

Planning Services

IRF19/5834

Gateway determination report

LGA	Fairfield City
PPA	Fairfield City Council
NAME	Cabramatta Town Centre East (582 homes, 369 jobs – subject to recommended amendment of the planning proposal)
NUMBER	PP_2018_FAIRF_003_00
LEP TO BE AMENDED	Fairfield LEP 2013
ADDRESS	Land bounded by Fisher Street, Broomfield Street and Cabramatta Road East, Cabramatta
DESCRIPTION	Various allotments
RECEIVED	25 March 2019
FILE NO.	IRF18/5834
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A2**) seeks to increase the development controls for land within the eastern portion of Cabramatta Town Centre by amending the Fairfield Local Environmental Plan (LEP) 2013 as follows:

- increase the maximum building height for land within the site from 14m to 48m (approximately 15 storeys);
- increase the maximum floor space ratio (FSR) for land within the site from 2.5:1 to 3.85:1, 4:1, 6.1:1 and 6.45:1;
- identify the site as “Cabramatta – Area E” on the Town Centre Precinct, minimum site area map and apply a minimum site area of 1300m², 1800m², 2200m² and 2700m² to certain land within the site; and
- introduce a new local clause for the site that provides additional controls for the redevelopment of the site in relation to building height and FSR, and the application of a development control plan.

The proposal will not amend the current B4 Mixed Use zone for the site.

At the Fairfield City Council meeting of 25 September 2018, councillors resolved to reduce the proponent’s proposed building height for the site from a maximum of up to 59m and 66m (i.e. 16 and 19 storeys) (**Attachment D1**) to a blanket maximum building height of 48m (i.e. 15 storeys) (**Attachment A5**). The councillors did not

resolve to alter any of the proponent's other proposed amendments (i.e. FSR and minimum lot size).

1.2 Site description

The planning proposal applies to the eastern portion of Cabramatta Town Centre, which is zoned B4 Mixed Use and located along the eastern boundary of Cabramatta Station. The site has an area of approximately 1.3ha (or 12,847m²) and is bounded by Fisher Street to the north, Broomfield Street to the west, Cabramatta Road East to the south and a commercial development to the east. The site is outlined in red in Figure 1 (below).

The existing land uses within the site include several small retail shops and commercial premises, a hotel, a coaching college, a church, a dwelling house and a vacant parcel of land. The planning proposal would affect approximately 22 privately owned properties as identified on page 11 of the planning proposal (**Attachment A2**).

There are also approximately 70 private car parking spaces to the rear of the retail shops and a Council-owned laneway (which is 680m² in area) that traverses the southern part of the site.



Figure 1: Site context.

1.3 Existing planning controls

Under the Fairfield LEP 2013, the following zone and development controls apply to the site:

- zoned B4 Mixed Use (refer to Figure 2, below);
- a maximum building height of 14m; and
- a maximum FSR of 2.5:1.

The site is also identified as “Cabramatta – Area A” on the Town Centre Precinct, minimum site area map, which involves the application of Clause 7.2 (Cabramatta – floor space ratio) and Clause 7.3 (Cabramatta – height of buildings) to the site. The objective of these clauses is to provide additional guidance for the development of land within the site. A minimum lot size does not apply.

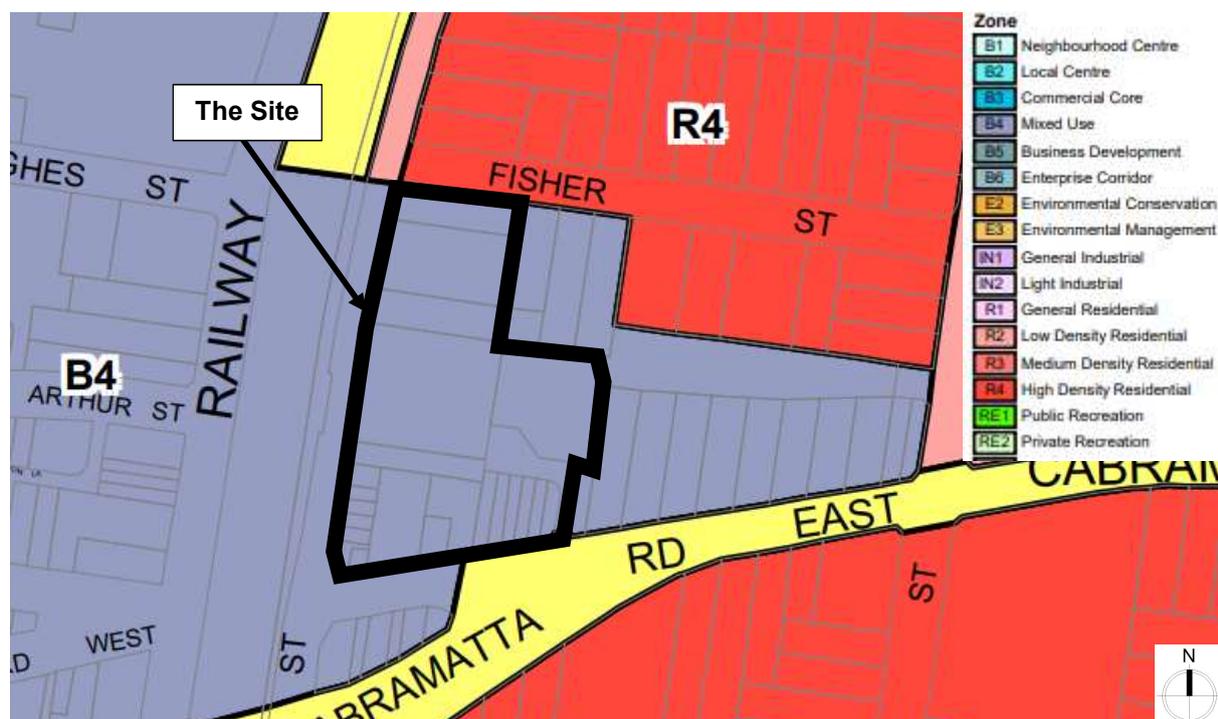


Figure 2: Current land zoning map.

1.4 Surrounding area

As shown in Figure 2 (above), the site is surrounded by B4 Mixed Use and R4 High Density Residential-zoned land. The B4-zoned land also forms part of the eastern portion of Cabramatta Town Centre and consists of two-storey commercial premises and a three-storey car park. The R4-zoned land contains a mix of single-storey dwelling houses and three-storey to four-storey residential flat buildings.

Cabramatta Station and the railway line is located along the western boundary of the site. The main portion of Cabramatta Town Centre is located on the western side of the railway station.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed with conditions as it would facilitate the revitalisation of the eastern portion of Cabramatta Town Centre and provide additional housing and jobs in a suitable location, with access to infrastructure and services.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of this planning proposal is to revitalise the eastern portion of Cabramatta Town Centre by increasing the density of the site to facilitate the redevelopment of the land for a mix of commercial and residential apartment development, including basement car parking. It would also contribute to the development of an overhead pedestrian bridge to Cabramatta Station, activated street frontages and reinvigorated public spaces to enhance the commercial area east of the railway line.

