

DATE OF DEFERRAL	26 November 2024
DATE OF PANEL MEETING	4 November 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Louise Camenzuli
APOLOGIES	None
DECLARATIONS OF INTEREST	Kevin Lam and Ninos Khoshaba declared a conflict of interest as they voted on a site specific DCP in a Council meeting.

Public meeting held by videoconference on 4 November 2024.

Papers circulated electronically on 28 October 2024.

MATTER DEFERRED

PPSSWC-374 – Fairfield – DA 260.1/2023 – 402 Cabramatta Road, West Cabramatta - Construction of a 6-storey residential flat building comprising 87 apartments with two basement levels; construction of multi dwelling housing comprising 53 dwellings and 1 basement level; ancillary site works including demolition of existing structures, bulk earthworks, tree removal, construction of a private internal access road, amalgamation of existing lots and subdivision to create two new lots, landscaping and communal open space.

REASONS FOR DEFERRAL

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until March 2025. The matter was deferred to allow for the provision and assessment of required information as requested by the panel under panel consideration and actions.

The decision to defer the matter was Unanimous

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. By 6 December 2024, the Applicant is to advise the Secretariat whether it intends to make the amendments to the plans anticipated in this report. (If not, the Panel will determine the DA based on the presently lodged plans and material.)
2. If the Applicant advises they intend to make the amendments, then the panel proposes the following timeframe:
3. The applicant is to supply any updated material or reporting to the Council through the Portal by 20 December 2024.
4. The Council is to supply draft conditions to the Applicant by 14 February 2024 (with a copy of the correspondence sent to the Secretariat).
5. The Applicant is to supply the Council with its response to the draft conditions by 28 February 2025.

6. The Council is to provide the Panel with a set of draft conditions taking into account the Applicant's response and identifying the respective positions of the Applicant and the Council to any disputed conditions by 7 March 2025.
7. The Panel anticipates determining the DA on the basis of the material supplied.

PANEL CONSIDERATION

1. The application proposes to amalgamate and subdivide the existing 6 lots to create two Torrens Title lots to facilitate the staged development of the site as follows:
2. Stage 1: Construction of 53 Multi Dwelling Housing comprising 15 x three-storey and 38 x two-storey units, across 8 blocks (Block A to H), including 1 level of basement car parking and at-grade parking providing a total of 136 spaces; and ancillary works including demolition of existing structures, earthworks, tree removal, construction of a private internal access road, and landscaping
3. Stage 2: Construction of 6-storey Residential Flat Building containing 85 apartments (reduced from 87) with two levels of basement parking providing a total of 107 spaces (reduced from 109), and ancillary works. (as described in Schedule 1).
4. In accordance with Section 147 of the Housing SEPP the Panel has considered and evaluated the quality of the design of the development in accordance with the design principles for residential development set out in Schedule 9 of the Housing SEPP and the Apartment Design Guide (ADG).
5. The Council has not referred the DA for assessment as relevant to Section 147(1)(c), but the Council has commissioned a report from an external 'urban design expert'. A number of criticisms and non-compliances of the proposed development are identified in that report.
6. After considering those matters, and taking into account the considerations identified in s 4.15 of the *Environmental Planning and Assessment Act 1979*, the Panel concluded that the development application warranted approval but determined to defer its determination of the development application until the Council can provide draft conditions of consent, and the matters raised in this report could be responded to.

REASONS FOR THE DECISION

7. This site of this DA was the subject of a planning proposal which altered the zoning, height and density controls of the site from those applying to the surrounding R2 low density residential zoning to be partly R4 High Density Residential and partly R3 Medium Density Residential. Council also adopted a site specific DCP at the time of the rezoning which was anticipated to serve as a guide to the redevelopment of the site, now forming clause 10.14 of Fairfield DCP 2024.
8. The DCP included at Figure 2 a layout plan depicting an anticipated residential flat building at the northern end of the site wrapping around the corner at the busy intersection of Orange Grove Road and Cabramatta Road. Multi-dwelling housing in the form of terraced townhouses was anticipated for the southern end of the site.
9. That Figure 2 is shown below beside a coloured drawing of the ground plan extracted from the material comprising the DA as lodged (noting that the DA scheme has subsequently been amended in some respects).

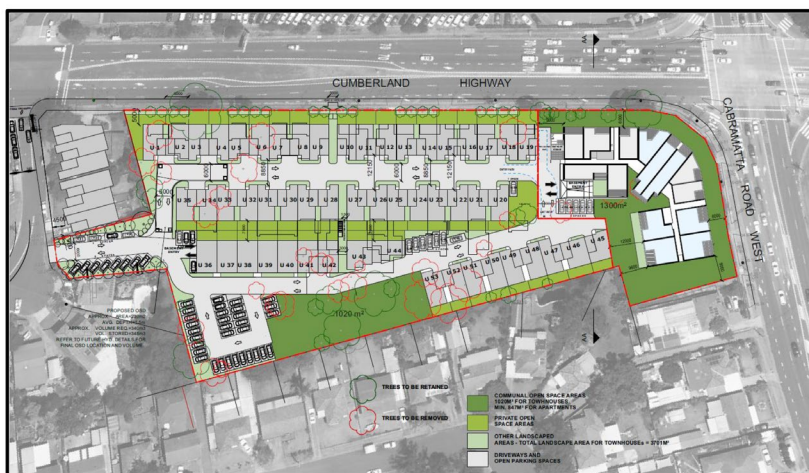


Figure 2 Site layout and building setbacks and Common Open Space



Figure 1 - Layout from DA plans

10. Because the rezoning of the land is specific and recent, and was arrived at through a process of public consultation the Panel has placed significant weight on that DCP which accompanied and presumably informed the amendment to Fairfield LEP. While there are some differences between Figure 2 and the scheme proposed in the DA, the Panel accepts that the DA design follows the overall proposal, layout and building form anticipated in the DCP. In coming to that conclusion, the Panel has reviewed the “Plan finalisation report – PP-2020-3237” which supported the rezoning and adoption of the site specific DCP anticipating 137 dwellings on the site including 84 apartments and 53 townhouses. The resolution to support the substantial upzoning was carried unanimously.

