 7 Consistent with the NSW Apartment Design Guide

<table>
<tr><th>Objectives and Design Criteria</th><th>Consistent</th></tr>
<tr><td>Part 2</td><td></td></tr>
<tr><td colspan="2">Part 3 Siting the Development</td></tr>
<tr><td colspan="2">3D Communal and Public Open Space</td></tr>
<tr><td>Objective
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</td><td>✓</td></tr>
<tr><td>Design Criteria
Communal open space has a minimum area equal to 25% of the site</td><td>✓</td></tr>
<tr><td>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</td><td>✓</td></tr>
<tr><td colspan="2">3E Deep Soil Zones</td></tr>
<tr><td>Objective
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.</td><td>✓</td></tr>
<tr><td>Design Criteria
Deep soil zones are to meet the following minimum requirements:
<table>
<tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr>
<tr><td>Less than 650m^2</td><td>-</td><td>7%</td></tr>
<tr><td>650m^2 – 1,500m^2</td><td>3m</td><td></td></tr>
<tr><td>Greater than 1,500m^2</td><td>6m</td><td></td></tr>
<tr><td>Greater than 1,500m^2 with significant existing tree cover</td><td>6m</td><td></td></tr>
</table></td><td>✓
(16.9%)</td></tr>
<tr><td colspan="2">3F Visual Privacy</td></tr>
<tr><td>Objective
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</td><td>✓</td></tr>
<tr><td>Design Criteria</td><td>✓</td></tr>
</table>

Objectives and Design Criteria	Consistent
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

3J Bicycle and Car Parking	
Objective Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	✓
Design Criteria For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	N/A
Part 4 Designing the Buildings	
4A Solar and Daylight Access	
Objective To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	✓
Design Criteria Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	✓ 75% (includes skylights to 9 apartments)
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	✓ 15%
4B Natural Ventilation	
Objective The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	✓
Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	✓ 60% (includes openable skylights to 7 apartments)
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	✓
4C Ceiling Height	
Objective Ceiling height achieves sufficient natural ventilation and daylight access	✓
Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	✓

<table>
<tr><th>Objectives and Design Criteria</th><th>Consistent</th></tr>
<tr><td>
<table>
<tr><th colspan="2">Minimum ceiling height</th></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr>
<tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr>
</table>
These minimums do not preclude higher ceilings if desired.
</td><td></td></tr>
<tr><td>4D Apartment Size and Layout</td><td></td></tr>
<tr><td>Objective
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</td><td>✓</td></tr>
<tr><td>Design Criteria
Apartments are required to have the following minimum internal areas:
<table>
<tr><th>Apartment Type</th><th>Minimum internal area</th></tr>
<tr><td>Studio</td><td>35m^2</td></tr>
<tr><td>1 bedroom</td><td>50m^2</td></tr>
<tr><td>2 bedroom</td><td>70m^2</td></tr>
<tr><td>3 bedroom</td><td>90m^2</td></tr>
</table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.</td><td>✓</td></tr>
<tr><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</td><td>✓</td></tr>
<tr><td>Objective
Environmental performance of the apartment is maximised</td><td>✓</td></tr>
<tr><td>Design Criteria
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>✓</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>✓</td></tr>
<tr><td>Objective
Apartment layouts are designed to accommodate a variety of household activities and needs</td><td>✓</td></tr>
<tr><td>Design Criteria
Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space).</td><td>✓</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</td><td>✓</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
3.6m for studio and 1 bedroom apartments
4m for 2 and 3 bedroom apartments</td><td>✓</td></tr>
<tr><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>✓</td></tr>
<tr><td>4E Private Open Space and Balconies</td><td></td></tr>
</table>

<table>
<tr><th>Objectives and Design Criteria</th><th>Consistent</th></tr>
<tr><td>Objectives
Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td>✓</td></tr>
<tr><td>Design Criteria
All apartments are required to have primary balconies as follows:
<table>
<tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum depth</th></tr>
<tr><td>Studio apartment</td><td>4m^2</td><td>-</td></tr>
<tr><td>1 bedroom apartment</td><td>8m^2</td><td>2m</td></tr>
<tr><td>2 bedroom apartment</td><td>10m^2</td><td>2m</td></tr>
<tr><td>3+ bedroom apartment</td><td>12m^2</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>✓</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m.</td><td>✓</td></tr>
<tr><td colspan="2">4F Common Circulation and Spaces</td></tr>
<tr><td>Objective
Common circulation spaces achieve good amenity and properly service the number of apartments</td><td>✓</td></tr>
<tr><td>Design Criteria
The maximum number of apartments off a circulation core on a single level is eight.</td><td>✓</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>N/A</td></tr>
<tr><td colspan="2">4G Storage</td></tr>
<tr><td>Objective
Adequate, well designed storage is provided in each apartment</td><td>✓</td></tr>
<tr><td>Design Criteria
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table>
<tr><th>Dwelling Type</th><th>Minimum Area</th></tr>
<tr><td>Studio apartment</td><td>4m^2</td></tr>
<tr><td>1 bedroom apartment</td><td>6m^2</td></tr>
<tr><td>2 bedroom apartment</td><td>8m^2</td></tr>
<tr><td>3+ bedroom apartment</td><td>10m^2</td></tr>
</table>
At least 50% of the required storage is to be located within the apartment.</td><td>✓</td></tr>
</table>

5.1.4 Fairfield Local Environmental Plan 2013

The following table provides an assessment against the relevant clauses in the Fairfield LEP 2013. The assessment demonstrates that the proposal complies with the Fairfield LEP 2013.

Table 8 Assessment against Fairfield City Council Local Environmental Plan 2013

Clause	Provision / Standard	Proposal	Assessment
Clause 2.3 Zone Objectives and Land Use Table	R3 Medium Density Residential	Multi dwelling Housing	The proposed use is permitted with consent in the zone and in accordance with the SSDCP that accompanied the planning proposal to rezone the land. The proposed development meets the objectives of the zone as it provides for housing needs of the community, and provides a housing type that is suitable, within a medium density residential environment.
	R4 High Density Residential	Residential Flat Building	The proposed use is permitted with consent in the zone and in accordance with the SSDCP that accompanied the planning proposal to rezone the land. The proposed development meets the objectives of the zone as it provides for housing needs of the community and provides a housing type that is suitable in the high density residential zone.
Clause 2.6 Subdivision – consent requirements	Subdivision to occur only with development consent.	Subdivision to create two lots.	The application seeks consent for the subdivision of the greater site to two lots to separate and contain the extent of R3 and R4 residential zoned land. The subdivision arrangement is consistent with the SSDCP.
Clause 4.3 – Height of Buildings	9m maximum height	9m	The maximum permissible height for the R3 zoned land is 9m from existing ground. The proposed MDH component does not exceed this maximum, being 9m at the highest point. Refer height diagram provided in the Building Designer's drawing set included at **Appendix B**.
	20m maximum height	20m	The maximum permissible height for the R4 zoned land is 20m from existing ground. The proposed RFB component does not exceed this maximum, being 20m at the highest point. Refer height diagram provided in the Architect's drawing set included at **Appendix A**.
Clause 4.4 – Floor Space Ratio	0.6:1 maximum FSR	0.6:1	The proposed MDH component does not exceed the maximum FSR of the subject land (at 0.6:1). Refer GFA diagrams provided in the Building Designer's drawing set included at **Appendix B**.
	2:1 maximum FSR	2:1	The proposed RFB component does not exceed the maximum FSR of the subject land (at 2:1). Refer GFA diagrams provided in the Architect's drawing set included at **Appendix A**.
Clause 5.10 – Heritage Conservation	Effect of proposed development on heritage significance		The proposed development is located on the opposite side of the Cumberland Highway to Item *I11 Red gums, Corner Cabramatta Road and Cumberland Highway (Cabramatta Golf Course opposite the site)*. The proposed development is permissible with consent and complies with the principal development standards. It will not undermine the heritage significance or integrity of the Red Gums. This is further discussed in **Section 5.1.6.**
Clause 6.2 - Earthworks	Development consent is required for earthworks		The proposed application seeks development consent for earthworks. To identify the extent of bulk earthworks, civil design drawings prepared by ANA Civil are available at **Appendix O**. Further, a geotechnical report and a preliminary site investigation has been prepared by Waratah and is available at **Appendix S** and **Appendix M**. The consent authority can be satisfied that the proposed bulk excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land.