Council also notes that the urban design objectives for the redevelopment of the site include the following:

- place making the site as a destination with improved connections across the railway line via a new overhead pedestrian bridge;
- facilitating and incentivising redevelopment of multistorey apartment living close to public transport, retail and other amenities; and
- reinvigorating shops and public spaces to activate the commercial area.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the Fairfield LEP 2013 by:

- increasing the maximum building height for land within the site from 14m to 48m (approximately 15 storeys);
- increasing the maximum FSR for land within the site from 2.5:1 to part 3.85:1, 4:1, 6.1:1 and 6.45:1;
- identifying the site as “Cabramatta – Area E” instead of “Cabramatta – Area A” on the Town Centre Precinct, minimum site area map and applying a minimum site area of 1300m², 1800m², 2200m² and 2700m²; and
- introducing a new local clause for the site that provides additional guidance for the redevelopment of the site in relation to building height and FSR, and the application of a development control plan as follows:

Clause 7.9 Cabramatta - Area E

1. *This clause applies to land identified as “Cabramatta – Area E” on the Town Centre Precinct Minimum Site Area Map.*
2. *This clause has effect despite clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio.*
3. *The maximum floor space ratio of land identified as “Cabramatta – Area E” is:*
 - i. *If the building is not used for the purpose of residential accommodation – 1.5:1, or*
 - ii. *If less than 10% of the floor space is used for the purpose of residential accommodation – 2.0:1, or*
 - iii. *If 20% to 50% of the floor space is used for the purpose of residential accommodation – 2.2:1.*

4. *The height of a building on land identified as “Cabramatta – Area E” on the Town Centre Precinct Map must not exceed 14 metres unless the site area of the building is at least the minimum site area shown for the land on the Minimum Site Area Map.*
5. *The height of a building on land identified as “Cabramatta—Area E” on the Town Centre Precinct Map must not exceed 10 metres unless at least 50% of the building will be used for a residential purpose.*
6. *Despite any other provision of this Plan, development consent must not be granted to development for the purposes of residential accommodation located on the ground floor of a building (excluding residential lobbies and access areas).*
7. *Development of land identified as “Cabramatta Area – E” must be substantially in accordance with the adopted Development Control Plan that applies to the land.*
8. *The Development Control Plan must provide for:*
 - i. *Building envelopes and built form controls;*
 - ii. *Distinct public and private spaces including a market square, pedestrian access and overhead pedestrian bridge linking the site and the Cabramatta Railway Station concourse;*
 - iii. *Staging of future development;*
 - iv. *Traffic management infrastructure, including appropriate entry and exit points for each of the identified stages, loading and servicing areas;*
 - v. *Active street frontages to Broomfield Street and Cabramatta Road East; and*
 - vi. *Public domain improvements.*

The proposal would remove the application of clauses 7.2 and 7.3 to the site and would not change the current B4 Mixed Use zone for the site. Clauses 7.2 and 7.3 provide details on the FSR and heights permitted for Cabramatta Town Centre.

The planning proposal seeks to facilitate approximately 542 additional dwellings and 12,750m² of floor space for 369 additional jobs across the site. It is noted that the proponent’s original planning proposal sought to facilitate approximately 582 additional dwellings which is a loss of 40 dwellings from the original concept plan.

The proponent’s concept plan of the proposed development (**Attachment D3**) illustrates the inclusion of a church, a hotel/tavern, a medical centre, and additional retail and commercial floor space. The proposal would also provide several additional public benefits such as a new pedestrian overbridge to Cabramatta Station, a new public market square, activated street frontages, local intersection upgrades and additional landscaping.

The site is proposed to be developed in four stages (i.e. stages A to D) as shown in Figure 3 (next page). A summary of the proposed development controls for each development stage is provided in Table 1 (next page).

Table 1: Proposed controls for the site

Proposed control	Stage A	Stage B	Stage C	Stage D
Maximum building height	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)
Maximum FSR	3.85:1	6.45:1	6.1:1	4:1
Town Centre Precinct	Cabramatta – Area E	Cabramatta – Area E	Cabramatta – Area E	Cabramatta – Area E
Minimum site area	2700m ² (eastern half) and 1800m ² (western half)	2700m ²	1300m ²	2200m ²

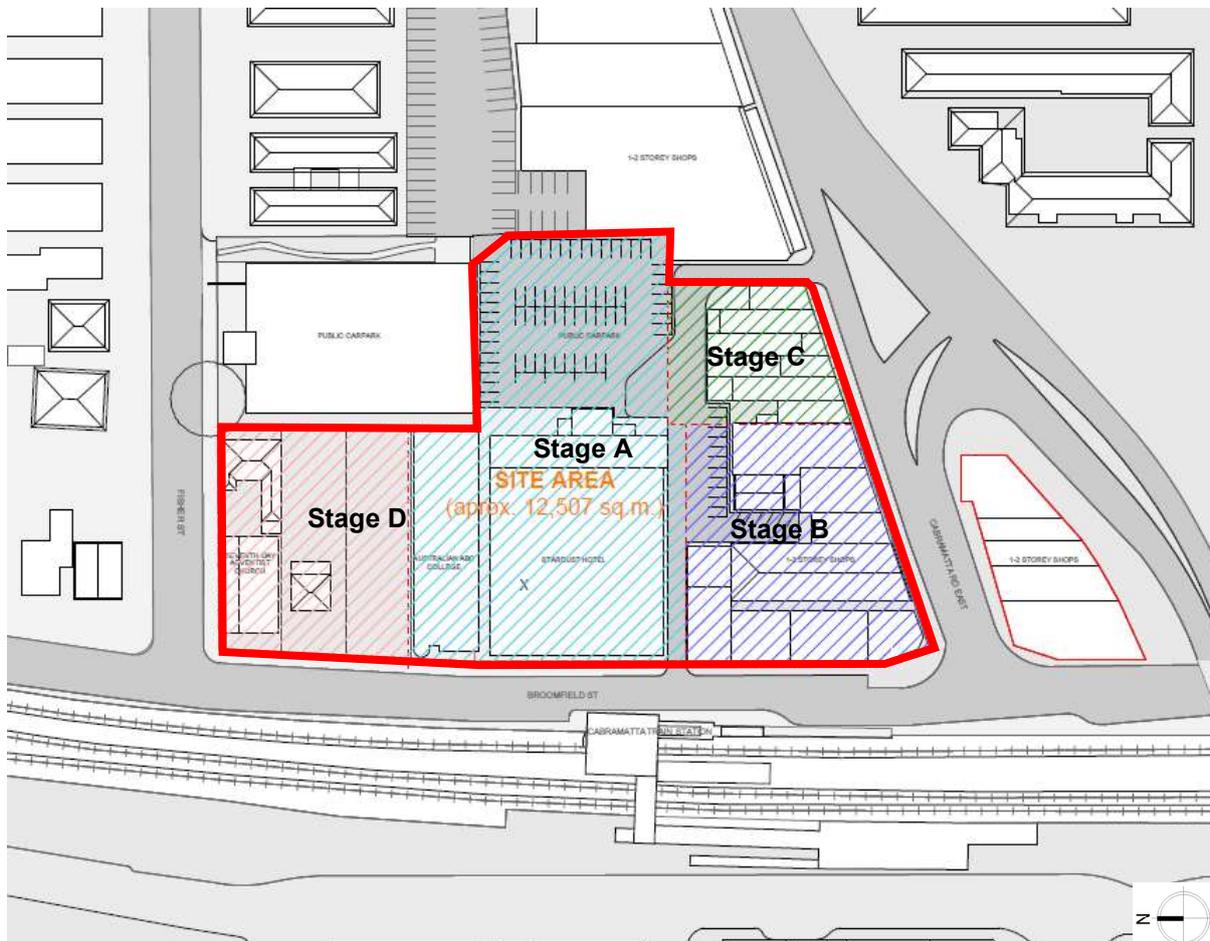


Figure 3: Proposed redevelopment stages.

