

**REPORT BY CHAIRMAN
OUTCOMES SUPPLEMENTARY REPORTS**

Meeting Date 25 September 2018

Item Number. 129

SUBJECT: Planning Proposal - Cabramatta Town Centre East
Premises: Various properties bounded by Fisher Street, Broomfield Street and Cabramatta Road East, Cabramatta
Applicant/Owner: Moon Investments Pty Ltd (Director/Secretary - Jim Castagnet, Director - Leon Zheng)
Zoning: B4 - Mixed Use

FILE NUMBER: 16/18077

PREVIOUS ITEMS: 98 - Planning Proposal - Cabramatta Town Centre East - Outcomes Committee - 14 Aug 2018 7.00pm

REPORT BY: Elizabeth Workman, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend the building height, floor space ratio and minimum site area provisions under Fairfield Local Environmental Plan (LEP) 2013 for certain land bounded by Fisher Street, Broomfield Street and Cabramatta Road East Cabramatta.
2. Council inform the NSW Department of Planning and Environment (DP&E) that it wishes to commence the Gateway process to amend Fairfield LEP 2013.
3. Council receive a further report detailing a draft Site Specific Development Control Plan (SSDCP) and draft Voluntary Planning Agreement (VPA) should the DP&E issue a Gateway Determination for the Proposal.
4. Council receive a further report on the Planning Proposal, draft SSDCP and draft VPA following the public exhibition to be carried out in accordance with the public consultation strategy outlined in this report and the relevant conditions of the Gateway Determination.
5. A further report to Council addressing options for the Fisher Street car park including the potential for a Council initiated planning proposal to increase the height limit for the car park to enable its future expansion.

Note: This report deals with a planning decision made in the exercise of a function of Council under the EP&A Act and a division needs to be called.

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SUPPORTING DOCUMENTS:

AT-A ↓	Planning Proposal Document - Cabramatta Town Centre East - DISTRIBUTED UNDER SEPARATE COVER	319 Pages
AT-B ↓	Cabramatta Town Centre East FLPP Meeting Minutes (August 2018)	7 Pages

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

Council is in receipt of a Planning Proposal for a large precinct of land located on the eastern side of Cabramatta Railway Station bounded by Fisher Street, Broomfield Street and Cabramatta Road East Cabramatta. The precinct consists of 22 privately owned lots plus an area of public laneway currently owned by Council and has a total site area of 12,847 square metres.

The Planning Proposal seeks to amend the following provisions of Fairfield LEP 2013:

- Height of Buildings map;
- Floor Space Ratio map;
- Minimum Site Area - Town Centre Precinct map; and
- Create an Additional Local Clause 7.9 – Cabramatta - Area E.

The Planning Proposal is seeking a maximum Height of Building (HOB) for the site of 66 metres (to allow development of up to 19 storeys) and a maximum Floor Space Ratio (FSR) of 6.45:1. Amendments to the Town Centre Precinct Minimum Site Area Map and an additional local clause for Cabramatta – Area E (under Part 7 of Fairfield LEP 2013) will be required to provide minimum site areas and objectives to facilitate future orderly development of the land.

Council officers have reviewed and assessed the Planning Proposal. The Proposal is deemed to have strategic merit and is supported subject to the resolution of issues as outlined in the body of this report.

The proposal has been considered by the Fairfield Local Planning Panel (FLPP) who have indicated their support for the proposal to be forwarded to the NSW DP&E for the purposes of a Gateway Determination.

It is therefore recommended that the Planning Proposal (**Attachment A**) be endorsed by Council for referral the NSW DP&E for a Gateway Determination to proceed to community consultation.

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THE SITE

The site consists of 22 privately owned lots (refer to individual property details contained in the Planning Proposal document within **Attachment A**) and a section of public laneway owned by Council and has a total area of approximately 12,847 square metres.

The site is zoned B4 Mixed Use and has access to three street frontages, Fisher Street, Broomfield Street and Cabramatta Road East. The site is bounded by:

- A rail line and Cabramatta Railway Station to the west;
- R4 High Density Residential zoned land (comprising some single residential dwellings and multiple 3 - 4 storey residential flat buildings) and the Fisher Street Car Park to the north;
- Existing commercial premises zoned B4 Mixed Use and the Council owned Fisher Street and the Council owned Cumberland Street Car Park to the East; and
- Multiple B4 Mixed Use commercial premises, R4 High Density residential apartment buildings (3 – 4 storey walk-ups) and a vacant parcel of land to the south.



Figure 1 – Subject Site

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The site consists of a number of smaller retail shops, commercial premises, medical suites, hotel, SBC Learning College, Church and dwelling house and a vacant parcel of land. There are approximately 70 private car parking spaces to the rear of the retail premises. At least half of the southern part of the site (with an area of 9,202m²) is under single ownership (Moon Investments Pty Ltd).

The area on the eastern side of the Cabramatta Railway Station is well serviced by community infrastructure with Cabramatta Public School approximately 250m east of the subject site. Canley Vale Public School and Cabramatta High School are also both within reasonable proximity to the site. Also within walking distance of the subject site are the Cabra Vale Leisure Centre, the Cabramatta Bowling Club, the German Austrian Society, Cabramatta PCYC, Cabramatta Community Centre, Whitlam Library and the Cabra Vale Diggers Club.

Under Fairfield LEP 2013, the site is currently zoned B4 Mixed Use and has a maximum FSR of 2.5:1 and a maximum building height of 14 metres. In order to achieve the maximum FSR and building height on the subject site, 2 additional local clauses within the LEP impose preconditions based upon the percentage of residential accommodation incorporated within the development. Specifically, under Clause 7.3 the maximum building height is limited to 10 metres unless at least 50% of the building will be used for residential accommodation.

BACKGROUND

On 14 August 2017, Council received a Planning Proposal application seeking to amend the planning controls for a large precinct of land within the Town Centre on the eastern side of Cabramatta Railway Station.