11. The report supporting the rezoning included the following assessment by Council staff:

“The indicative concept design submitted with the planning proposal has been prepared to be compatible with the surrounding urban context and allow the efficient and orderly development of the site. The current planning proposal seeks to primarily facilitate medium density townhouses (9 metres HOB) that are compatible with the adjacent detached dwellings. Details of the proposal are in the Urban Design Report attached to the planning proposal at Attachment A.

The mass, scale and siting of the single residential flat building onsite (located at the sites north west corner) is consistent with the principle 1 of SEPP 65.”

12. While the general scheme of the DA should in the Panel’s opinion be supported, a number of criticisms of the DA are made in the Council report which have led to a recommendation for refusal. The Panel has considered those criticisms of the Council carefully, and makes the following observations.

Density

13. The Council contends that the DA ought to be refused because the proposal exceeds the density intended for the site, and particularly the proposed residential flat building exceeds the maximum FSR

permitted on the portion of the site zoned for high density development where the residential flat building is proposed.

14. Different maximum FSR standards apply to the portions of the site zoned for high and medium density. Specifically, a maximum FSR of 2:1 applies to the R4 portion, and an FSR of 0.6:1 applies to the R3 land. The Panel noted that the Council assessment report concluded that the FSR for the R3 portion of the site conforms to what the LEP intended.
15. In relation to the residential flat building, the Council assessing staff and the Applicant's consultants disagreed as to the calculation of the FSR for the residential flat building shown in the present amendment of the DA plans. In order to conclude that the FSR for the residential flat building component complied, the Applicant had excluded in its calculations a large garbage storage room and various corridors and circulation areas at ground level, principally on the basis that the walling of at least one side of those areas was less than 1.4 metres in height.
16. The Panel agreed with Council's assessment that the garbage storage area at least should be included as floor space for the purpose of calculating FSR to apply the LEP. The large garbage storage room at ground level would function as an internal space with three enclosed walls and is shown to extend deep under the building out of the weather. Garbage storage areas at ground level are not relevantly excluded from the LEP definition of floor space.
17. The Panel was also concerned that the southern wall of the garbage enclosure had been kept below 1.4m solely to exclude the area from the FSR calculation, even though the building would have higher amenity if the area was enclosed given the potential for visual, noise, and odour impacts. In its assessment, the Panel took into account the Land & Environment Court judgment in *Australex Group Pty Ltd v Fairfield City Council [2022] NSWLEC 1685* (and the cases there referred to).
18. Following the briefing, the Applicant has submitted a clause 4.6 request to seek a departure from the strict application of the numeric standard for FSR, principally on the basis that the built form and number of dwellings proposed follows what was anticipated in the rezoning and DCP. The Panel accepts that the clause 4.6 request is well made, and that it would be unreasonable and unnecessary to apply the FSR standard strictly to the residential flat building if it fits generally within the envelope anticipated at the rezoning stage and otherwise presents an acceptable outcome for the site consistent with the objectives of the FSR standard and the R4 zone.
19. The Panel is of the view that the clause 4.6 request should be upheld if the design amenity issues identified below could be satisfactorily resolved.
20. The Council would need to be given the opportunity to review and respond to the clause 4.6 request and the Applicant's updated FSR calculation. This should occur promptly.

Tree removal

21. The site presently includes a number of tall eucalypt trees particularly around the site boundaries. Those trees presently are a significant feature when viewing the site, particularly when approaching the site from the south, north and west. This is a photograph of the corner of the site extracted from Google Streetview:



22. This is a comparison of the tree retention map included in the DCP (as marked up in the DA Arboricultural Impact Assessment with the numbers of the trees from the DA assessment) and the DA tree retention plan.