Department comment – proposed height of building

As noted in section 1.1 of this report, at the Council meeting of 25 September 2018, councillors resolved (**Attachment A5**) to reduce the proponent’s proposed building height for the site from a maximum height of up to 59m and 66m (i.e. 16 and 19 storeys) (**Attachment D1**) to a blanket maximum height of 48m (i.e. 15 storeys) (**Attachment A2**). The councillors did not resolve to alter any of the proponent’s other proposed amendments (i.e. FSR and minimum lot size).

A comparison of the two proposed maximum building heights is provided in Table 2 (below) and Figures 4-5 (below).

Table 2: Comparison of proposed building heights

Building height	Stage A	Stage B	Stage C	Stage D
Council-endorsed height (Figure 4)	48m (approx. 15 storeys)			
Proponent’s proposed heights (Figure 5)	59m (approx. 16 storeys plus lift overrun = 17 storeys)	66m (approx. 19 storeys plus lift overrun = 20 storeys)	57m (approx. 16 storeys plus lift overrun = 17 storeys)	48m (approx. 12 storeys plus lift overrun = 13 storeys)
Height difference	11m (approx. 2 storeys)	18m (approx. 5 storeys)	9m (approx. 2 storeys)	0m

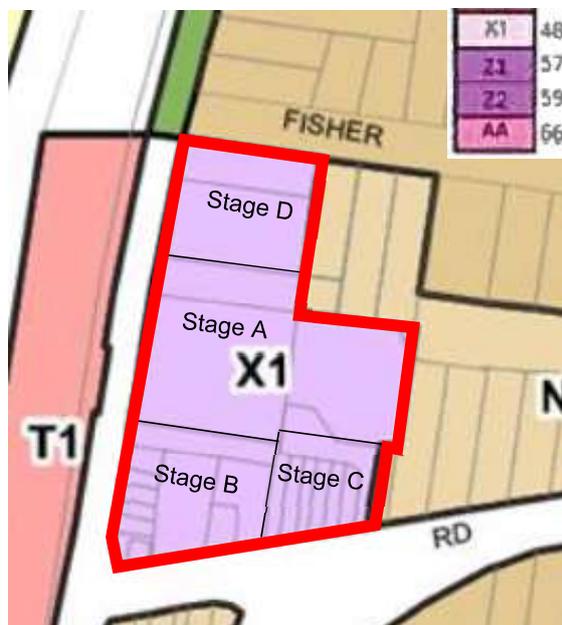


Figure 4: Council-endorsed heights.

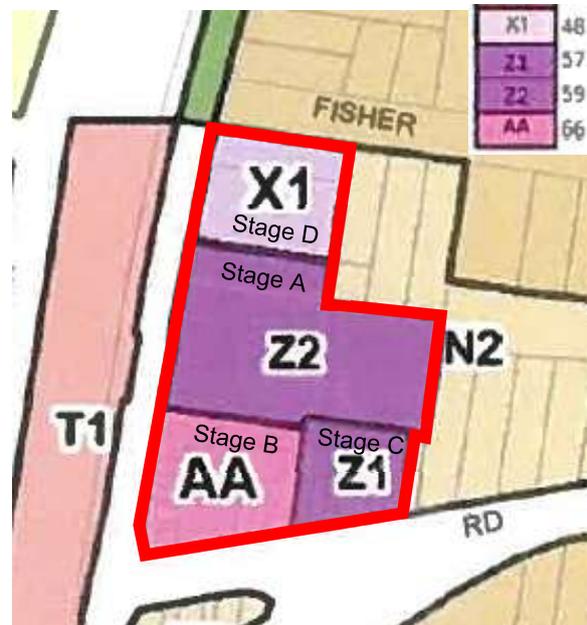


Figure 5: Proponent’s proposed heights.

As shown in Table 2 (above), there is a height difference for three of the proposed buildings (i.e. Stages A, B & C). For Stages A and C, the height difference is related to the double ceiling height for the two commercial floors (i.e. approx. 5.5m and 4.5m per floor respectively). Whilst, the height difference for Stage B is attributed to the additional five residential floors.

Council officers (**Attachment A4**) and the Fairfield Local Planning Panel (**Attachment A7**) supported the proponent's initial building height of up to 59m and 66m for the site in the original planning proposal. Council officers have outlined the reasons for supporting the initial building height as follows (**Attachment E**):

- the site is within the eastern portion of Cabramatta Town Centre and contains several larger allotments that are in a single landownership or the current landowners support the proposal;
- given the larger allotment sizes, the site provides a unique opportunity to achieve a potential to deliver a significant amount of additional housing in Cabramatta Town Centre close to public transport and services;
- the land within the western portion of Cabramatta Town Centre is highly fragmented, which limits the redevelopment opportunity to provide a significant amount of housing in this area;
- the site is proposed by the proponent to be redeveloped over four stages with height variations to provide a much better urban design outcome (i.e. the maximum height of 66m at the corner of Broomfield Street and Cabramatta Road East, with the height reduced further along) compared to a blanket height across the entire site;
- the shadow analysis of the proponent's concept plan (**Attachment D3**) concluded that the proposed development complied with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the *Apartment Design Guide* requirements for adjoining sites;
- the proponent's concept plan was reviewed by the independently appointed urban designers (**Attachment A8**) and the Fairfield Local Planning Panel (**Attachment A7**), both of which supported the original proposed building heights and acknowledged the opportunity to create a strong and vibrant mixed-use precinct on the eastern portion of Cabramatta Town Centre;
- the eastern portion of Cabramatta Town Centre is not constrained by traffic issues, like the western side of the town centre, as identified by a previous T-map and studies such as the Fairfield Residential Development Strategy 2009; and
- the proposed building height for the site is below the obstacle limitation surface (OLS) for Bankstown Airport, which is around 90-100m AHD for the area (i.e. the proposed building height of 66m plus the existing ground level of 16m equals a height of approximately of 84m).

In response to the councillors' decision to reduce the proposed building height, the proponent has advised there was no planning justification for the height reduction and it disregards the work undertaken with council officers (**Attachments F1–F3**).

In addition, it was advised that the height change would compromise the negotiations between Council and the proponent in regard to securing the consolidation of the site for redevelopment and the viability of delivering the local voluntary planning agreement (VPA) outcomes, such as the pedestrian overbridge to the station concourse due to the loss of 'premium' apartments within Stage B of the proposed development. It was also noted that the planning proposal submitted to Council was informed by strategic considerations and tested to ensure appropriate amenity outcomes within the site and with the surrounding area.



Figure 6: Concept plan based on Council-endorsed heights.



Figure 7: Concept plan based on proponent's proposed heights.

A visual comparison of the proposed development based on the councillors' endorsed height (Figure 6, previous page) and the proponent's proposed height (Figure 7, previous) was provided by the proponent.

