

Planning Services

IRF19/2091

Gateway determination report

LGA	Fairfield
PPA	Fairfield City Council
NAME	Rezoning land at 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue, Cabramatta (130 homes, 0 jobs)
NUMBER	PP_2019_FAIRF_001_00
LEP TO BE AMENDED	Fairfield LEP 2013
ADDRESS	400-404 Cabramatta Road West, Cabramatta
DESCRIPTION	Six Allotments
RECEIVED	16 April 2019
FILE NO.	IRF19/2091
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 alter the development controls for land at 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue, Cabramatta (the site), by amending the Fairfield Local Environmental Plan (LEP) 2013 as follows:

- rezoning the site from R2 Low Density Residential to part R3 Medium Density Residential and part R4 High Density Residential;
- increasing the maximum building height for the site from 9m to 10m for land to be zoned R3 and 17m for land to be zoned R4;
- increasing the maximum floor space ratio (FSR) for the site from 0.45:1 to 0.7:1 for land to be zoned R3 and 1.7:1 for land zoned R4;
- remove the 450sqm minimum lot size applying to the site;
- remove the 600sqm minimum lot size for dual occupancy development currently applying to the site;
- remove the identification of the site on the Key Site Map; and
- remove multi dwelling housing as an additional permitted use on the site.

The proposal would facilitate the redevelopment of the site consisting of a five-storey residential flat building on the northern portion of the site and multiple townhouse/terrace style developments on the southern portion of the site. It is anticipated that approximately 130 new dwellings will be provided across the site.

1.2 Site description

The planning proposal applies to land at 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue, Cabramatta (the site), which has an area of approximately 15,349sqm. The site is located at the corner of Cabramatta Road West and Orange Grove Road/Cumberland Highway and consists of six (6) allotments as identified in Table 1 (below). Refer to Figure 1 (below) for an aerial photo of the site.

Table 1 – Property Description

Address	Legal Description
400 Cabramatta Road West	Lot 1 DP 29449
402 Cabramatta Road West	Lot 1 DP 503339
402A Cabramatta Road West	Lot 2 DP 503339
404 Cabramatta Road West	Lot 6 DP 709126
2-18 Orange Grove Road	Lot 7 DP 709126
6 Links Avenue	Lot 3 DP 30217



Figure 1 – Aerial photo of the site – highlighted in red outline

The site is largely vacant with a small portable gazebo and demountable building in the northern portion of the land. A number of scattered mature trees are present on the site. The site is also characterised by a slight slope to the south, with a much more significant drop in elevation towards Links Avenue with a gradient change of up to 10m.

1.3 Existing planning controls

Under the Fairfield Local Environmental Plan (LEP) 2013, the following zone and development controls apply:

- zoned R2 Low Density Residential;
- a maximum building height of 9m;
- a maximum floor space ratio (FSR) of 0.45:1;
- a minimum lot size of 450sqm;
- a minimum lot size for dual occupancy development of 600sqm;

The subject land is also identified as a key site (number 3) on the Key Sites Map and an additional permissible use applies under Schedule 1, as follows:

3 Use of certain land at Cabramatta on the corner of Cabramatta Road West and Orange Grove Road (Cumberland Highway), Cabramatta

(1) This clause applies to land identified as “3” on the Key Sites Map.

(2) Development for the purpose of multi dwelling housing is permitted with development consent.

1.4 Surrounding area

The site is surrounded by R2 Low Density Residential zoned land to the north, south and east which consists of generally single storey detached dwelling houses. However, the land directly north of the site contains a service station and takeaway food and drinks premises. To the west of the site is the Cabramatta Golf Course, which is zoned RE2 Private Recreation.

In addition, the Cabramatta Town Centre is approximately 1.8km north-west of the site and the Liverpool City Centre is approximately 2.7km south of the site.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed with conditions as it would enable the provision of additional housing in an appropriate location within close proximity to existing public transport that service the Cabramatta Town Centre and the Liverpool City Centre.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of this planning proposal is to amend the development controls for the site to facilitate medium and high-density residential development across the site.