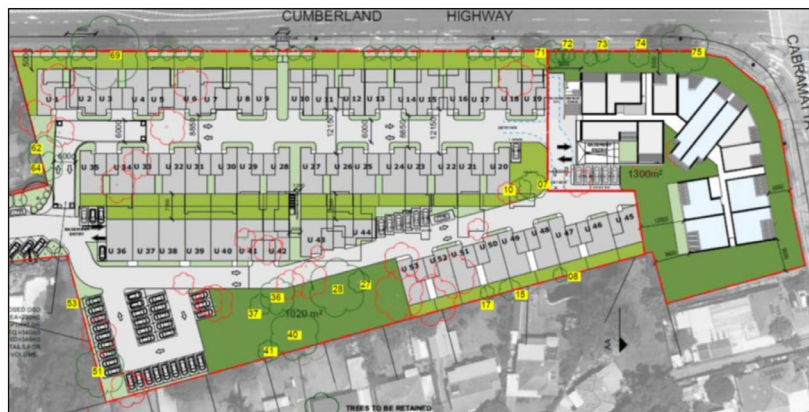
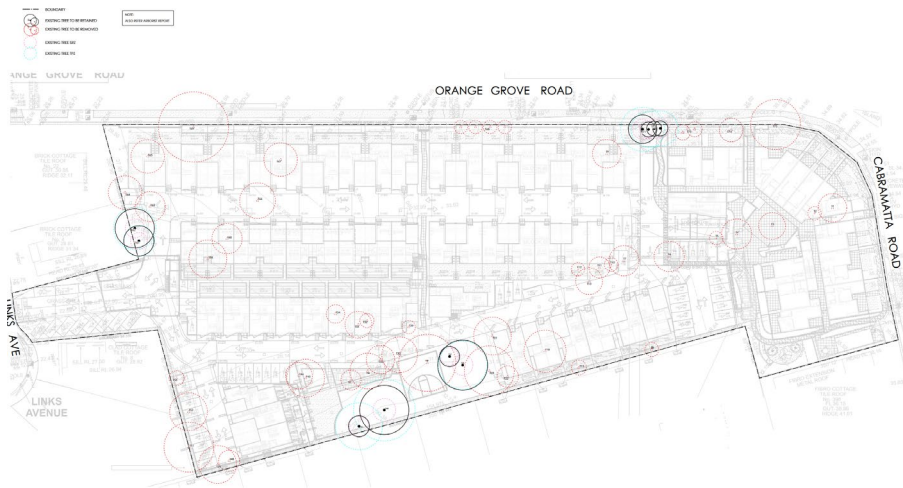


Figure 1

Excerpt of Fig. 2 of the SSDCP (Appendix G) with tree No's added to correlate with the Schedule of Assessed Trees (Appendix E).



23. Tree 75 marked for retention in the DCP is of particular significance because of its prominence on the corner. However, the western side of tree 75 has been substantially pruned in the past with the result that the tree is not balanced in appearance. If the canopy on the eastern side of the tree is similarly pruned (as might be expected given the proximity of the residential flat building anticipated in Council's DCP) it seems that the appearance of the tree would be severely compromised. There is also observable damage to the footpath being caused by tree 75. The Arboricultural assessment does not address the practicality and consequences of retaining tree 75, but it is allocated a retention value of "High". If tree 75 is removed, smaller adjacent tree 74 (also marked in the DCP for retention) would be of a lesser value as being largely isolated. The Panel is sceptical about the long-term prospects of retaining tree 10 which is also marked in the plans for retention.

24. Having regard to those matters, the Panel members agree that removal of tree 75 (and consequently tree 74) is acceptable. That will reduce the existing presentation of trees to the corner of Orange Grove Road, but that is a consequence of the high-density zoning which Council has recently resolved is appropriate for this site.

Traffic impacts to Links Avenue

25. The DA proposal necessarily relies upon access by way of Links Avenue, because the heavily trafficked Orange Grove Road and Cabramatta Road (both classified roads) are not suitable for that purpose.
26. The impacts of additional traffic in Links Avenue, adding to the congestion reported at the intersection of Links Avenue and Orange Grove Road, was an issue of importance to the local residents in their written and oral submissions.
27. The Panel saw the following matters to be of determinative importance:
- (a) The local residents reported substantial existing problems with the intersection from Links Avenue to Orange Grove Road, which the residents expect to unacceptably increase if the DA is approved
 - (b) From the Applicant's traffic assessment, it appears that congestion in Links Avenue would be alleviated in part by introducing parking restrictions in the section of road between the turning circle in Links Avenue and Orange Grove Road (and relocation of the road centre line). Council advises that such changes require referral to Council's 'local traffic committee.' The Panel notes that the implementation of these measures was proposed by Council when the planning proposal was approved and expects there would be significant benefit obtained by the Council's traffic committee examining these matters, and for TfNSW to be approached to re assess the signal timing in Orange Grove Road, but they are matters outside the control of the Panel.
 - (c) TfNSW has responded to referral by advising that it does not oppose the development. An issue which will need to be considered by Council and TfNSW into the future is whether the signalisation at Orange Grove needs adjustment to allow additional time for cars leaving Links Avenue. Again, consideration of that possibility ought to occur whether the DA proposal moves forward or not.
 - (d) The Council and the Applicant have presented differing advice as to whether the intersection can continue to function with the additional traffic from the development, even with the traffic restrictions introduced in Links Avenue. The modelling reported by the Applicant suggests that the intersection with Orange Grove Road will continue to function acceptably if the DA proceeds. The Council disagrees, but its analysis does not identify any reduction in the scale of the DA development that would render the traffic impacts acceptable.
 - (e) The Panel places weight in its assessment of these matters upon the fact that the density proposed in the DA as relevant to traffic generation is similar to that anticipated at the time of the rezoning. There will not be a substantial reduction in the traffic impacts anticipated by the Council without a drastic reduction in the scale of the development.
 - (f) The Council assessment report supporting the rezoning included the following advice from Council's engineers:

"The traffic modelling (Attachment E) has indicated that the greatest trip generation period for vehicles leaving the development would be during the AM peak, approximately 53 vehicle trips per hour.

This will cause the queue length at the Links Avenue intersection to increase to 50.4 metres (4.5 cars) queueing from the current queue length of 19.6 metres (2-3 cars) queue. The vehicle wait times will also increase from 76.7 seconds to 103.3 seconds in the post development scenario. Despite the increase in the vehicle wait times the level of service (LOS) of the intersection at Links Avenue remains unaffected in the post development scenario being an F.

TfNSW and Council's traffic engineers have reviewed the modelling and have deemed the impact to the Level of Service 'F' at Links Avenue acceptable."

