

March 29, 2024

2220324

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

Dear Ms Aghostin,

This letter has been prepared by Ethos Urban on behalf of TCON Constructions to provide a response to the Request for Further Information (RFI) issued by Fairfield City Council (Council) dated 21 December 2023. It relates to Development Application (DA) 260.1/2023 which proposes staged development of the site involving construction of multi dwelling housing (MDH) containing 53 dwellings and 1 storey basement, construction of a 6-storey residential flat building (RFB) containing 87 (now 85) apartments with two storey basement, construction of a private internal access road, earthworks, associated landscaping communal open space, tree removal.

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

Item	As Lodged		As Modified		Change	
	Stage 1 MDH	Stage 2 RFB	Stage 1 MDH	Stage 2 RFB	Stage 1 MDH	Stage 2 RFB
GFA	7,023m²	6,776m²	6,889m²	6,776m²	-134m²	N/A
FSR	0.59:1	2:1	0.58:1	2:1	-0.01:1	N/A
Dwellings	53	87	53	85	N/A	-2
Tree Retention	8 trees		14 trees		6 additional trees retained	
Communal Open Space	1020m²	958m²	1330m²	958m²	+310m²	N/A
Landscape Area MDH and Deep Soil RFB	3,156m²	572m²	3,506m²	740m²	+350m²	+168m²
Canopy Coverage	2397m²		2610m²		+213m²	
Bulk excavation	For the MDH basement, the SSDCP anticipated approx. 540m² of additional bulk excavation than that proposed (given change from rectangular to square basement where less depth is required).				-540m²	

This letter should be read in conjunction with the following:

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

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

Table 2 **Summary of applicant response to each matter raised in Council's letter dated 21 December 2023**

Topic	Council matter raised	Applicant response
1. Vehicular Access and Traffic Impacts	a) Council raises concern with the traffic impacts of the proposal on the local residents; and concern with the associated acoustic impacts on neighbouring residents, impacts which have not at all been addressed by the application.	Traffic concerns are addressed in the Traffic Report provided in Attachment P . Acoustic matters are addressed in the revised Acoustic Report at Attachment H . Suitable mitigation measures have been employed to address concerns raised.
	b) The application has not complied with the SSDCP controls to provide traffic control measures to alleviate the traffic impacts on Links Avenue residents nor traffic calming measures within the subject site.	Traffic control measures to alleviate impact to Links Avenue residents and calming measures within the site are now shown in accordance with the SSDCP. Refer revisions in Attachment A . These now include additional signage, pedestrian crossings, speed humps and line markings to indicate no parking areas. Refer to the Traffic Report provided in Attachment P for detail.
	c) Council raises concern that a development of this scale provides only one vehicle access from a dead-end local road. No information has been provided regarding the possibility of acquiring additional residential land to support additional vehicle access. No information has been provided regarding whether or not the applicant has consulted with TfNSW regarding the possibility of providing additional, safe access points to the site such as via slip lanes, from the Orange Grove Road or Cabramatta Road. An additional vehicle access is considered necessary to alleviate the impacts of traffic generated by the proposal on the local Links Avenue and on adjoining local residents who already experience congestion and delays.	<p>Consultation with state agencies occurred during the Planning Proposal phase for the site. Informed by TfNSW, a site-specific clause in the DCP (Chapter 10.14) states that there is to be one access point to the site off Links Avenue. The proposed internal road layout is consistent with the SSDCP.</p> <p>Notwithstanding this, the traffic engineer has since engaged with TfNSW and received confirmation that they would not accept any access or egress from Orange Grove Rd or Cabramatta Rd. Refer to the Traffic Report provided in Attachment P for detail.</p>
	d) Concern is raised by Council that the circulation road proposed within the site is likely to result in adverse impacts on the amenity and privacy of the multi dwelling housing fronting the roadway, as a result of the movement of vehicles to and from the residential flat building.	Traffic calming devices have been incorporated into the proposed design as shown in Attachment A . These are consistent with the recommendations provided in the Traffic Report at Attachment P .
	e) The proposed circulation road on-site lacks any dedicated pedestrian access and is considered to be unsafe and unacceptable for pedestrians and residents, especially children, given the number of traffic movements and two-way configuration.	The SSDCP states that the 'two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application' (Control 1.5.1 (iii)). The proposed traffic calming and pedestrian safety measures shown in Attachment A are consistent with the recommendations provided in the Traffic Report at Attachment P .
	f) There is a high likelihood that residents will utilise the circulation roadway to park cars in front of the multi dwelling housing, reducing the width of the roadway to one-way. This would be unacceptable and it is unclear how	No parking signs have been included in Attachment A throughout the internal roadway to prevent unauthorised parking and stopping in front of the multi-dwelling houses as recommended by Hemanote Consulting. Refer Traffic Report at Attachment P .

Topic	Council matter raised	Applicant response
	the applicant would prevent unauthorised parking or stopping, in the roadway.	
	g) The levels of the proposed driveway areas in certain locations appear to result in unacceptable, direct overlooking of adjoining residents windows and private open spaces. The architectural plans do not provide detailed sections illustrating the relationship of driveway levels and impacts on neighbouring properties. Key areas of concern are the car park area at the north-eastern part of the site (which deviates from the approved site layout in Figure 2 of the SSDCP); and the driveway areas in front of Units 4 to Units 11; and between Units 36 to Units 43 with a clear line of sight into Links Avenue properties.	Additional sections are provided in Attachment A to detail the relationship between the MDH and adjoining neighbours, including neighbouring windows and mitigation measures. Privacy is achieved by 2100mm high no gap fences in strategic locations, supplemented by mature tree planting. 3D renders from the perspective of a motorist driving along the circulation road is provided on Drawing 31 (Attachment A).
	h) The Plans show right-hand traffic movement, instead of left-hand movement.	Directional arrows have been corrected. Refer to Attachment A .
2. Inconsistencies with Fairfield LEP 2013	<p>a) Clause 4.4 Floor Space Ratio (FSR) The proposed FSR of the Residential Flat Building is stated as being 2:1 however the GFA diagrams in drawing number DA09 indicate that two internal corridors at ground level have been excluded from calculation of GFA. The ground floor gym area has also been excluded however this area has surrounding walls/screens over 1.4m in height and must be included in GFA. Council does not consider that these areas fit into the exclusions in the LEPS dictionary definition of GFA, and do not resemble a 'terrace' or 'balcony' as such Council considers these areas must be included in GFA. Given the need to include these areas, the overall GFA is likely to breach the LEPs maximum allowance of 2:1.</p>	<p>Amended Architectural Drawings include the two internal corridors as GFA. To accommodate this increase, units A104 and B108 have been removed. The deletion of these apartments also resolves required increase to waste holding areas, discussed below.</p> <p>Further, the gym screening has been amended to be less than 1.4m in height to avoid any additional GFA. Overall, the site remains compliant with the FSR control of 2:1.</p> <p>Refer to Attachment C and D.</p>
	<p>b) Clause 6.2 Earthworks The extent of earthworks proposed for this site is considered excessive and unreasonable and inconsistent with Clause 6.2 of the Fairfield LEP 2013, resulting in unnecessary impacts on the environment, on existing trees and on the amenity and privacy of neighbouring residents. Council considers that the earthworks will result in unnecessary and adverse impacts on the viability of existing sensitive vegetation which should be retained and protected as per the SSDCP, and on the privacy of residents, such as from driveway and parking areas whose proposed levels appear to be higher than levels of adjoining properties and their window levels,</p>	<p>The extent of earthworks is consistent with the desired vision for the site as set out in the SSDCP. That is, earthworks are required to accommodate development on the sloping site and for the construction of basements that are anticipated in the SSDCP. It is worth noting that the basement design proposed, being more square, reduces the extent of excavation required than that shown in the SSDCP (being more rectangular). This change is due to the site rising towards the northern end of the basement and therefore minimises excavation depth.</p> <p>Further, the parking spaces to the south of Block H have been removed which reduces excavation by maintaining that area at natural level. This move also enables units 52 and 53 to better match the natural ground level. The revised design is therefore a reduction to the overall bulk excavation to that originally lodged.</p>

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	and with direct line of sight into neighbouring yards. No architectural detailing has been provided to demonstrate that there would be an acceptable relationship between the levels of the proposed development and the levels, private open space and windows of adjoining properties despite the substantial earthworks.	<p>As such, the consent authority can be satisfied that the objectives of LEP clause 6.2 are met, specifically:</p> <ul style="list-style-type: none"> a) existing drainage patterns have been accommodated through overland flow and stormwater management as set out in the civil documentation in a manner that does result in adverse impact to neighbouring properties, b) the bulk excavation is designed to suit the specific development proposed on the land, c) the quality of the fill will be appropriately managed in line with the civil documentation and enforced by conditions of consent, d) the amenity of adjoining properties is appropriately maintained, with respect to overshadowing, privacy and the bulk and scale of the proposal, including amendments made to address Council's comments regarding neighbouring privacy and bulk of the proposal (as summarised in this table), e) the source of any fill material and the destination of any excavated material will be appropriately managed in line with the civil documentation and enforced by conditions of consent, f) the likelihood of disturbing relics will be appropriately managed by conditions of consent, g) the civil documentation concludes that the excavation does not pose risk to any waterway, drinking water catchment or environmentally sensitive area, and h) a suite of appropriate measures are proposed to avoid, minimise or mitigate the impacts of the development, as further outlined in Attachment A to Attachment D and summarised in this table. <p>Refer civil engineering plans at Attachment L and Attachment M.</p>
	<p>c) Clause 6.12 Design Excellence Council considers that the development does not exhibit design excellence having regard to the matters identified in Clause 6.12 of the Fairfield LEP 2013 for the following reasons:</p> <ul style="list-style-type: none"> a. A high standard of architectural design, materials and detailing appropriate to the building type and location have not been achieved. b. The form and external appearance of the development does not improve the quality and amenity of the public domain. c. The suitability of the land for the development has not been demonstrated. d. The development does not appropriately address the impact on, and relationship with existing residential land uses. 	<p>The proposed development exhibits design excellence in accordance with Clause 6.12 of the Fairfield LEP for the reasons stated in the Statement of Environmental Effects dated 28 July 2023 in addition to the reasons outlined by the architect in Attachment D and reasons listed below:</p> <ul style="list-style-type: none"> a. The RFB exhibits a high standard of design through the utilisation of high quality, long life materials (face brick , concrete and black steel / aluminium) that are the most appropriate materials for a residential flat building located at the intersection of two heavily trafficked roads. Further the RFB includes a highly articulated facade through the modulation and detailing of the design, colours and materials across all elevations. b. both the form and appearance greatly improve the quality and amenity of the public domain when compared to the existing tired and unmaintained development on the site. c. The proposed development has been subject to numerous studies on the site including a Planning Proposal and preparation of a SSDCP. The proposed development is generally compliant with the relevant planning controls and is therefore suitable for the site.

Topic	Council matter raised	Applicant response
	<p>e. The development does not appropriately address the streetscape constraints.</p> <p>f. The development has a poor relationship with development on the same site and on neighbouring sites in terms of separation, setbacks, amenity and urban form.</p> <p>g. The development does not demonstrate appropriate bulk, massing and modulation of buildings.</p> <p>h. The development does not achieve the street frontage heights typical of the locality.</p> <p>i. The development does not demonstrate sustainable design and results in unnecessary overshadowing.</p> <p>j. The development does not achieve the principles of ecologically sustainable development.</p> <p>k. The development presents poor pedestrian, cycle, vehicular and service access, and circulation.</p> <p>l. The development has a poor impact on the public domain.</p> <p>m. The interface with the public domain is substandard.</p> <p>n. The development does not achieve quality and integration of landscape design.</p>	<p>d. Impacts such as privacy, visual impact and overshadowing have been considered in relation to adjoining properties. The proposed development is compliant in regards to the ADG and presents an appropriate built form. Accordingly, the environmental impacts are considered appropriate.</p> <p>e. The proposed development has been updated to include a 1.8m high mosaic wall around the perimeter of the RFB to reflect Council's comments made below. Notwithstanding the above, the proposed RDB adequately responds to the streetscape through a highly articulated façade and improved built form.</p> <p>f. The built forms adopts setbacks consistent with the ADG and has increased the setback to properties to the west. As demonstrated the amended architectural plans, the RFB includes a setback of 9m to the common boundary of 398 Cabramatta Road Est which is greater than the standard requirement for the first 4 levels (6m) and complies than the standard requirement for levels 5+ (9m). As such, the setback is considered appropriate. Further, the development is generally consistent with the relevant built form controls and any overshadowing is considered appropriate.</p> <p>g. The proposed RFB has been informed and guided by the built form controls contained within the SSDCP. Nevertheless, the bulk and mass has been highly modulated through the use of different colours and materials, location of balconies and indented entries.</p> <p>h. The development complies with the street frontage heights specified in the SSDCP. Specifically, the RFB presents as a 5 storey street frontage with a recessed 6th storey. The façade is articulated with a variety of depths to modulate its visual presence.</p> <p>i. The built form has been design in regards to the SSDCP and the ADG and to that regard any overshadowing is considered acceptable. Further, the built form adopts sustainability practices as outlined in the BASIX Certificate.</p> <p>j. The development achieves the principles of ecologically sustainable development through compliance with the ADG (such as appropriate orientation, cross ventilation, use of low maintenance and long life materials and car recharging stations) as well as compliance with BASIX requirements.</p> <p>k. Access and circulation requirements are compliant with the SSDCP.</p> <p>l. The proposed RFB will replace a tired site located on a key corner and deliver a highly articulated modern design which will significantly improve the public domain.</p> <p>m. In accordance with Council's comments noted below, a 1.8m high mosaic wall has been added to the street frontage. Notwithstaind the above, landscaping elements such as trees will be visible from the public domain and the proposed development achieves a strong balance in that regards. Further, the built form will improve the public domain for the reasons listed above.</p> <p>n. The proposal includes a highly detailed ground plane with both passive and active recreations spaces for residents. Each ground floor terrace is provided with a landscaped buffer for privacy. Residents are offered communal spaces that include 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.</p>
3. Design Quality Principles	<p>a) Council's urban design expert has assessed the application and has advised that the development does not meet the principles of good design under SEPP No. 65, and particularly does not meet the principles of Context, Built</p>	<p>Section 4 of SEPP 65 specifies that SEPP 65 (and the accompanying Apartment Design Guide) applies to a residential flat building. It does not apply to multi-dwelling housing (townhouses). As such, any assessment of the MDH against the ADG are incorrect and the provisions of the LEP and DCP prevail.</p>