The objective of this planning proposal is clear and adequate.

2.2 Explanation of provisions

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

- rezoning the site from R2 Low Density Residential to part R3 Medium Density Residential and part R4 High Density Residential;
- increasing the maximum building height for the site from 9m to 10m for land to be zoned R3 and 17m for land to be zoned R4;

- increasing the maximum floor space ratio (FSR) for the site from 0.45:1 to 0.7:1 for land to be zoned R3 and 1.7:1 for land to be zoned R4;
- removing the 450sqm minimum lot size applying to the site;
- removing the 600sqm minimum lot size for dual occupancy development applying to the site;
- removing the identification of the site on the Key Site Map and removing the additional permitted use applying to the site for multi dwelling housing.

The proposal would facilitate development of the site consisting of a five-storey residential flat building on the northern portion of the site and multiple townhouse/terrace style developments on the southern portion as shown in the Urban Design Report (**Attachment G1**). It is anticipated that approximately 130 new dwellings (i.e. 69 apartments and 63 townhouses) would be provided across the site. Refer to Figure 2 and 3 (below) for the proposed concept plan.



Figure 2 – Indicative Layout Plan

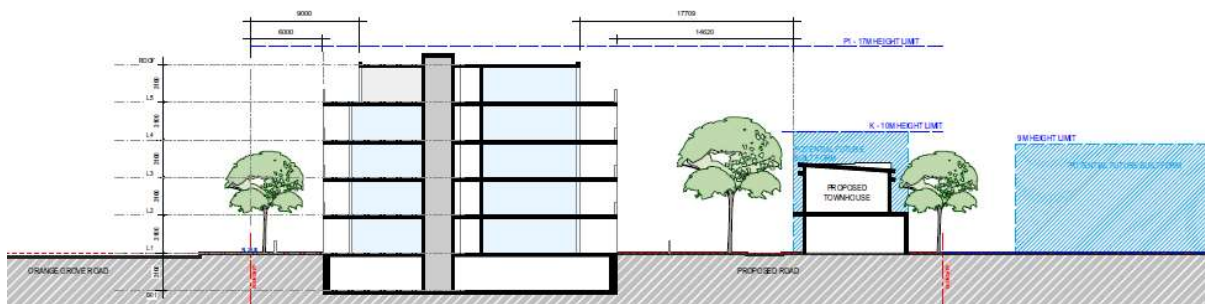


Figure 3 – Proposed Elevation

The planning proposal notes that the proposed concept plan has been prepared to be compatible with the surrounding urban context and allow the efficient and orderly development of the site. In particular, proposed development seeks to facilitate the primarily medium density townhouses of a scale and form that is compatible with the adjacent detached dwellings (page 9 of **Attachment A2**).

Although the mass and scale of the residential flat building is larger than the surrounding area, Council has advised that it responds to the surrounding context. The site is considered to be uniquely located on a major arterial road intersection on a prominent ridgeline at the southern gateway to the Fairfield LGA.

Council advised that the Cabramatta Road West building façade at the ground plane and upper levels can be broken down vertically and horizontally to respond to and reflect the scale of the adjacent low-density dwellings (page 10 of **Attachment A2**). Furthermore, the fifth floor is setback, so the proposed built form would be seen as a four-storey building from the immediate surroundings. By implementing these mechanisms, the proposal can respond and contributes to the existing streetscape.

The planning proposal concludes that the proposed residential flat building would create a landmark suitable for its location, which would improve geographical legibility and create a distinct identity for the immediate area.