A briefing outlining the Proposal and issues for investigation was presented to Councillors on 10 October 2017. The proposed development was for multiple buildings with the height ranging from 8 storeys to 22 storeys.

The Proposal also sought to incorporate the Council owned Fisher Street Car Park for redevelopment, however following discussions with Council's Property Services and Major Projects staff, the Applicant was subsequently requested to remove the car park from the Proposal for the following reasons:

- Uncertainty regarding future ownership and potential issues if Council is not the owner of the redeveloped public car parking component, for example strata management, ongoing maintenance/repair, security, ticketing, operating hours, access etc.;
- Potential implications on public car park access/development/management under proposed staging of development of the site; and
- Uncertainty regarding community expectations in relation to the grant funding for the construction of the Fisher Street Car Park. The car park is a recently constructed significant community asset and premature demolition may be unfavourably viewed upon by the community.

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Whilst the redevelopment of the car park as part of the current planning proposal is not recommended it may be appropriate to pursue a corresponding Council initiated planning proposal to increase the height of the car park to enable its future expansion. This report recommends that a separate report be submitted to Council evaluating this option.

The Applicant was also advised that Council would require the preparation of a Site Specific Development Control Plan (SSDCP) should the Planning Proposal receive a favourable Gateway Determination. The SSDCP would be required to be prepared prior to the public exhibition of the Proposal and is discussed in further detail later in this report. It was also identified that should the Proposal receive a favourable Gateway Determination that a draft Voluntary Planning Agreement (VPA) would be required to be prepared prior to public exhibition.

REPORT

A. THE PROPOSAL

The amendments proposed to Fairfield LEP 2013 will facilitate the future redevelopment of the precinct for a mix of commercial and residential apartments (including basement car parking), overhead pedestrian bridge linking the site to Cabramatta station, activated street frontages and open air public market space to activate the commercial area east of the railway line. Specifically, the following is proposed:

Use/Development Standard	Existing	Proposed
Retail Floor Space	3,255m ²	5,738m ²
Commercial Floor Space	3,000m ²	7,012m ²
Hotel, Church and day care (new use)	2,900m ²	1,973m ²
Permissible Retail/commercial GFA	19,800m ² (based on FSR of 1.5:1)	12,750m ²
Number of Jobs <ul style="list-style-type: none"> Retail rate - 24.5m²/employee Commercial rate - 15m²/employee 	133 persons (retail) 200 persons (comm)	234 persons (retail) 468 persons (comm)
Residential Accommodation	N/A	44,221m ²
Number of Dwellings	N/A	582
Dwelling Mix (approximate)	N/A	1 bedroom = 36% 2 bedroom = 54% 3 bedroom = 10%
Total Average FSR	2.5:1	4.8:1
Total Maximum FSR	2.5:1 across entire area (excluding public laneway)	By Staging Precinct: - Stage A = 3.85:1 - Stage B = 6.45:1

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Use/Development Standard	Existing	Proposed
		<ul style="list-style-type: none"> - Stage C = 6.1:1 - Stage D = 4:1
Total Maximum Building Height	14 metres across entire area (excluding public laneway)	By Staging Precinct: <ul style="list-style-type: none"> - Stage A = 59m - Stage B = 66m - Stage C = 57 - Stage D = 48m
Car Parking	Approx. 70 spaces	596 Residential 353 Retail/Commercial

The Planning Proposal does not seek to change the B4 Mixed Use zoning that currently applies to the subject land nor does it seek to increase the amount of commercial/retail floor space already permitted (but not yet developed) on the subject land under the existing controls that apply under Fairfield LEP 2013.



Figure 2 - Visual perspective of the Proposal at the intersection of Broomfield Street and Cabramatta Road East.

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Figure 3 - Visual representation of proposed overhead pedestrian bridge linking Cabramatta Railway Station to the subject site and the proposed market square.

Additional concept plans and development design illustrations are included within Appendix B.2 of Attachment A of this report and are intended to give an appreciation of the proposed design and scale of future development under the provisions of the Planning Proposal.

B. PROPOSED AMENDMENTS TO FAIRFIELD LEP 2013

The development controls proposed for the subject site under the Planning Proposal are apportioned over 4 distinct precincts which are based upon the concept plans submitted with the Planning Proposal (refer **Appendix B.2** of **Attachment A**) and the proposed future staging of the development (see Figure 4 below).

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Figure 4 - Proposed Staging of Future Development

In summary, the Planning Proposal seeks the following changes to Fairfield Local Environmental Plan 2013:

Height of Buildings

Amend the Height of Buildings map to increase the maximum height of buildings as follows:

- Stage A - from an existing maximum building height of 14m to permit a maximum building height of 59 metres;
- Stage B - from an existing maximum building height of 14m to permit a maximum building height of 66 metres;
- Stage C – from an existing maximum building height of 14m to permit a maximum building height of 57 metres; and

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- Stage D – from an existing maximum building height of 14m to permit a maximum building height of 48 metres.