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	<p>Form and Scale, Landscape, Amenity, Safety and Sustainability. Council recommends that alternative designs be considered that retain more trees, provide more deep soil planting, protects the amenity of neighbours and promotes pedestrian use and active transport and achieves compliance with the established planning controls including SEPP 65, ADG, LEP, and the DCP. This may mean the consideration of a different typology for the multi dwelling housing dwellings and modifications to the residential flat building.</p>	<p>Further, it is noted that the RFB demonstrates compliance with the ADG and is appropriate for its context and scale given the previous studies and endorsement formalised in the gazetted Planning Proposal and SSDCP. A revised response to the ADG is provided in Attachment E and F.</p> <p>The revised design includes an amended landscape design and the built form has been amended to retain further trees, provide more deep soil planting and promote neighbour privacy.</p> <p>The consideration of different housing typology is inappropriate given the extensive studies and support provided on site for a MDH and RFB development.</p>
<p>4. Inconsistencies with Site Specific DCP (SSDCP) Controls</p>	<p>a) The application has not complied with the SSDCP controls to provide traffic control measures at the site to alleviate the traffic impacts on Links Avenue residents. At planning proposal stage Council endorsed controls in the DCP to alleviate the developments impact on Links Avenue. This included control 1.5.1 (viii) and 1.5.1 (xi), this included the need for the applicant to consider traffic control measures at the site entrance and to install stop signs at the exit of the development to provide Links Avenue with Traffic Priority. The application does not address these requirements and it appears stop signs are not proposed at the site exit onto Links Avenue. No plans were submitted to show priority for vehicles at Links Avenue including stop/give way signs at the site exit.</p>	<p>As stated above, the SSDCP states that the <i>'two-way internal road is to serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application'</i> (Control 1.5.1 (iii)). The proposed traffic calming and pedestrian safety measures shown in Attachment A are consistent with the recommendations provided in the Traffic Report at Attachment P.</p>
	<p>b) Tree removal and non-retention of the majority of trees identified by the SSDCP as requiring to be retained and protected.</p>	<p>Chapter 10, Section 1.6.3 (i) and (ii) states <i>'the existing trees identified green on figure 2 of this SSDCP must be retained unless agreed by Council. Any development application to remove trees must provide an arborist report prepared by a suitably qualified professional'</i>. The RFI response is accompanied by a revised arborist report and ecology report that outline retention of as many trees as possible with respect to the proposal. The team has revised the design, including reshaping selected townhouses and reworking the communal open space to preserve additional trees. Further, on-grade parking spaces have been relocated and some removed where they were in excess to the DCP parking requirement.</p> <p>Notwithstanding this, we noted that Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must <i>"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"</i>. We therefore seek Council's flexibility so as to not lose additional dwellings to those already lost addressing this RFI.</p>

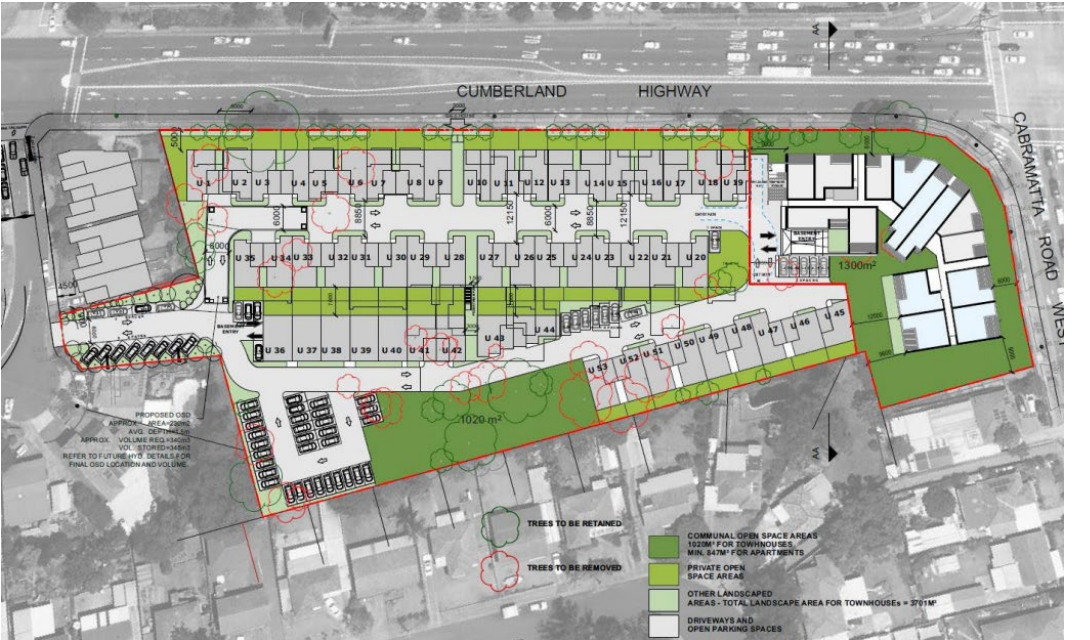
The arborist (at **Attachment G**) has found that there are 21 trees identified in the SSDCP for retention that are consistent with the surveyed trees. The arborist has identified that 2 of those trees are either dead or no longer exist on site. Three trees are exempt (non-prescribed) species or undesirable due to their weed status. Of the remaining 16 trees, 5 are proposed for retention. However, additional to this, a further 9 trees will be retained on site (not previously identified for retention). All retained trees have either medium or high retention value. The Objectives of 1.6.3 of the SSDCP is met as outlined in **Attachment G**.

Importantly, the design team worked closely with the arborist to ascertain retention capacity of Tree 75. Unfortunately, significant modification would be required to the basement and all storeys above ground to retain this tree. Given its Tree Protection Zone (TPZ), the modification would require loss of basement parking and loss of at least one apartment on each floor.

Notwithstanding this, the landscape architect (refer **Attachment K**) has proposed a substantial quantum of replacement trees that exceeds the 37 trees proposed to be removed. The resulting landscape will provide additional tree coverage to that existing on the site.

c) Communal open space areas have been reduced to 2 instead of 3. The open space approved at the end of Block F has been replaced with parking and substation and is unacceptable.

Figure 2 (replicated below) of the SSDCP illustrates the location of communal open space (COS) for the RFB and MDH in dark green.



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		Two (not three) communal open spaces are identified – one for the multi dwelling component at the eastern boundary and for the RFB around the periphery of the site. Notwithstanding, the space indicated by Council as being a third communal open space (adjoining MDH U.35), previously shown with parking spaces and a substation in the submitted DA, has been revised to remove marking spaces and relocate the substation and be embellished with landscaping to function as a third COS. Refer plans at Attachment A and Landscape drawings at Attachment K .
	d) Location of OSD System has been relocated and deviates from the approved location of the SSDCP. The OSD is now partly positioned in what should be a densely planted side setback abutting Links Avenue residential neighbours. The OSD in this location which will hinder the ability to plant dense screening vegetation to protect the amenity of neighbouring residences.	The OSD has been relocated to be fully below the internal road. Refer to Attachment L .
	e) Basement footprint and location expanded, resulting in increased earthworks.	The proposed basement results in less earthworks than that anticipated in the SSDCP (approximately 540sqm less excavated volume – refer numeric summary at start of this letter). This is achieved by locating the basement towards the lower portion of the site, where less excavated depth is required, and squaring off the basement rather than aligning with the SSDCP's long rectangular basement. The proposal therefore represents a decrease to the required earthworks.
	f) Relocation of three units i.e. Units 51, 52 and 53 being located on the south-east corner of the site with poor setbacks to rear neighbours and resulting in unnecessary overshadowing and building bulk towards those neighbours.	<p>The proposed location of Units 45-47 from the SSDCP were subject to poor solar access due to the RFB which was only identified during this detailed development application, and is therefore a necessary departure from the SSDCP. This application proposes car parking in lieu of townhouses in this area. The three MDH were relocated to the south-east corner of the site where there is greater solar amenity, however this has not resulted in a decrease to the communal open space (which has since increased in response to this RFI). Further, relocating the townhouses has reduced the extent of proposed excavation as the internal road is better aligned with the existing natural grade.</p> <p>An increased extent of buffer planting is now proposed to separate Units 51-53 from the southern Links Road properties. Further, overshadowing analysis demonstrates that the townhouses do not cause adverse impact to existing neighbours. There are no windows proposed in the wall to the eastern neighbour to maximise privacy. To that effect, the proposed development presents an improved outcome for both existing and future residents.</p>
	g) Third-storey of the multi dwelling housing fronting Orange Grove Road, where only two-storey is permitted, and breaches rear setback and provides no transition to lower density neighbouring zones.	<p>It was always intended that the MDH fronting Orange Grove Road would be 3 storeys. As outlined in the Outcome Report dated 24 March 2020:</p> <p><i>"The western portion of the proposed R3 zoned land that runs adjacent to Orange Grove Road would result in approximately 19 3-storey town houses (excluding basement level).</i></p> <p>...</p> <p><i>The 3 storey town house element of the Proposal will be located to the western portion of the development site and will provide a prominent visual gateway to the Orange Grove Road interface...</i></p>

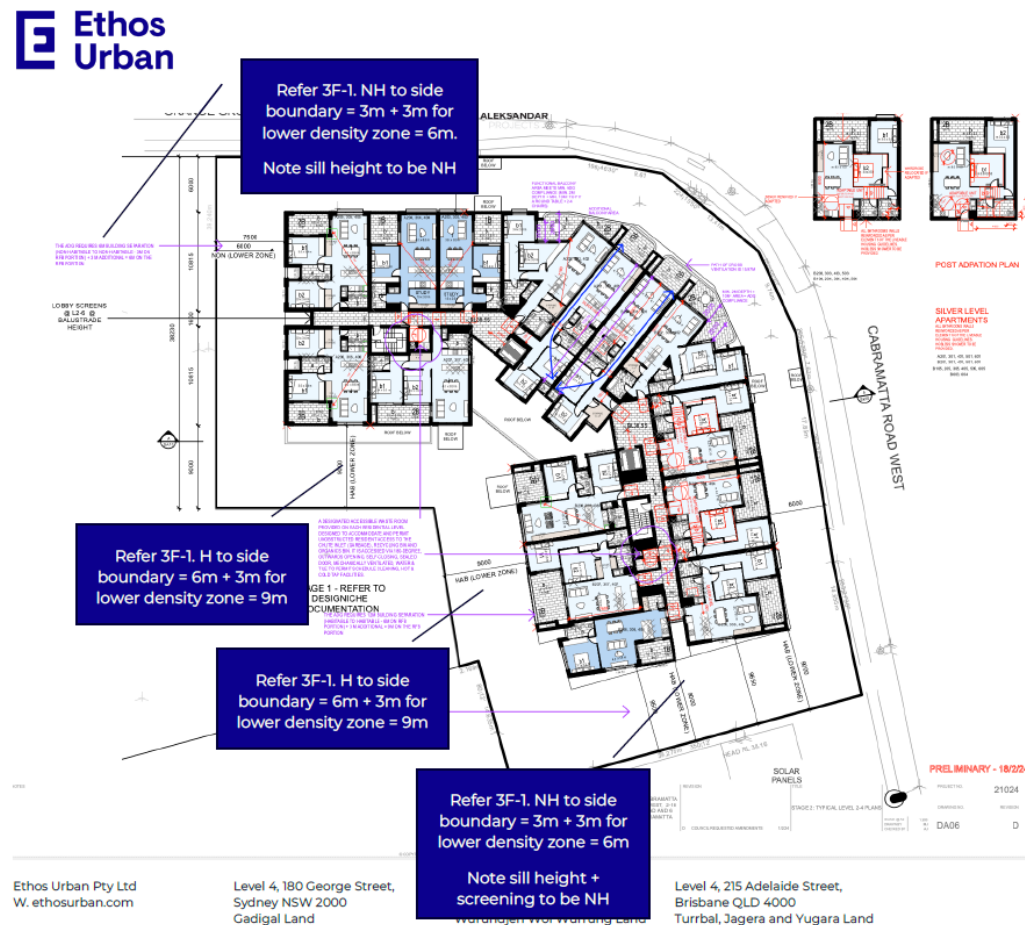
Topic	Council matter raised	Applicant response
		<p><i>The 3 storey town houses will provide a visual transition to the proposed apartments at the corner of Cabramatta Road West/ Cumberland Highway... Due to the distance and degree of separation there will be minimal impact on the amenity and views of the development from properties located in Smith Avenue, View Street, Panorama Street and Links Avenue."</i></p> <p>The three storey MDH proposed at the time of lodgement are considered appropriate and form an appropriate transition to lower density neighbourhoods.</p> <p>Notwithstanding the above, the proposed amended plans in Attachment A have redesigned:</p> <ul style="list-style-type: none"> • Unit 1 to be part 1 storey, part 2 storey; and • Units 2-4 to remove the attic level as so they present as a two-storey dwelling. <p>The proposed redesign ensures a gradual transition from the RFB down to the part 1 storey unit located at Unit 1, which results in a loss of floor space that would otherwise be permissible under the LEP provision.</p>
	h) Car parking spaces have been located in what should be densely planted landscaped setbacks to residential neighbours, or what should be an on-site landscaped and common open space area at the end of Block D. In this regard, the location of parking spaces 13, 33, 34 and 108 are contrary to the SSCP approved site layout and would result in loss of landscaping, being unacceptable.	<p>Parking spaces at the end of block D are now removed and replaced with COS, embellished with landscape and seating. Refer plans at Attachment A. Additionally, the southern carpark adjoining Block H has been removed and replaced with a densely planted landscaped setback, identified as "COS 3", providing a significant amenity to the southern neighbour.</p>
	i) Reduction in the required carriageway width of 8.850m to 7.354m-8.5m which is unacceptable especially considering the lack of any pedestrian access or safety considerations within the circulation roadway.	<p>The separation distances between Blocks A&C and B&E are 8.85m which comply with the SSDCP (the 8.5m dimension is between piers added to the townhouses for architectural interest). Further, the separation distance between Unit 44 and 55 is reduced from the SSDCP only to the garage door, when measured between windows it is 10.7m. Separation between first floor windows exceeds the SSDCP minimum. Refer Attachment A.</p> <p>Further, as discussed, the internal roadway was intended to be a shared pedestrian zone. Traffic calming devices have been incorporated into the carriageway, in accordance with the recommendations of the Traffic Report in Attachment P.</p>
	j) Reduction in the required 12.15m carriageway width between properties situated adjacent to each other across the internal road network measured from the building line of the garage. Plans show a reduction to 9.95m which is unacceptable especially considering the lack of any pedestrian access or safety considerations within the circulation roadway and Council's concern that unauthorised stopping and carriageway is likely to occur in	<p>The reduced distance between garages will not affect traffic, nor manoeuvring in and out of the garages. Refer to Traffic Report in Attachment P.</p>