2.3 Proposed Development Control Plan

A draft site-specific development control plan (DCP) (**Attachment E**) has been prepared for the site and Council resolved to exhibit it in conjunction with the planning proposal. The site-specific DCP includes an indicative layout plan and the following provisions:

- built form and site design for the proposed residential flat building and the townhouses;
- vehicular access, parking arrangements and through-site links for pedestrian access;
- open space provision and tree protection;
- measures to minimise potential for crime particularly on the interface of Cabramatta Road West and Orange Grove Road; and
- requirements to minimise the potential impact of the development on adjoining land.

Department Comment

The Department agrees that Council should concurrently exhibit the site-specific DCP with the planning proposal. In addition, prior to public exhibition, Council should update the planning proposal to include references to the site-specific DCP.

2.4 Mapping

The current and proposed maps are provided in Part 4 and Appendix A of the planning proposal. The planning proposal will amend the following maps:

- Zoning Map (LZN_017);
- Height of Building Map (HOB_017);
- Floor Space Ratio Map (FSR_017);
- Minimum Lot Size Map (LSZ_017);
- Minimum Lot Size Dual Occupancy Map (LSD_017); and
- Key Sites Map (KYS_017).

Refer to Figure 4-9 (overleaf) for the current and proposed zoning, building height and FSR maps.

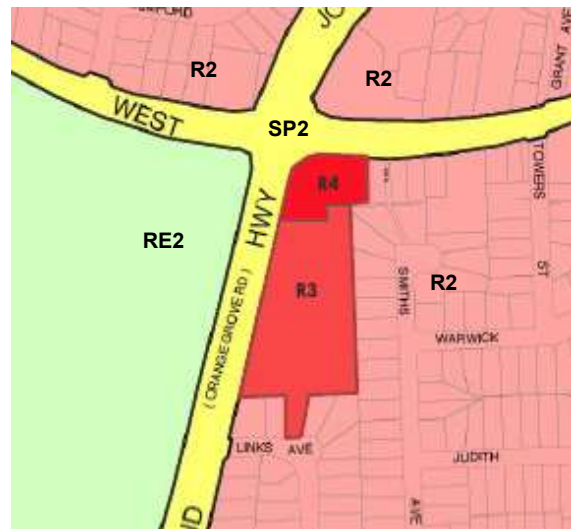
Department Comment

Prior to public exhibition, it is recommended that Council includes the current and proposed maps for the proposed changes to the minimum lot size, minimum lot size for dual occupancy development, and the key sites maps.



- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- RE2** Private Recreation

Figure 4 – Current Land Zoning Map



- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- RE2** Private Recreation

Figure 5 – Proposed Land Zoning Map



- J** 9
- K** 10
- P1** 17

Figure 6 – Current Height of Building Map



- J** 9
- K** 10
- P1** 17

Figure 7 – Proposed Height of Building Map

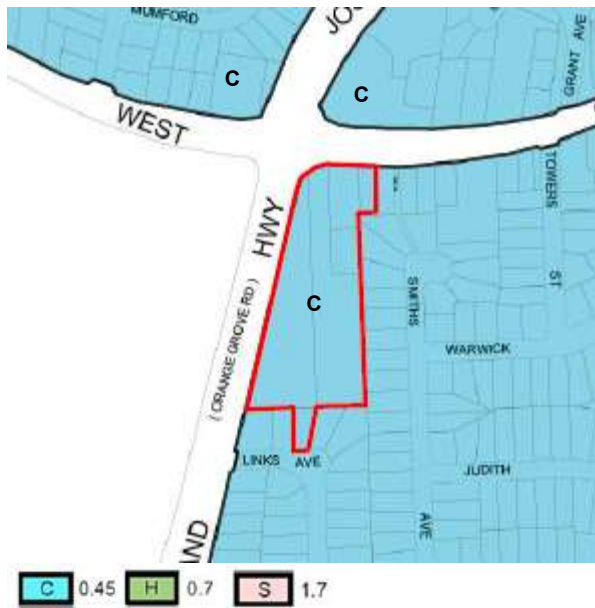


Figure 8 – Current Floor Space Ratio Map

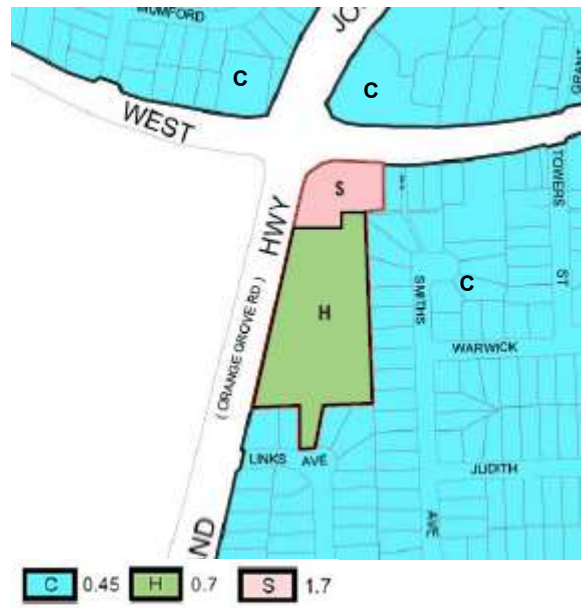


Figure 9 – Proposed Floor Space Ratio Map

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. The proposal states, however, that it would deliver approximately 130 new dwellings in an appropriate location without undermining Council's Residential Development Strategy.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome i.e. redevelopment of the site for additional housing. A planning proposal is the only means available to achieve amendments to relevant provisions under the Fairfield LEP 2013.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal is consistent with the objectives of the plan as it would enable the redevelopment of the site to provide additional housing that is diverse and is in an appropriate location (Objective 10 and 11).

Western City District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018 and the site is located within this district. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

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

greater housing supply in a location with access to jobs, services and public transport (Planning Priority W5 refers).

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

4.3 Local

Fairfield Residential Development Strategy 2009

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

Further, 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 LGA. The TMAP identified that significant intervention and investment would be required, should the proposed densities be introduced in the western part of the Centre.

It is considered that the planning proposal is consistent with the RDS and findings of the TMAP as it provides an opportunity to implement urban renewal to the south of Cabramatta and increase diversity in housing typology. The site is well served by regular bus services running south to Liverpool station, east to Cabramatta station and west to the T-Way station at Brown Road, Bonnyrigg.

Fairfield City Community Strategic Plan 2012-2022

The planning proposal is consistent with this strategic plan as it will provide additional housing types (Theme 2) and generate short-term employment through the construction of the proposed development (Theme 4).

Fairfield Local Planning Panel

The planning proposal was considered by the Fairfield Local Planning Panel on 21 November 2018 (**Attachment F2 & F3**). The Panel considered the merits of the planning proposal and supported, in principle, the rezoning subject to the proposal being amended to adequately address a number of concerns which it believes council officers should take into account prior to reporting the matter to Council. The Panel's concerns, and Council response are provided in Table 1 (below).

Table 1 – Panel concerns and Council response

Panel Concerns	Council Response
The development of a site-specific DCP for the site.	A site-specific DCP (Attachment E) has subsequently been prepared and would be concurrently exhibited with the planning proposal.