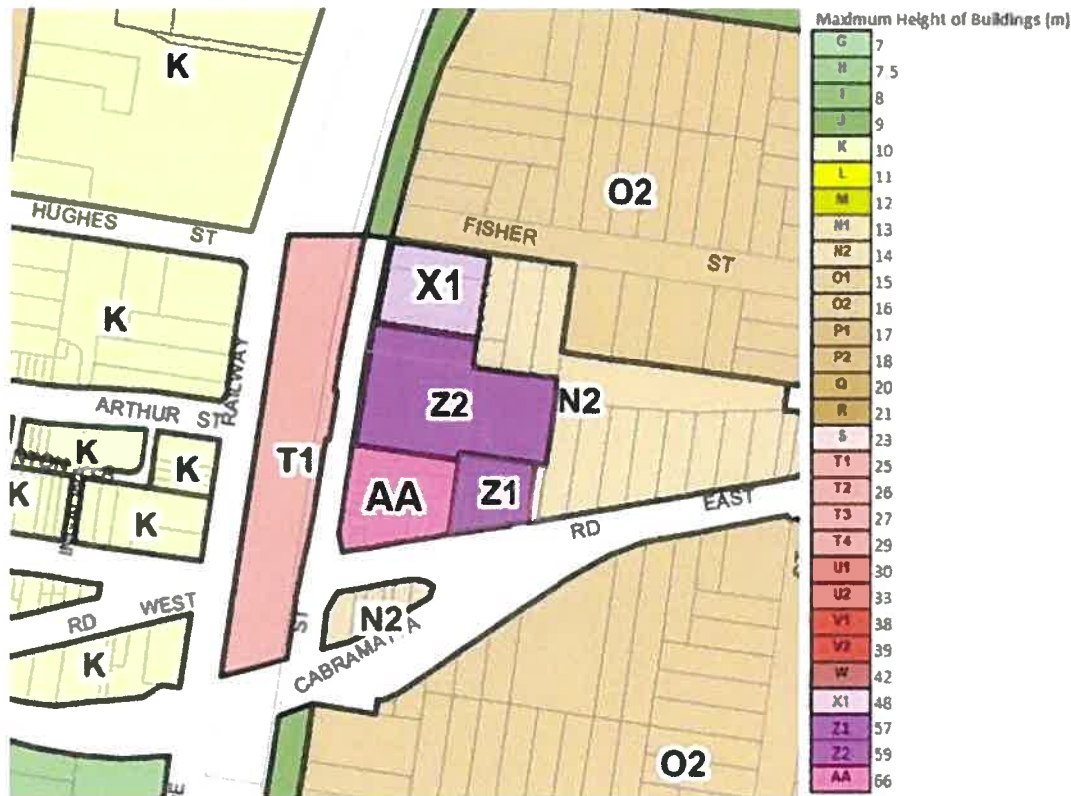


Figure 5 - Proposed Height of Buildings Map

Floor Space Ratio

Amend the Floor Space Ratio map to implement new maximum floor space ratio controls as follows:

- Stage A - from an existing maximum FSR of 2:1 to permit a maximum FSR of 3.85:1;
- Stage B - from an existing maximum FSR of 2:1 to permit a maximum FSR of 6.45:1;
- Stage C – from an existing maximum FSR of 2:1 to permit a maximum FSR of 6.1:1; and
- Stage D – from an existing maximum FSR of 2:1 to permit a maximum FSR of 4:1.

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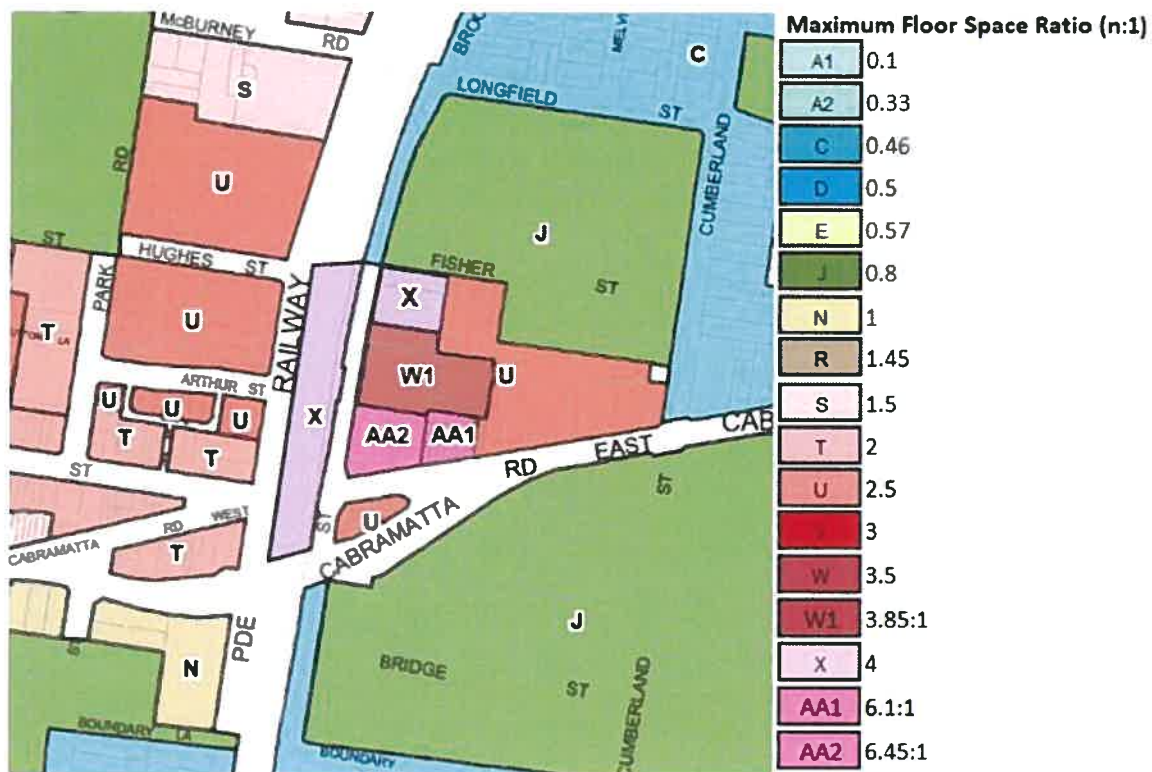