Clause	Provision / Standard	Proposal	Assessment
Clause 6.12 – Design Excellence	Applies to the construction of a new building on land zoned R4 High Density Residential.		The design of the RFB is considered to exhibit design excellence, as outlined in the Urban Design Report included at **Appendix Y** and following **Section 5.1.7**. The consent authority can be satisfied that this clause has been addressed, and that the proposed development contributes to the visual and built character values of Fairfield.

5.1.5 Floor Space Ratio

The ends of the open-air corridors, and the lift lobbies on each typical floor are excluded from the measured Gross Floor Area (GFA), refer red circles in **Figure 18**. These areas are provided with a balustrade that is less than 1.4 metres in height and their exclusion is consistent with Commissioner Gray's interpretation in *Sung v City of Canada Bay Council* [2023] NSWLEC 1087 states that:

> *With respect to the areas for horizontal circulation described as breezeways, there is no doubt that the first floor and upper level are not a floor area "measured from the internal face of external walls" because those areas are not floor area enclosed by external walls that can be measured at a height of 1.4m above the floor, and instead have openings and outer walls less than 1.4m high.*
>
> *I also consider that the wire mesh on the breezeway at the ground floor is not an external wall such that that area is required to be included in gross floor area. Instead, consistent with the decision of the Court in HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243, the external walls of the building at the ground floor are those that enclose the boarding room, the communal living room and the other rooms adjacent to the corridor, such that the area within the corridor, described as a breezeway, is an external space. That external space functions in a similar way to a balcony or terrace with an outer wall less than 1.4m, and wire mesh above for the purpose of security.*
>
> *For those reasons, the external wall of the building are those walls that enclose the internal rooms, such that the area of the breezeway is an external space to those walls and falls outside the chapeau of the definition of gross floor area, so that it is not counted as such.*

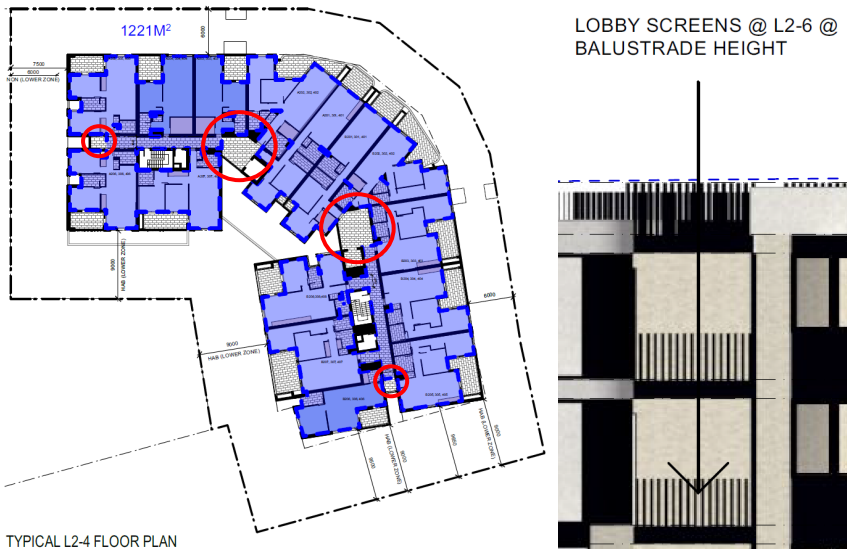

Figure 18 Exclusion of part open corridors from contributing to GFA (plan and elevation)

Source: Aleksander Projects

5.1.6 Heritage Conservation

The subject site is opposite the Cabramatta Golf Course. Notwithstanding the entirety of the Golf Course lot being mapped as local heritage item *I11 Red gums, Corner Cabramatta Road and Cumberland Highway (Cabramatta Golf Course)*, the actual item with heritage significance, the old forest Red Gums, is identified as being located on the western boundary of the Golf Course (refer *State Heritage Inventory, Heritage Item ID: 1570035*). This is on the opposite side of the Golf Course to the subject site, which is to the east of the Golf Course across the Cumberland highway (**Figure 19**).

Being outside of the curtilage of the heritage item (identified on the LEP mapping as the Golf Course lot), and not within their visual setting, the proposed development will result in minimal if any impact. Further, the proposal does not present impact to the "scientific, representativeness or rarity" of the red gums as these are not physically affected by the proposed.

Council concluded in their assessment of the preceding Planning Proposal that:

> *"Our desktop analysis determined that the red gums are located within the golf course and are separated from the Planning Proposal site by fairways, the at grade golf course car parking and Orange Grove Road (seven traffic lanes). The golf course environment in which the red gums are located is distinct and separate from the urban residential environment on the eastern side of the Orange Grove Road.*
>
> *The medium scale built form proposed in the Planning Proposal is appropriate for the site and compatible with the wider locality. The Planning Proposal will not have any discernible impact on the heritage setting or significance of the red gums located within the golf course."*

The consent authority can be satisfied that, in accordance with LEP Clause 5.10(4), the proposal does not effect the heritage significance of the item. Further, in accordance with sub clause (5), the consent authority can be satisfied that a heritage management document is not a requirement in the circumstances.

Figure 19 Red gums ('on western boundary near primary school' in relation to site

Source: Nearmap

5.1.7 Design Excellence

The proposed design for the RFB component by Aleksander Projects is considered to achieve design excellence as required by LEP clause 6.12. The objective of this clause is to:

...ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Fairfield.

The RFB component is located on R4 High Density Residential zoned land and this clause therefore applies to that part of the proposed development. The consent authority must consider the following matters, and can be satisfied that each has been addressed to inform and enrich the proposal as discussed below in **Table 9** below. Further, the Urban Design Report prepared by Aleksander Projects at **Appendix Y** addresses design excellence in detail.

Table 9 Assessment of Design Excellence

Design Excellence Matter	Response
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	A refined architectural approach has been employed by the architect to the façade design and materiality of the RFB (**Appendix A**). A subdued palette of exposed concrete, black metal, off-white face brick and glazing presents a sophisticated arrangement that makes a positive contribution to the streetscape.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain	The quality and amenity of the public domain will be greatly enhanced by the proposed development. The largely vacant site does not present a built form contribution to the public domain. The proposed form includes a curved frontage to mirror the curved address to the main corner of the site. The form is proposed to be modulated with vertical recesses and curved horizontal balcony bands at the corner. The front setback is highly articulated with landscaping, buffering the street from ground floor private open space.
(c) whether the development detrimentally impacts on view corridors	There are no recognised view corridors in the immediate locality. Therefore, the tallest component of the development (the six storey RFB) does not present occlusion of viewing.
(d) (i) the suitability of the land for development	The land has been zoned R4 High Density Residential. An RFB is permissible in the zone. A preliminary site investigation is included at **Appendix M** which confirms the suitability of the land for residential development.
(d) (ii) existing and proposed uses and use mix	The land is generally vacant and underutilised. The proposed RFB comprises a mix of apartment types and sizes (one, two and three bed configurations) and includes both adaptable and liveable apartments to address the mobility needs of a wide range of future residents.
(d) (iii) heritage issues and streetscape constraints	The proposed development is not located within a heritage conservation area, nor does the site contain any items of Aboriginal or non-aboriginal heritage. The site is opposite to Cabramatta Golf Course containing Red Gums with local heritage significance. The proposed does not present impact to this item as discussed in **Section 5.1.6** above. The site addresses Orange Grove Road and Cabramatta Road West. Being classified roads, the proposed development concentrates all vehicular entry and exit from Links Avenue. As such, the development does not pose vehicular conflict with the flow of traffic on the two major roads. The proposed development presents a highly articulated and landscaped boundary condition to both major roads, including pedestrian access points.
(d) (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	The proposed RFB development provides ADG compliant setbacks to the existing adjacent low-scale residential and to the proposed MDH development to the south. Setbacks are highly landscaped with a variety of low and tall plant species, offering a visually appealing buffer to neighbouring development. The proposed RFB form concentrates massing to the road frontage to reduce overshadowing impact.
(d) (v) bulk, massing and modulation of buildings	Please refer to (b) above.
(d) (vi) street frontage heights	The RFB form presents a 5 storey street frontage with a recessed 6th storey. The façade is articulated with a variety of depths to modulate its visual presence. Each apartment is provided with a balcony with either a solid or batten-style balustrades offering further modulation.
(d) (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The RFB development has been designed to include Ecologically Sustainable Development (ESD) principles. A BASIX Certificates and Stamped Plans have been prepared and by GEC Consulting and are located at **Appendix H**. This sets out the various ESD initiatives that are being incorporated into the development.