Topic	Council matter raised	Applicant response
	the carriageway resulting in unacceptable reduction of the two-way width.	
	k) Loss of existing mature trees in the deep soil zones and setbacks required contrary to the deep soil controls of the SSDCP.	<p>The development proposal has been amended to retain additional trees to that originally proposed. 14 trees are now retained, in addition to the 148 new trees proposed (well exceeding the number of trees lost and representing an overall increase to the existing canopy coverage on the site).</p> <p>SSDCP references deep soil provision in relation to the following provisions:</p> <ul style="list-style-type: none"> landscaping opportunities along the boundary where basement car park is proposed (1.4.3(f)). The basement for both the MDH and RFB are setback from the boundaries to facilitate landscaping in deep soil zones. deep soil along Orange Grove Road to enhance privacy and mitigate acoustic impacts (1.4.3(i)). A compliant 5m setback is provided to Orange Grove Road. In addition to landscaping as a form of privacy and acoustic mitigators, it is recognised that the 3 storey built form will also contribute to privacy and acoustic mitigators as addressed in the Outcome Report dated 24 March 2020.
	l) The Boundary Articulation to Orange Grove Road is not in accordance with the SSDCP and has been reduced in depth and quality, is devoid of mature trees and results in loss of existing mature trees in those existing areas.	The boundary articulation along Orange Grove Road steps in and out to provide an improved interface with the road, rather than just being a long flat façade. Importantly, the stepping is into the site (deeper setback), not into the minimum setback zone. Refer to Attachment A . This actually allows for improved landscaping and tree planning, refer Attachment B . Further, this stepping better addresses Objective D of SSDCP 1.4.3, in that it achieves a staggered and articulated built form.
	m) Introduction of a half basketball court in the communal open space adjacent to neighbouring residences without addressing the potential for adverse acoustic impacts and nuisance such as from balls landing in neighbours yards.	The basketball court has been removed. Refer to Attachment A .
	n) Development does not achieve the design quality principles of SEPP 65 nor is it compliant with the controls of the Apartment Design Guide.	The proposed RFB achieves the design quality of the ADG as outlined in Attachment E and F . The proposed MDH is not subject to the ADG.
	o) Building setbacks and separation requirements not met:	(Refer items below)
	i. The minimum 6m front setback required to Cabramatta Road West is encroached upon by the proposed communal open space, pool area and shade structure. Furthermore, a pedestrian private path is proposed all along the frontages of the site which is parallel to the public pathway, and considered unnecessary and results in further loss of landscaping within the frontages of the site.	The RFB COS has been amended, including deletion of the swimming pool and associated shade structures, achieving the 6m setback. The pedestrian path has been removed and replaced with additional landscaping. Refer to Attachment C and D and Landscape documentation at Attachment K .

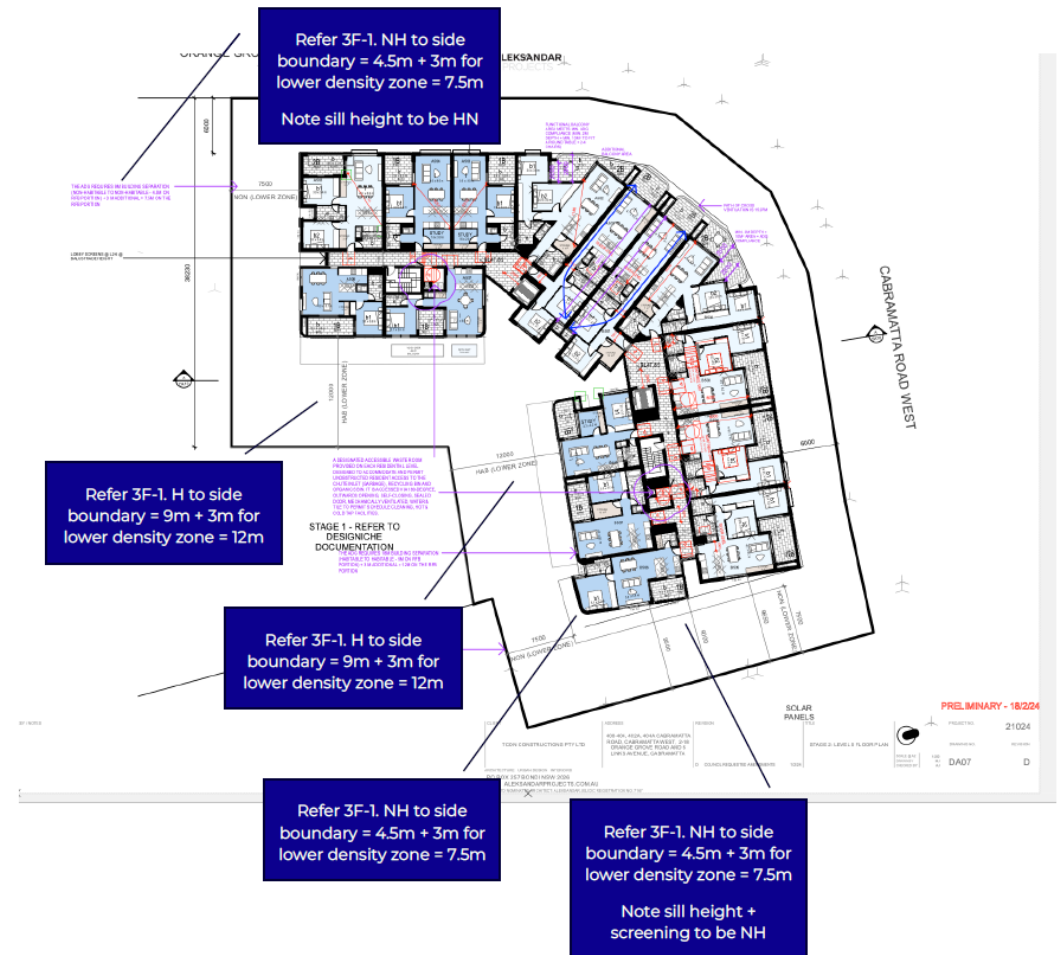
ii. RFB does not provide the minimum 9m setback to the proposed R3 zoned MDH on the same site. Levels 5 and 6 do not provide a 12m setback to the proposed MDH.

All setbacks are compliant with the ADG as illustrated below (ADG reference numbers shown). It is important to note that walls with windows at 1.8m sill height are treated as non-habitable, as a resident cannot look through a window at this height. Refer additional detail at **Attachment D**.

Levels up to 4 storeys:



Levels 5 and 6:



iii. RFB does not provide the minimum 9m setback for the first 1-4 storeys, nor the minimum 12m setback for the 5th and 6th storey to the south-eastern boundary.

Refer to response (ii) above.

iv. RFB does not provide the minimum setback for the 5th and 6th storey to the eastern boundary with adjoining R2 zoned land.

Refer to response (ii) above.

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	v. Building setbacks and separation distances within the development do not meet the controls of the DCP and ADG.	A response in relation to the ADG is provided in (ii) above and Attachment D . In relation to the DCP, the setbacks shown at Attachment A meet the objectives for the setbacks stipulated in the SSDCP and Chapter 6A of the Fairfield City Wide DCP. Refer to response in Attachment B , and responses below.
	vi. The minimum rear building setback control of 4.5m to the Links Avenue properties. All three storeys of Unit 1 encroach into the required 4.5m setback and is incompatible with neighbours.	Unit 1 has been redesigned to be a part single and part two storey dwelling. While part of the unit encroaches into the 4.5m setback, the introduction of a single storey portion significantly mitigates the impact of this minor encroachment in terms of overshadowing and privacy. Importantly, the setback proposed complies with a standard side setback in the CWDCP. The first floor presents increased setback to the side boundary, approximately 2.9m at the corner and increasing from this point (given the angle of the boundary). The improved proposal does not present adverse overshadowing or privacy impact (with no windows in the side wall), and given the angle of the boundary to the built form the visual bulk is minimised. Refer additional response in Attachment B .
	vii. Insufficient setbacks of only 2.2m are provided to the rear of Smiths Avenue properties for the new two storey Units proposed in Block H which was not envisaged by the SSDCP and is incompatible with neighbours.	Block H is setback 2.21m from the side boundary, allowing for landscaped buffer. Further, the wall adjacent the boundary does not have any windows, maximising privacy. The isolated portion of built form represented by this townhouse does not present adverse overshadowing or visual bulk impacts. Refer to response in Attachment B .
	viii. The plans do not demonstrate that the private open space for the multi-dwelling housing sharing rear private open space is designed in a manner that reduces overlooking and promotes privacy.	Additional sections have been included in Attachment A to demonstrate how visual privacy is achieved. Methods utilised to maximise privacy include screening, planting and raised window sill height to the first floor. Importantly, the proposal exceeds the minimum 7m separation distance by proposing a minimum of 9m at the ground floor and 10m at the first floor. Refer to response in Attachment B for detail.
	ix. Minimum separation distances are not achieved between unit 50 and Unit 44 at the ground level and for Block D.	The revised plans in Attachment A achieves compliance between Unit 44/50 and Block D, with the exception to the laundry room of Block D (only a minor portion of the façade). However, this room does not include any windows at ground floor level and therefore does not result in a visual privacy issue.
	x. Insufficient setback and spatial separation from the proposed Block G units along the eastern boundary. The buildings are proposed to be 3.5m from the rear boundary with the area dysfunctional, occupied by a swale, pit and pipes and a small deck, offering insufficient spatial separation to accommodate the open space and landscaping needs. Furthermore, there is insufficient depth for any mature plantings which are positioned for too close to the building and impractical. The Landscape Plans detailing for these units is completely unrealistic when having regard to the stormwater system proposed in the stormwater management plan drawing H02.	The setback to the eastern boundary accords with the indicative scheme illustrated in the SSDCP (refer Figure 2 and 3 – 3.5m minimum). Further, Council's urban designer at our meeting following Council's issue of their RFI supported this setback distance, particularly given that the first floor setback is at 5.7m, exceeding the minimum setback and further improving mitigating overshadowing and privacy concerns. Refer to response in Attachment B . The rear landscaped area associated with Block G is greater than the minimum requirements under the SSDCP. They all have a minimum dimension of 3.5m and ranges between 25.95m ² -29.36m ² which are greater than the minimum requirements of 25m ² which minimum dimensions of 2.5m. Therefore, notwithstanding the swale, appropriate amenity has been achieved to meet the objectives of this control. The landscape architect has coordinated with the civil engineer to provide realistic planting that does not inhibit operation of the swale, refer landscape at Attachment K and civil at Attachment L .