Figure 6 - Proposed Floor Space Ratio Map

Minimum Site Area Town Centre Precincts

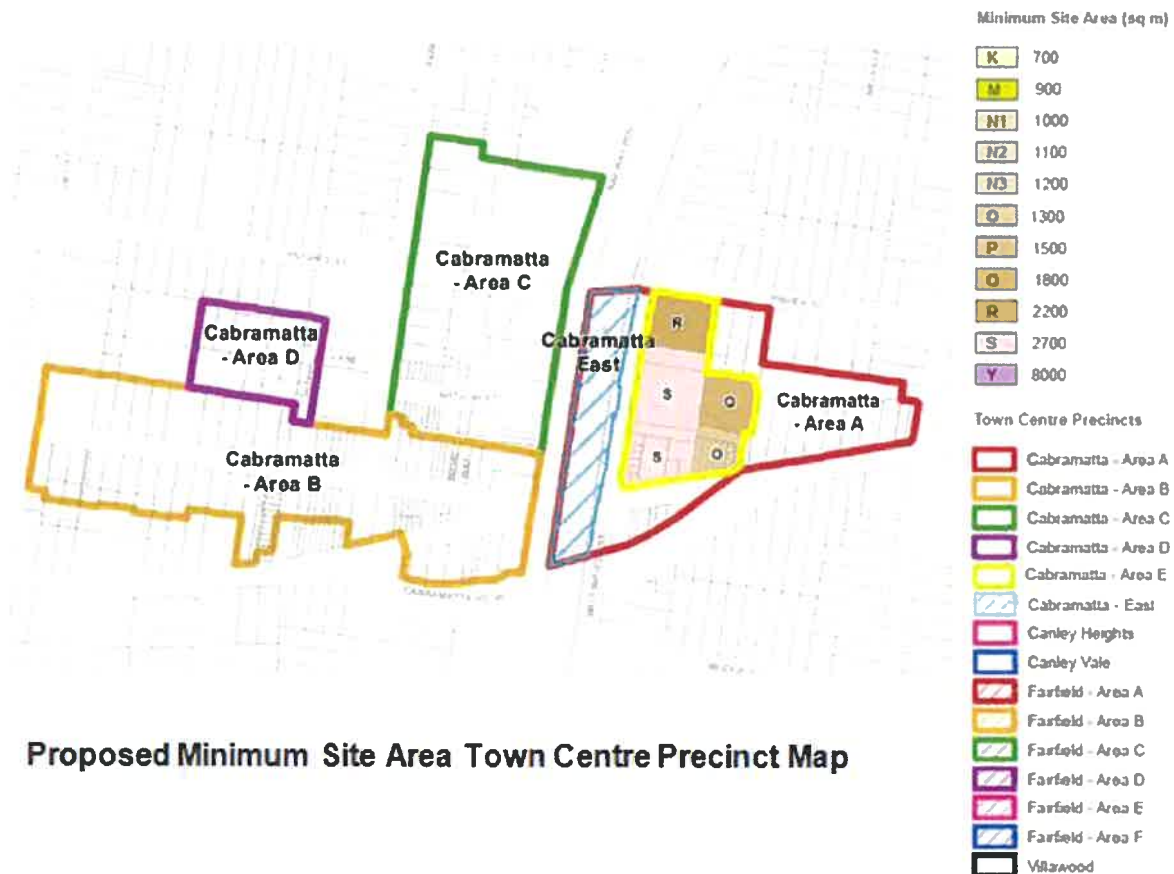
Amend the Minimum Site Area Town Centre Precinct Map to identify the site as "Cabramatta – Area E" and apply varying minimum site areas across the site as follows:

- Stage A – Minimum site area of 2,700m² (western half) and 1,800m² (eastern half);
- Stage B – Minimum site area of 2,700m²;
- Stage C – Minimum site area of 1,300m²; and
- Stage D – Minimum site area of 2,200m².

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Proposed Minimum Site Area Town Centre Precinct Map

Figure 7 – Proposed Minimum Site Area and Town Centre Precincts

Additional Local Provisions – Local Clause

Provide for a new Local Clause 7.9 - Cabramatta – Area E which would establish the following:

- Intended objectives and outcomes of the future development of the site;
- Provision of a site specific DCP and associated staging plan;
- Restrictions on the establishment of residential development on the ground floor; and
- Restrictions on the amount of commercial/retail floor space across the site (consistent with current provisions).

The proposed local clause 7.9 is included within Section 3 Part 2 of the attached Planning Proposal document (**Attachment A**). The final drafting of this clause will be determined by the NSW Parliamentary Counsel's office; however the clause as provided will form the basis of intended objectives, controls and outcomes for the future development of the subject site.

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C. STRATEGIES AND STUDIES

The Proposal is a significant and unique development for the Cabramatta Town Centre which requires it to be assessed against a number of Council strategies and studies as well as relevant State Government strategic documents.

Fairfield City Centres Study and Fairfield City Centres Policy 2015

The Fairfield City Centres Study 2015 and Fairfield City Centres Policy 2015 were adopted by Council in February 2016. The Policy and Study provide a number of principles, objectives and assessment criteria for which applications are to be assessed.

Specifically, the Fairfield City Centres Study 2015 identifies that:

- Cabramatta Town Centre is a specialised retail centre which is physically constrained and fragmented, with opportunities for major new developments limited;
- The centre would benefit from the consolidation of retail space and increased residential densities;
- There is unlikely to be significant demand for additional commercial office space in Cabramatta; and
- No floor space cap should be applied to Cabramatta Town Centre and future development should occur within the existing centre boundaries.

The Planning Proposal for the Cabramatta Town Centre East Precinct is consistent with the above recommendations of the Fairfield City Centres Study 2015 and has the potential to revitalise the eastern side of the rail 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 rail 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 subject land nor change the underlying B4 Mixed Use zoning and specialist retail function of Cabramatta. For these reasons, an Economic Impact Assessment is not considered to be required.

Fairfield Residential Development Strategy 2009

The Fairfield Residential Development Strategy (RDS) identifies areas within Fairfield City that should be investigated for future increases in residential density. The key principle for the increase in density within the City outlined by the RDS is density around centres and along corridors. This was reflected in the initial RDS which proposed residential density increase in and around the Cabramatta Town Centre.

The preparation of the Cabramatta Transport and Accessibility Management Plan (TMAP) identified significant issues associated with the proposed increased densities in and around Cabramatta, particularly within the western half of the City. The TMAP identified that significant intervention and investment would be required, should the proposed densities be introduced in the western part of the Centre.