(g) On the material before it and having regard to those matters, the Panel is on balance satisfied with the proposed traffic arrangements in Links Avenue, and that the intersection to Links Avenue will be able to operate acceptably, albeit with some increase in queueing times and a continuation of the existing problems as accepted at the time of the rezoning.

28. Taking those matters into account, the Panel does not see traffic impacts in Links Avenue and the intersection with Orange Grove Road (although significant) as sufficient to warrant refusal of the DA.

29. If the DA was otherwise found to be acceptable, the Panel would consider conditions of consent which require the works in Links Avenue (such as the proposed parking restrictions) to improve the functioning of the intersection to be completed as part of the DA proposal, if and when approved by the traffic committee.

Traffic considerations within the development

30. The Panel is satisfied that the scheme is sufficiently close to that anticipated in the DCP which accompanied the rezoning to warrant approval in substance if detailed issues of functionality and safety can be resolved.

31. The Council has raised a concern about the tightness of the corners within the internal drive design restricting the turning of heavy vehicles particularly if passing cars within the driveway.

32. The Applicant's traffic consultant reports that the access driveway is to have a width of 7.7 metres, which is said to be adequate for a low volume (Category 1) access driveway in accordance with AS2890.1:2004, and will allow for waste collection truck access. The report states *"All vehicular manoeuvring within the site has been designed and checked using the HRV, B99 and B85 standard design vehicle turning paths from AS2890.1:2004, AS2890.2:2018 and Austroads."*

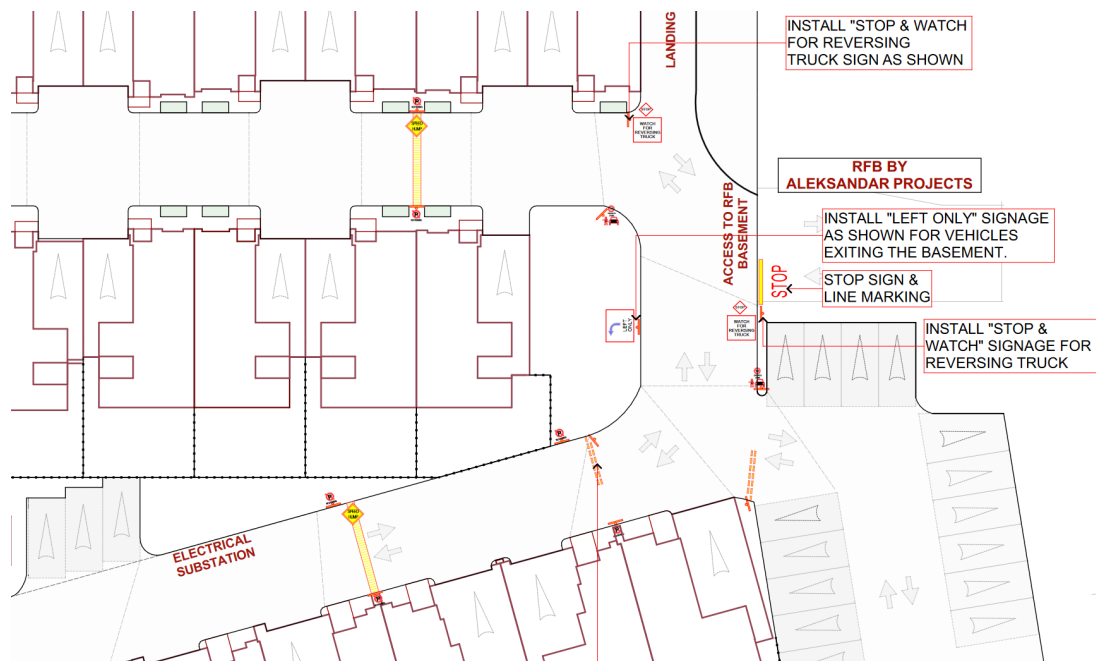
33. Council disagrees, reporting:

"Carriageway excluding curb is less than 6m in two locations (3m and 5.4m is proposed); carriageway including curb along the eastern road is less than 8.85 (6m is proposed); and carriageway width between units with garages opposite is less than 12.15m (as low as 9.6m)"

34. Notably, the driveway design does not allow a designated path for pedestrians separated from vehicular movements, even though the proposed parking arrangements along the drive and the location of the common open space anticipates significant pedestrian movements along the circular driveway. While the DA includes a 'Pedestrian Access & Mobility Plan' that plan does not consider pedestrian access and mobility for the access way within the site. The Applicant reports that *"The internal road incorporates measures to ensure pedestrian safety, including, surface treatments, speed limits, stopping restrictions, garage indentations, requirement for RFB traffic to turn right after entering to access the RFB, among others."*

35. The Panel expects that the driveway can be rendered acceptable, with some amendment, and a management plan to address pedestrian safety inside the site. It seems that deletion of one townhouse in the central band of townhouses is likely to be necessary to free up the manoeuvring of vehicles in the circular driveway particularly the 180 degree bend at its northern end. Given the drive is a shared way within a busy strata building with minimum tolerances for turning of trucks is not ideal, particularly coinciding with a substantial pedestrian entrance into the RFB, a loading dock and the ramp to the basement carpark. This detail from the plans shows the tightest section of the drive:

36.



37.

38. If that requires an update to the plans it might be facilitated by a deferred commencement condition, unless the Applicant can supply an amended drawing promptly.

Design and ADG Compliance

39. With some minor intrusions, 12 metre setbacks are achieved to the southern façade of the RFB above ground level, which in context, and given the DCP layout adopted by the Council is acceptable.

40. However, there remain elements of design which are less than optimum, particularly for the apartments along the eastern façade which have limited window outlook.