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	Xi The minimum 4m required setback along the site's side and rear boundary has not been achieved. This is required by Chapter 6A.2 of the DCP.	This is a repeat of the matters raised and addressed above.
	xii. The mix of 1, 2 and 3 bedroom units as required in Chapter 6A.2 of the DCP is not provided with the units being 3 or more bedrooms.	The proposal accords with the indicative scheme submitted to inform both the Planning Proposal and the adopted SSDCP, where all townhouses comprise two or three storeys. It was therefore anticipated that the development be considered holistically, in that there is provision of an appropriate mix of 1, 2 and 3 bedroom dwellings across both the RFB and MDH. The MDH being most appropriate for families and therefore provided with 3 or more bedrooms. The development therefore meets the objective of this control to supply housing that responds to the needs of the local population and provides for a variety of family household types.
	p) The parking for the residential flat building is deficient by 1 visitor parking spaces. The application has counted the car wash bay as a visitor parking space however this space must be excluded as it needs to remain useable and unobstructed at all times.	An additional visitors car space has been added as requested, with the car wash bay not counted as a visitor's space. Refer to plans at Attachment C .
	q) The development does not comply with the majority of controls in Chapter 6A.2 Built Form and Urban Design of the Fairfield City Wide DCP 2013 despite being required to comply with Chapter 6A.2 under the SSDCP controls. Non-compliances include but are not limited to:	In accordance with Chapter 10.14 Section 1.2, <i>'In the event of an inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency'</i> . To that effect, the proposed development has been designed in accordance with Chapter 10.14 of the Citywide DCP (the SSDCP). Individual matters are addressed below.
	a. Exceedance of the maximum 2 storeys allowed by the 3-storey units	<p>Units 1-4 have been reduced to two storeys in response to Council's RFI, in order to achieve a transition to the Links Avenue properties (as discussed earlier in this letter) Further, unit 1 is part 1 storey adjacent the boundary. This represents a loss of floor space that would otherwise have been permissible under the LEP provision. The three storey townhouses do not exceed the maximum LEP height, and the third storey is treated with a different materiality to the lower floors to present as lighter weight.</p> <p>The proposal accords with the SSDCP, which itself is informed by the indicative scheme that accompanied the Planning Proposal (which comprised three storey townhouses to Orange Grove Road).</p> <p>An excerpt from council's Outcomes Report dated 24 March 2020, supporting the planning proposal, and the third storey is provided below:</p> <p>The western portion of the proposed R3 zoned land that runs adjacent to Orange Grove Road would result in approximately 19 3-storey town houses (excluding basement level). The SSDCP controls restrict the 41 town houses on the eastern portion of the site to 2-storeys with attic space.</p>

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		<p>The 3-storey town house element of the Proposal will be located to the western portion of the development site and will provide a prominent visual gateway to the Orange Grove Road interface. As shown in the image below, the 3-storey town houses will provide a visual transition to the proposed apartments at the corner of Cabramatta Road West/Cumberland Highway, as well as an acoustic buffer to development at the rear from impacts associated with traffic along Orange Grove Road. Due to the distance and degree of separation there will be minimal impact on the amenity and views of the development from properties located in Smiths Avenue, View Street, Panorama Street and Links Avenue.</p> <p>Refer to the comments to the below point for further discussion on the fact that the proposed third storey does not present adverse additional impact to adjacent existing neighbours.</p>
	<p>b. The first floor of multi-dwelling housing do not comply with the controls set out in Section 6A.2.4 Balanced Building Form within the Fairfield City Wide DCP 2013 which allow the first floor to be a maximum 65% of the ground floor area. The proposal exceeds 134%.</p>	<p>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 (which comprised three storey townhouses to Orange Grove Road) that informed amendments to the LEP height and FSR development standards.</p> <p>Where a garage is provided to the ground floor of a townhouse, the proposed first floor GFA is greater than the ground floor GFA (all blocks except for block E). For dwellings with basement parking (no garage on ground floor, Block E), the first floor GFA is less than the ground floor GFA. Refer to the area schedule provided by Designiche at Attachment A.</p> <p>The proposed development complies with the maximum FSR set out in the LEP.</p> <p>Notwithstanding the proposed variation to 6A.2.4 in the CWDCP, the proposed density and scale will not result in any adverse impacts to neighbouring properties or the streetscape. Further, the development will remain consistent with the relevant objectives for the reasons outlined below:</p> <p>a) Ensure privacy is maximised for neighbours of the development and those who will occupy the townhouse/villas development.</p> <ul style="list-style-type: none"> • The two storey plus attic dwellings are contained within the Orange Grove Road fronting blocks, away from the existing low-scale residential to the east and south of the site. • The attached dwelling arrangement results in windows to upper floors that are oriented to face the internal road or rear private open space. Overlooking to neighbouring properties is minimised. • The upper floor to four of the townhouses in Block G is further setback from the eastern boundary. • The townhouses are generally separated as per the SSDCP. <p>b) Reduce bulk and achieve a mix of single and 2 storey built elements that respond to the opportunities and constraints of the site.</p>

Topic	Council matter raised	Applicant response
		<ul style="list-style-type: none"> • The multi dwelling development does not exceed the LEP floor space maximum of 0.6:1 or the LEP building height maximum of 9m. • The number of townhouses is consistent with that prescribed in the SSDCP. • The development proposes a mix of two and two storey plus attic dwellings as permissible in the SSDCP. The bulk is reduced to two storeys within the site (away from Orange Grove Road) to provide transition to the low scale existing residential adjacent. The attic level in the Orange Grove Road fronting blocks is distinguished from the lower floors by a change to material and general containment within the roof form fronting Orange Grove Road. • The design has been amended to reduce four previously three storey townhouses to two storeys adjacent to the Links Road properties, representing a loss of residential floorspace than that which was previously proposed and could be achieved on the site without exceeding the permissible FSR <p>c) Encourage the massing of the dwellings to take into account overshadowing impacts on surrounding properties and private open space within the development.</p> <ul style="list-style-type: none"> • Please refer overshadowing discussion at Section 6.2 of the SEE. • The proposed development does not present adverse overshadowing impact to private open spaces internally within the development or to neighbouring properties. <p>d) Ensure development is compatible with its surroundings.</p> <ul style="list-style-type: none"> • The proposed development follows a planning proposal endorsed by Council officers, the Local Planning Panel and the DPE following detailed analysis of the potential environmental impacts. This informed the arrangement of built form across the site, and the subsequent floor space ratio and height of building development control amendments. • The arrangement of built form concentrates massing to the Orange Grove Road frontage and transitions to the adjacent lower scale residential. Communal open space is provided to the eastern boundary to provide additional buffering to adjacent development as well as landscape amenity that includes tree planting. <p>The consent authority can be satisfied that, notwithstanding the variation to this CWDCP control, the proposed development achieves the built form objectives.</p>
	c. Maximum height of eaves and ridge line from existing ground level exceeded.	<p>As part of this RFI response, the upper floor of four previously three storey townhouses has been removed, to assist transitioning the built form to the detached single dwellings on Links Avenue. 25 of the 53 townhouses (47%) have maximum eave height below 7.2m. All townhouses are below the LEP maximum height.</p> <p>For the remainder, the proposed variation above the 7.2 metre eave height is necessary to accommodate the change to existing ground level that facilitates the internal road. The eave height varies across each townhouse block. Notwithstanding this, the proposal meets the CWDCP objective</p>

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		to minimise overshadowing on neighbouring property, maintains sunlight to private and communal open spaces and maintains privacy to neighbouring properties, as demonstrated at Attachment A .
	d. Minimum 4m side and rear setback does not comply as already mentioned further above.	Refer to response above.
	e. The minimum number of villa units as required by Chapter 6A.2 is not complied with. The DCP requires at least 6 units to be villas, i.e. single storey units. The proposal provides zero villas.	As the SSDCP takes precedence where there is a conflict with the Citywide DCP, the applicant is providing 6 townhouses with a ground floor bedroom rather than 6 villas, as per the SSDCP control. Further, we note that this approach is in accordance with the reference scheme submitted with the Planning Proposal, which did not include single-storey townhouses
	f. It is considered that the overshadowing impacts of the development on adjoining residences as a result of non-compliance with building setbacks is unreasonable and unacceptable and does not demonstrate design excellence.	<p>It is important to note that Design Excellence, as per the LEP, must only be achieved by the RFB.</p> <p>The setbacks to the RFB accord with the ADG as discussed earlier in this letter. The overshadowing analysis conducted demonstrates that compliant solar amenity is retained to adjoining residents, including to their solar panels. Shadow diagrams for the RFB are provided in Attachment C. No overshadowing to adjoining properties occurs prior to 11am on June 21st. From 11am-2pm on June 21st minor overshadowing occurs to the private open space at 1 and 3 Smith Street. However, these areas continue to receive a minimum 3 hours direct sunlight.</p> <p>398 Cabramatta Road West receives less than 3 hours direct sunlight and the proposed RFB does not reduce this solar access by more than 20%. Refer to shadow diagrams in Attachment C.</p>
	g. The Winter Solstice June 21 Shadow Diagrams do not illustrate the impacted adjoining residential properties in the full context of their property boundaries nor their impacted windows, as such it is unclear if the adjoining residences comply with the solar access controls of Chapter 6A.5.1 Solar Access. Furthermore, the diagrams do not illustrate shadows from the RFB as these are not printed on the page.	Refer to amended drawings in Attachment C .
	h. The solar Analysis has not illustrated the impact of the proposal on existing solar hot water systems, photovoltaic panels on adjoining residential properties. As per Chapter 6A.5.1, the application has not demonstrated how it would maintain solar access to these existing features on neighbouring residences.	398 Cabramatta Road West and 1A Smith Street contain solar panels. As demonstrates in the shadow diagrams, the panels will have full access to solar between 9am-1pm during the winter solstice. The shadowing presented by the compliant built form will impact the solar panels from 1pm onward. During the summer solstice During the autumn solstice and spring solstice (21 March and 21 September respectively), no overshadowing to adjoining properties solar panels will occur between the hours of 9am and 3pm. It is therefore considered that sufficient solar is provided to these panels. Consideration of PV panels and hot water systems are provided in the shadow diagrams in Attachment C . Overall, any impact is considered acceptable as outlined above.

Topic	Council matter raised	Applicant response
	i. The development does not comply with Chapter 6A.5.3 Privacy and Council considers that the development has not responded to the privacy needs of occupants or neighbours as a result of:	Chapter 6A.5.3 relates to privacy for the MDH. The revised plans in Attachment A include additional privacy mitigation measures such as either 2100mm or 1800mm high fences and landscape buffering. A response to additional privacy measures is discussed throughout Attachment B .
	i. non-compliant building setbacks and separations	Refer separate discussion on setbacks in this letter. Refer also to response in Attachment B .
	ii. driveway areas with direct line of sight into neighbouring private open space as already mentioned	Additional sections and 3D views are provided in Attachment A , demonstrating how views from a car on the internal circulation road toward existing residences has been considered and privacy impact mitigated. The proposed boundary fence has been designed to include localised 2400mm high panels to achieve privacy, supplemented by retention of existing trees and introduction of new landscaping (where feasible). Refer to detailed response in Attachment B .
	iii. lack of privacy measures such as for units in Block E;	The minimum setback between Block E and the closest dwelling (being those in Block C) is 7m which is compliant with the SSDCP control. This is further discussed in the separation distance section of this letter and at Attachment B .
	iv. poor placement of Unit 19 directly adjacent to the on-site waste service area and entry to residential flat building basement (and not addressed in the acoustic assessment);	Unit 19 is offset from the basement entry by 6.2m and the closest wall to the waste service area is a black wall with no open windows. To that effect, the amenity of Unit 19 will not be impacted by the waste service area. This is further discussed at Attachment B .
	v. locating the recreational facilities such as the basketball court directly adjacent to neighbouring residences;	The basketball court has been removed.
	vi. location of substation in proximity to residential units likely to result in noise nuisance and is not addressed in the acoustic assessment	The substation has been relocated to the rear of units 32 and 33, allowing for the northern end of Block D to become a central COS space with planting and open space amenities such as seating. Section 7.4 of the Acoustic Report (Attachment H) confirms that the substation will be inaudible to adjoining units and will comply with AS2107.
	vii. no assessment provided of the adverse acoustic impacts of the proposal (traffic generation and on-site activities) on neighbouring residents and lack of any mitigation measures	Acoustic impacts from traffic generation is addressed in Section 7.2 and noise from communal areas are addressed in Section 7.2 of the revised acoustic report at Attachment H .
	r) The Landscape Plan does not appear to take into consideration the restrictions imposed to the site as a result of the proposed Stormwater Management systems proposed for the site and minimal depths/setbacks provided generally across the whole of the site, nor proper consideration given to the proximity of proposed trees to new buildings etc. and is considered to present an unviable scheme for the site.	The proposed landscape plans in Attachment K have been coordinated with the Civil Engineering Plans in Attachment L and M . The landscape design appropriately accommodates soil depth, maximises deep soil opportunity and embellishes communal open space with planting and resident passive recreation amenities. It is therefore considered a viable scheme for the site.

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	s) Not all units comply with the minimum 25sqm requirement for private open space such as Unit 35 and Unit 44. Furthermore, plans do not dimension the private open spaces and the overall areas appear to include areas under 2.5m in width.	All units have been amended to comply with the 25m ² requirements. With regards to Unit 35, this has been increased to 36.91m ² and Unit 44 has been increased to 36.3m ² , both with minimum dimensions of 2.5m.
	t) The proposal does not comply with the open space, landscaping and environment controls of the SSDCP as proposed landscaping results in loss of trees, proposed landscaping is unviable, does not enhance residential amenity, is at places unusable and dysfunctional. Further, passive surveillance of communal spaces such as for the pedestrian pathway and Block H's relationship to the central space is not addressed.	Refer to responses in Attachment B and throughout this letter. The proposed communal open spaces have been amended to now exceed the minimum areas required in the SSDCP. Further, the RFB communal open space has been greatly increased in usable area by deletion of the swimming pool. The addition of open space in lieu of the substation and parking adjoining Block G has also improved the landscape outcome for the site. Additional existing trees are now proposed to be retained, supplemented by 143 proposed new trees. All communal open space areas are overlooked by first floor windows, achieving passive surveillance.
	u) There is a distinct lack of useable embellishments to the communal open space with hardly any facilities provided to accommodate all the residents on the site, nor ability for passive recreation.	Additional embellishments have been incorporated into the landscape plans in Attachment K . Embellishments, in addition to increased planting include a communal gym, timber decking, open lawns, seating, and tables.
	v) The development is incapable of complying with the landscaping controls which require landscaping of mature plantings between the proposed residential flat building and the adjoining low density residential areas. This is due to non-compliant building setbacks of the residential flat building including the service area, pool, and basement being proposed right up to the zone boundary, preventing any ability for any vegetation growth. Landscape Plans showing proposed vegetation in the areas between the residential flat building and the R3 and R2 zones are unrealistic and not possible to achieve, not accounting for the physical obstructions to viable vegetation.	The pool has been removed and new planting is proposed in this area along the boundary of 398 Cabramatta Road West. As discussed, the setback to 398 Cabramatta Road West is compliant (9m+) on the ground level. Refer to revised RFB plans in Attachment C and revised landscape plans in Attachment K .
	w) The development does not comply with the SSDCP controls regarding accessibility which require a minimum of 10% of dwellings to have a bedroom, bathroom and kitchen on the ground floor. The development is required to provide 6 accessible units however zero accessible units are provided. The adaptable units that are proposed are not considered to meet this provision of the SSDCP as they do not provide any units that meet this requirement immediately, and depend on future occupants adapting the buildings in the long-term future.	The amended architectural plans for the townhouses (refer to Appendix A) include 6 townhouses with ground floor bedrooms, as per the requirement of the SSDCP, and discussed in detail previously in this letter. This is consistent with the Outcomes Report dated 24 March 2020 which notes: "...The development will provide a greater diversity in housing typology including a requirement for 6 ground floor liveable town houses for those residents that are elderly or have mobility issues". As such, the proposed development adequately accommodate accessible needs in accordance with the SSDCP.