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On 14 July 2015, Council resolved to not proceed with the proposed residential density increases for Cabramatta as identified by the Fairfield RDS and the draft Cabramatta Town Centre Development Control Plan. Council also resolved to undertake further investigations to identify the scope for future urban infill development in and around the town centre without compromising the capacity of the current road network and minimises the need for major infrastructure improvements.

The Planning Proposal provides an opportunity to implement urban renewal within the eastern part of the Town Centre and in close proximity to services and transport provided within Cabramatta but in an area not restricted by the current road network. The site has excellent access to public transport (including rail and bus services) as well as to a full range of education, retail, commercial and recreational services within the broader Cabramatta Town Centre. The Proposal will generate approximately 582 dwellings which will be a significant contributor towards Council meeting its allocated dwelling target of 3,050 dwellings by 2021 under the Western City District Plan.

Cabramatta Town Centre Development Control Plan 2008 No.5/2000

The Planning Proposal was considered against the objectives and desired character for the precinct as contained in the existing Cabramatta Town Centre DCP 2008 which applies to the whole of the Town Centre. The area on the eastern side of the Cabramatta Railway Station is identified as Precinct 4 under the DCP and is classified as a mixed use and residential precinct.

Specifically the Planning Proposal will achieve the following objectives and desired character outcomes for 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 existing retail balance of the Town Centre;
- Ensure adequate safe, convenient and accessible car parking and provide adequate on-site loading and unloading facilities;
- Facilitate development of improved pedestrian connectivity to the west across the railway line; and
- Promote attractive, vibrant and safe pedestrian access ways.

Whilst the Proposal is generally consistent with the desired future character of the precinct, the scale of development proposed is considerably greater than that provided for under the controls of the existing DCP. For this reason, it is recommended that a draft Site Specific DCP should be prepared for the site should the Proposal be successful in receiving a favourable Gateway Determination. Details of the draft SSDCP are discussed in further detail later in this report.

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Fairfield City Community Strategic Plan 2016-2026

The Planning Proposal is consistent with a number of themes and goals within the Fairfield City Community Strategic Plan 2016-2026. The table below illustrates how the Planning Proposal aims to achieve the outcome of these themes and goals.

Relevant FCCSP Outcome within the theme	Outcome	How the planning Proposal achieves the outcome
Theme 2 – Places and Infrastructure Goal a: An accessible and liveable city	High quality development that meets the community's needs.	The Planning 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 high quality apartment and unit development in a central location supported by infrastructure.
Theme 4 – Local Economy and Employment Goal a: Range of resilient businesses Goal b: Attractive and lively City	Businesses are active, successful and involved in the community. A unique and energetic city as a destination for food and leisure activities	The Planning Proposal seeks to encourage a greater variety of shops in the Cabramatta Town Centre, increase parking, create a modern vision for the precinct and create a safe and pleasant area to meet friends and family. The proposed public market square will create a vibrant community based destination to promote unique cultural and culinary festivities.

D. INTERNAL REFERRALS

The Planning Proposal and associated supporting material was referred to relevant Council departments for review and comment. The following provides a summary of relevant feedback and issues raised.

Traffic and Parking

The Applicant has provided a Traffic and Transport Assessment prepared by ARC Traffic and Transport consultants. The report concluded that the existing road network can accommodate the additional trip generation arising from the Planning Proposal and future broader precinct uplift without being significantly impacted. In addition, the following comments were provided by Council's Traffic Engineers.

1. The initial concept design provided to Council identified only one point of access (including for service/delivery vehicles) to the entire site from Cabramatta Road East. There will be a need for an additional car park entry/exit point to the development site.

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The Planning Proposal is expected to generate approximately 180 vehicle trips during the peak hour. This will have significant impacts on the intersections of the slip lane/Cabramatta Road East and the adjacent road network/intersections. In addition, the proposed single access point to the site will potentially create unnecessary queuing on the road network. As such, the Applicant should investigate at least one other access arrangement/improved access arrangement to the site.

It was suggested that the location of this secondary point would ideally access the site from Fisher Street adjoining the existing Car Park site. The design would facilitate integration of the Fisher Street Car Park site should it undergo re-development in the future.

2. Additional traffic modelling is required for the intersection of Broomfield Street and Fisher Street. This can be undertaken at Development Application stage.
3. Further analysis of intersection modelling for a number of surrounding roads is required however can be undertaken during Development Application stage should the Planning Proposal.
4. A road safety audit will be required to be undertaken for the intersection of slip lane for Cabramatta Road east/Cabramatta Road East (acute angle intersection). This will be required at development application stage.

Flooding

Council is currently undertaking an overland flood study for the Cabra-Vale Catchment. The preliminary flood information available to Council based on this ongoing study shows that the proposed precinct may be affected by Overland Flooding.

The preliminary 100 Year Flood extent is shown below (See Figure 2).

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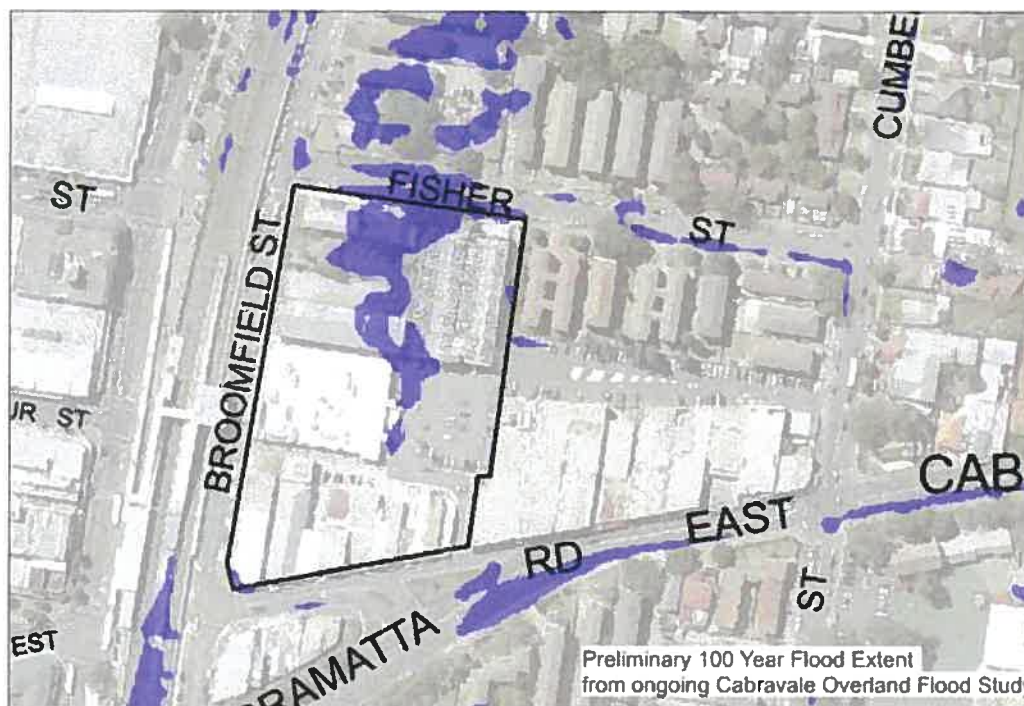