Panel Concerns	Council Response
The site-specific DCP should consider the protection of important vegetation on the site and vegetation links with other local and similar vegetation within the vicinity. Such an assessment should also strategically consider the opportunities for offsetting should it be determined that some degree of loss of vegetation is unavoidable.	Section 1.6.3 of the site-specific DCP includes provisions which seeks to address the environmental issues. In addition, the concept plan has also been redesigned so that more of the larger mature trees are not disturbed.
The measures to reduce traffic noise, particularly along the Cumberland Highway.	Section 1.5.3 of the site-specific DCP includes noise attenuation measures for the buildings addressing Cabramatta Road and Cumberland Highway.
The proposal should include an element of affordable housing in the proposed development.	Council currently does not have an affordable housing policy or an agreement with a local affordable housing provider. Council, however, does have a Voluntary Planning Agreement Policy, should the proponent wish to enter into an affordable housing arrangement. This would need to be further discussed with the proponent should the proposal receive a Gateway Determination.
The diminished development potential on the two contiguous sites on the corner of Links Avenue and Cumberland Highway should be further addressed.	The proponent has provided a concept of how the two sites at the corner of Links Avenue and Cumberland Highway can be developed, should they choose to pursue their own planning proposal in the future.
Insufficient justification of one-way traffic as opposed to two-way traffic which would have a better impact on amenity.	The Indicative Layout Plan in the site-specific DCP includes two-way traffic.
Further evidence that the site can be adequately serviced by emergency vehicles and waste collection trucks.	Section 1.5.1 of the site-specific DCP includes the requirement for the internal road to be designed for access by these vehicles.
Further consideration of the general privacy of future residents.	Section 1.4 of the site-specific DCP seeks to facilitate the privacy of the dwellings within the site.
The provision of adequate open space and circular for future residents.	The Indicative Layout Plan in the site-specific DCP includes three common open space areas.

Panel Concerns	Council Response
The impact of waste collection generally and management of waste including storage and placement of bins.	Section 1.4.1 of the site-specific DCP includes the consideration of waste storage in the site design and layout.
Explanation of the topographical impact of the proposed development including effective stormwater management.	Section 1.7 of the site-specific DCP includes requirements around drainage on the site.

Therefore, it is concluded that Council has adequately considered and addressed the comments from the Fairfield Local Planning Panel.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with the following Section 9.1 directions.

Direction 3.1 Residential Zones

This direction seeks to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment and resource lands. This direction applies as the site is zoned for residential purposes.

The proposal is considered to be consistent with this direction as it would provide additional housing choice in an appropriate location that is currently serviced by adequate infrastructure and services.

Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to improve access to housing, jobs and services by walking, cycling and public transport, and reduce dependence on cars. The proposal is consistent with this direction as there are a number of existing bus services within 400m walking distance of the site, providing services to Liverpool and Cabramatta town centres.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is consistent with this direction as it would remove the application of the additional permitted use clause across the site.

4.5 State environmental planning policies (SEPPs)

SEPP 19 Bushland in Urban Areas

The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of its value to the community as part of the natural heritage, aesthetic value, and value as a recreational, educational and scientific resource.

The proposal notes that the site contains endemic species such as shale plains woodland and red gum varieties. The majority of this vegetation is proposed to be removed as part of the proposed development, but these species are identified as low significance in Council's Biodiversity Strategy.

In addition, the proposal is generally consistent with this Policy, subject to compliance with conditions set by Council's Natural Resources Branch.

SEPP 55 Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.

Council advised that the site is not known to be contaminated and is currently zoned for residential uses. The proposal would only increase the density on the site. Accordingly, it is considered that the SEPP does not apply. While this is the case, Council has indicated that contamination issues would be addressed at the development application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

The planning proposal states that the proposed development would have a positive social impact by providing additional dwellings close to 30-minute public transport connections to surrounding employment centres.

The indicative layout plan was designed to ensure that the proposed residential flat buildings meet the requirements of the Apartment Design Guide (ADG) and the townhouses meet the Fairfield Citywide DCP 2013 requirements - to achieve good levels of residential amenity for the future residents.

In addition, any future detailed design would also ensure that facades and glazing on the dwellings facing Cabramatta Road West and Orange Grove Road were designed to mitigate any traffic noise and achieve the relevant internal noise standards for future residents.

5.2 Environmental

A review of the initial Ecological Issues & Assessment Report (**Attachment G2a**) states that the proposed development of the site would not impose any significant or relevant adverse impact on the natural environment because the vegetation present is highly degraded. Therefore, the review concludes that the site has little or no ecological or biodiversity conservation value and the removal of trees from the site would not adversely affect any threatened fauna species to any relevant or significant extent.