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	x) Fencing Elevations and particularly details of acoustic barrier fencing have not been submitted with the application to demonstrate how the boundaries of the site will be treated, the heights of fencing, retaining walls, landscaping, privacy screening etc.	The acoustic barrier fencing has been addressed in the Acoustic Report in Section 9.2 Attachment H . Details regarding fencing and landscaping are provided in Attachment A (MDH Architectural Drawings) and Attachment K (Landscape Plans).
	y) A Pedestrian Access and Mobility Plan prepared by a suitably qualified traffic consultant was not submitted with the application to include identification of key desire lines. The SSDCP required that the plan must show the developments impact to the frontage along Cumberland Highway including the impact on the Transport NSW requirements of a strategic cycling corridor and walking corridor in Transport NSW Sydney Cycling Future 2013.	A Pedestrian Access and Mobility Plan has now been provided at Attachment R and addresses these matters raised by Council.
	z) Waste management requirements not met. Further detail in relation to these issues are provided in this letter.	Refer to the response for waste matters below.
	aa) The proposed residential flat building is inconsistent with the following controls of Chapter 7 Residential Flat Buildings of the Fairfield CityWide DCP: a. Building setback/separation, solar access, private open space, common open space and landscaping requirements which are similar to the ADG and are further discussed within this letter. b. Car parking requirements involving shortfall of 1 visitor car parking space as already mentioned further above. c. Acoustic amenity requirements due to site layout not minimising the impact of noise pollution.	a. Building separates are addressed above and are consistent with the objectives of the ADG. Further matters regarding solar, POS, COS and landscaping are addressed in Attachment E and F and to the ADG matters section of this letter below. b. An additional visitors car space has been added as requested, with the car wash bay not counted as a visitor's space. Refer to Attachment C . c. The revised Acoustic Report at Attachment H confirms that all units will have acceptable acoustic amenity. Acoustic mitigation measures have been adopted, including the addition of Council's recommended 1.8m acoustic wall as discussed later in this letter.
5. Inconsistencies with the ADG	Orientation a) Orientation of building causing unnecessary additional overshadowing of adjoining properties resulting from non-compliant building setbacks, particularly on No. 398 Cabramatta Road West, No. 1 Smiths Avenue and No. 3 Smiths Avenue. b) Orientation of building causing 100% overshadowing to the proposed communal open space at ground level annotated as gym and the areas consisting of bench seating.	a. The orientation of the building is consistent with the site layout presented in the SSDCP and setbacks meet or exceed the minimum requirements. For example, the ADG requires a 6m setback to the common boundary for the first 4 levels and a setback of 9m to the common boundary for levels 5-8. The proposed development provides a consistent setback of 9m throughout the elevation and exceeds the minimum requirements. To that effect, any overshadowing resulting from the built form is considered acceptable. b. The gym will be a fully covered by a roof overhang, to avoid excessive sun to residents while they exercise. The swimming pool has been removed to confirm this area, exposed to an ADG compliant quantum of solar access, as the principal usable part of the communal open space.

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	<p>c) Orientation of the building will likely reduce sunlight to existing solar panels on neighbouring buildings which have not been addressed in the documentation.</p>	<p>c. 398 Cabramatta Road West and 1A Smith Street contain solar panels. As demonstrates in the shadow diagrams, the panels will have full access to solar between 9am-1pm during the winter solstice. The shadowing presented by the compliant built form will impact the solar panels from 1pm onward. During the summer solstice During the autumn solstice and spring solstice (21 March and 21 September respectively), no overshadowing to adjoining properties solar panels will occur between the hours of 9am and 3pm. It is therefore considered that sufficient solar is provided to these panels.</p>
	<p>Public Domain Interface</p> <p>a) The development's frontage to the two classified roads does not consider or incorporate any safety or security features to protect residential units from collisions or from traffic noise.</p> <p>b) The front setback of the site is provided with a private pedestrian pathway all along the frontages of the site, which is parallel to an existing public pathway. The private pathway is considered unnecessary and diminishes the ability of the sites frontage to be planted with dense landscaping and mature trees.</p> <p>c) Mail boxes are not located perpendicular to the street alignment.</p> <p>d) Substations, garbage storage areas and other service areas are prominently located within view and not integrated into the building nor hidden from view.</p>	<p>a. The 1.8m high mosaic wall to the two classified roads has been added as requested to provide safety or security features to protect residential units from collisions and from traffic noise. Refer plans at Attachment D, and revised acoustic report at Attachment H.</p> <p>b. The internal circulation path has been removed to increase planting and landscaped area. Refer plans at Attachment D.</p> <p>c. Mailboxes have been relocated to be perpendicular to the street alignment. Refer plans at Attachment D.</p> <p>d. The garbage storage area and other service area are integrated within the building and not visible from the public domain. The substation has been relocated to a discrete position, which also increases communal open space to the area once occupied by the substation.</p>
	<p>Communal and Public Open Space (COS)</p> <p>a) The calculation of communal open space has included areas of the site which do not serve any communal open space purpose, for example, the walkway between the loading bay and plant room which contains no seating for passive recreation or embellishments to be of any communal use.</p> <p>b) The plans show the pool area is considered by the applicant to be the principle useable part of the COS and is the only area of COS that receives the required minimum 2 hours of sunlight for 50% of its area. Council considers the principal useable area is there area embellished with more common and useable facilities such as BBQ and seating as opposed to the pool area. The BBQ and seating areas is entirely shaded receiving no sunlight throughout the day in mid-winter.</p> <p>c) The COS is not well-designed and not consolidated into an easily identified and useable area. The COS is not co-</p>	<p>a. Communal open space has been provided in accordance with the SSDCP and meets the ADG minimum. The principle usable part of the communal open space has been increased by removal of the swimming pool. Refer to plans at Attachment D.</p> <p>b. The pool has been removed to allow for greater usability and recreational embellishment of the principle communal open space. Refer to plans at Attachment D.</p> <p>c. The revised plans provide COS in accordance with the SSDCP. COS has been consolidated with deep soil zones. The extent of basement has been revised to achieve additional deep soil to the communal open space. Refer to plans at Attachment A and D.</p> <p>d. The pool has been removed and replaced with additional landscaping and lawned area to improve usability of the area. The seating areas provide opportunities for outside recreation in both sun exposed and shaded areas.</p> <p>e. The screening of the gym will be less than 1.4m high to avoid any additional GFA. The space has been left blank (similar to a cold shell) to allow the owners to consider appropriate equipment. Future</p>

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	<p>located with the deep soil zones and is situated over the basement footprint, hindering the ability of the COS to have viable and substantial landscaping. Access, visibility and relationship of the COS with the multi dwelling housing is poor.</p> <p>d) The COS does not support a range of activities nor does it respond appropriately to the microclimatic conditions. Noisy activities such as the pool area are proposed directly adjacent to a residential property without consideration or mitigation of acoustic impacts. Seated areas are wholly shaded all year round and result in unpleasant environment to be in for residents in the winter season.</p> <p>e) No details have been provided regarding the proposed gym area, the type of equipment in the space, the security and safety arrangements, whether the proposed screen is fixed or operable and/or capable of being enclosed to form a wall around the gym. This area is considered to be GFA but has not been included as GFA resulting in under representation of FSR.</p>	<p>gym equipment selection will be confirmed with the certifier and will ensure compliance with the relevant safety arrangements.</p>
	<p>Deep Soil Zones (DSZ)</p> <p>a) The development does not provide the minimum required DSZ of 15% of the site area as Landscape Plans indicate that areas less than 6m in dimension have been calculated in the DSZ calculation which is contrary to the ADG.</p> <p>b) Insufficient DSZs have been provided adjacent to the adjoining R2 and R3 zoned properties in order to support the growth of mature and wide canopy trees.</p> <p>c) The basements proposed to the zone and property boundaries, instead of providing a 6m setback, does not support healthy tree growth to improve residential amenity.</p> <p>d) The proposed DSZ at the frontage of the site to Orange Grove Road does not retain at least four existing and significant mature trees and is contrary to the controls of the ADG which requires that DSZs be located to retain existing significant trees.</p>	<p>a. The basement has been reduced to allow for a full 6m dimensions. In total, the landscape plans outline that the development will have a total of 740.45m² of deep soil zones which equates to 21.8% of the site area. Refer to plans at Attachment K.</p> <p>b. The pool has been removed and the eastern side of the basement has been recessed to allow for a 6m deep soil zone to the east. Refer to plans at Attachment D.</p> <p>c. DSZ are provided around the periphery of the RFB, with the exclusion of the southern boundary which is required to accommodate the OSD, car parking, basement ramp and other services.</p> <p>d. The objective of Section 3E Deep Soil Zones of the ADG is “<i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i>”. The design criteria for Section 3E requires a site to have 7% of the site area as deep soil zones. The proposed development provides in excess of that as outlined above. It is noted that the retention of significant trees is a design guidance control. Notwithstanding the above, the RFB and MDH have been designed to retain 14 trees which are of high or medium retention value.</p>
	<p>Building Setbacks</p>	<p>a. Refer to building setback controls addressed above and in Attachment C and D.</p>

Topic	Council matter raised	Applicant response
	<p>a) The development does not comply with the minimum setback and separation requirements of the ADG and Council's DCP, as already mentioned earlier.</p> <p>b) Additionally, the development does not provide a further increased setback of 3m to adjacent to R2 and R3 zones, on top of the minimum setback requirements, to provide for a transition in scale and increased landscaping.</p> <p>c) Building separation distances of the ADG are not complied with between proposed windows and separation distances and outlooks are less than the minimum requirements, resulting in poor outlooks and poor amenity for affected units, due to the need to provide privacy screening.</p>	<p>b. The proposed development has incorporated an additional 3m to land zoned for lower density development where appropriate. Please note that the additional 3m is applied to a non-habitable setback to facades where the window sill is at 1.8m above floor level (no ability to overlook).</p> <p>c. As outlined above, ADG compliant separation distances are provided, achieving the minimum amenity requirement and objectives in the ADG.</p>
	<p>Pedestrian Access and Entries</p> <p>a) Building entries and pedestrian access from the rear of the building fronting the private road is substandard, does not create a sense of entry despite being the main entry point, and relates poorly to the multi dwelling housing development.</p>	<p>a) The secondary RFB building entries to the rear of the RFB have had entry portals added, to mimic the entries from the street and creating a sense of entry into this side. Refer to DA28 in Attachment C.</p>
	<p>Vehicle Access Points</p> <p>a) Vehicle access point into the basement as well as the private circulation road in general is not designed and located to achieve safety, minimise conflicts between pedestrians and vehicles nor does it contribute to creating a high quality streetscape or environment for residents. There are no pedestrian pathways, no safe refuges to protect pedestrians from on-coming vehicles.</p> <p>b) Furthermore, the entry into the basement conflicts with the loading bay and with the circulation roadway. No measures are proposed to demonstrate how traffic flow works through the site, nor how conflict between the multiple vehicle access points in a pedestrian environment will be mitigated.</p> <p>c) Garbage collection, loading and servicing areas are not screened</p> <p>d) Pedestrian and vehicle access has not been separated nor is it distinguishable along the main circulation road connecting the residential flat building to Links Avenue.</p>	<p>a. Entries into the RFB basement avoid crossing the basement entrance and a pathway is introduced behind the Stage 1 visitor parking next to Stage 2 basement entry to provide safe passage. Refer plans at Attachment D.</p> <p>b. The basement carpark entry will be signalised to prevent conflict with the loading bay. Refer Loading Dock Management plan at Attachment Q.</p> <p>c. Screening has been added to the loading bay. The garage room is fully enclosed within the building. Refer Loading Dock Management plan at Attachment Q. Refer plans at Attachment D.</p> <p>d. As requested by Council and required in the SSDCP, traffic calming and pedestrian safety measures have now been included in the design. Refer plans at Attachment A and traffic report at Attachment P.</p>
	<p>Car Parking and Basement</p>	<p>a. Charging stations have been added within the basement. Refer plans at Attachment D.</p>