The Department considers that the visual impact of an additional four storeys (i.e. 19 storeys compared to 15 storeys) on the corner of Cabramatta Road East and Bloomfield Street would be minor from the street level and the surrounding public domain.

It is also noted that as part of the preparation of the local strategic planning statement for Fairfield LGA, Council has advised that the future growth of the LGA would be focused within the main town centres such as Cabramatta Town Centre, which includes this site. The adopted urban design study prepared for the Fairfield Town Centre proposes a density increase of up to 10 and 20 storey buildings for key sites within the centre and it is expected Cabramatta Town Centre would have comparable heights, once the initiated urban design study is finalised by Council.

The Department acknowledges the work undertaken by council officers, and the proponent, to develop the original planning proposal and concept plan, including the alignment of the building height and FSR controls to restrict the built form of the proposed development.

It is also noted that the supporting studies submitted with the planning proposal, such as the shadow diagrams (**Attachment D3**) and the traffic and transport assessment (**Attachment D4**), are based on the proponent's original building height.

Further, there is no justification, or studies, provided by Council to support the blanket 48m building height for the site. In addition, the blanket building height of 48m and the identified FSRs of 2.5:1 to 3.85:1, 4:1, 6.1:1 and 6.45:1 for the site are not considered to be compatible. The built form outcome of the proposed development based on these development standards would result in an entirely different building compared to the version assessed by council officers, the Fairfield Local Planning Panel, and the independently appointed urban designers.

Taking these matters into consideration, the Department recommends that Council amends the proposed maximum building height to be consistent with the heights originally assessed and supported by council officers and the Fairfield Local Planning Panel, i.e. a maximum building height of 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys).

The Department considers that there is strategic and site-specific merit for the planning proposal to proceed with the scaled building height as originally proposed by the proponent.

Department comment – proposed local clause

The Department notes that Council has drafted the proposed local clause (i.e. Clause 7.9 Cabramatta – Area E), however, this clause maybe subject to change following legal drafting and an explanation would provide clarity for the community. Therefore, prior to public exhibition it is recommended that Council includes an explanation of the intent of the proposed local clause in the planning proposal.

In addition, Council advised that a site-specific development control plan (DCP) would be prepared and exhibited concurrently with the planning proposal (**Attachment A5**). Subclauses 7 and 8 of the proposed local clause may not be necessary as these relate to the preparation of the DCP and its application, which is provided by the Act. Consequently, it is recommended that prior to public

exhibition, Council considers removing subclauses 7 and 8 in Part 2 of the planning proposal.

2.3 Proposed DCP

Council resolved to prepare a site-specific DCP for the site and exhibit it in conjunction with the planning proposal. The DCP would include the following provisions:

- building footprints, heights and FSRs reflective of those proposed under the planning proposal and potentially adopted under the Fairfield LEP 2013;
- design arrangements, including through-site links and overhead links to Cabramatta Station, public open space elements, market square access and management, ground-level activation, arrangement of podium height and upper-level setbacks, etc.;
- indicative vehicular access and parking arrangements, including loading facilities;
- measures to minimise the potential for crime, particularly in the proposed market square and along key site linkages; and
- requirements to minimise the potential impact of the development on adjoining land.

Department comment

The Department supports the preparation of a site-specific DCP for the site and its concurrent exhibition with the planning proposal to ensure there are adequate guidelines for the staged development of the site.

2.4 Proposed local contribution plan

Council has advised that a local VPA will be prepared to ensure that a satisfactory level of local public benefit is provided by the proponent for the community with the redevelopment of the site. The VPA will be exhibited with the DCP and the planning proposal.

Council has advised that the VPA would identify the provision of public benefits as proposed by the proponent, including the following:

- a pedestrian overbridge linking the site to Cabramatta Station;
- a public market square with public art and street furniture in the market square;
- local intersection upgrades; and
- landscaping and street furniture along Broomfield Street and Cabramatta Road East.

2.5 Mapping

The current and proposed maps are provided in Part 2.3, Part 4 and Appendix A.2 of the planning proposal (**Attachment A3**). The planning proposal will amend the following maps:

- height of building map (HOB_017);
- FSR map (FSR_017); and
- Town Centre Precinct, minimum site area map (CL2_017).

The current and proposed maps are shown in Figures 8–13 (next page).

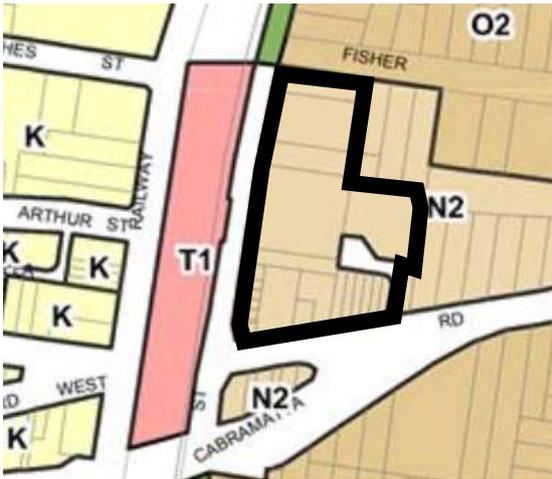


Figure 8: Current height of building map.

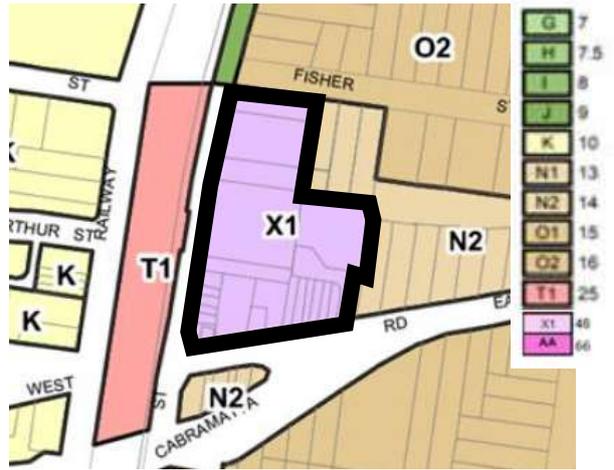


Figure 9: Proposed height of building map.

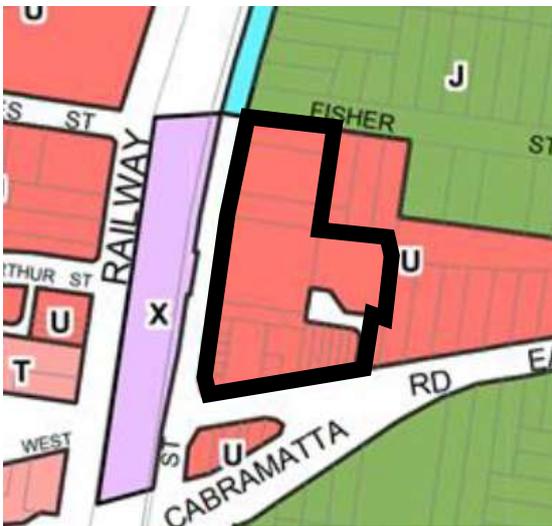


Figure 10: Current FSR map.