Design Excellence Matter	Response
	The shadow diagrams included at **Appendix A** illustrate that the proposed development does not introduce additional overshadowing of the Smiths Avenue properties until approximately midday. Overshadowing of the proposed MDH development to the south of the RFB is minimised by locating on grade parking to separate the RFB from the MDH. Further detailed overshadowing analysis is provided in the independently certified shadow diagrams by Deneb Design at **Appendix U**. The development has been designed to mitigate adverse environmental impact regarding wind and reflectivity.
(d) (viii) the achievement of the principles of ecologically sustainable development	The proposed development accounts for ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The conservation principle has been applied through the retention of the natural overland flow path and provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of a range of housing typologies within the precinct
(d) (ix) pedestrian, cycle, vehicular and service access, circulation and requirements	The circulation design of the proposed RFB developments will result in minimum impact to neighbouring uses. All vehicular access is provided from Links Road, including on-site waste collection with a dedicated waste collection vehicle bay. Pedestrian access is provided directly from Orange Grove Road and Cabramatta Road West to each lobby. Bicycle access is also provided via Links Avenue, with dedicated visitor bike parking at ground level and resident bike parking in the basement. The parking provision meets Council's DCP requirements.
(d) (x) the impact on, and any proposed improvements to, the public domain	The public domain interface is illustrated in the architect's documentation at **Appendix A** and in the Urban Design Report at **Appendix Y**. Further, the landscape design included at **Appendix C** illustrates the proposed arrangement of planting to the street frontage. At present, the fenced-off vacant site does not offer visual amenity to the public domain. The proposal provides an active frontage with passive surveillance of the prominent street corner.
(d) (xi) the interface with the public domain	Please refer to (d) (xi) above.
(d) (xii) the quality and integration of landscape design	A comprehensive landscape design has been developed by A Total Concept and is included at **Appendix D**. 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 a swimming pool, 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.

5.2 Development Control Plan

The site is subject to the relevant provisions of the Fairfield City Wide Development Control Plan 2013 (CWDCP). Further, the development is subject to the provisions of a site-specific DCP (SSDCP) that was adopted by Council following gazettal of the LEP amendment to provide permissibility to the proposed development. A comprehensive analysis of the proposed development's consistency with the objectives and provisions of the SSDCP and the CWDCP (where the SSDCP does not take precedence) is provided at **Appendix W**.

It is acknowledged that in developing a bespoke development outcome that is highly responsive to the site's unique constraints as well as its strategic and locational attributes, some minor departures to the DCP are proposed. In this regard, Section 3.42 of the EP&A Act states that *"the provisions of a development control plan made for that purpose are not statutory requirements"*.

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*". The following assessment demonstrates that the proposed development employs a reasonable alternative solution to the relevant DCP provisions that achieves the relevant objectives of the DCP and is appropriate in the circumstances of the subject site and development proposal.

Alternative solutions are discussed below, please refer also to the comprehensive overview provided at **Appendix W** as well as the response to Council pre-lodgement comments provided at **Appendix V**:

Table 10 Alternative solutions to SSDCP controls

Control	Discussion
Multi Dwelling Housing	
1.4.1 Site Design and Layout	The layout of development on the subject site is generally in accordance with Figure 2 of the SSDCP. There are minor departures that result from design development and detailed technical advice relating to civil, stormwater and traffic design. These minor departures, which include the alignment of the through site link, the location of the OSD and the detailed footprint of the built form do not result in fundamental changes to the general arrangement anticipated by the SSDCP. These items are further addressed in the following sections of this SEE. It is noted that it is proposed to locate three townhouses at the south east corner in Block H, in place of on-grade carpark anticipated by the SSDCP. The quantum of townhouses (53) remains the same as anticipated in the SSDCP. These three townhouses are relocated from the north end of Block G (behind the RFB) and replaced by the relocated on grade parking. This move is critical to achieving the minimum solar access requirement to each townhouse's private open space. Townhouses to the immediate south of the RFB, as anticipated in the SSDCP, would be overshadowed by the RFB and could not achieve the minimum direct solar access required by 1.4.8 of the SSDCP. The relocated townhouses in Block H do not generate any unreasonable environmental impacts to the neighbouring properties: • The built form is setback 2.21 metres from the side boundary which exceeds the minimum setback of 0.9m (SSDCP 1.4.3). • Visual privacy is retained as there are no windows proposed on the wall facing the common boundary. • Block H does not result in adverse overshadowing impact to the private open space of the adjacent dwellings, as detailed in the independent solar assessment provided by Deneb Design at **Appendix U**.
1.4.3 Building setbacks and separation	The proposal is generally compliant with the setbacks prescribed in the SSDCP. The following minor departures are noted and assessed as not presenting adverse impact: • There are two units (29 and 44) with rear facing facades that are less than the SSDCP required 7 metres separation (at 5.34m). Notwithstanding, the proposed variation will still achieve compliance with the relevant objectives as the encroaching form does not present additional overshadowing of neighbouring private open space. The encroachment is to the ground floor only. This isolated departure is therefore considered to be acceptable. • Each alternate unit pair in Blocks A and B is stepped to provide improved articulation and presentation to Orange Grove Road (additional setback to every second unit pair). As a result of this shift, every second unit pair along the internal access road (west side) is less than the SSDCP

Control	Discussion
	requirement of 8850mm from the façade of the units on the opposite side. However, the minor reduction of a maximum of 350mm reduces the planter width only (the width of the internal road is not reduced). The landscape design demonstrates that the reduced planter width can accommodate commensurate planting. Further, the reduced width remains greater than the minimum requirement of 8000mm separation between facing multi-dwellings required by clause 6A.2.5 Building Separation of the CWDCP. Therefore, the SSDCP objective for the internal vehicle and pedestrian circulation to function like a street and minimise impact on habitable spaces is achieved. • On the eastern access road, units 44 and 50 are separated by 8.014m at their leading corner (minor reduction to the SSDCP control of 8.5m). Notwithstanding, the SSDCP objective to provide spatial separation between dwellings to accommodate access (both vehicular and pedestrian) and landscaping needs is achieved.
1.5.1 Vehicular and Pedestrian Access	The carriageway width between properties situated adjacent to each other across the internal road network is less than SSDCP 12.150 metre requirement measured from the building line of the garage (at 10.18m). However, the swept path analysis provided by the traffic engineer at **Appendix R** demonstrates compliant vehicular access to the garages. Further, the reduced width affords provision of storage to the garage of each dwelling to meet the DCP requirement. Notwithstanding, the SSDCP objective to ensure adequate off street parking appropriately located and accessible at all times is achieved. The garages remain set back from the predominant building line, therefore the SSDCP Objective to minimise the dominance of driveways and the impact on habitable spaces remains achieved.
1.6.3 Tree Protection	Detailed design prior to lodgement has enabled the project team to properly understand the cumulative impacts of excavation, level changes, stormwater piping and swales, and construction. The Arborist assessment at **Appendix F** confirms that eight trees will be successfully and safely retained. Seven of which are shown as 'Trees to be Retained' in the SSDCP, Other trees are proposed to be removed. Tree removal will be mitigated by planting trees within the common open space areas and landscaped areas which will provide replacement canopy and an amenable, long-term, and complimentary tree planting commensurate with, and sympathetic to the current indigenous species assemblage on the site. Please refer to **Section 6.6** for further discussion. The proposed development meets the SSDCP Objectives to provide a tree canopy that will form part of the tree canopy for the broader suburb, and to provide new vegetation that contributes to biodiversity, minimises urban runoff and provides separation between the proposed development and neighbouring residential.
6A.2.2 Building Height	As discussed with Council at the pre-lodgement meeting (summary provided at **Appendix V**) it is proposed to vary the 7.2 metre eave height given it is permissible in the SSDCP to accommodate a third storey attic. Further, the general architectural approach of a skillion roof to the townhouses results in eaves greater than 7.2 metres above ground. The eave height varies across each townhouse block. Council advised that the proposal's height must not exceed the LEP 9 metre maximum height. The proposal does not exceed this control. Notwithstanding the proposed eave heights being greater than 7.2 metres, 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. Refer **Section 6.2** for further discussion.
6A.2.4 Balanced Building Form	The CWDCP requires the GFA of the first floor to be no greater than 65% of the GFA of the ground floor. The proposal seeks to vary this control to enable the site to accommodate the development and built form envisaged by the SSDCP. The SSDCP is underpinned by the concept design that informed amendments to the LEP height and FSR development standards. 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 **Appendix B**. The proposed development complies with the maximum FSR set out in the LEP.