Topic	Council matter raised	Applicant response
	<p>a) Charging stations for electric vehicles are not provided.</p> <p>b) Ventilation grills or screening devices for basement/car parking openings have not been illustrated and it is unclear if these would be integrated into the façade and landscape design</p>	<p>b. the carpark will ventilate into the roof. Notes have been added on DA03 and DA04 to show the location of ventilation. Refer plans at Attachment D.</p>
	<p>Natural Ventilation</p> <p>a) A total of 10 apartment units exceed the maximum apartment depth of 18m. The breach also results in non-compliance with building setback and separation requirements of the ADG. These units are the two central, long units at each level from Level 2 through to Level 6. The Plans are not dimensioned to verify depth but Council measure these units to exceed 19m.</p>	<p>Plans have been amended to annotate the depths of the central units. These units are approximately 16m and thus are compliant with the recommended 18m control set out in Objective 4B-3 of the ADG. Furthermore, annotations on the plan show the cross paths of ventilation, demonstrating that these rooms are naturally ventilated. Refer plans at Attachment D.</p>
	<p>Apartment Size and Layout</p> <p>a) Plans do not provide a schedule of the apartment mix and sizes to demonstrate whether or not compliance with the ADG is achieved for apartment sizes, room sizes, etc.</p> <p>b) A total of 14 units have bedrooms that are not located on the external face of the building and are not provided with a window. These units are located at the centre of each level of the building and do not comply with the BCA nor with the ADG. Furthermore the depth of the bedrooms to a source of sunlight exceeds 8m and would result in poor amenity for occupants.</p> <p>c) Certain units are shown with a space annotated as 'S' and this is not identified in any legend as to whether the space is for storage or for a study. Further, the internal floor layout of the spaces are not illustrated on floor plans in order to clarify their intended uses.</p> <p>d) Further to the above, the size of the space annotated as 'S' in certain units (such as 1 at ground floor and others at Levels 5 and 6) are large enough to be characterised as bedrooms. However, the space would cause the corresponding units to be classified as a 2-bedroom unit, not a 1-bedroom unit despite annotations on the plans. As such, these units do not comply with the minimum 70m² to 75m² floor area required for a 2-bedroom unit. The rooms on Levels 5 and 6 plans are slightly undersized and would not comply with the minimum bedroom dimensions</p>	<p>a. A schedule of apartment and storage size is provided in Attachment D and ADG Verification Statement at Attachment E.</p> <p>b. There are no apartments without windows on the external face of the building nor bedrooms or studies in excess of 8m from a window. The bedrooms and studies of the central units have windows and are on the external face of the building. Refer plans at Attachment D.</p> <p>c. Plans show all storage and study places ('S') on the plans. All internal layouts are illustrated on floor plans. Refer plans at Attachment D.</p> <p>d. All study dimensions are below those required as minimum bedroom dimensions (3m x 3m) and cannot be included as bedrooms. All storage areas are shown in m² as per the ADG. Refer plans at Attachment D.</p> <p>e) Unit A103 has been redesigned due to the required larger garbage room. Glazing to the walkway has been removed. Refer plans at Attachment D.</p>

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	<p>of the ADG. The rooms are also not provided with the required wardrobe space and do not comply.</p> <p>e) Further to the above point, the room at ground level is provided with a window facing onto a communal/public corridor located outside of the unit, and does not face an external wall of the building. Additionally, the required 6m building setback has not been provided, and the window is only 1m away from another internal wall and is unacceptable.</p>	
	<p>Private Open Space</p> <p>a) The air conditioning of all units has not been shown on the plans.</p> <p>b) The balconies of some units (i.e. the V shaped units) are dysfunctional where one side is not accessible from the other end.</p> <p>c) Balcony sizes of the units provided with a second bedroom annotated by 'S' are undersized and do not comply with the balcony area required for a 2-bedroom unit.</p>	<p>a. All A/C are shown on the amended plans. They are located within a screened service area on the balcony or are within the roof top service area. Refer plans at Attachment D.</p> <p>b. Balconies to V-shaped units (such as A202 and B202) are accessible from both ends of the living rooms and bedrooms. Refer plans at Attachment D.</p> <p>c. balcony sizes for 1 bedroom with a studio comply with the minimum requirements for a 1 bedroom unit. Studios do not achieve the minimum bedroom size and are not counted as an additional bedroom. Refer plans at Attachment D.</p>
	<p>Storage</p> <p>a) Plans do not provide a schedule of the apartment mix and sizes to demonstrate whether or not compliance with the ADG is achieved for storage sizes volumes and storage location splits (i.e. amount located in bedroom versus amount located in basement etc.). Further, basement plans do not identify the allocation of storage spaces to specific units.</p>	<p>a. A schedule of apartment and storage size is provided and demonstrates compliance with the ADG. Refer plans at Attachment D and ADG Verification Statement at Attachment E.</p>
	<p>Acoustic Privacy</p> <p>a) Ground floor unit located abutting the waste storage room is a poor outcome and is likely to be affected by odour seepage through walls as well as experience unreasonable noise and vibration.</p> <p>b) Siting and design of the on-site loading bay, the vehicle access point into the basement and the pool and COS is not sited to minimise the transfer of noise to adjoining residents.</p> <p>c) Inadequate building setbacks and separations contribute to unnecessary noise transfer.</p>	<p>a. It is common for units to abut waste storage areas which can be treated to ensure reasonable amenity in terms of odour and acoustic disturbance. The abutting waste stored wall will be of insulated solid masonry materials. Refer acoustic report at Attachment H.</p> <p>b. The on-site loading bay and vehicle access point into the basement has been informed by the SSDCP and is located away from the primary COS. Further, the pool has been deleted to improve acoustic impacts to adjoining residents. Refer acoustic report at Attachment H.</p> <p>c. Building setbacks comply with the ADG as set out above.</p>

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	<p>Noise Pollution</p> <p>a) There do not appear to be any measures such as barrier fencing to alleviate the units from noise pollution arising from the abutting classified roads, other than measures in the acoustic report relating to glazing and ventilation. The type of front fencing proposed would not alleviate noise pollution.</p> <p>b) Private open spaces of the development are oriented towards the classified road instead of internally within the property which would result in poor amenity for occupants.</p>	<p>a. The originally submitted noise report found that the units can achieve reasonable acoustic amenity with the use of mechanical ventilation for units facing Cumberland Highway. Furthermore, the new addition of the 1.8m high solid wall will assist noise alleviation. Refer revised acoustic report at Attachment H.</p> <p>b. Private open space has been positioned in accordance with the SSDCP. It is noted that the siting of open space is orientated towards the north to achieve high levels of sunlight and any repositioning may reduce in worse solar amenity.</p>
	<p>Landscape Design</p> <p>a) As already mentioned in this letter, landscape design is not considered to be viable or sustainable and diminishes the existing amenity through the loss of significant existing trees.</p>	<p>As outlined above, the proposed landscape plans in Attachment K include additional embellishments and tree plantings. The proposed development has been modified to increase quantum of retained trees to 14 trees high or medium retention value. As such, the proposed landscaping is considered viable and appropriate to the development, with replacement tree planting and substantial communal open landscaped spaces that exceed the minimum area required in the SSDCP.</p>
	<p>General Comments</p> <p>a) Units are not numbered on the plans.</p>	<p>a) The amended plans provides numbering on all units. Refer plans at Attachment D.</p>
6. Transport for NSW (TfNSW)	<p>a) Traffic Generation The traffic generations adopted are considered low given the lack of public transport in the area. 0.26 (AM) and 0.29 (PM) trips per unit should be used for the higher density residential component that were derived from TfNSW studies at locations that were well away from a train station. Where there is uncertainty about the magnitude of estimated traffic movements the ability of the existing intersection of Orange grove Road and Links Ave should be tested with range of volumes. Furthermore, for trip assignments, residential trips are not evenly divided 50:50 IN/OUT. The AM peak is approximately 20:80 IN/OUT, and the PM approximately 80:20 IN/OUT.</p>	<p>The traffic generation analysis has been revised, refer traffic statement at Attachment P.</p>
	<p>b) SIDRA Network Modelling The intersection of #1684 Orange grove Road and Links Avenue is part of a subsystem with #1447 Orange grove Road and Cabramatta Road and #2392 Cumberland Hwy and Viscount. These intersections are to be included in the model as a network. At the Orange grove Road and Links Avenue intersection the following setup parameters have not been entered correctly: □ Cycle length is 140 seconds not 120 seconds. □ Phase sequences are incorrect, the site operates as three</p>	<p>The SIDRA network modelling has been revised and updated to address these matters raised by Council, refer traffic statement at Attachment P. The engineer concludes that <i>the estimated traffic generation from the proposed development is of low impact on existing flows on Orange Grove Road, Links Avenue and surrounding streets and will not have adverse impacts on the current operational performance of the subject existing intersections, which will generally continue to operate at the same level of service.</i></p> <p><i>The additional traffic generated by the proposed development can be readily accommodated within the existing road layout, without adverse impacts on the amenity of the area.</i></p>

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	<p>phases not four during the peaks. □ Incorrect reference phase used. □ Some movements missing from phases. □ Consideration should be given to the impact of grades/levels in the area. Grades will impact saturation flow calculations i.e. Orange grove road is 7%; □ Amber, minimum walks and clearances times are incorrect. □ Pedestrian volumes use default values and should be actual. □ PFF calculator is to be used as available on the official SIDRA website. □ Opposing pedestrian movements should be selected as a priority movement for the left and right turns out of Links Avenue. Particular reference should be made to include pedestrian protection times, late starts and maximum phase splits. These can be obtained at a cost by submitting a request to Scats.traffic.signal.data@rms.nsw.gov.au. The report does not reference any site surveys i.e. queue lengths which are required to calibrate the model. The results are therefore unreliable. Calibration of the base model to show the difference between observed and calculated data is to be tabulated in a supplementary report. This is to ensure that the intersection of Orange Grove Road and Links Ave is being modelled accurately. The calibration method is to follow that described in the SIDRA User Guide Section 2.6.2 – 2.6.4 in conjunction with TfNSW's Guide to Traffic Modelling.'</p>	
	<p>c) Mitigation If a deterioration in the Level of Service (LoS) is computed, mitigation works are to be explored to maintain the same LoS. Modifications to the traffic signals at this intersection requires consent from Transport for New South Wales (TfNSW) under Section 87(4) of the Roads Act 1993. Any intersection upgrades would be undertaken by the Applicant at no cost to TfNSW.</p>	<p>Refer above and traffic statement at Attachment P.</p>
	<p>d) Left-In and Left-Out Consideration be given to left in left out onto Links Avenue given the roads poor horizontal geometry.</p>	<p>The traffic engineer concludes in their statement at Attachment P that <i>It is not recommended to restrict vehicular movements to 'left-in, left-out' at the site access driveway, given that Links Avenue has a Cul-de-sac dead end to its south, and in general, a majority of vehicles exiting the site, are likely to turn right into Links Avenue and head towards Orange Grove Road. It is not suggested for vehicles to left-turn into Links Avenue out of the site, as vehicles will be forced to undertake a 3-point turn in order to travel back towards Orange Grove Road, causing adverse traffic impacts on Links Avenue.</i></p>
	<p>a) As the development site has potential impacts on the adjoining state road network and the signalised</p>	<p>Outcomes of TfNSW consultation is provided in the traffic statement at Attachment P.</p>

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7. Transport and Traffic Engineering Branch Comments	intersection of Cabramatta Road West and Links Avenue, any issues raised by TfNSW must be satisfactorily addressed.	
	b) The Traffic and Parking Impact Assessment Report submitted with the application shows that future 10-year (post-development) analysis indicates that the site would operate at a level of services (LoS) ranging from A to F during the AM and PM peak hours of the day. Based on the SIDRA modelling assessment results provided by the applicant, SIDRA modelling outputs suggest that the intersection of Orange Grove Road/Links Avenue is operating at LOS F during the peak hour for the future 2032, post development scenarios (after the construction stage is completed). This means that flow breakdown and traffic congestion is likely to occur at these times. Despite this, mitigation and/or traffic management measures including STOP sign arrangement at the driveway to give traffic priority to vehicles travelling on Links Avenue, would be required to be implemented to reduce the significant traffic impacts with the future scenarios however these have not been proposed by the application.	Revised modelling has been undertaken, refer comments above and the traffic statement at Attachment P .
	c) The application has not demonstrated that the intersection areas of the development can accommodate two-way simultaneous movements of a passenger vehicle and a HRV vehicle which includes Council's waste collection vehicle. The waste collection vehicle must enter and exit the site in a forward direction.	Vehicular swept paths have been undertaken at the site access driveway demonstrating a HRV entering and exiting the site in a forward direction, as well as manoeuvring throughout the internal circulation roadway. In addition, swept paths have been carried out showing a B99 passing a B85 passenger vehicle simultaneously at the access driveway as well as at intersection areas. Refer traffic statement at Attachment P for swept paths.
	d) The application was not accompanied by a Loading Management Plan indicating the frequency and the types of vehicles that are expected to service the site on a daily and weekly basis. Unless the heights of the basement car park are to be modified, SRV, MRV and HRV shall not enter the basement levels.	A Loading Management Plan (LMP) has been prepared by Hemanote Consultants to address the frequency and type of vehicles expected to service the site and utilise the on-site loading bay. Refer Attachment Q.
	e) The SIDRA modelling shows that the intersection of Orange Grove Road/Links Avenue is operating at LOS F during the peak hour for the future 2032. Revised SIDRA modelling needs to be provided for the network taking into account the traffic management measure like STOP sign or any alternative at the driveway exit at Links Avenue. Furthermore, a queueing analysis is required to ensure no	Revised modelling has been undertaken, refer comments above and the traffic statement at Attachment P .