Figure 8: Preliminary 100 Year Flood Extent
Council Officer Comments

Council's Catchment Planning Branch has reviewed the Planning Proposal and requested that any future development in this precinct complies with the conditions/requirements in the following Council documents:

- Fairfield Local Environmental Plan 2013 – Clause 6.3 Flood Planning and 6.4 Floodplain Risk Management
- Fairfield Citywide Development Control Plan Chapter 11 – Flood Risk Management

Catchment Planning has no objections to this Planning Proposal progressing subject to any future development Proposal addressing flooding and stormwater constraints likely to occur as a result of the development.

Building Control

Having reviewed the Planning Proposal and associated plans seeking an increase in building height and FSR over the subject land, there are no major implications for building control regarding this Proposal. Any future development Proposal as a result of the increase in height and FSR can be dealt at that stage. Therefore the Building Control section raises no objection to the Proposal.

Place Management

Council's Place Manager – Cabramatta was involved in an initial internal stakeholder meeting regarding the Proposal. The following comments were noted:

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- Supports investment in the Cabramatta Town Centre and welcomes a Proposal which has the potential to revitalise the eastern precinct;
- Supports the provision and construction of the overhead pedestrian bridge linking the subject site to Cabramatta Railway Station; and
- Expressed some concern of the proposed building heights particularly on the corner of Broomfield Street and Cabramatta Road East. Would like to see additional modelling done to show the visual impact and overshadowing impact on surrounding properties.

Council Officer Comments

The future development of the precinct will need to comply with Council's relevant DCP controls for the site as well as all requirements under SEPP 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide. Consideration and compliance with building heights, overshadowing and solar access both within the proposed development and to adjoining properties will need to be addressed at development application stage.

Property/Major Projects and Planning

The following issues were identified by Council's Property and Major Projects officers:

1. Facilitation of Future Redevelopment of the Fisher Street Car Park

The Fisher Street Car Park is to be excluded from the proposed redevelopment associated with the Planning Proposal, however, there will be a need to redesign the proposed development to accommodate and integrate a secondary car park entry/exit point to the site. The preferred location of this entry would be along the western boundary of the Fisher Street Car Park site.

The Planning Proposal, and more specifically, any future site specific DCP will need to show potential for the full integration of the car park site with the adjoining development site. The Applicant should also demonstrate how the Fisher Street Car Park site could be developed as a separate parcel ensuring all future links are sufficient and activated through that site.

This report recommends that a separate report be submitted to Council outlining how the car park could be extended and the necessary changes to Council's planning provisions that would be required.

2. Acquisition of Public Roadway and Entry from Cabramatta Road East

There is a portion of existing public laneway located off Cabramatta Road East that is within the proposed development site and is currently owned by Council. The approximate area of this existing public land is 674m². The land is classified as operational land and will need to be acquired from Council to enable incorporation into any future development.

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Discussions in relation to this issue have concluded that subject to the developer consolidating the properties serviced by this public laneway, sale of the laneway would generally be supported. The process would require formal road closure under the Roads Act 1993 and creation of a separate land title for the sale to proceed.

The ability to acquire this portion of the site from Council would be linked to a future staging of the development and the successful acquisition by the developer of the properties serviced by the laneway. This issue would need to be resolved to enable orderly development of the site under the proposed future staging plan.

The Applicant has been referred to Council's Senior Property Development and Services Officer to negotiate future acquisition of this land.

3. Operation of Fisher Street and Cumberland Street Car Parks

Future development of the site must ensure integration with both the Cumberland and Fisher Street car parks to ensure continued pedestrian access through and to each site.

4. Future Ownership/Operation of Lift and Walkway to Cabramatta Railway Station

The proposed future operation and ownership of the overhead pedestrian bridge and lift connecting Cabramatta Railway Station and the subject site was raised by Council's Property Branch. It was identified that Council would not want to take on the ownership and ongoing operation and maintenance of this infrastructure, however would need to ensure that it remains open and accessible to the public at all times. This can be further considered and appropriately conditioned at development application stage.

As the Proposal seeks a link to the Cabramatta Train Station concourse, it is also appropriate that the Planning Proposal be referred to Sydney Trains, RailCorp and Transport for NSW for comment as part of the public authority consultation process post Gateway Determination.

E. ASSESSMENT OF CONSISTENCY WITH MINISTERIAL DIRECTION UNDER SECTION 117

Planning Proposals are required to demonstrate consistency with Section 117 Ministerial Directions under the NSW Environmental Planning and Assessment Act and also satisfactorily justify any inconsistencies. The Planning Proposal document (**Attachment A**) contains a detailed review of the Proposal against all the relevant Section 117 Directions. Below is a summary of the key directions that are relevant to the Planning Proposal.

Direction 1. Employment and Resources, 1.1 Business and Industrial Zones

Aim of the Direction - To encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of strategic centres identified in a regional strategy.

