



Mr Peter Duncan AM  
Acting Chair  
Independent Planning Commission  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

Dear Mr Duncan

**Request for Gateway determination review – PP\_2018\_FAIRF\_003\_00**

I am writing to advise that the Department of Planning, Industry and Environment has received a Gateway determination review request from Fairfield City Council for the abovementioned planning proposal in relation to a condition imposed by the Department regarding the height of buildings.

Condition 1 of the Gateway determination required that the planning proposal be amended to increase the height of buildings within the site. Details of the planning proposal are summarised below:

<b>Dept. Ref. No</b>	<b>GR_2019_FAIRF_001_00</b>
<b>LGA</b>	Fairfield City Council
<b>LEP to be amended</b>	Fairfield Local Environmental Plan 2013
<b>Address/ location</b>	Cabramatta Town Centre East – Land bounded by Fisher Street, Broomfield Street and Cabramatta Road East, Cabramatta
<b>Proposal</b>	<p>The planning proposal 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:</p> <ul style="list-style-type: none"><li>• increase the maximum building height for land within the site from 14m to up to 48m (approximately 15 storeys) (note that this is the subject of the Gateway review);</li><li>• 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;</li><li>• identify the site as “Cabramatta – Area E” on the Town Centre Precinct, minimum site area map and apply a minimum site area of 1300m<sup>2</sup>, 1800m<sup>2</sup>, 2200m<sup>2</sup> and 2700m<sup>2</sup> to certain land within the site; and</li><li>• 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.</li></ul>

	<p>The planning proposal seeks to facilitate approximately 542 additional dwellings and 12,750m<sup>2</sup> of floor space for 369 additional jobs across the site.</p> <p>A Gateway determination was issued with a condition (Condition 1) requiring that Council amend the proposed maximum building height to be consistent with the heights originally assessed and supported by council officers and the Fairfield Local Planning Panel which is a maximum building height of part 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys).</p> <p>Council has requested that the Commission consider an alternative built form outcome on the site which includes part 48m and part 59m (16 storeys) across the site, as detailed in the attached documentation.</p>
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The Minister for Planning's delegate determined on 18 July 2019 that the proposal proceed subject to conditions.

Fairfield City Council has requested a review of Condition 1 of the Gateway determination. The Commission is requested to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister's delegate confirming whether, in its opinion, Condition 1 of the Gateway determination issued on 18 July 2019 should be amended as per Council's request or not.

The advice and recommendation would usually be requested to be provided within 28 days of receipt of this letter and sent to the Department of Planning, Industry and Environment at Locked Bag 5022, Parramatta NSW 2124. It is understood that in the current pandemic conditions that you may not be able to meet this timeframe. It would be appreciated if you could contact the Department to discuss how this matter may progress.

The Department's justification assessment and recommendation report are enclosed and includes a number of supporting attachments.

The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on the Department's website at [planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources](http://planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources).

Should you have any enquiries about this matter, I have arranged for Ms Eleanor Robertson, Acting Director, Western, at the Department to assist you. Ms Robertson can be contacted on 93732888.

Yours sincerely



27/4/2020

**Catherine Van Laeren**  
**Executive Director**  
**Central River City and Western Parkland City**