The review of the initial Preliminary Arboricultural Assessment (**Attachment G3a**) advised that approximately 75 existing trees are located across the site and the proposed development would retain approximately 23 trees across the site. The retained trees are outlined in green on the Indicative Layout Plan (refer to Figure 2 on page 4 of this report). The review concluded that any adverse tree-related impacts resulting from the planning proposal could be mitigated by ensuring planting of medium to large canopy trees in suitable locations through the site, where these would have a better opportunity to mature to their full dimensions within a new development.

However, it is noted that Council's Natural Resources Branch raised a number of matters to be discussed further at the development application stage and appropriate controls have been included in Section 1.6 of the site-specific DCP in relation to facilitate compliance with the protection of existing mature trees and the removal of any trees on the site (refer to p.21 of Council's report – **Attachment F1**).

5.3 Flooding

The site is not identified as flood prone land as shown on Figure 10 (below). However, the Council's Catchment Branch advised that the proponent would be required to undertake On Site Detention (OSD) of stormwater as the development may result in overland flow issues to sites downstream of the development.

An indicative OSD plan was submitted by the proponent and Council anticipates that the indicative location of OSD storage location can be resolved at the development application stage. Council also notes that further consultation and refinement of the site specific DCP regarding on-site detention may occur during the public exhibition stage.



Figure 10 – Flood prone land

5.4 Traffic and Transport

The review of the initial Traffic Impact Assessment (**Attachment G4**) advised that the proposal has a forecast traffic generation of 63 vehicle trips per hour during both the morning and evening peak periods. The review concluded that the proposal was supportable on traffic planning grounds.

Council's traffic engineers reviewed the proposal and made a number of comments in relation to the design of the proposed development and access. It was noted that the specific comments could be addressed by the site-specific DCP and at the development application stage. However, further traffic modelling would be required to assess the traffic impacts of the proposed development on the intersection at Cumberland Highway and Links Avenue.

Therefore, it is recommended that prior to public exhibition Council prepares traffic modelling in relation to the impacts of the intersection at Cumberland Highway and Links Avenue, and updates the planning proposal to include a section on the traffic impacts of the proposed development.

In addition, it is also recommended that Council consults with the Roads and Maritime Services, Transport for NSW, and Liverpool City Council, on the planning proposal.

5.5 Overshadowing

A shadow analysis has been prepared in the Urban Design Report (**Attachment G1**) and it was advised that the proposed massing of the proposed development would not prevent the neighbouring sites from receiving solar access to private open space or living area during the winter solstice.

It is noted that the overshadowing created by the proposed development on the site during the winter solstice would only impact the adjoining dwellings to the east after 3pm and the dwellings to the north before 9am and after 3pm. Therefore, there remains sufficient solar access for the neighbouring properties. Refer to Figure 11 (below) for the shadow diagrams for the site.

