

In reply please quote: 15/16330

Contact: Andrew Mooney on 9725 0214

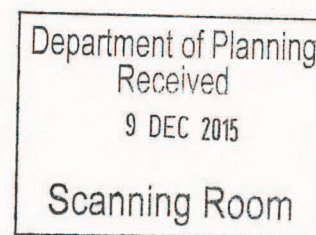
1 December 2015

Ms Rachel Cummings
Regional Director
NSW Department of Planning and Environment
Sydney West Region
Locked Bag 5020
PARRAMATTA NSW 2150



Attention: Georgina Ballantine

Dear Georgina



**DRAFT PLANNING PROPOSAL IN RESPECT TO DUTTON LANE CAR PARK –
CABRAMATTA AMENDED HEIGHT CONTROL UNDER FAIRFIELD LEP 2013**

Council at its meeting of 24 November 2015 resolved to forward the attached Planning Proposal to the Minister for Planning, under Section 56 of the Environmental Planning & Assessment Act 1979 requesting a Gateway Determination.

The Planning Proposal seeks to amend Fairfield Local Environmental Plan 2013 to amend height controls applying to Council's Dutton Lane car park/commercial development in the Cabramatta Town Centre so as to facilitate an additional future level of car parking on the site.

The current car park/commercial development was approved by the Joint Regional Planning Panel in July 2014 with construction of the facility nearing completion. The approved development has a total height of approximately 7.2 metres (comprising ground level retail outlets, first level car parking/commercial floor space and third level car parking). The proposed additional level of car parking would have a height of 12.6metres.

In summary the critical elements of the planning proposal aim to amend the provisions of local clause 7.3(5) and associated height control map of the Fairfield LEP 2013 to allow future construction of an additional car parking level only (up to a maximum of 13metres) on the site.

The subject land is in Council's ownership and subsequently there is the potential perception for a conflict of interest in Council being the both the applicant and undertaking assessment of the planning proposal. To this end Council has prepared a probity plan that has led to Council engaging the services of independent planning consultants to;

- A. Prepare the planning proposal (Elton Consulting) on behalf of Council's Property Section, and;
- B. Undertake independent assessment (GLN Planning) of the proposal and prepare recommendations for Council's consideration.

In this respect, the assessment and recommendations of GLN Planning (Attachment A of the report to the Outcomes Committee 10 November 2015) provided the basis of the Council resolution to commence preparation of the planning proposal. As detailed in the Minutes (attached) of the Ordinary Council meeting of the 24 November 2015 this comprised;

That Council, in accordance with recommendations of the Independent Planning Consultant:

1. *Endorse the preparation of a Planning Proposal to amend the Fairfield Local Environmental Plan (LEP) 2013 in relation to the LEP Height Maps and provisions of the local clause 7.3 Cabramatta – height of buildings applying to Council's Dutton Lane Car Park, Cabramatta as follows;*
 - 1.1 *Amend Clause 7.3(5) to read as follows:*
"(5) The height of a building on land identified as "Cabramatta—Area D" on the Town Centre Precinct Map must not exceed 10 metres unless the area above 10 metres in height will be developed and used for public car parking. "
 - 1.2 *Change the height of Buildings Map to provide for a 13m maximum height on the subject site.*
2. *Refer the Planning Proposal, as amended, to the NSW Department of Planning and Environment (NSW DP&E) requesting a Gateway Determination and that the Planning Proposal be placed on exhibition in accordance with the consultation strategy detailed in the report and the conditions set out in the Gateway Determination.*
3. *In requesting the Gateway Determination, advise the NSW DP&E, that while the Planning Proposal is supported in principle Council considers further assessment of the potential impacts relating to overshadowing, visual impact, heritage and traffic impacts should be prepared prior to public exhibition, in addition to any other matter that might be required as a condition of Gateway approval.*
4. *In requesting the Gateway Determination, advise the NSW DP&E, that it is not seeking to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 23 of the Environmental Planning and Assessment Act 1979 [EP&A]).*

5. *Endorse amendments included in Attachment B of the report, Elton Consulting Report, dated 30 October 2015 to the Cabramatta Town Centre Development Control Plan No.5/2000 in relation to Council's Dutton Lane Car Park for public exhibition (to occur concurrently with public exhibition of the Planning Proposal). Additionally, delete the following performance criteria and development controls contained in B Height Precinct 2 Development Controls:*
 - 5.1 *"The maximum height of a building shall be 3 storeys from the existing ground level, nor exceed an overall height of 10 metres above existing ground level.*
 - 5.2 *Buildings on the development site located between Dutton Lane and Council's multi deck car park may be erected to a height of up to 5 storeys or 16 metres above existing ground level provided that at least 50% of the site is developed as landscaped public open space. Refer to Clause 4.4B of the Fairfield LEP 2013 (Area 5)."*
6. *Receive a report following the public exhibition of the Planning Proposal and Amendments to the Cabramatta Town Centre DCP.*

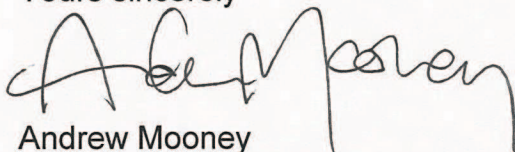
To enable the Department's consideration of this matter and the issuing of a Gateway Determination, the following information is submitted:

- Minutes of the Council Meeting 24 November 2014
- Council officer's report with the following Attachments;
 - A: Assessment report and recommendations prepared by the independent planning consultant GLN Planning
 - B: Planning report prepared by Elton Consulting and draft Planning Proposal

As detailed in Council's resolution, given that Council is the owner of the land, Council is not requesting to exercise delegation to make this plan.

Should you require any additional information in respect of this matter, please do not hesitate to contact Andrew Mooney on 9725 0214. Council looks forward to hearing from the Department in the near future.

Yours sincerely



Andrew Mooney
CO-ORDINATOR STRATEGIC PLANNING