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Consistency and Implications – The Planning Proposal does not propose a change to the existing Business zoning but aims to enable a viable redevelopment and an opportunity to reinvigorate the shopping area on the eastern side of Cabramatta Town Centre as a destination. The Applicant has identified the creation of an additional 369 retail/commercial jobs as a result of the proposed redevelopment of the precinct. There will also be numerous employment opportunities generated during the construction phase of the development.

Direction 3. Housing and Urban Development, 3.1 Residential Zones

Aim of the Direction – This direction is relevant as it also applies to any zone in which significant residential development is permitted or proposed to be permitted. The direction aims to encourage a variety and choice of housing types to provide for existing and future housing needs and to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.

Consistency and Implications – The Proposal is consistent with this direction as it seeks to provide residential development to satisfy existing and future housing needs. The Proposal will contribute to meeting Council allocated dwelling target and provide greater housing choice for the locality. The site is in an excellent location that can make efficient use of existing and proposed infrastructure.

Direction 3. Housing, Infrastructure and Urban Development, 3.4 Integrating Land Use and Transport

Aim of the Direction – This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

Consistency and Implications - The Proposal is consistent with this direction as it seeks to introduce additional jobs and residential density within an established centre with excellent access to existing public transport, community facilities, employment opportunities, retail services and open space. The site is also within 30 minute proximity to job opportunities within Parramatta and Liverpool City Centres and the Cabramatta North and Lansvale industrial areas. As a result of the above, the Planning Proposal is likely to reduce trip generation and distance travelled by car; supporting the efficient and viable use of public transport services.

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Direction 7. Metropolitan Planning, 7.1 Implementation of A Plan for Growing Sydney

Aim of the Direction - This direction aims to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney – A Metropolis of Three Cities.

Consistency and Implications – The Planning Proposal is consistent with a number of the Directions and Objectives contained within the recently updated Greater Sydney Region Plan - A Metropolis of Three Cities including:

- A City Supported by Infrastructure - Objective 4: Infrastructure use is optimised;
- A City for People – Objective 6: Services and infrastructure meet communities' changing needs;
- Housing the City - Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable;
- A City of Great Places - Objective 12: Great places that bring people together;
- A Well Connected City - Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities; and
- Jobs and Skills for the City - Objective 22: Investment and business activity in centres.

Further detail on the consistency of the Proposal with each of these directions and objectives is contained within Section 3 of the attached Planning Proposal document (**Attachment A**).

F. URBAN DESIGN REVIEW

As part of the assessment of the Planning Proposal by Council officers, an independent urban design review was initiated by Council. The review was funded by the Applicant GLN Planning however the consultant engaged for the review was chosen by Council officers. TPG Town Planning and Urban Design Consultancy were selected to complete the review and concluded that the Proposal provides a unique opportunity for a development outcome that will result in a number of public benefits.

TPG recognised the importance for Council to work with GLN Planning and all landowners to strengthen the strategic merit of the Proposal in relation to the proposed scale in its context with the wider Cabramatta Town Centre and to reduce its impacts on neighbouring properties particularly to the south of the site. It is essential that the Planning Proposal does not unfairly impact on the solar access and development potential of nearby properties.

A copy of the Urban Design Review undertaken by TPG Town Planning is included within **Appendix B.3 of Attachment A**. Below is a summary of the Urban Design Review conclusions.

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Urban Design Review - Conclusions

- Further investigation needs to be undertaken to ensure the Proposal does not preclude future adjoining and town centre development. This could potentially be achieved with some high level opportunities and constraints designs/presentations for the broader Cabramatta Town Centre.
- Consideration of the scale of the site and how it may integrate with potential future development in the remainder of the centre and appropriately transition to residential development adjoining or adjacent to the site.
- Further investigation of the proposed built form massing and its overshadowing impact on developable land parcels to the south (i.e. 126 and 144-156 Cabramatta Road East) is required to ensure that the future development of the subject site does not unfairly prejudice the development potential of those lots. This should be achieved by the preparation and submission of schedules which accurately communicate solar access and cross ventilation plans consistent with ADG Standards.
- Consideration needs to be given to ensure that appropriate mechanisms are put in place to guarantee the following key elements and public benefits proposed by the Planning Proposal are implemented following any potential amendment of development controls under the FLEP 2013:
 - market square;
 - open air laneway links;
 - activation at street/ground level;
 - overhead links to the Cabramatta Railway Station; and
 - any other public benefits deemed necessary.
- Should the Planning Proposal gain the support of Council and proceed through a Gateway Determination, preparation of a detailed Site Specific DCP for the site and VPA (in accordance with the Applicants offer) will be required prior to public exhibition.

Planning Officer Comments

The above comments from TPG were referred back to the Applicant, GLN Planning who have provided the following additional information:

1. Agree to the preparation of a draft Site Specific DCP and VPA should the Proposal proceed through the Gateway Determination;
2. Agree to address the following issues at Development Application stage:
 - a. Sustainability measures;
 - b. Submission of a CPTED Report;
 - c. Potential integration of the Fisher Street Car Park with the subject site upon any future redevelopment of the car park site; and

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d. Intersection and associated traffic modelling.

3. A more detailed overshadowing analysis and 'Eye of the Sun' diagrams which illustrate that the Proposal can meet the solar access requirements of the Apartment Design Guide for adjoining properties to the south was provided by the Applicant. The Applicant also provided an indicative concept design for adjoining land to the south and demonstrated an acceptable level of impact on adjoining properties during mid-winter. This matter can also be further investigated and addressed at Development Application stage and the building design reconfigured if necessary.

G. SITE SPECIFIC DEVELOPMENT CONTROL PLAN AND VOLUNTARY PLANNING AGREEMENT

The Applicant has provided concept plans for the Proposal showing how they propose to develop the site should the Planning Proposal be supported by Council and the DP&E. Given the scale and nature of the Proposal, Council's current development control plan would not be detailed enough to guide the future development of the site. Accordingly, it is recommended that the Applicant prepare a draft SSDCP to ensure that future development occurs in an orderly and appropriate manner.