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	queuing of vehicles occurs outside the property boundary, especially on the road related area of Links Avenue. A waiting bay may be required if queueing occurs, this needs to be considered and shown on the revised architectural plans.	
8. Acoustic Impacts on Neighbours Not Addressed	a) The acoustic assessment report submitted with the application does not include the potential impact of the proposed development on the nearby sensitive noise receivers. The acoustic consultant has not provided further details of specific addresses of the nearest sensitive receivers and has not predicted calculated noise levels at each site.	Refer to the revised Acoustic Report in Attachment H . Impacts to sensitive receivers are identified in Table 6.0.1 and Figure 5. The assessment in Section 7 identifies receivers only where relevant.
	b) The application has proposed 263 on-site parking spaces which include 109 on-site parking spaces for the residential flat building and 154 on-site parking for the townhouses. However, noise impact from the vehicle movement is not addressed in the submitted acoustic assessment.	Noise impact from car use and the internal road is addressed in Section 7.1.2 of Attachment H .
	c) The application has proposed waste collection areas within the proposed development however the noise impact of waste collection trucks has not been assessed by the acoustic report.	Refer to Section 7.3 of Attachment H .
9. Endeavour Energy Comments	The application was referred to Endeavour Energy who has provided the attached comments for the applicant to consider.	Endeavour Energy's comments are noted and addressed in the modified design, refer also comments below.
10. Substation Location	"The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements". "No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the	The substation has been relocated. Refer to revised location Attachment A . No planting is proposed within the substation pad mount easement or within 800mm to any plantings canopy. The substation easement area will consist of lawn only. Refer landscape plans at Attachment N .

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	underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times."	
11. Tree Removal	<p>The proposal incorporates the removal of substantial mature trees on the site and is not supported by Council. In general, mature trees should be incorporated into the design of a development and retained and protected as they provide natural and visual amenity, and tree canopy which cannot be replaced through replacement planting. The proposal is contrary to the controls in Section 1.6.3 Tree Protection of the SSDCP and Council does not support the proposed variation to the DCP nor the proposed removal of any trees outside those which were accepted for removal under Figure 2 of the SSDCP. Council notes that there are discrepancies between the Survey Plan, Landscape Plan, and Tree Survey Plan when compared to Figure 2 of the SSDCP as the submitted plans do not show all existing trees, particularly trees that were required for retention and protection, that were shown in Figure 2. The reasons for this are unclear from the application.</p>	<p>Chapter 10, Section 1.6.3 (i) and (ii) states <i>'the existing trees identified green on figure 2 of this SSDCP must be retained unless agreed by Council. Any development application to remove trees must provide an arborist report prepared by a suitably qualified professional'</i>. The RFI response is accompanied by a revised arborist report and ecology report that outline retention of as many trees as possible with respect to the proposal. The team has revised the design, including reshaping selected townhouses and reworking the communal open space to preserve additional trees. Further, on-grade parking spaces have been relocated and some removed where they were in excess to the DCP parking requirement.</p> <p>Notwithstanding this, we noted that Section 4.15(3A) of the EP&A Act makes clear that when considering a standard contained within a DCP with which a development application does not comply, a consent authority must <i>"be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards"</i>. We therefore seek Council's flexibility so as to not lose additional dwellings to those already lost addressing this RFI.</p> <p>The arborist (at Attachment G) has found that there are 21 trees identified in the SSDCP for retention that are consistent with the surveyed trees. The arborist has identified that 2 of those trees are either dead or no longer exist on site. Three trees are exempt (non-prescribed) species or undesirable due to their weed status. Of the remaining 16 trees, 5 are proposed for retention. However, additional to this, a further 9 trees will be retained on site (not previously identified for retention). All retained trees have either medium or high retention value. The Objectives of 1.6.3 of the SSDCP is met as outlined in Attachment G.</p> <p>Importantly, the design team worked closely with the arborist to ascertain retention capacity of Tree 75. Unfortunately, significant modification would be required to the basement and all storeys above ground to retain this tree. Given its Tree Protection Zone (TPZ), the modification would require loss of basement parking and loss of at least one apartment on each floor.</p> <p>Notwithstanding this, the landscape architect (refer Attachment K) has proposed a substantial quantum of replacement trees that exceeds the 37 trees proposed to be removed. The resulting landscape will provide additional tree coverage to that existing on the site (a total of 148 new trees are proposed).</p> <p>It is further noted that control (iii) requires an removal of vegetation to be supported by an ecological report. An Ecological Issues and Assessment Report has been provided in Attachment J. The Report confirms that the subject site includes a mixture of native and introduced species that results from remnant and regrowth. Many trees have been planted. The Report confirms that the subject site is</p>

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		<p>not considered likely to be of significance or particular value with respect to the natural environment in general or biodiversity conservation outcomes in particular.</p> <p>The site has been highly disturbed and any biodiversity value is extremely limited. As such, any tree removal is not likely to have an adverse impact upon biodiversity values. As such, removal of the vegetation should not be prevented for ecological reasons. Further discussion on the Biodiversity Conservation Act is discussed in Attachment J.</p>
12. Impact on Vegetation	<p>a) Natural Resources acknowledge that the guidelines have been taken into account by the ecologist in the consideration of potential impacts on threatened biota. The site has been identified using a Conservation Significance Assessment (CSA), highlighting the existence of native vegetation and/or habitat. The Conservation significance has been assessed as Low; however, the development should be designed to minimise impacts on the area with biodiversity significance.</p>	<p>As outlined above, the Ecological Issues and Assessment Report in Attachment J confirms that the site has been highly modified and there is limited biodiversity value on the site. There is no biodiversity impacts which would require the proposed design to be redeveloped as to minimise impacts on biodiversity significance.</p>
	<p>b) The development could be further designed to minimise impacts on the area with biodiversity significance. This can be achieved by not removing high tree retention remnant trees outlined in the Arboricultural Impact Assessment, for example Tree 51, Eucalyptus moluccana and Tree 36 Eucalyptus tereticornis.</p>	<p>Drawing 07 in Attachment A demonstrates that the development has been redesigned to retain Tree 51. Tree 36 is required to be removed to accommodate the road network. Notwithstanding the above, a total of 14 trees (including Tree 51) have been retained as a result of this design development.</p>
	<p>c) Regarding the Ecological Issues and Assessment Report, the ecologist has not addressed the criteria contained in Fairfield CityWide DCP 2013, in Chapter 3, Section 3.3.3 Designing to Minimise Impact on Biodiversity, including: i. A copy of the test of significance was not provided. ii. The conclusions in the application of the test of significance need to be supported by appropriate data, information and reasoning. iii. Information on measures to mitigate potential impacts of development on the area with biodiversity significance.</p>	<p>Refer to revised ecological report at Attachment J. The ecologist states that the report satisfies the DCP criteria in Chapter 8.3 of the report, which contains a detailed Assessment of Significance pursuant to Section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (BCon Act). The ecologist concludes that <i>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.</i></p>
	<p>d) A Tree Protection Plan and Methodology Statement, prepared by a suitably qualified arboriculture's (Australian Qualification Framework Level 5), was not submitted with the application.</p> <p>□ The statement is to be structured so that each of the following stages of construction are individually addressed, namely:</p>	<p>The Arboricultural Impact Assessment provided in Attachment G has been prepared by a Level 5 arboriculturist and includes general and specific tree protection recommendations that have informed the design proposed.</p>

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	<ul style="list-style-type: none"> □ Excavation; □ Canopy trunk and tree root protection; □ Construction of any retaining wall; □ Installation of services (i.e. bridging of roots); and □ Back filling. 	
13. Landscape Design Issues	a) Attempts should have been made to redesign the site to allow the retention of those trees with a high value.	As outlined at Attachment A and in the arborist's report at Attachment G , the proposed design has been refined to retain additional trees of high value. This is further discussed earlier in this letter.
	b) Additional seating and shading opportunities should be provided in the marked communal areas including along the footpath network to allow for respite for pedestrians. Particular attention should be paid to the area around the basketball and active play zones for the provision of shade and seating for users.	The revised landscape plans in Attachment K illustrate the additional communal open space proposed, including additional seating, tables, retention of extra trees,. The basketball court was removed due to concerns raised by Council in the RFI.
	c) Planting should be splayed by 2m minimum to allow a clear line of site for entry and exit from driveway areas.	Planting will be splayed adjoining the driveway to allow for clear lines of sight. Refer to landscape drawings in Attachment K .
	d) The use of the two species trees including Eucalyptus tereticornis and Brachychiton acerifolius in areas with restricted soil volume (adjacent to hardscapes such as parking/trafficable paved area) is not recommended. More suitable tree species should be proposed in these areas. Additional details should be provided for the tree plantings including the use of tree root liners, stratavaults/cells where additional tree soil volume is required.	<p>The Eucalyptus tereticornis and Brachychiton acerifolius have been relocated to areas where soil volumes can accommodate those trees (if required to be relocated). In their place, the following species will be planted:</p> <ul style="list-style-type: none"> • Eleocarpus Reticulatus, • Callistemon 'Kings Park Special'; or • Melaleuca Lineafolia <p>Refer to the response in Attachment N and revised landscape plans at Attachment K.</p>
	e) Documentation was not submitted to demonstrate that the playground complies with the relevant Australian Standards.	The landscape architect confirms that: <i>The Playground itself and all playground equipment shall comply with Childcare National Standards, including Children (Education and Care Services) Supplementary Provisions Regulation, The National Law and National Regulations from The Australian Childrens'Education and Care Quality Authority, City of Sydney Childcare DCP, Access DCP and the new SEPP Childcare Planning Guidelines plus all current and relevant Australian Standards for Playgrounds and Playground Equipment.</i> Refer Attachment N .
14Waste Management Issues	a) Collection Vehicle Access The Traffic & Parking Impact Assessment Report prepared by Hemanote Consultants does not provide swept paths models to demonstrate Councils standard heavy rigid waste collection vehicle can provide a safe and efficient waste collection service to each/all dwellings (Block A-H) and their respective frontages to perform collections. The internal road network	The traffic report and accompanying swept paths have been updated to provide the additional information requested. Refer traffic report at Attachment P and revised plans at Attachment A .

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	<p>and turning facilities is required to be designed to support heavy rigid vehicle access in accordance with AS2890.2, permitting unobstructed access for Fire & Rescue NSW's standard vehicle and Councils waste collection vehicle. The current road network does not support unobstructed access to all dwelling and respective frontages inhibiting the provision of a safe and efficient waste collection service.</p>	
	<p>b) On-site Infrastructure</p> <p>Each dwelling to permit the unobstructed movement of bins infrastructure (Garbage, Recycling, Organics) from the Private Open Space (POS) to the dwellings frontage (minimum corridor width 900mm) for presentation/collection without the need to pass through the residential dwelling.</p> <p>Block H (Units 51-53) currently inhibits the movement of bin infrastructure from the POS to the dwelling frontage for presentation - Storage of bins within the garage is not permitted.</p> <p>Block E (Units 36-43) to provide individual bin storage room/s for each unit to accommodate Councils bin allocation (Garbage, Recycling, Organics) - The communal storage of bins is not permitted within basement 1 as a domestic waste charge and bin allocation is provided to each respective dwelling (inhibiting communal bin service) for MUDs - Mechanical ventilation, waterproofing etc. to be provided responsive to Building Code of Australia (BCA) The architectural plans and the Waste Management Plan (WMP) to be updated to outline the path of travel for each dwelling to permit scheduled waste collection by Councils standard collection vehicle.</p>	<p>The Architectural Drawings (Attachment A) and Waste Management Plan (Attachment O) has been amended to demonstrate that bins will not be transported through any dwellings when presented for servicing. No bins will be stored in garages.</p> <p>Bins for Units 51-53 will be stored in the designated areas in the rear yard of each property and transferred to the kerbside as shown in Attachment A.</p> <p>Units 36-43 will be stored in the basement area (refer to Attachment A). Bins will be transported from the basement by the building manager (or equivalent) on the evening prior to the collection of the respective bins.</p>
	<p>c) Waste Collection The architectural plans to provide the waste collection point outside each dwellings frontage to accommodate Councils full bin allocation. The collection point to be concrete and have minimum dimensions of 2800mm wide by 800mm deep to permit unobstructed access for Councils waste collection vehicle to perform scheduled collections. For Block E (Units 36-43) a designated kerbside presentation area to be provided to permit the presentation of the full bin allocation (24x 240L bins). The width of a standard 240L bin is 600mm with a 500mm clearance to be provided between each bin to</p>	<p>For Block E, all waste and green waste bins will be serviced from a kerbside collection point, directly in front of the unit which is allocated to the bin. Bin collection points are shown in Attachment A.</p>