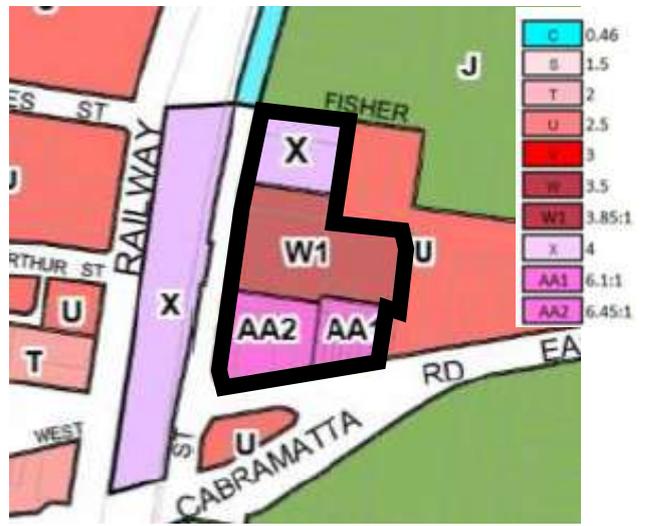


Figure 11: Proposed FSR map.



Figure 12: Current Town Centre Precinct, minimum site area map.

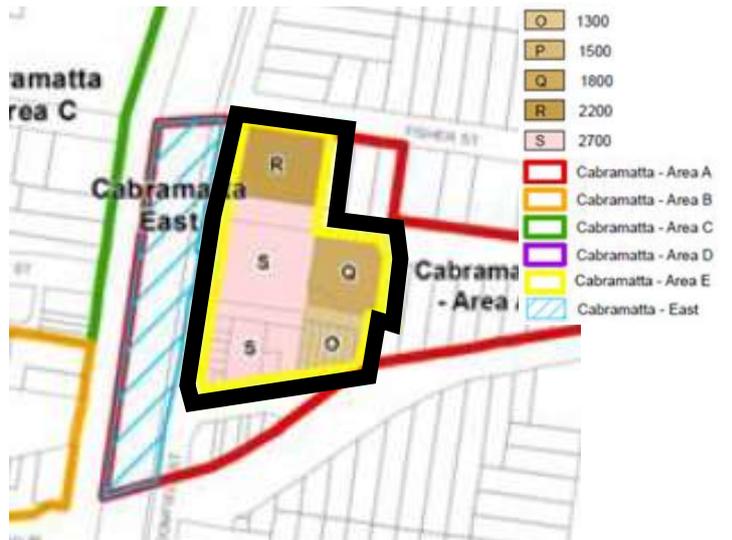


Figure 13: Proposed Town Centre Precinct, minimum site area map.

Department comment

It is recommended that prior to public exhibition, Council includes a clear outline of the site in the current and proposed maps in Appendix A.2 of the planning proposal to provide clarity to the community about the extent of the site and the proposed amendments.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, it advises that the proposed amendment is the best and most appropriate way to achieve Council's intended outcome, i.e. to increase the building height and FSR to guide the reinvigoration of the commercial area in the eastern portion of Cabramatta Town Centre. A planning proposal is the only means available to achieve amendments to relevant provisions under the Fairfield LEP 2013.

The planning proposal notes that there is the potential for Cabramatta to capitalise on good public transport, convenient services and community infrastructure by increasing residential densities near the railway station in the town centre.

Council advised that previous strategies to densify the town centre have not progressed due to the significant costs required to fund road upgrades and parking infrastructure. However, the eastern portion of Cabramatta Town Centre, where the site is located, has fewer traffic constraints and required upgrades and therefore is a suitable location for increased densities.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The plan also identifies Cabramatta Town Centre, which includes the site, as a local centre in the district.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan as it would:

- align the provision of forecast growth with existing infrastructure, such as the facilities and services provided in Cabramatta Town Centre and Cabramatta Station (Planning Priority W1);
- provide additional housing supply and choice near jobs, services and public transport facilities (Planning Priority W5);
- facilitate the revitalisation of the eastern portion of Cabramatta Town Centre, which is a local centre, and improve the amenity, connectivity and accessibility of the precinct for residents and the public (Planning Priority W6); and
- generate additional jobs in the retail and commercial sectors in the eastern portion of Cabramatta Town Centre (Planning Priority W11).

The Department is satisfied that the planning proposal could give effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Fairfield City Centres Study and Fairfield City Centres Policy 2015

The Fairfield City Centres Study (2015) and Fairfield City Centres Policy 2015 provide several principles, objectives and assessment criteria against which applications are to be assessed.

The planning proposal is consistent with the recommendations of the city centres study as it has the potential to revitalise the land on the eastern side of the railway line. There will be a consolidation of retail floor space into a more pedestrian-friendly configuration, which aims to activate the streetscape, improve connections across the railway line via an overhead pedestrian bridge and reinvigorate shops and public spaces.

The proposal does not seek to increase the amount of retail floor space already permissible on the site or change the B4 Mixed Use zone and specialist retail function of Cabramatta Town Centre.

Fairfield Residential Development Strategy

The Fairfield Residential Development Strategy (2009) identifies areas in Fairfield City that should be investigated for increases in residential density. The key principle of this strategy is to increase the density of the LGA around centres and along corridors such as Cabramatta Town Centre.

Council notes that there are significant issues associated with increasing the density of the western portion of Cabramatta Town Centre, including compromising the capacity of the current road network and needing major infrastructure improvements.

However, this proposal provides an opportunity to implement urban renewal in the eastern portion of Cabramatta Town Centre near services and transport and without being restricted by the current road network. The site has excellent access to public transport (including rail and bus services) and a full range of education, retail, commercial and recreational services in the broader Cabramatta Town Centre. The proposal will generate approximately 582 new dwellings, which will be a significant contribution to housing supply in the area.

2016-2026 Fairfield City Plan

The planning proposal is consistent with several themes and goals in the Fairfield City community strategic plan, including the following:

- Theme 2 – Place and Infrastructure: The proposal seeks to improve the local character of the area, increase the supply of housing to meet the varied needs of the community and provide potentially high-quality apartment and unit development in a central location supported by existing infrastructure; and
- Theme 4 – Local Economy and Employment: The proposal seeks to increase the variety of shops in Cabramatta Town Centre, increase parking, create a modern vision for the area and create a safe and pleasant space to meet friends and family. The proposed public market square will create a vibrant community-based destination to promote unique cultural and culinary festivities.

Cabramatta Town Centre Development Control Plan No. 5/2000

The planning proposal was considered against the objectives and desired character for the precinct as contained in the Cabramatta Town Centre DCP. Under the DCP, the site is within Precinct 4 (Figure 14, below), which is classified as a mixed-use and residential precinct.