41. The Panel is satisfied that the overall aesthetic appearance of the development is acceptable, noting sophisticated articulated design and the inclusion of public art into the prominent corner of Orange Grove and Cabramatta Roads.

42. The proposed setbacks of the DA design require careful consideration. The DCP includes a general control that:

“Building setbacks are to be provided generally in accordance with the setbacks dimensioned on Figure 2 - Site Layout and Building Design of this SSDCP.”

43. One of the specific controls is:

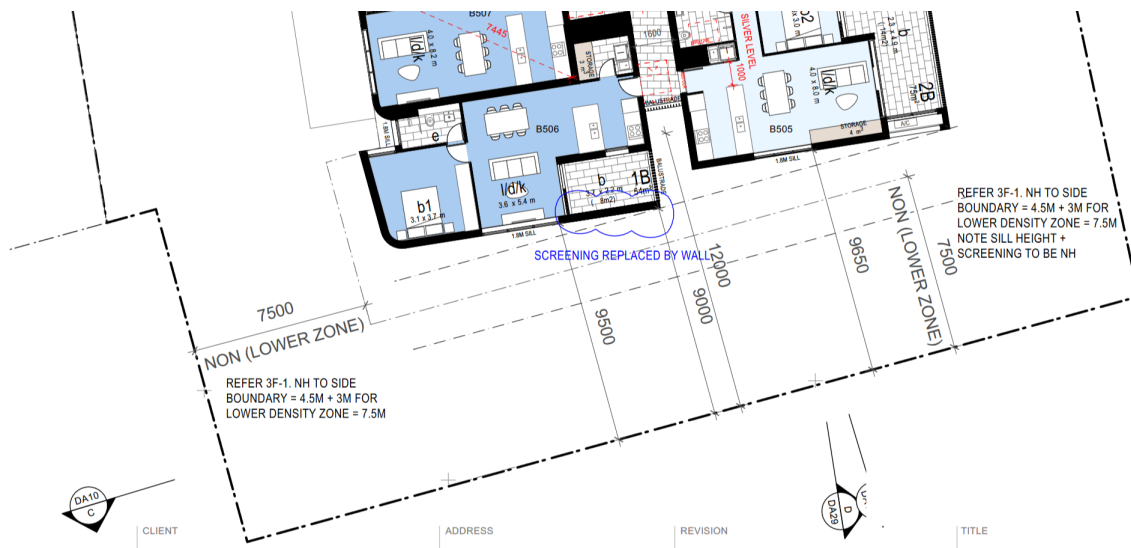
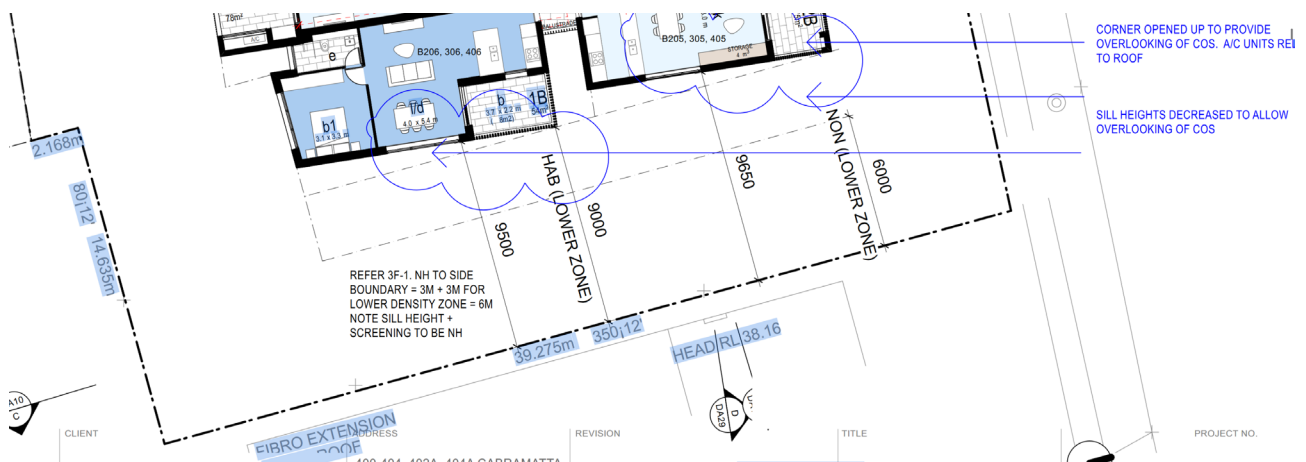
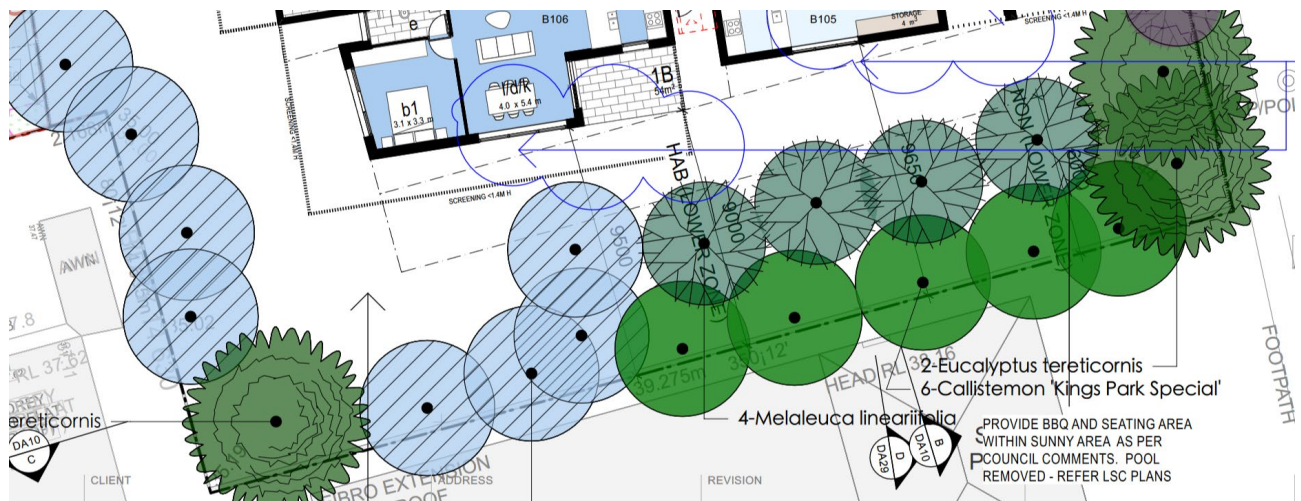
“The minimum setback distance between the residential flat building and adjoining properties at the eastern boundary shall be 9 metres or in accordance with the Apartment Design Guide, whichever is greater.”

