

Gateway Determination

Planning proposal (Department Ref: PP_2018_FAIRF_003_00): to amend the development controls for the eastern portion of Cabramatta Town Centre.

I, the Executive Director, Regions at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Fairfield Local Environmental Plan (LEP) 2013 to: increase the maximum building height for the land in the eastern portion of Cabramatta Town Centre to 48m, 57m, 59m, and 66m; increase the maximum floor space ratio of the site 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 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys), 57m (approximately 16 storeys), 59m (approximately 16 storeys), and 66m (approximately 19 storeys) across the site, in accordance with the planning proposal considered by Council at its meeting of 25 September 2018.
2. Prior to public exhibition, the planning proposal is to be amended as follows:
 - (a) under Part 2 – Explanation of Provisions:
 - (i) include an explanation of the intent of the proposed local clause; and
 - (ii) remove 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.

3. The revised planning proposal is to be updated in accordance with conditions 1 and 2 and forwarded to the Department for review and approval prior to public exhibition.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (iii) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (iv) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - 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.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 18th day of July 2019.


Stephen Murray
Executive Director, Regions
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces



Mr Alan Young
City Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Attn: Ms Elizabeth Workman

Dear Mr Young

Planning proposal PP_2018_FAIRF_003_00 to amend Fairfield Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 3 June 2019 in respect of the planning proposal to amend the development controls for the eastern portion of Cabramatta Town Centre.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

After careful consideration, I have conditioned the determination that the proposal proceeds with the application of maximum building heights of 48m (approximately 12 storeys); 57m (approximately 16 storeys); 59m (approximately 16 storeys); and, 66m (approximately 19 storeys), as proposed by the proponent and supported by council officers and the Fairfield Local Planning Panel.

In making my determination, I have taken the view that amendment of the proposal in this manner will better facilitate the revitalisation of the eastern portion of Cabramatta Town Centre and introduce proposed building height and floor space ratio controls to provide appropriate built form certainty. I have not taken this decision lightly and I can assure Council that I have fully considered all the planning merits and advice, including the analysis prepared by the independently appointed urban designers.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions 3.5 Development Near

Regulated Airports and Defence Airfields and 4.3 Flood Prone Land. Council should ensure this occurs prior to public exhibition.

I have considered the nature of Council's planning proposal and have not conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending LEP is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on 9860 1548.

Yours sincerely

 18 July 2019
Stephen Murray
Executive Director, Regions

Encl: Gateway determination