Control	Discussion
	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: a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas development. • 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. • 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 separated as per the SSDCP, with minor departures not affecting privacy as discussed at control 1.4.3 above. b) Reduce bulk and achieve a mix of single and 2 storey built elements that respond to the opportunities and constraints of the site. • 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. c) Encourage the massing of the dwellings to take into account overshadowing impacts on surrounding properties and private open space within the development. • Please refer overshadowing discussion at **Section 6.2** of this report, refer also discussion at control 1.4.8 above. • As concluded in the above sections, the proposed development does not present adverse overshadowing impact to private open spaces internally within the development or to neighbouring properties. d) Ensure development is compatible with its surroundings. • 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 boundary to provide additional buffering to adjacent development as well as landscape amenity that includes tree planting. The consent authority can be satisfied that, notwithstanding the variation to this CWDCP control, the proposed development achieves the built form objectives.

6.0 Assessment of Key Issues

6.1 Built Form

The proposed development is well suited to its location, having been designed to respond to the site's context adjacent the key thoroughfares of Cabramatta Road West and Orange Grove Road, with due consideration given to the existing low-scale residential in terms of privacy and overshadowing. The scale of the proposed development is consistent with the Planning Proposal and SSDCP and is informed by the intention to create liveable, high amenity, high quality residential units and multi dwelling housing. The development proposes a set of communal open spaces which are strategically located to serve as buffering to the existing low scale residential.

The built form and proportions of the RFB and the MDH blocks clearly frame the communal open spaces and internal vehicular and pedestrian access paths through the site. The RFB is highly articulated with balcony protrusions and built form recesses to break down the massing. Similarly, the MDH development is designed as a set of blocks, each block highly articulated with recesses and material variation to distinguish each dwelling within the blocks.

In addition, the private open spaces provided at ground floor to the RFB base and multi dwellings allows the precinct to be perceived comfortably from a human scale perspective. Other key design considerations for the RFB are addressed by Aleksander Projects in their Design Statement (**Appendix C**) and Urban Design Report (**Appendix Y**).

The maximum building height is set by the LEP and number of storeys set by the SSDCP which limits the RFB development to six (6) storeys and the multi dwelling development to two storeys plus attic. In this way, the subject site has been recognised as an area with high amenity suitable for density levels associated with the proposal. The proposed development does not exceed the prescribed height or floor space controls, nor does it exceed the SSDCP prescribed number of storeys. Attics are generally contained within the roof form when viewed from Orange Grove Road.

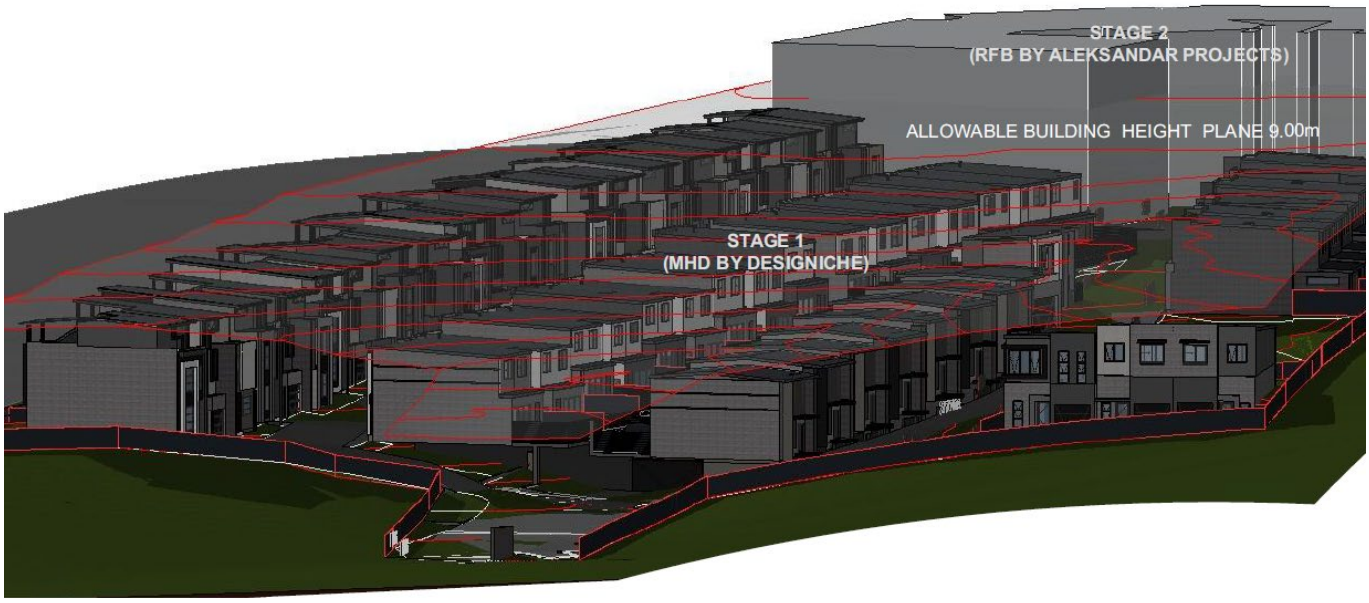

Figure 20 3D height plane diagram – no proposed exceedance to the 9 metre LEP maximum height

Source: Designiche

6.2 Overshadowing and Privacy to Neighbouring Dwellings

As identified earlier in this report, privacy to existing neighbouring dwellings from the RFB has been achieved through adherence to ADG boundary setback controls and high level windows to habitable rooms. Dense landscape is also proposed to the boundaries in accordance with the SSDCP control, providing a visual buffer to the proposed development.

The proposed RFB form concentrates massing to the road frontage to reduce overshadowing impact. The shadow diagrams included at **Appendix A** and **Appendix U** illustrate that the proposed development does not introduce

additional overshadowing of the Smiths Avenue properties until approximately midday. Although additional overshadowing is presented to these properties in the afternoon, they retain solar access through the morning hours.

As identified in the DCP analysis provided in this SEE, the proposed townhouses do not present overshadowing to the adjacent rear private open space of the Smiths Avenue properties until approximately 1pm. These properties therefore retain their existing solar access for the 4 hours from 9am to 1pm.