44. The objectives of the setbacks and built form standard at clause 10.14.4 also include:

“(d) Achieve a staggered and articulated built form”

45. The only numeric dimension along the eastern boundary is 9 metres at its narrowest point, but the setback can then be seen in Figure 2 to increase consistently to around 11.5 metres. The line of the façade is straight. In contrast the DA steps the building setback with the result that at least one third of apartment B106 and the apartments directly above it project beyond the drawn setback of the eastern façade in Figure 2. However, the minimum setback in that location is still 9 metres. That stepping facilitates the inclusion of an extra one bedroom apartment in that location. This is the relevant part of the building at ground floor, first floor and second floor:

46.



47.

48. The Plans do not adopt the same setback as the Figure 2 plan, but do maintain the only dimensioned setback. The stepping along the boundary does result in a more articulated presentation with visual interest.

49. The Council commissioned an urban design report which reports a number of non-compliances with the ADG associated particularly with the more stringent setback controls that apply to the transition between the R4 and adjoining low density zone.

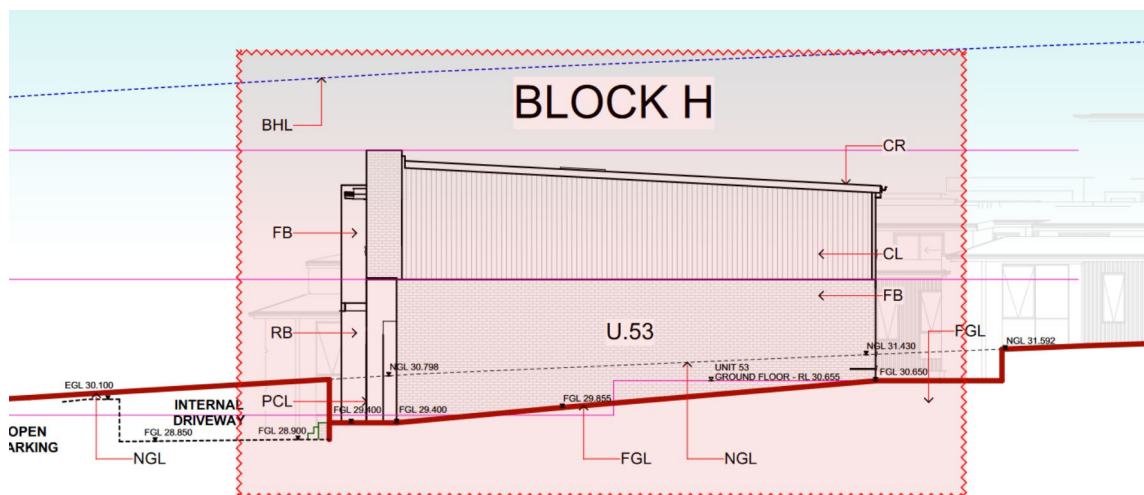
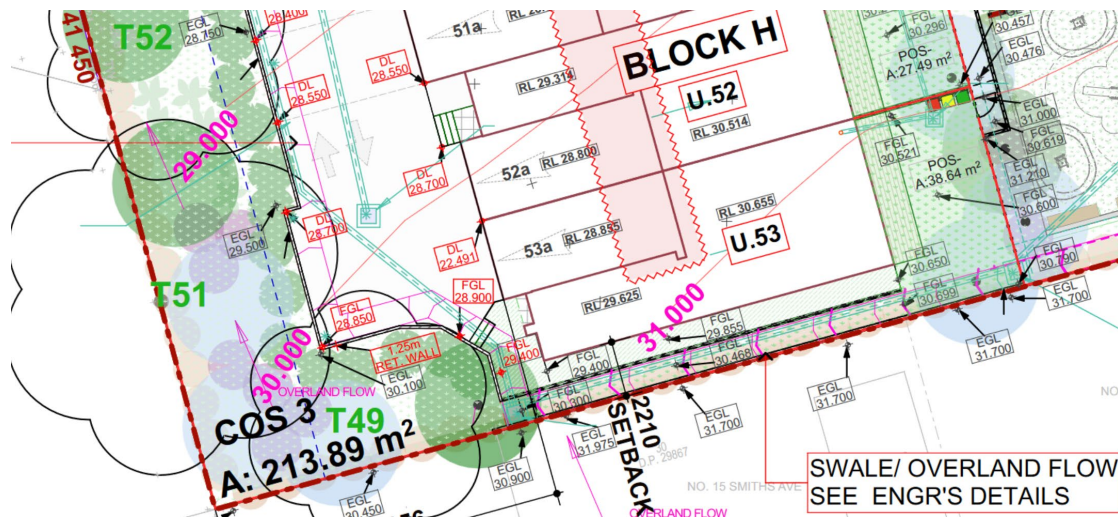
50. Taking all of those matters into account, the assessment of the eastern setback is finely balanced.