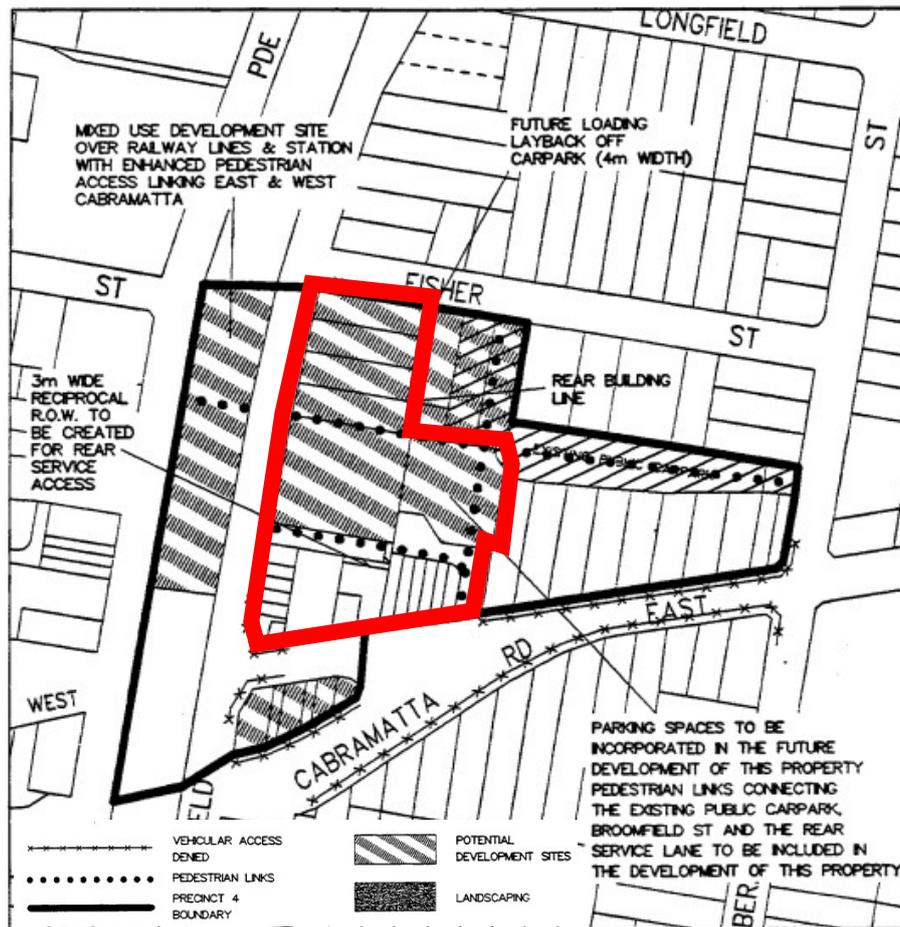


Figure 14: Precinct 4 map in the existing DCP.

The planning proposal will achieve the following objectives and desired character of the precinct:

- encourage the provision of mixed-use development with a significant residential component;
- limit retail activity to a scale that does not adversely change the retail balance of the town centre;
- ensure adequate safe, convenient and accessible car parking and provide adequate on-site loading and unloading facilities;
- facilitate the development of improved pedestrian connectivity to the west across the railway line; and
- promote attractive, vibrant and safe pedestrian accessways.

Council advises that while the proposal is generally consistent with the desired future character of the precinct, the proposed scale of development is considerably greater than that provided for under the DCP controls.

The Department notes that Council proposes to prepare a site-specific DCP for the site and the Department has included a Gateway condition requiring that this DCP be exhibited with the planning proposal. However, Council has not advised whether the existing DCP will be amended and therefore two DCPs would apply to the site.

Prior to exhibition, it is recommended that Council amends the planning proposal to include the intent to amend the existing DCP to incorporate the site-specific development controls so there is only one set of development controls in the DCP associated with the site.

Fairfield Local Planning Panel

The planning proposal was considered by the Fairfield Local Planning Panel on 30 August 2018 (**Attachments A6–A7**). The panel reviewed the proponent’s original planning proposal and supported the proposed building height for the site of a maximum of up to 59m and 66m (i.e. 16 and 19 storeys).

The panel also recommended that Council should request and be satisfied with a further report detailing a draft site-specific DCP and a VPA for the site.

Following its review of the planning proposal, the panel advised that it was satisfied that the original planning proposal would “facilitate the future redevelopment of this site for a mix of commercial and residential apartments (including basement parking), an overhead pedestrian bridge linking the site to Cabramatta Railway Station, activated street frontages and open-air public market to activate the commercial area east of the railway line”.

The panel noted that the proposal is consistent with the Fairfield City Centres Study and the Fairfield Residential Development Strategy and has the potential to revitalise the eastern side of the railway line. The panel also noted that the proposal provides an opportunity to implement urban renewal in the eastern portion of Cabramatta Town Centre near services and transport and in an area not restricted by the road network.

However, the panel also stated that while the proposal is generally consistent with the desired character of the precinct, the scale of the original proposal is considerably greater than that provided under the controls of the existing DCP. Therefore, a new site-specific DCP should be prepared for the site.

The panel mentioned Council’s independently appointed urban design review (**Attachment A8**) and concluded that the proposal provided a unique opportunity for a development outcome that would result in several public benefits, such as a pedestrian overbridge to the train station, local intersection upgrades, and a market square that would strengthen the strategic merit of the proposal in relation to Cabramatta Town Centre as described in the Western City District Plan.

The panel also noted that the proponent’s traffic and transport assessment (**Attachment D4**) advised that the road network could accommodate the additional traffic generated by the proposed development, and future broader precinct uplift, without being significantly impacted.

The panel concluded that the planning proposal lodged by the proponent held strategic merit and the consolidated site is suitable for the proposed development, as it will progress the planned redevelopment of Cabramatta Town Centre without the necessity of a city-wide LEP. Therefore, for the reasons outlined above, the panel recommended that Council support and proceed with the original planning proposal.

The Department agrees with the panel's comments, and as advised in Section 2.2 of this report, recommends that Council proceeds with the planning proposal submitted by the proponent to Council, with a maximum building height of up to 59m and 66m, i.e. 16 and 19 storeys.

4.3 Section 9.1 Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following section 9.1 Direction:

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this Direction as it seeks to introduce a site-specific clause (i.e. the new local clause) into the Fairfield LEP 2013, which will enable a particular development to occur on the site.

This inconsistency is considered to be minor as the site-specific development controls for the site will ensure that the construction of the development outcome is consistent with the proposed concept plan as part of this planning proposal.

Accordingly, it is recommended that the Secretary's delegate agrees that the inconsistency of the planning proposal with Direction 6.3 Site Specific Provisions is of minor significance.

Consistency to be further justified: The planning proposal is potentially consistent with the following section 9.1 Direction. However, further justification is required as outlined below:

Direction 3.5 Development Near Regulated Airports and Defence Airfields

This Direction aims to ensure the effective and safe operation of regulated airports and defence airfields and that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. The site is within the conical surface (5% slope) of Bankstown Airport and therefore this Direction applies to the planning proposal (Figure 15 below).