The site specific DCP would include (but not be limited to) the following provisions:

- Building footprints, heights and FSRs reflective of those proposed under the Planning Proposal and potentially adopted under Fairfield LEP 2013;
- Specific design arrangements including through-site links and overhead links to the Cabramatta Railway 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/servicing facilities;
- Measures to minimise 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.

Should the Planning Proposal receive a favourable Gateway Determination, it is recommended that the Applicant then prepare the draft SSDCP prior to the Proposal proceeding to public exhibition. The draft SSDCP will be reported to Council once it has been prepared to ensure that public exhibition can occur concurrently with the Planning Proposal.

The Applicant has indicated to Council officers their agreement to enter into a VPA upon future redevelopment of the subject land. The purpose of the VPA will be to ensure that a satisfactory level of material public benefit is provided by the developer for the benefit of the local community. At this stage the following public benefits associated with the Proposal have been agreed to by the Applicant:

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- The construction of an overhead pedestrian bridge linking the railway station and eastern side of Cabramatta (Stage A);
- The upgrade of local intersections as identified in the ARC Traffic Assessment (Stage D);
- The provisions of a market square as a public domain for special events and cultural celebrations (Stage A) (noting that at this stage it is proposed to remain in private ownership);
- Public art and street furniture within the market place (Stage A); and
- Landscaping and street furniture along Broomfield Street (Stage A, B and D) and Cabramatta Road East (Stage C).

Council officers have also requested that the Applicant consider the provision of an affordable housing component within the VPA. Council has a responsibility to seek to improve the living standards of its residents and *Objective 11* of the *Western City District Plan* requires Council to plan for housing that is generally more affordable and diverse.

Whilst the Greater Sydney Region Plan – *A Metropolis of Three Cities* identifies the need for further work by the Greater Sydney Commission to support the implementation of Affordable Rental Housing Targets, there is still an opportunity to incorporate a minimal target within the proposed development. Targets that are generally in the range of 5–10 per cent of new residential floor space are subject to viability, however the provision of even 2–3 per cent of dwellings for the purposes of affordable rental housing would have a significant benefit for a number of very low income families in the locality.

As with the draft SSDCP, any draft VPA will be reported to Council for consideration prior to public exhibition of the Planning Proposal. This agreement will then also be publicly exhibited to enable adequate community consultation.

H. CONSIDERATION OF THE PLANNING PROPOSAL BY THE FAIRFIELD LOCAL PLANNING PANEL

In accordance with Council's resolution from the previous Outcomes Committee meeting dated 14 August 2018, the planning proposal was referred to the Fairfield Local Planning Panel for consideration at its next scheduled meeting. The Panel subsequently convened on Thursday 30 August 2018. A copy of the minutes from the FLPP meeting is attached for your information (**Attachment B**).

In summary, the Panel has indicated their support for the referral of the planning proposal to the NSW DP&E for the purposes of a Gateway Determination. No additional issues were raised for consideration by the Panel.

NEXT STEPS

If the Department is satisfied with the contents of the Planning Proposal it is anticipated that Council would be issued with a Gateway Determination in approximately 2-3 months authorising public exhibition of the document.

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As referred to above, there is however a number of matters which need to be resolved should the Department issue a Gateway Determination. It is recommended that these matters be reported back to Council prior to public exhibition. These include:

- *Site Specific Development Control Plan (SSDCP)* – Given the scale of the Proposal, a draft SSDCP is required to be prepared prior to public exhibition. The preparation of the SSDCP will involve a report to Council to endorse the SSDCP prior to it being publicly exhibited concurrently with the Planning Proposal.
- *Draft Voluntary Planning Agreement (VPA)* - In a letter to the Applicant dated 30 April 2018, a number of possibly contributions of material public benefits were identified. These included:
 - an overhead pedestrian bridge linking the Railway Station to the site;
 - streetscape initiatives and place making elements such as planter boxes, street furnishings, public art elements to soften the visual aspects of the space and encourage active street frontages;
 - monetary contribution towards the acquisition of future open space in the area; and
 - Affordable housing provisions within the development.
- Acquisition agreement between Council and the Applicant for the public laneway located within the development site off Cabramatta Road East

CONSULTATION STRATEGY

Generally, public exhibition of a Planning Proposal of this significance and scale will be required for a minimum statutory period of 28 days and would involve:

- Notification to landowners both within and directly adjoining the land affected by the Planning Proposal;
- Notification to affected and adjoining business owners and any relevant business chambers and business associations;
- Notice in the local newspaper;
- Publication of all relevant information on Council's website; and
- If the timing coincides with statutory public exhibition, information on the Planning Proposal will be included in a future edition of Council's newsletter CityLife.

The Gateway Determination will also require Council to undertake consultation with numerous State Government Agencies and utility providers.

Following public exhibition, a report will be referred back to Council for consideration of submissions received as a result of public exhibition and consultation with the State Agencies and utility providers.

In addition to the above, delegated authority for Council to finalise the Planning Proposal will not be requested given that Council owns the laneway which forms part of the application. Therefore the finalisation process will need to be undertaken by the DP&E.

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CONCLUSION

As a result of the assessment undertaken above, it is recommended that Council support the Planning Proposal for the identified precinct of land east of the Cabramatta Railway Station within the Cabramatta Town Centre as outlined in this report.

It is recommended that Council endorse the planning proposal to proceed to Gateway Determination to permit community consultation.

Should the planning proposal receive a favourable Gateway Determination, a further report will be submitted to Council to consider a draft Site Specific Development Control Plan and draft Voluntary Planning Agreement prior to public exhibition.

A further report will also be submitted to Council at the conclusion of the public consultation period.

Elizabeth Workman
Senior Strategic Land Use Planner

Authorisation:
Manager Strategic Land Use & Catchment Planning
Group Manager City Strategic Planning

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File Name: **OSR25092018_1.DOCX**

***** END OF ITEM 129 *****