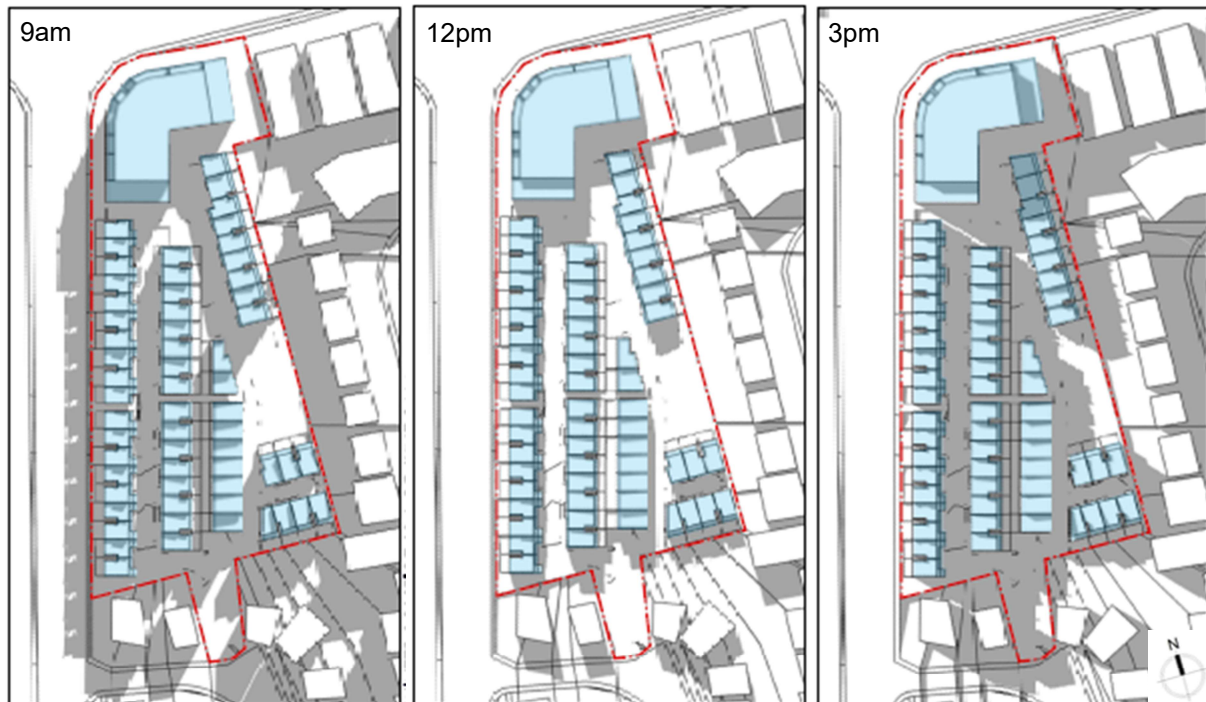


Figure 11 – Shadow Diagrams during Winter Solstice

5.5 Infrastructure

The site has access to existing infrastructure and utilities. However, it is recommended that Council consults with the relevant utility providers including Sydney Water, Telstra, Jemena Gas and Endeavour Energy, during the public exhibition stage of the planning proposal.

6. CONSULTATION

6.1 Community

A public exhibition period of 28 days is considered an appropriate amount of time to gauge the response by the community.

6.2 Agencies

The Department recommends that Council consults with the following State agencies in relation to the planning proposal:

- Roads and Maritime Services;
- Transport for NSW;

- Sydney Water;
- Telstra;
- Jemena Gas;
- Endeavour Energy; and
- Liverpool City Council.

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 timeframe of 12 months to finalise this planning proposal, however, the project timeline indicates 15 months from the date that the proposal was sent to the Department for a Gateway determination. Given the nature of the planning proposal, a 12-month timeframe is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to exercise the plan making delegation. Given that the planning proposal is of a routine nature, it is recommended that authorisation to exercise delegation be issued to Council.

9. CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it has strategic and site-specific merit. The proposal would enable the redevelopment of the site and provide additional housing in an appropriate location within close proximity to existing public transport that serve the Cabramatta Town Centre and the Liverpool City Centre.

10. RECOMMENDATION

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 Water;
 - Telstra;
 - Jemena Gas;
 - Endeavour Energy; and
 - Liverpool City Council.

3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - (a) include maps illustrating current and proposed changes to the Lot Size Map, Lot Size for Dual Occupancy Development Map, and Key Sites Map in Appendix A of the proposal;
 - (b) prepare traffic modelling in relation to the impacts of the proposed development on the intersection at Cumberland Highway and Links Avenue and update the planning proposal accordingly; and
 - (c) insert a section on the traffic impacts of the proposed development in the planning proposal.



30/4/19

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17/05/2019

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