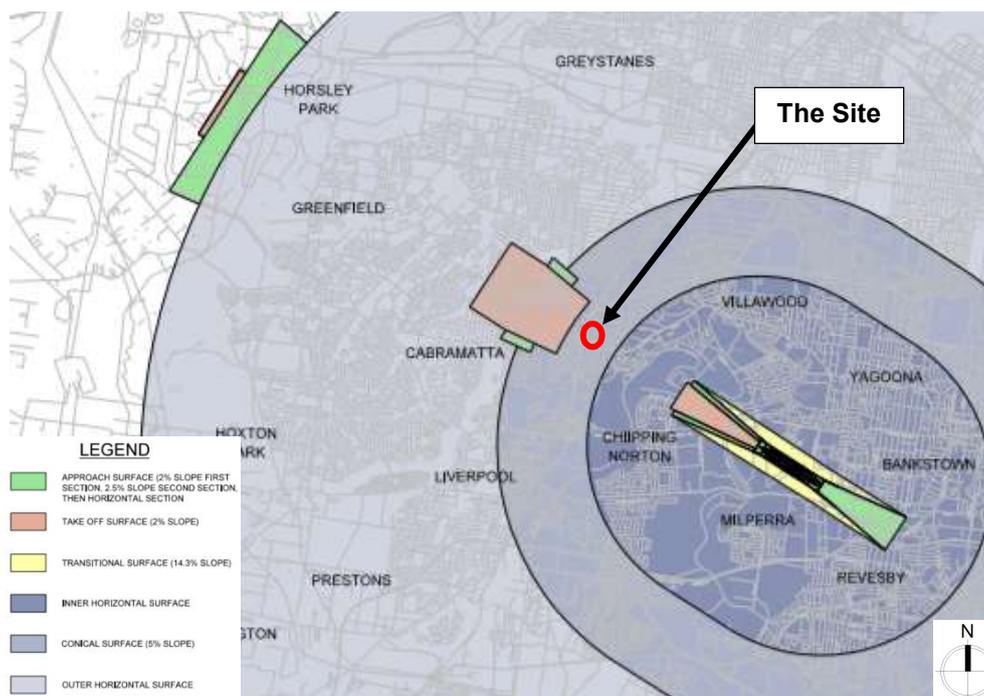


Figure 15: Obstacle limitation surfaces for Bankstown Airport.

The proponent has undertaken preliminary consultation with Bankstown Airport, which subsequently recommended the proposal be referred to Airservices Australia. Airservices Australia has advised that a maximum height of 66m will not affect sector or circling altitude, any instrument approach or departure procedure at Bankstown Airport, or the performance of any Airservices Precision/Non-Precision Nav Aids, Anemometers, HF/VHF/UHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

However, to be consistent with this Direction, Council is required to consult the relevant airport service providers in the preparation of the planning proposal. Therefore, Council should consult the relevant airport authorities prior to public exhibition to be consistent with this Direction.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development of flood-prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual*. The site contains flood-prone land (Figure 16 below) and therefore this Direction applies to the planning proposal.

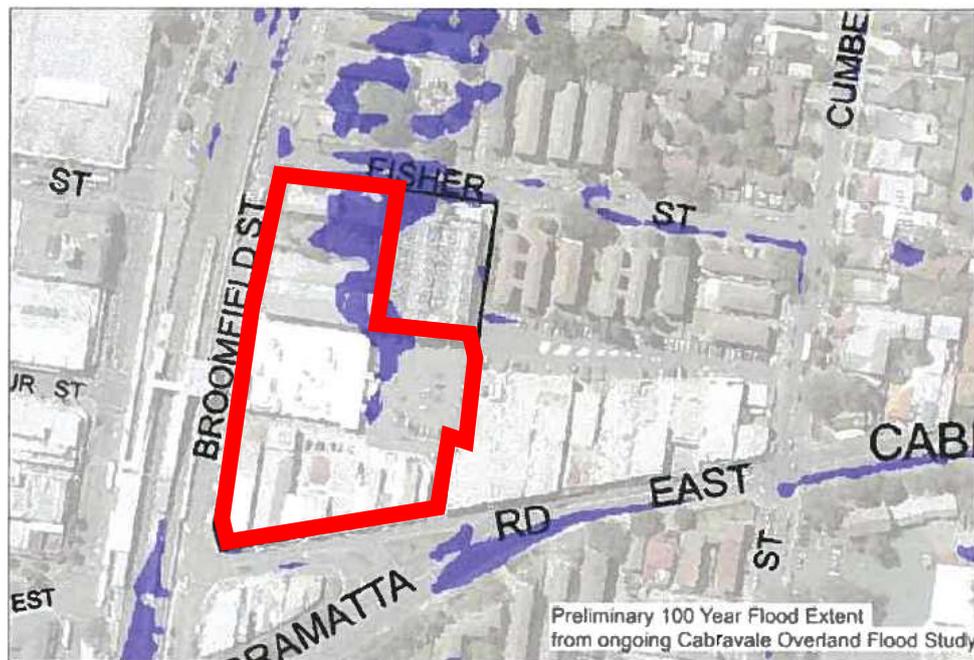


Figure 16: Flood-prone land map.

The planning proposal is inconsistent with this Direction as it permits a significant increase of the permissible development across the flood-affected land on the site.

Council's Catchment Planning Branch did not object to the planning proposal subject to any future development proposal addressing flooding and stormwater constraints likely to occur as a result of the development. The proposal states that these matters will be addressed at the development application stage.

A planning proposal may be inconsistent with this Direction provided the planning proposal authority can satisfy the Secretary's delegate that the proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the *Floodplain Development Manual* or that the provisions of the proposal that are inconsistent are of minor significance.

Therefore, to ensure that the planning proposal complies with the requirements of this Direction, it is recommended that Council addresses this inconsistency further and consults the Office of Environment and Heritage to determine if there are any flooding issues with the proposed development and, if necessary, seeks the agreement of the Secretary to justify any inconsistency with this Direction.

Consistent: The planning proposal is consistent with the following section 9.1 Directions:

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This Direction applies to the planning proposal as it affects land zoned B4 Mixed Use.

The proposal is considered to be consistent with this Direction as it will not rezone the site from its business zone and will not reduce the total potential floor space area for employment uses on the site. The proponent has advised that the proposal would create approximately 369 additional retail and commercial jobs across the site. Numerous employment opportunities will also be generated during construction of the development.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands. This Direction applies to the proposal as the B4 Mixed Use zone permits shop-top housing.

The proposal is consistent with this Direction as it would broaden the choice of housing in an appropriate location and use the existing infrastructure and services in Cabramatta Town Centre. It does not involve rezoning land on the urban fringe for additional housing.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to increase the choice of available transport and reduce dependence on cars. The proposal is consistent with this Direction as it would provide additional housing and jobs within walking distance of Cabramatta Station and bus services.

4.4 State environmental planning policies (SEPPs)

State Environmental Planning Policy No 55–Remediation of Land

The object of this policy is to provide for a statewide planning approach to the remediation of contaminated land. Council has advised that there have been no contaminating land uses or activities on the site. The proposal would not introduce any additional permitted land uses. Therefore, the Department considers the proposal is consistent with this policy.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and economic

Council notes that the planning proposal would enable the redevelopment of the site, which would reinvigorate the eastern portion of Cabramatta Town Centre and enable people to reside, work and recreate in an area that benefits from good urban infrastructure and transport accessibility. A new pedestrian bridge would improve

connectivity between both sides of the town centre and result in better access and a more cohesive centre.

Council advises that the benefits of locating high-density residential development near public transport would facilitate fewer cars on roads and a better sustainability footprint. The planning proposal would significantly increase housing stock in the area and create a unique sense of place that aims to reflect shared community values and culture. New residential development, retail shops and a public marketplace will aim to create a destination on the east side of Cabramatta that attracts residents, workers, visitors and investment.

5.2 Environmental

The planning proposal does not impose any adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.

5.3 Flooding

As noted in section 4.3 of this report, the site contains flood-prone land (refer to Figure 16, previous page). Council's Catchment Planning Branch did not object to the planning proposal subject to any future development proposal addressing flooding and stormwater constraints likely to occur as a result of the development.