The southern townhouses partially overshadow part of the private open space of the Links Avenue properties (number 4 and 8, also 22 Orange Grove Road) in mid-winter, notwithstanding, these properties retain direct sun to their private open space throughout the day. Further, the arrangement of townhouses is consistent with the SSDCP, which includes separation of townhouses from the southern boundary to allow for the internal road, reducing the magnitude of overshadowing. Further illustration is provided in the independently certified shadow diagrams by Deneb Design at **Appendix U**.

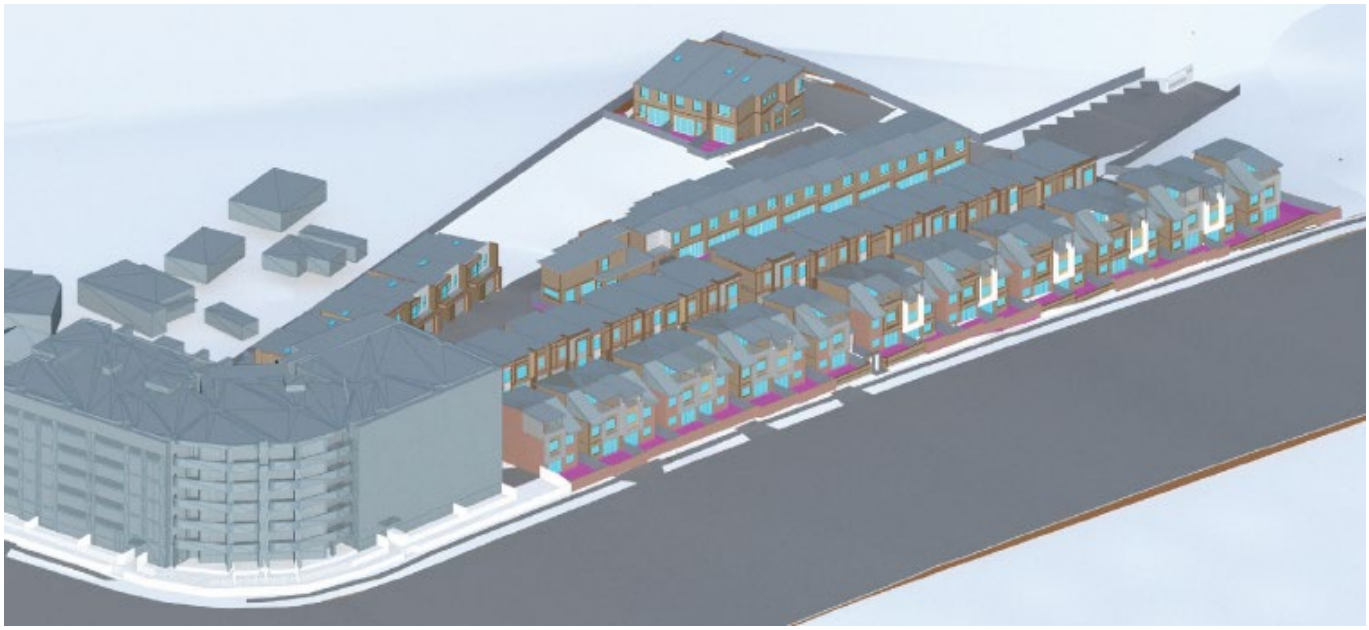

Figure 21 View from the sun diagram illustrating the development at 2pm on 21 June

Source: Deneb Design

6.3 Visual Privacy

The proposed RFB comprises 6 storeys. Setbacks have been provided to the adjacent existing low-scale residential and the proposed multi dwelling housing to meet ADG design criteria and additional guidance. When adjacent to a different zone that permits lower density residential development, the ADG recommends an additional three metres be provided to the prescribed design criteria. The following boundary setbacks are proposed to achieve visual privacy. Each location is identified in **Figure 22**.

A: Separation to common boundary with 398 Cabramatta Road West

The proposed façade includes windows to habitable rooms with a 1.8m sill height to prevent overlooking. The wall is treated as non-habitable. The setback of 9 metres exceeds the 7.5 metre minimum prescribed by the ADG for upper levels 5 and 6 (4.5m + 3m additional setback). Balconies facing this boundary are treated with angled vertical blades to obstruct viewing.

B: Separation to common boundary with 1 Smith Avenue

At lower levels (1 to 4), the proposed façade includes a window to a habitable room, 9 metres from the common boundary. This meets the 9 metre minimum (6m + 3m additional setback). At upper levels 5 and 6, there are no windows in this wall, removing any privacy impact.

C: Separation to proposed boundary with the multi dwelling housing

The proposed façade includes windows to habitable rooms with a 1.8m sill height to prevent overlooking. The wall is treated as non-habitable. The setback of 7.5 metres meets the minimum prescribed by the ADG for upper levels 5 and 6 (4.5m + 3m additional setback).

D+E: Separation to proposed boundary with the multi dwelling housing

At lower levels (1 to 4), the proposed façade includes a window to habitable rooms, 9 metres from the common boundary. This meets the 9 metre minimum (6m + 3m additional setback). At upper levels 5 and 6, additional setback is provided to the habitable windows and balconies to meet the ADG minimum of 12 metres (9m + 3m additional setback).

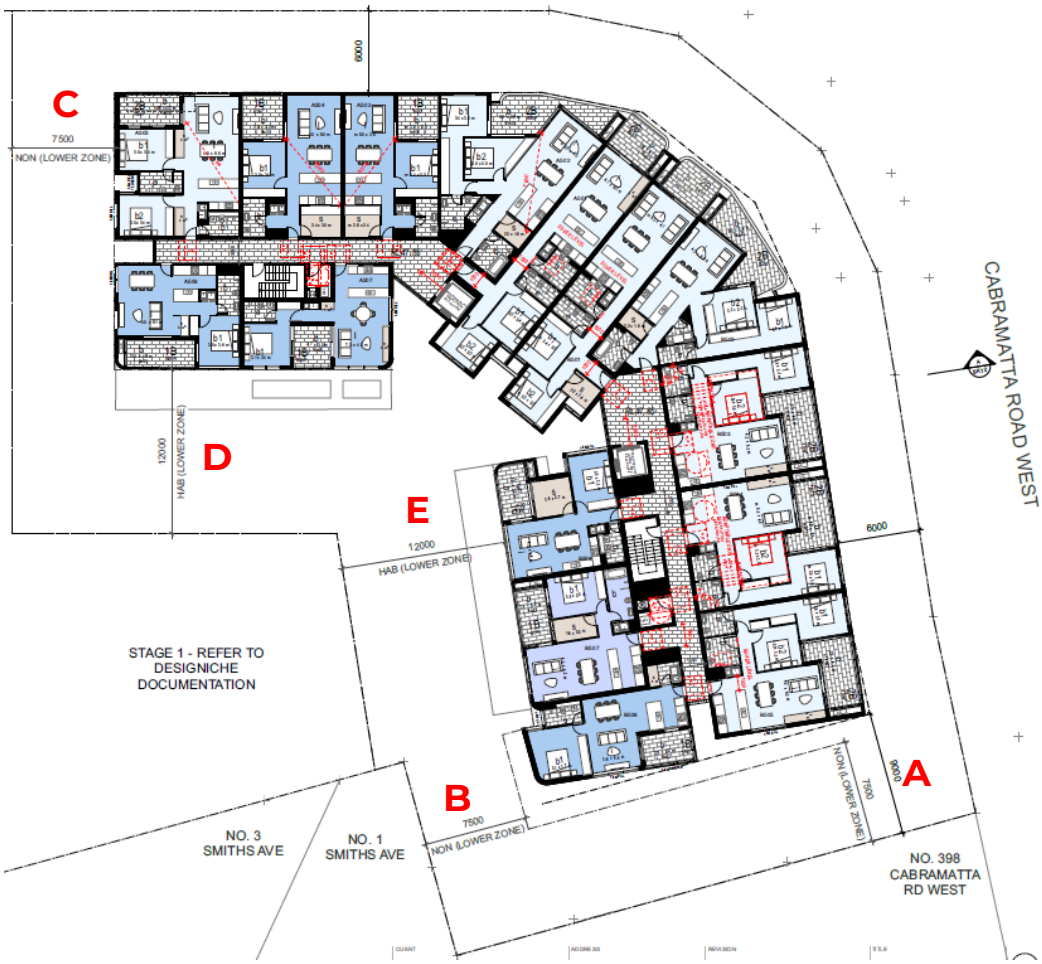

Figure 22 Privacy separation to common boundaries (at Level 5)

Source: Aleksander Projects

6.4 Traffic and Parking

The development (comprising more than 75 dwellings) proposes site access within 90 metres of a classified road (Orange Grove Road). The Infrastructure SEPP Clause 2.122 Traffic Generating Development therefore applies to the proposal. Informed by the assessment below, the consent authority can be satisfied that this clause is addressed, and has informed the proposed development.