51. Ultimately, the Panel sees the staggered and stepped element in the building design as a positive design feature which ought to be retained.
52. However, there are significant design problems with the single bedroom apartments squeezed in at that location. The first floor level has windows which will look straight into the backyard of the adjoining property producing a poor amenity outcome. The second floor apartment B506 has a small balcony surrounded entirely by presumably fixed louvres to prevent overlooking. It has three external openings which do not allow an outlook – a 1.8 metre high clerestory window facing east, a door out onto the entirely screened balcony, and a slot window for the bedroom which looks into the corner of the adjoining apartment.
53. The Panel's considered conclusion on the eastern façade is:
- (a) Apartments B206, B306, and B406 ought to be amalgamated with the adjoining apartment so that the combined 2 bedroom apartment will have a living area which allows a reasonable outlook and cross ventilation. Apartment B106 which does not have the screening issues can be retained. That layout is notably closer to the layout in the DCP indicative scheme.
 - (b) The existing footprint which adopts the 9 metre staggered setback can be retained on the basis, that the high level of architectural detailing shown in the DA plans (such as the subtly curved south eastern corner which softens the transition between housing types) is retained in construction.
 - (c) Windows above the ground floor in the eastern façade (including the first floor) ought to be clerestory or suitably screened to prevent overlooking.
54. Those changes might be picked up by an amended DA plan, or possibly in a deferred commencement condition.
55. While the design does not completely achieve numerical compliance in that regard with the ADG setbacks for zone transitions, it is acceptable given the site specific DCP controls discussed above.
56. There will undoubtedly be bulk and scale impacts on the neighbouring properties. However those impacts are an expected consequence of the Council's rezoning decision to permit high density multi storey development immediately adjacent to low density residential - and an FSR of 4:1 immediately next to detached housing with a maximum FSR of 0.45:1. The units along the eastern façade have a significantly constrained outlook in that direction. Nonetheless natural light and ventilation is available, and mechanical ventilation will be provided.
57. Similarly, there are issues of separation between the eastern and western wings of the RFB which are less than ideal, but they are a consequence of the built form anticipated by the site specific DCP provisions which wraps around the corner of Orange Grove Road and Cabramatta Road so as to make separation issues inevitable. The potential conflicts are sufficiently acknowledged and addressed in the architecture and moderated by screening and orientation of windows. It is hard to see how those design issues could be eradicated while still proposing a building which is consistent with the site specific DCP.
58. On balance, having regard to the site constraints and the encouragement of the design by the site specific DCP, the Panel is of the opinion that the ADG and urban design issues of the design can be satisfactorily resolved in the circumstances of the site's planning history.

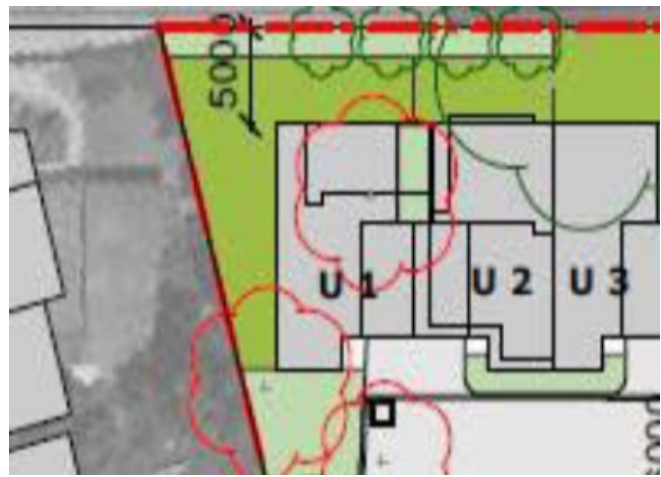
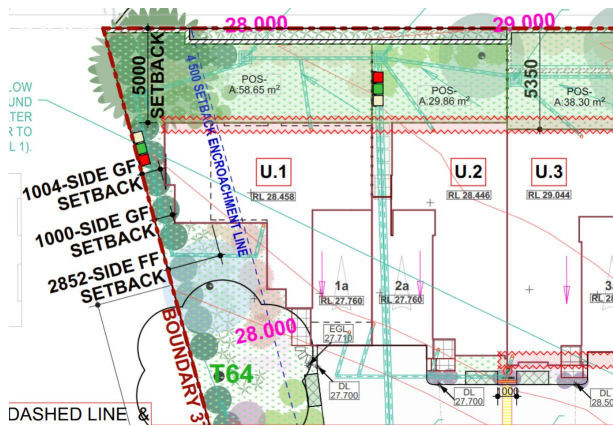
Townhouse component

59. The design of the open space in the town house section of the site has been embellished to include facilities for children's play and seating making it more usable. The orientation and sizing of that space sufficiently follows the site specific DCP and in its updated form is acceptable.
60. Issues arise again however in relation to side setbacks.