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	<p>permit unobstructed collection/s. The current plans do not provide/identify the waste collection point for each dwelling. The Waste Management Plan (WMP) and architectural plans to be updated accordingly to outline the path of travel, storage, and presentation area for each dwelling.</p>	
	<p>a) On-site Loading Infrastructure Section 7.7.1.1 of FCC DCP outlines: "The site must allow for waste collection vehicles to enter and exit in a forward direction and provide an adequate and safe manoeuvring space once on site." A reverse manoeuvre is proposed within an active carriageway and adjacent to a basement ingress/egress (reduced vehicle sight distances) to access the loading bay. The current configuration will inhibit the provision of a safe and efficient waste collection service. Traffic control systems to be explored or the reverse manoeuvre to be alleviated in consultation with Councils Traffic & Transport Branch.</p>	<p>Regarding Traffic control systems for the loading bay and basement entry, refer Loading Dock Management Plan at Attachment Q. Refer plans at Attachment D.</p>
	<p>b) Bin Allocation The Statement of Environmental Effects (SEE) prepared by Ethos Urban outlines stage 2 comprises of 87 x units, while the WMP compiled by Dickens Solutions outlines 84 x units. The respective reports to be updated to reflect the correct number of units. The bin allocation below is based upon 87x units outlined within the SEE: 16x 660L Garbage Bins 29x 240L Recycling Bins 15x 240L Organics Bins</p>	<p>Bin allocation is now for 85 units, as 2 units have had to be removed for the required larger waste collection room on the Ground Floor. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>
	<p>c) Waste Cupboard/Room A designated waste cupboard/room (infrastructure) to be provided on each residential level within proximity to the central elevator core. The infrastructure to be designed to accommodate and permit unobstructed resident access to the chute inlet (garbage), recycling bin and organics bin. The infrastructure to incorporate:</p> <ul style="list-style-type: none"> □ Accessed via 180-degree, outwards opening, self-closing, sealed doors □ Mechanically ventilated □ Water & tile to permit schedule cleaning □ Hot & cold tap facilities The architectural plans to be updated accordingly to demonstrate accessible resident 	<p>The waste rooms on each floor have been enlarged to accommodate the extra bin requirement. All other items have been noted on plans. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>

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	<p>access it provided to all waste streams within each of the respective towers.</p>	
	<p>d) Chute Room A waste chute room to be provided within basement 1 to accommodate the bin infrastructure (660L) proposed to service the Garbage chute system. The WMP outlines: "All waste deposited into the waste chutes will discharge into 660-litre mobile bins placed onto a three (3) bin mechanically operated linear track system in the respective bin/chute rooms located in Basement 1 as indicated on the Architectural Drawings." The architectural plans do not display a 'linear track system' and its operational clearances as outlined within the WMP. The plans to be updated accordingly. The chute room to incorporate the following infrastructure:</p> <ul style="list-style-type: none"> □ Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm □ Bunted bin wash bay to permit scheduled washing of bin infrastructure (660L & 240L) □ Room enclosed, walled, and not permit through access to other on-site infrastructure. 	<p>The basement chute room has been updated & items to be incorporated shown/noted on plans. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>
	<p>e) Waste Storage Room A waste storage room to be provided within basement 1 large enough to accommodate the full bin allocation (refer to 0.2 above). The architectural plans propose bin storage within the respective chute room. This configuration is not permitted, a separate storage room to be provided. The storage room to accommodate the following:</p> <ul style="list-style-type: none"> □ Be located within close proximity to the chute room (basement 1) □ Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm <p>Page 29 of 32</p> <ul style="list-style-type: none"> □ Room enclosed, walled, and not permit through access to other on-site infrastructure The architectural plans and WMP to be updated accordingly. 	<p>The basement waste rooms have been updated & items to be incorporated shown / noted on plans. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>
	<p>f) Bulky Goods Room The bulky goods room to be located within close proximity to the proposed on-site loading bay. The current location within basement 1 will inhibit scheduled collection/s by Council standard waste collection</p>	<p>The Bulky goods room has been relocated to the Ground Floor & items to be incorporated shown / noted on plans. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>

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	<p>vehicle. The architectural plans to be updated to show the room located on ground floor adjacent to the loading bay and incorporate the following infrastructure:</p> <ul style="list-style-type: none"> □ Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm □ Room enclosed, walled, and not permit through access to other on-site infrastructure. 	
	<p>g) Waste Collection Room The waste collection room located on ground floor to be of sufficient size to accommodate the full bin allocation:</p> <ul style="list-style-type: none"> □ 16x 660L Garbage Bins □ 29x 240L Recycling Bins □ 15x 240L Organics Bins <p>The architectural plans to be updated to show all bins can be stored within the respective room with a minimum 200mm clearance provided between respective bins for manoeuvrability. The room to accommodate the following infrastructure:</p> <ul style="list-style-type: none"> □ Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm □ Room enclosed, walled, and not permit through access to other on-site infrastructure. 	<p>The waste collection goods room on the Ground Floor has been enlarged & items to be incorporated shown / noted on plans. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>
	<p>h) Bin Tug/Towing Device The WMP outlines in section 5.5.7: "The approved Mobile Bin Towing Device will be designed and manufactured to transport at least 8 x 240-litre waste and recycling bins (with the trailer), with a weight of 1,000kg's" The architectural plans to be updated to show the device and trailer proposed to permit the movement of the full bin allocation from basement 1 (waste storage room) to ground floor (waste collection room). The storage area for the Bin Tug/Towing Device to incorporate the following infrastructure:</p> <ul style="list-style-type: none"> □ Accessed via dual, 180-degree, outwards opening, self-closing sealed doors with a minimum opening of 1800mm □ Room enclosed, walled, and not permit through access to other on-site infrastructure. □ Sufficient size to accommodate tug/towing device and trailer proposed 	<p>The bin tug /towing device has been added within its room in the basement. The room has been updated as requested. Refer plans at Attachment D. Refer also updated WMP at Attachment O.</p>

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	<p>□ Electrical charge capabilities (specific to system proposed) to permit scheduled charging.</p> <hr/> <p>i) On-site Waste Infrastructure All on-site waste infrastructure (chute room, waste storage, waste collection and bulky waste) to accommodate the following infrastructure:</p> <p>□ Floor grade to central drainage point (connected to sewer)</p> <p>□ Floors waterproofed and extended 1200mm high on walls</p> <p>□ Hot & Cold water tap/s □ Mechanical ventilation</p> <p>□ Sensor lighting □ Unobstructed minimum height clearance of 2700mm.</p>	<p>These items have been noted on plans at Attachment D. Refer also updated WMP at Attachment O.</p>
15. Council Asset Management Issues	<p>a) Plans do not shown that the redundant lay backs are to be replaced with standard kerb and gutter with the provision of appropriate lintel opening and silt trap for the existing grated gully pit. Refer to Council's markup on the attached Stormwater Plan.</p>	<p>Refer to amended Civil Plans in Attachment L and M.</p>
	<p>b) Regarding the proposed footpath connection to the footpath on the road reserve: Council will require the owner/strata to be liable for any maintenance and public liability claims as the footpath connection services the private property. Otherwise, Council does not support the footpath connection. Refer to Council's markup on the attached Architectural Plan.</p>	<p>The applicant is willing to accept a condition to this effect. Refer to architectural plans at Attachment A and C.</p>
	<p>c) The existing concrete at the Bus Shelter is to remain to provide access for commuters. The Landscape plan (Drawing L/02, Rev.B) shows this as removed. Refer to Council's markup on the attached Landscape Plan.</p>	<p>There is no intention to remove the bus shelter. The applicant is willing to accept a condition to this effect. Refer revised landscape plans at Attachment K.</p>
	<p>d) The application has not identified whether or not there are any other Council assets that are proposed to be demolished or impacted by the proposed design, for example, the existing stormwater main running through the property at 6 Links Avenue which is not shown on the plans. Refer to Council's markup on the attached Stormwater Plan.</p>	<p>Refer to Civil Engineering Plans at Attachment L and M.</p>

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	<p>e) Regarding the new footpath pavement/stormwater drainage assets, Council's Assets Management Branch provides the following comments:</p> <p>Asset recommends considering stormwater capacity especially from future development of Stage 2. Provide details of Council's burdened and benefited easement and its maintenance responsibility (if any). If the drainage system is located inaccessible to machineries, provide detailed maintenance plan, how stormwater system can be maintained. Council is not responsible for any seepage or sub surface run-off ingress into the basement of the development. Ensure the design captures any potential water leaks including unknown sources from Council's Road reserve. If any trees are to be planted, the footpath pavement slab must be strengthened including provision of gutter guard, tree stop joints and plant suitable varieties of trees for footpath pavement. Provide tree pit details, to include Stratacell or Stratavault or similar. Species of trees are to be carefully selected to plant near concrete structures to minimise the impact from tree roots lifting the pavers or concrete path. After the reconstruction of the kerb and gutter, the road surface shall be reinstated to Council's standards and specifications.</p>	<p>Refer to Civil Engineering Plans at Attachment L and M. Matters raised by Council's Assets Management Branch, not addressed at this time, can be subject to a condition of consent.</p>
<p>16. Cabramatta Place Management Issues</p>	<p>a) The proposed treatment of the corner of the site is inadequate given the volume of traffic, the highly prominent corner, the reliance of landscaping alone to provide public domain amenity is considered unsatisfactory.</p> <p>b) The proposal to be amended to show an acoustic wall that provides noise and privacy abatement in the form of no less than 1.8m wall with a mosaic finish to create a gateway entry to assist with place marking and place making at a key intersection in the city. Council's Community Projects and Partnership Officer should be consulted.</p>	<p>The development proposal has been modified to include a 1.8m acoustic a privacy wall to the corner of Orange Grove Road and Cabramatta Road West as recommended by Council. Further, the applicant agrees that this is a highly prominent corner and is therefore engaging an artist design a mosaic gateway artwork for the wall. A Public Art Plan has been prepared by the landscape architect, included at Attachment K. This plan will inform and guide preparation of the artwork design.</p> <p>Council's <i>Local Infrastructure Contribution Plan 2023</i> states that <i>applicants can offer to dedicate land free of cost, pay a monetary contribution, provide works-in-kind or provide another material public benefit, or any combination of these, to be used for or applied towards a public purpose in full or partial satisfaction of a monetary contribution under this Plan</i>. The applicant recognises that the proposed expansive artwork on this prominent corner is serving a public benefit, and is planning to undertake delivery of the artwork. The applicant would like to discuss the opportunity with Council to offset the cost of provision of this public art against the local contribution fee required to be paid.</p> <p>We would like to meet with Council to engage in this discussion prior to Council's preparation of the draft consent conditions to be provided to the Panel.</p>

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17. Submissions	<p>Council has received 21 submissions and a petition signed by 43 persons objecting to the proposal and raising concerns that the applicant should respond to. These are available on Council's public DA Tracker on Council's website. A summary of the key issues of concern include but are not limited to:</p> <ol style="list-style-type: none"> Congestion and length of time delay for residents accessing links road – current light only allows 3-4 cars to exit before turning red – residents wait 5-7 minutes at times. Residents turning right on links road will be difficult. Site should utilise orange grove road for access. One vehicular access insufficient. Traffic generation and impacts. Links Avenue can only accommodate low density development. Immediate residential properties concerned with loss of privacy, overlooking and noise impacts. Dust nuisance. Whether stormwater management system is appropriate. Insufficient landscape and communal open. Concerns that parking is not shaded. No safety barriers to protect residences from traffic. Loss of parking on local street and road safety impacts Up to six storey buildings being out of character. 	<p>The public submissions are noted and a response to the key concerns is provided below.</p> <ol style="list-style-type: none"> Impacts on intersectional quality are addressed in the Traffic Report (Attachment P), also discussed earlier in this Table. Noted, however, the access road is consistent with the SSDCP which always envisioned a connection to Links Road and has been supported through numerous traffic studies and endorsed by TfNSW, refer Traffic Report provided in Attachment P. As outlined above, use of Orange Grove would be inconsistent with the SSDCP and connection to a Orange Grove Road or Cabramatta Road west is not supported by TfNSW, refer Traffic Report provided in Attachment P. For the reasons addressed above, including compliance with the SSDCP and numerous traffic studies, access to the site via Links Road is the only TfNSW supported option, refer Traffic Report provided in Attachment P. The proposed development provides car parking rates in accordance with the applicable parking rate. The development provides sufficient resident and additional visitor parking to alleviate off-site parking. Refer to Traffic Report provided in Attachment P. The development follows a Planning Proposal that rezoned the land for higher density development. The proposed development has been designed in accordance with the applicable planning controls and is appropriate for the site. Notwithstanding the above, both the RFB and MDH have been appropriately designed to retain neighbouring amenity including privacy, visual outlook, overshadowing and scale, with further amendments made including removal of upper floor of townhouses in proximity to Links Road residences. Additional amenity studies and acoustic testing provided in response to this RFI demonstrates that impacts to neighbours have been mitigated and managed where appropriate. Refer to Attachment A, C and H for further details on visual privacy, overlooking and noise impact measures. Dust will be managed in accordance with a wider Construction Environmental Management Plan (CEMP) prepared by a contractor, prior to the commencement of construction works. The civil infrastructure proposed is appropriate to manage stormwater and overland flow as determined by the civil engineer at Attachment L and M. The proposed development complies with the relevant landscaping and communal open space requirements for the RFB and MHD as set out in the ADG (for the RFB) and in the SSDCP. Further, additional open space has been added in response to this RFI (refer table at beginning of this letter). Landscape embellishments including a gym, open lawns, seats and tables and a wide-variety of tree and plants are proposed. Refer Landscape drawings at Attachment K. There is no requirement for parking to be shaded. Parking is provided via on-grade spaces or protected in a basement. Trees proposed and retained will provide part shading to on grade spaces. The traffic engineer has recommended a number of pedestrian safety measures that have been adopted in the plans at Attachment A, as the internal road is shared with pedestrians, safety

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		<p>barriers are not required given other measures in place. The amended design includes additional traffic calming measures such as speed humps and pedestrian crossings.</p> <p>m. As outlined in the Traffic Report provided in Attachment P, off-street parking is provided that meets the DCP quantum, with additional visitor and MDH parking provided. This will alleviate the need for residents to park on local roads. Road safety is addressed in the Traffic Report.</p> <p>n. As identified above, the development follows a planning proposal that rezoned the land for a six-storey RFB development. The proposal accords with this, which is endorsed by the SSDCP. Thorough urban design analysis, submitted with the original application, demonstrates that a six storey building is appropriate in the context, strategically located at the intersection of two major roads. The RFB integrates design measures to mitigate impact including general compliance with setback controls and high windows to prevent overlooking.</p>