The accessibility of the site

- The traffic engineer concludes in the report included at **Appendix R**:
  - The traffic generated by the proposed residential development can be readily accommodated within the existing road network.

- The potential increase in the number of vehicle movements in and about Orange Grove Road, Links Avenue and adjacent streets will not have adverse impacts on the amenity of the area.
- The on-site vehicular access, car parking layout and vehicular circulation is adequate for the proposed development and in accordance with AS2890.1:2004, AS2890.6:2009 and AS2890.2:2018, where vehicles can enter and exit the site in a forward direction.
- The subject site has good access to existing public transport services.

- The traffic engineer has made the following recommendations to be considered at detail design stage:
  - A Green Travel Plan be prepared for the subject site, to encourage residents to utilise existing public transport services in the local area and other modes of travel, in order to reduce the reliance on private vehicle trips, where possible.

Traffic safety, road congestion or parking implications

- The traffic engineer has made the following recommendations to be considered at detail design stage:
  - Install advisory warning signage at the entrance and throughout the subject site, to advise motorists of a signposted speed limit of 10km/h, 'Slow Down' and 'Watch for pedestrians' signage, to increase traffic and pedestrian safety.
  - Install speed cushions where needed, to further reduce the speed environment within the site.
  - Install adequate lighting within the subject site, to increase traffic and pedestrian safety.

Further to the clause discussed above, Clause 2.119 (relating to development with frontage to a classified road) requires the consent authority to be satisfied that vehicular access is provided by a road other than the classified road. The proposal addresses this by restricting all vehicular access to be via Links Avenue to the south of the site. Additionally, the proposed development does not compromise the safety, efficiency and ongoing operation of the Orange Grove Road as outlined above and detailed in the traffic engineer's report at **Appendix R**. Finally, the proposal accommodates design measures to ameliorate traffic noise as per the recommendations made in the acoustic report included at **Appendix K** and outlined in the acoustic assessment above.

The provision of parking spaces for the RFB component is compliant with the DCP. Additional parking has been provided to that required by the DCP for the MDH component. Provision of additional parking contributes to minimising impact to the existing street network (refer traffic engineer's report) and accounts for discussion and agreement with Council as part of the planning proposal process (documented by Ason Group in letter to Fairfield City Council dated 16 January 2020 and included at **Appendix X**). It was agreed to provide two parking spaces per dwelling (rather than 1.5 as stated in the DCP for sites within 400 metres to a major bus station). The total residential parking provision is therefore 106 spaces (for 53 dwellings). These spaces are provided in garages attached to dwellings, in the common basement and on grade. Specifically:

- 48 garaged spaces off the internal road
- 47 basement parking spaces (including spaces with direct access to dwelling above)
- 59 on grade parking spaces
  - 11 resident
  - 48 visitor

The visitor parking spaces exceed the DCP requirement of 14 spaces (0.25 spaces per dwelling). Similar to the additional resident spaces, the additional visitor parking contributes to minimising impact to the existing street network (refer traffic engineer's report).

6.5 Acoustic

Pursuant to Clause 2.120 of the Infrastructure SEPP, as the development (being residential accommodation) is adjacent to a road with annual average daily traffic volume of more than 20,000 vehicles (Orange Grove Road, the following LAeq levels must not be exceeded (2.120(3)):

> *(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
> *(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The acoustic report included at **Appendix K** outlines recommendations to inform detailed design development of the façade and methods to achieve natural ventilation without breaching noise criteria. This includes glazing types and wall composition and methods of mechanical ventilation with noise absorbing ventilators for provision of fresh air.

Further to the above, the acoustic engineer makes recommendations to manage noise break out from the proposed development, to be addressed at detailed design phase. The recommendations relate to control of noise from basement roller doors, air conditioning units and general mechanical plant.

The consent authority can be satisfied that the development as proposed and including the acoustic engineer's recommendations identified at **Appendix K** will meet the requirements of SEPP (Infrastructure), AS 2107:2016 'Acoustics – Recommended Design Sound Levels and Reverberation Times', and Fairfield Council requirements. Noise break-out from the proposed development, including operation of all proposed mechanical plant & equipment; will comply with the requirements of the NSW Noise Policy for Industry (2017) and Fairfield Council requirements.

6.6 Tree Retention, Removal and Protection

The Arborist report included at **Appendix F** provides a schedule of assessed trees on the subject site and their status. 75 trees were identified on the site. In 2015, 5 trees were approved for removal by Council and 5 trees are not protected species under the Fairfield DCP or have documented undesirable species traits. Of the remaining 65 trees:

- Thirty (30) trees are locally indigenous species.
- Twenty-nine (29) trees are introduced Australian native species
- Six (6) are introduced exotic species

It is proposed to retain eight (8) trees on the site. Seven (7) of these trees are identified for retention in Figure 2 of the SSDCP. The arborist concludes that these trees can be successfully and safely retained. The applicant has endeavoured to retain the maximum amount of existing trees on the site, notwithstanding the cumulative impacts of excavation, level changes, stormwater piping and swales and construction. The applicant has worked closely with the arborist to arrange the proposed buildings and landscaped open area to achieve the long-term health of the trees to be retained.

Retaining additional trees would require major reconfiguration to the proposed townhouse layout, internal road and communal spaces, significantly reducing the development capacity anticipated in the SSDCP.

The site is not subject to an environmental zoning nor are any trees identified as Heritage Items or occurring within Riparian Zones or Biodiversity Areas. The arborist notes that:

> *It is acknowledged that the site contains tree species associated with Cumberland Plain Woodland, a critically endangered ecological community under the TSC and EPBC Acts. Under Section 3.2 of Chapter 3 of the DCP, it is generally only those sites zoned E2, E3 or affected by Riparian Lands and Waterways or Biodiversity, that might require preparation of a 7 Part Test.*

The SSDCP (1.6.3) specifies that the trees shown in green (refer Figure 2 in SSDCP: *Site Layout and Building Setbacks and Common Open Space*) are to be retained unless agreed by Council. The arborist notes that there are 21 trees shown in this diagram that are consistent with the survey information and tree data collection. As noted, 7 of these trees are proposed to be retained and 14 to be removed. The arborist concludes that safe and viable retention of the remaining 21 trees is not achievable in the context of the proposed development. These trees are affected by proposed building footprints and internal road position (which generally accord with the SSDCP positioning), stormwater swale, excavation encroachment and level changes. Detailed analysis and recommendations are provided for each tree in the arborist report.

The arborist notes that it is expected that the proposed new trees, which will supplement the retained trees, will eventually provide an amenable, safe, long term and complimentary tree planting commensurate with and sympathetic to the current indigenous species assemblage on the site.

An Ecological Issues and Assessment Report has been prepared by Gunninah to support the application, included at **Appendix P**. The ecologist makes the following conclusions:

- *The vegetation is described as 'Synthetic'; and is dominated (in terms of species) by introduced species and horticultural plantings. Approximately only half of the trees which constitute the tree canopy are indigenous (and*

many of those have been planted), and virtually all of the shrub layer and groundcover layer is of introduced species.