The proposal states that these matters will be addressed at the development application stage. It is recommended that Council consults the Office of Environment and Heritage on the flooding impacts of the planning proposal during the public exhibition period.

5.4 Solar and visual impacts

As part of the proponent's concept plan (**Attachment D3**), shadow diagrams were provided to illustrate the overshadowing created by the proponent's original planning proposal (i.e. 16 and 19 storeys). Refer to Figure 17 (next page) for the shadow diagrams during the winter solstice.

The shadow diagrams illustrate that the original proposed building height would significantly increase the overshadowing on adjoining properties. However, this overshadowing would be restricted to certain times of the day as follows:

- overshadowing to the south-west of the site over the railway station during the morning (i.e. 9am–12pm);
- overshadowing to the south of the site over the low-scale commercial premises and Cabramatta Road bridge at midday; and
- overshadowing to the south-east of the site over the four-storey apartments during the afternoon (i.e. 12pm–3pm).

Although the proposed building height increase would create additional overshadowing to the south of the site, this is limited at each time of the day due to the slender design of the proposed development. The shadow impacts of the current planning proposal have not been provided or assessed, but it is considered that the shadow impacts could be potentially greater due to the bulkier building form.

The Department notes that the visual impacts of the proposed development have not been assessed. Therefore, prior to public exhibition, it is recommended that Council prepares a visual impact assessment for this planning proposal so the visual impacts on the surrounding area can be appropriately considered.



Figure 17: Shadow diagrams of the original proposed development.

5.5 Traffic and transport

The proponent's traffic and transport assessment (**Attachment D4**) concludes that the road network can accommodate the additional trip generation arising from the planning proposal and broader uplift without being significantly impacted.

The assessment recommends several relatively minor intersection upgrades to accommodate the traffic generated from the planning proposal site and other up-zonings in the area.

However, Council's traffic engineers advised that the proposed development is expected to generate approximately 180 vehicle trips during the peak hour, which

would have significant impacts on the intersections of the slip lane/Cabramatta Road East and the adjacent road networks/intersections.

The assessment found that the proposed single access point to the site would potentially create unnecessary queuing on the road network and therefore at least one other or improved access arrangements to the site should be investigated. It is suggested that the location of the secondary access point be via Fisher Street. Council's traffic engineers also recommended additional traffic modelling and a road safety audit be prepared at the development application stage (**Attachment A4**).

It is recommended that prior to public exhibition, Council updates the proposed concept plan with the recommendations of its traffic engineers. It is also recommended that Council consult with Roads and Maritime Services, Transport for NSW and Sydney Trains in relation to the planning proposal.

5.6 Infrastructure

The planning proposal notes that the site is serviced by a range of infrastructure including water, sewer, electricity, communications and gas.

It is recommended that during the public exhibition stage, Council consults the relevant utility providers on the planning proposal, including Sydney Water, Telstra, Jemena Gas and Endeavour Energy.

6. CONSULTATION

6.1 Community

A public exhibition period of 28 days is considered appropriate to gauge the community's response to the proposal.

6.2 Agencies

The proponent undertook preliminary consultation with Bankstown Airport, which referred the proposal to Airservices Australia. Airservices Australia advised that at a maximum height of 66m, the proposal will not affect Bankstown Airport or any other services.

The Department recommends Council consult the following state agencies in relation to the planning proposal:

- Roads and Maritime Services;
- Transport for NSW;
- Sydney Trains;
- Office of Environment and Heritage;
- Bankstown Airport;
- Airservices Australia;
- Federal Department of Infrastructure, Regional Development and Cities;
- Sydney Water;
- Telstra;
- Jemena Gas; and
- Endeavour Energy.

Should these agencies require any additional information or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

7. TIME FRAME

Council proposes a time frame of 12 months to finalise this planning proposal. Given the nature of the planning proposal, an 18-month time frame is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal. Given that the planning proposal affects Council-owned land (i.e. a public laneway) and the issue relating to the proposed building height for the site, Council should not be authorised as the local plan-making authority.

9. CONCLUSION

The Department recommends that the planning proposal proceeds with conditions including the application of a maximum building height of 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys) to the site, given that it would facilitate the revitalisation of the eastern portion of Cabramatta Town Centre in a suitable manner.

The proposal has strategic and site-specific merit as it would provide additional housing and jobs in a local centre with access to existing infrastructure and services, and adjacent to the Cabramatta Railway Station. In addition, it would improve the amenity, connectivity and accessibility of residents from the eastern portion of Cabramatta Town Centre to the western portion through a proposed pedestrian overbridge and streetscape improvements.

Furthermore, the eastern portion of Cabramatta Town Centre is not constrained by traffic issues, like the western side of the town centre, and the proposed maximum building height of up to 19 storeys would not impact the current operation of Bankstown Airport. The shadow diagrams also illustrate that the original proposed building height would significantly increase the overshadowing on adjoining properties, but these would be limited at each time of the day due to the slender design of the built form of the original planning proposal.

In addition, the visual impact of an additional four storeys (i.e. 19 storeys compared to 15 storeys) on the corner of Cabramatta Road East and Bloomfield Street would be minor from the street level and the surrounding public domain. This building height is also comparable to the proposed density increase for the Fairfield Town Centre which is up to 10 and 20 storey buildings for key sites as indicated by the adopted urban design study.

It is also noted that the supporting studies submitted with the planning proposal, such as the shadow diagrams (**Attachment D3**) and the traffic and transport assessment (**Attachment D4**), are based on the proponent's original building height of up to 19 storeys. Whereas the blanket 48m building height would result in a built form outcome that is entirely different to the version assessed by council officers, the Fairfield Local Planning Panel, and the independently appointed urban designers.

Therefore, the Department concludes that the planning proposal based on the maximum building height of up to 16 and 19 storeys is considered to be appropriate

for the site and is satisfied that the proposal will give effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 6.3 Site Specific Provisions are minor or justified; and
2. note that the consistency with section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields and 4.3 Flood Prone Land is unresolved and will require further justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services;
 - Transport for NSW;
 - Sydney Trains;
 - Office of Environment and Heritage;
 - Bankstown Airport;
 - Airservices Australia;
 - federal Department of Infrastructure, Regional Development and Cities;
 - Sydney Water;
 - Telstra;
 - Jemena Gas; and
 - Endeavour Energy.
3. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. Prior to public exhibition, Council is to revise the planning proposal to apply a maximum building height of 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys) across the site, as originally proposed by the proponent.
6. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - a) under Part 2 – Explanation of Provisions to include an explanation of the intent of the proposed local clause; and consider removing subclauses 7 and 8 of the proposed local clause;

- b) under Part 2.3 and Appendix A.2, include a clear outline of the site on the current and proposed maps;
 - c) prepare a visual impact assessment to address and consider the impacts of the proposed development on the surrounding area;
 - d) update the proposed concept plan with the recommendations of Council's traffic engineers;
 - e) update the consistency of the planning proposal with section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields, 4.3 Flood Prone Land and 6.3 Site Specific Provisions;
 - f) prepare a draft site-specific development control plan for the site and concurrently exhibit this plan with the planning proposal; and
 - g) indicate the intent to update the Cabramatta Town Centre Development Control Plan No. 5/2000 to include the proposed development controls for the site.
7. The revised planning proposal is to be updated in accordance with conditions 5 and 6 and forwarded to the Department for review and approval prior to public exhibition.



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