61. Block H (for which a setback of 2.21m is dimensioned) was not anticipated in the DCP Figure 2 layout, because that built form has been swapped with the parking now adjacent to the residential flat building at the other end of the site. The Panel has therefore considered those setbacks carefully. The building is not proposed to be screened by trees because of the drainage swale. The building is however partly excavated into the ground level to lower the height, and has no openings. It is not adjacent to another building. These are details from the plans in that location:



62. Ultimately taking all of those matters into account the Panel concluded that the setback for Block H was acceptable.
63. The final issue of concern was the one metre setback of the ground floor to the southern boundary of Lot 1, but with the first floor setback 2.852 metres. The images below compare the DCP layout and the DA proposal.
64. Ultimately the Panel was satisfied that while the layout is different, the overall setback outcome is maintained or improved. The Panel is particularly pleased to see that tree T64 can be preserved (although the DCP allowed for its removal).



Resolution to defer determination to allow draft conditions to be prepared

65. Notably, no draft conditions of consent are available to the Panel. They should be prepared having regard to the discussion above. The Panel anticipates communication with the Council and Applicant as to whether the changes to the plans anticipated above can be made by way of deferred commencement conditions. It is the Panel's preference that the DA is determined as soon as practicable.
66. A Preliminary Site Investigation (PSI) Report was submitted with the application to assess the potential for contaminants across the site, which has been found to acceptably address the issue of contamination of the site, including making recommendations in relation to off site soil disposal. The recommendations of that report will presumably be picked up in the conditions.
67. The Panel has unanimously resolved to defer its final determination.
68. By 6 December 2024, the Applicant is to advise the Secretariat whether it intends to make the amendments to the plans anticipated in this report. (If not, the Panel will determine the DA based on the presently lodged plans and material.)
69. If the Applicant advises they intend to make the amendments, then the panel proposes the following timeframe:
70. The applicant is to supply any updated material or reporting to the Council through the Portal by 20 December 2024.
71. The Council is to supply draft conditions to the Applicant by 14 February 2024 (with a copy of the correspondence sent to the Secretariat).
72. The Applicant is to supply the Council with its response to the draft conditions by 28 February 2025.
73. The Council is to provide the Panel with a set of draft conditions taking into account the Applicant's response and identifying the respective positions of the Applicant and the Council to any disputed conditions by 7 March 2025.
74. The Panel anticipates determining the DA on the basis of the material supplied.




CONSIDERATION OF COMMUNITY VIEWS

75. In coming to its conclusion as to the merits of the development application, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:
 - Traffic generation, vehicle access, car parking and congestion concerns, especially about the length of time that residents will be delayed when trying to exit from Links Avenue – currently traffic lights permit only allows 3-4 cars to exit before turning red – residents wait 5-7 minutes at times

- Concern that there are no safety barriers to protect residences from traffic
- Loss of parking on local street and road safety impacts
- Loss of privacy, overlooking, overshadowing and noise impacts
- Up to six storey buildings being out of character
- Loss of tree canopy
- Limited infrastructure available for the development

76. The Panel notes that most of these matters were considered when the planning proposal was approved and that Council proposed to implement measures to reduce the traffic impacts of the proposal and incorporated controls into the site specific DCP to mitigate impacts on the surrounding low density residential development.

77. The Panel considers that, subject to the various amendments to the proposed development required by the Panel, the concerns raised by the community can be adequately addressed as anticipated in the report above. Notably, none of the persons addressing the Panel proposed a solution to the congestion issues in Links Avenue, other than a major reduction in density below what is anticipated in the site specific provisions of the DCP.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Louise Camenzuli 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-374 – Fairfield – DA 260.1/2023
2	PROPOSED DEVELOPMENT	<p>The application proposes to amalgamate and subdivide the existing 6 lots to create two Torrens Title lots to facilitate the staged development of the site as follows:</p> <p>Stage 1: Construction of 53 Multi Dwelling Housing comprising 15 x three-storey and 38 x two-storey units, across 8 blocks (Block A to H), including 1 level of basement car parking and at-grade parking providing a total of 136 spaces; and ancillary works including demolition of existing structures, earthworks, tree removal, construction of a private internal access road, and landscaping</p> <p>Stage 2: Construction of 6-storey Residential Flat Building containing 85 apartments (reduced from 87) with two levels of basement parking providing a total of 107 spaces (reduced from 109), and ancillary works.</p>
3	STREET ADDRESS	400 Cabramatta Road West, Cabramatta (Lot 1 in DP 29449) 402 Cabramatta Road West, Cabramatta (Lot 1 in DP 503339) 402A Cabramatta Road West, Cabramatta (Lot 2 in DP 503339) 404 Cabramatta Road West, Cabramatta (Lot 7 in DP 709126) 2 Orange Grove Road, Cabramatta (Lot 6 in DP 709126) 6 Links Avenue, Cabramatta (Lot 3 in DP 30217)
4	APPLICANT/OWNER	Ahmed Taleb/ TCON Constructions
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 State Environmental Planning Policy (Housing) 2021 Apartment Design Guide Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 4 November 2024 Written submissions during public exhibition: 52 Verbal submissions at the public meeting Total number of unique submissions received by way of objection: 34

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 11 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Kevin Lam, Hugo Morvillo ○ <u>Council assessment staff</u>: Venetin Aghostin ○ <u>Applicant representatives</u>: Ahmed Taleb • Briefing: 09 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli ○ <u>Council assessment staff</u>: Liam Hawke, Sunnee Cullen ○ <u>Applicant representatives</u>: Ahmed Taleb, Jim Murray, Aaron Hogan, Orhan Kaba, Michelle Jelacic, Hany Takla • The Panel Chair attended the site on 17 November 2024.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not yet provided