- *On that basis, the removal of …. vegetation and trees from the subject site at Cabramatta is not regarded as of particular concern in terms of the protection of the "natural environment" in general.*
- *With respect to threatened biota, the proposed development of the subject site at Cabramatta as currently proposed would not involve the removal or modification of any habitat of relevance or significance for the highly mobile and generally wide-ranging threated fauna that could occur on the site. The subject site is not considered relevant for the survival of a "viable local population" of any threatened biota – given the existing condition of the site and its isolation by dense surrounding urban development.*
- *The proposed development of the subject site at Cabramatta is not "likely" to impose a "significant effect" upon any threatened biota or their habitats – pursuant to Section 7 of the BCon Act.*
- *Similarly, the proposed development of the subject site at Cabramatta would not be "likely" to impose a "significant impact" (if indeed any impact at all) upon any threatened or migratory species listed in the EPBC Act. A Referral of the project to the Commonwealth is not required.*

The consent authority can thus be satisfied that the development application for residential development on the site is supportable on ecological grounds.

6.7 Subdivision

The subject land (comprising six existing lots) is proposed to be subdivided into two (2) lots. The northern lot is proposed to align with the LEP mapped R4 zoned land (to contain the proposed RFB) and the southern lot is proposed to align with the LEP mapped R3 zoned land (to contain the proposed MDH part of the development).

The proposed subdivision plan, prepared by Masri Survey Group is included at **Appendix N**, excerpt at **Figure 23.** An assessment of the subdivision plan against the relevant controls of Chapter 14 of the Fairfield City Wide DCP is provided at **Table 11** below.

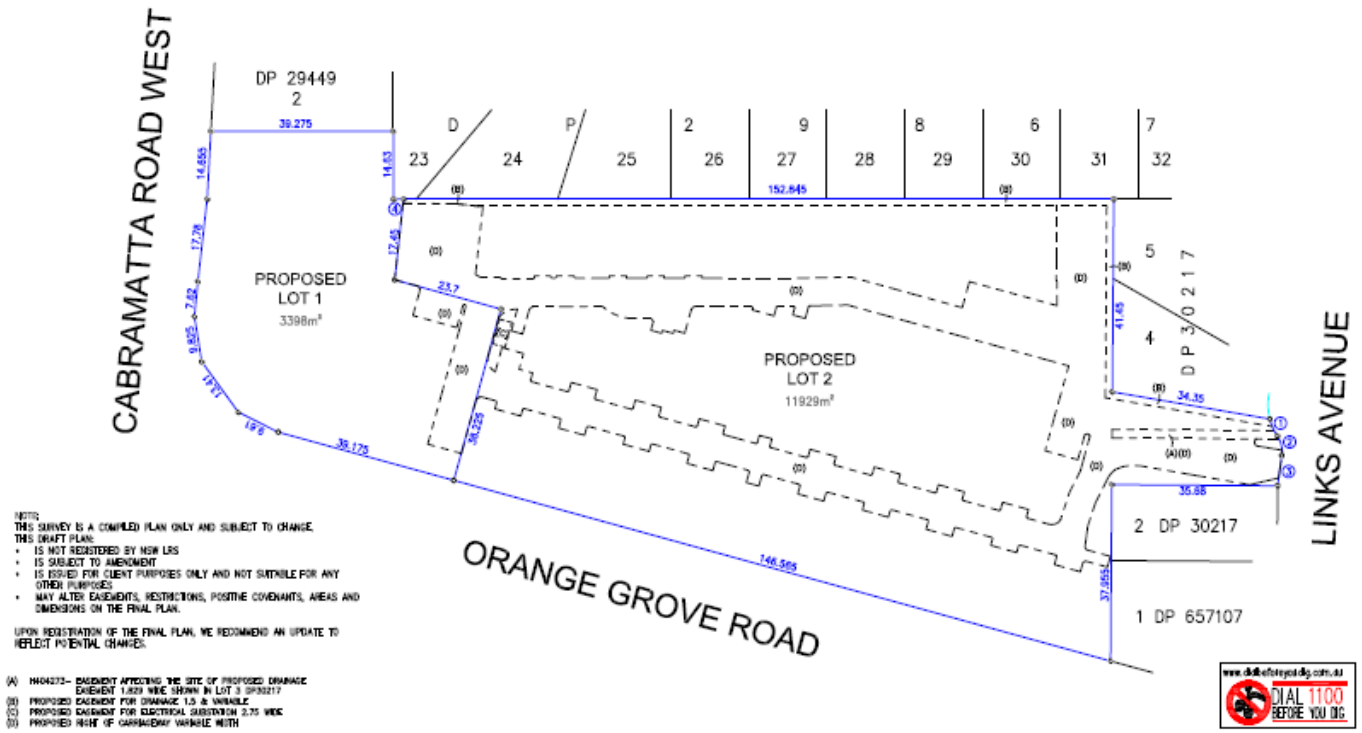

Figure 23 Proposed Subdivision Plan

Source: Masri Survey Group

Table 11 DCP Chapter 14 Subdivision

Control	Response
14.2.1 Access Handles and Driveways	
b) Easements for drainage and services are required, sufficient to enable full servicing of all of the lots to be created.	Easements have been identified on the subdivision plan at **Appendix N**.
14.2.5 Fencing	
a) The provisions of a decorative, low maintenance fence along boundaries of subdivision must be provided.	The proposal can comply with this requirement. The fence to the Cumberland Highway has been designed in accordance with the SSDCP with integrated landscaped indents as per the design documentation at **Appendix A** and **Appendix B**
14.4.3 Subdivision in the R3 Medium Density Zone and the R4 High Density Residential Zone	
a) In order to ensure that subdivision within the R3 Medium Density Zone or the R4 High Density Residential Zone allows for future development to take place in accordance with the objectives of the zone, Council requires all vacant lot subdivision applications within the R3 Medium Density Zone or the R4 High Density Residential Zone to be accompanied by a Development Application for subsequent development of the proposed lots.	This development application includes an application for development of the proposed lots.
b) Where the land to be created is intended to be developed for more than 2 dwellings, the provisions of Chapter 6 or 7 apply.	The chapters (multi dwelling housing and residential flat buildings) have been addressed in this application.
14.8 Site specific subdivision development plans	
Specific subdivision development plans for sites throughout the City are contained in Schedule 5.	The SSDCP for the subject site has informed the proposed development.

6.8 Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) is a situational crime prevention strategy that focuses on the design, planning and structure of the environment. It aims to reduce opportunities from crime by employing design and place management principles that minimise the likelihood of essential crime ingredients.

The proposed development has been considered in the context of the following design principles:

- Surveillance;
  - Provision of passive surveillance from balconies and private open spaces across the development, overlooking the public domain, communal open space and internal access paths.
- Lighting and technical supervision;
  - Clear identification of pedestrian and vehicle entries and exits.
  - The proposed development is capable of accommodating a security video system.
- Territorial reinforcement;
  - Boundary fencing and security to separate private and public domain, designed to minimise opportunity for concealment.
- Environmental maintenance;
  - The proposed development will receive regular maintenance to buildings and landscape pursuant to strata management requirements
- Management of activity and space;
  - Clearly defined pedestrian throughfare within the site, extent of communal open spaces defined by clear edges including the internal access road and security fencing
- Access control; and
  - Secure access systems are proposed to all pedestrian access points to the development.
- Design, Definition and Designation.

- The proposed development includes clear demarcation of windows and balconies
- Pedestrian movement is separated from vehicular movement at boundary entry / exit points. Traffic control measures are proposed as outlined in the traffic engineer's report at **Appendix R** to manage safe shared movement on the internal access road.

Acknowledging the site and the CPTED principles listed above, the proposed development is unlikely to produce any adverse effect to crime risk levels in the area. The development on presently vacant land will increase passive surveillance of the adjacent public domain.

6.9 Other Impacts of the Development

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 12** below.

Table 12 Summary of other technical assessments

Consideration	Consultant	Summary	Reference
Geotechnical	STS Geotechnics	The engineer makes the following recommendations: • Additional Geotechnical Investigation in the form of cored boreholes to confirm the depth and the quality of the Shale Bedrock across the site. • Geotechnical Inspections of the exposed bearing surfaces for footings by an experienced geotechnical professional to verify the founding material and ensure the allowable pressure given has been achieved. • Stability assessment of temporary batters and geotechnical inspection of unsupported excavations in bedrock (if required). • Ongoing monitoring of groundwater seepage inflows into the bulk excavation.	**Appendix S**
Contamination	Waratah	The report concludes that the site can be made suitable for its intended land use for an RFB and MDH development. A low risk of contamination is identified, subject to the following recommendations: • Classification of soil designated for offsite disposal; • Further investigation of the soil material in the vicinity of the former dwelling; • Further analysis of soli materials within the landscape areas; and • Validation of imported soils as virgin excavated neutral material.	**Appendix M**
Waste Management	Dickens Solutions	Waste management is outlined in **Section 4.9** of this SEE, including detail of the type and quantity of waste to be generated during the operational phase. The report outlines an efficient operational procedure, with collection wholly contained on site. The report confirms adequacy of waste storage for ongoing waste management. Further, it is expected that the waste generated by the site preparation and construction works proposed can be appropriately managed through standard practices including external contractors and facilities.	**Appendix L**
BCA	Incode Solutions	The BCA statement for both the MDH and RFB components concludes that the development is capable to comply with the relevant provision of the BCA, with recommendations made to achieve compliance where required at the construction certificate stage.	**Appendix G**
Access	Nest Consulting	The Access Report and AS4299 Report for the MDH and RFB components concludes the compliance status of the design with the relevant standards of the BCA, AS, DDA and Fairfield DCP. The proposed development is capable of complying with the relevant	**Appendix J**

Consideration	Consultant	Summary	Reference
		provisions, with recommendations made to achieve compliance where required at the construction certificate stage.	
BASIX	GEC Design	The BASIX Certificates for both the RFB and MDH demonstrate that the proposed development will satisfy the relevant requirements for energy, water and thermal comfort.	**Appendix H**
Air Quality	Enviro X Consulting	Monitoring was carried out within the site to determine the likely exposure to site visitors to the agreed upon contaminants of potential concern (CoPCs). Environ X Consulting concluded that: • All relevant CoPCs measured on the 11.05.2023 were below the adopted assessment criteria; and • All CoPCs are classed as acceptable according to the relevant standards.	**Appendix Z**
Construction Impacts	-	The proposed construction works for the development are not expected to give rise to any unacceptable impacts. A detailed Construction Management Plan (CMP) will be prepared prior to the commencement of works. Generally, demolition and construction activities will be contained within the site with hoardings established to mitigate noise, dust and access impacts. Standard construction hours and noise mitigation measures will be applied to the development to minimise impact to the adjacent sensitive receivers.	-

6.10 Suitability of the Site for the Development

Having regard to the characteristics of the site and its location, the proposed development is appropriate in that it:

- Is generally consistent with the development expectations established by the preceding planning proposal and site specific DCP.
- Proposes development of a vacant site that has excellent locational attributes including proximity to services and transport thoroughfares, for residential use that contributes to meeting housing targets in Fairfield City.
- Responds appropriately to the site's frontage to two major road thoroughfares by locating the higher density development (RFB) to the corner junction where residences can be elevated above the traffic noise. Lower density development (MDH) is located across the majority of the site, providing an appropriate transition in scale to the adjacent detached dwellings.
- Has been designed and articulated in a manner that addresses key amenity issues for surrounding properties where reasonably practicable, with regard to built form, overshadowing, visual amenity and privacy.
- Responds to the natural grade across the site such that the LEP height control on both the R4 and R3 zoned land is not exceeded.
- Meets all requirements for parking and servicing on site, including the provision of additional parking to that prescribed in the DCP for the MDH resident and visitors to minimise any impact to the adjacent road network. All waste collection is also carried out on site.

In regard to the characteristics of the site and its location, it is also considered to be highly suitable for the proposal in that:

- The proposal comprises a residential flat building which is permissible within the site's R4 High Density Residential zone and Multi Dwelling housing which is permissible in the R3 Medium Density Residential zone.
- The proposal contains all vehicular entry and exit in a forwards direction to Links Avenue, presenting no impact to the flow of traffic on Orange Grove Road or Cabramatta Road West.
- The large site with highly desirable local amenity is vacant and therefore does not meet its anticipated developable potential.
- It is capable of being appropriately serviced to accommodate development of the scale proposed.

- The character of the surrounding area, including the existing built environment, and the likely future character, is compatible with and enhanced by the proposal, which was informed by a rigorous planning proposal process including urban design study to previously rezone the land.

6.11 Public Interest

The proposed development is in the public interest as it will:

- Deliver appropriate residential housing typologies that suit the locational context and address the need for housing in Fairfield City;
- Deliver a development outcome that will be a positive contribution to the Orange Grove Road and Cabramatta Road West junction;
- The intricate form, massing and articulation of the proposal has sought to retain appropriate levels of amenity to the existing dwellings surrounding the site.
- Provide exceptional internal amenity for the RFB component in line with the principles and objectives established by the NSW ADG and SEPP 65, delivering a high-quality residential offering. Also providing good internal amenity for the MDH in line with Council's DCP; and

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7.0 Conclusion

The proposed development seeks approval for:

- Site preparation works including removal of temporary structures on the site, bulk earthworks and tree removal;
- Amalgamation and subdivision of existing (6) lots to create two (2) new lots to align with the R4 and R3 zoned land;
- Construction and use of a part two, part three storey multi-dwelling housing (MDH) (identified as 'Stage 1') including:
  - 53 dwellings comprising:
    - 34 x two-storey 3 bed dwellings
    - 19 x two-storey + attic 4 bed dwellings
  - One storey common basement comprising:
    - 47 parking spaces
- Construction and use of a 6 storey residential flat building (RFB) (identified as 'Stage 2') including:
  - 87 apartments comprising:
    - 2 x studio apartments
    - 28 x 1 bed apartments
    - 56 x 2 bed apartments
    - 1 x 3 bed apartment
  - Two storey common basement including:
    - 109 parking spaces
    - 44 bicycle spaces
- Construction of a road to provide access in a loop format from Links Avenue to the MDH and RFB;
- Landscaping works including building setbacks, communal open space and private open space; and
- Extension and augmentation of services and utilities as required.

The proposal is generally consistent with the relevant environmental planning instruments applying to the site including the Fairfield Local Environmental Plan 2013, Fairfield Development Control Plan 2013 (including the Site Specific Development Control Plan) and other state policies. A detailed assessment of the environmental impacts has been provided in accordance with Section 4.15(1) of the EP&A Act and the proposal is considered suitable for the site. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the Fairfield LEP and Fairfield DCP as well as the relevant State Environmental Planning Policies;
- Pre-lodgement consultation was undertaken with Fairfield City Council including a meeting on 19 November 2021. The Applicant and the project team have considered all feedback received and this has shaped the design development of the proposal, where reasonable and appropriate.
- The proposed development provides a mix of well-designed, generously sized residential apartments and multi dwelling housing that will activate a vacant site and improve the local streetscape.
- The high-quality design of the proposed development will provide a high level of residential amenity. The RFB component is consistent with the principles and objectives of *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* as (SEPP 65) well as the *NSW Apartment Design Guide* (ADG). The MDH component is consistent with the design objectives of Council's DCP.
- The intricate form, massing and articulation of the proposed development demonstrates a strong understanding of the site's unique topographical and contextual constraints. Specifically, the proposal relates to the natural grade of the land so as to remain below the LEP height plane, and concentrates massing to the outer edges of the site (to the main road frontages) to minimise impact to existing adjacent residential.
- Supporting technical studies that accompany this DA confirm that the proposed development will not give rise to any significant adverse environmental impacts, and that any potential impacts can be addressed through appropriate mitigation measures; and
- The proposed development is suitable for the site and is in the public interest.

In light of the merits of the proposed development and in absence of any significant environmental impacts we support this application and recommend its approval.