



Planning,  
Industry &  
Environment

IRF 21/4484

## Gateway determination report – PP-2021-3107

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**Fairfield Planning Proposal – Cabramatta Town Centre East**

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## Reports and plans supporting the proposal

Relevant reports and plans
IPC report and minutes
Planning Proposal
Council report and resolution
Local Planning Panel Report and Minutes

# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Fairfield Local Government Area</b>
<b>PPA</b>	Fairfield City Council
<b>NAME</b>	Cabramatta Town Centre East
<b>NUMBER</b>	PP-2021-3107
<b>LEP TO BE AMENDED</b>	Fairfield LEP 2013
<b>ADDRESS</b>	Land bounded by Fisher Street, Broomfield Street and Cabramatta Road East, Cabramatta
<b>DESCRIPTION</b>	Various allotments max building height, FSR, local clause for site
<b>RECEIVED</b>	28/10/2021
<b>FILE NO.</b>	IRF21/4484
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal seeks to amend development controls for approximately 1.3ha of land within the eastern portion of Cabramatta Town Centre by amending the Fairfield Local Environmental Plan (LEP) 2013 to reinvigorate this part of the Cabramatta Town Centre.

It will provide approx. 702 additional jobs and approx. 542 additional dwellings.

The objective is to increase the density of the site to facilitate the redevelopment of the land for a mixed commercial and residential apartment development, including basement car parking, an overhead pedestrian bridge to Cabramatta Station, and an open-air public market.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Fairfield Local Environmental Plan (LEP) 2013 as follows:

- increase the maximum building height for land within the site from 14m (approximately 3 storeys) to 48m (approximately 15 storeys) across the site;
- increase the maximum floor space ratio (FSR) for land within the site from 2.5:1 to a range of FSR of 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 1,300m<sup>2</sup>, 1,800m<sup>2</sup>, 2,200m<sup>2</sup> and 2,700m<sup>2</sup> to certain land within the site based on stages for the site; and
- introduce a new local clause under ‘Part 7 Additional local clauses – Town Centres’ for the site that provides additional controls for the redevelopment of the site in relation to building height and FSR, and prohibits residential development on the ground floor, detailed below.

### **Clause - Cabramatta - Area E**

1. *This clause applies to land identified as “Cabramatta – Area E” on the Town Centre Precinct Minimum Site Area Map.*
2. *This clause has effect despite clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio.*
3. *The maximum floor space ratio of land identified as “Cabramatta – Area E” is:*
  - i. *If the building is not used for the purpose of residential accommodation – 1.5:1, or*
  - ii. *If less than 10% of the floor space is used for the purpose of residential accommodation – 2.0:1, or*
  - iii. *If 20% to 50% of the floor space is used for the purpose of residential accommodation – 2.2:1.*
4. *The height of a building on land identified as “Cabramatta – Area E” on the Town Centre Precinct Map must not exceed 14 metres unless the site area of the building is at least the minimum site area shown for the land on the Minimum Site Area Map.*
5. *The height of a building on land identified as “Cabramatta—Area E” on the Town Centre Precinct Map must not exceed 10 metres unless at least 50% of the building will be used for a residential purpose.*
6. *Despite any other provision of this Plan, development consent must not be granted to development for the purposes of residential accommodation located on the ground floor of a building (excluding residential lobbies and access areas).*

The proposal would remove the application of clauses 7.2 and 7.3 (to the site only). Clauses 7.2 and 7.3 provide details on the FSR and heights permitted for Cabramatta Town Centre.

The Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 was notified on Friday 5 November 2021. As the Order has now been notified, proponents should consider the new employment zones in their planning proposals.

As the planning proposal seeks to insert / amend a local provision applying to land zoned business or industrial, the planning proposal will need to be updated to include a translation to the employment zone from B4 Mixed Use to MU1 Mixed Use.

Council will need to indicate any anticipated modification under the incoming employment zones prior to public exhibition according to the specifications of the gateway conditions.

## 1.4 Site description and surrounding area

The planning proposal applies to the eastern portion of Cabramatta Town Centre.

The site has an area of approximately 1.3ha (or 12,847m<sup>2</sup>). The existing land uses within the site include approximately 22 privately owned properties including several small retail shops and commercial premises, a hotel, a coaching college, a church, a dwelling house and a vacant parcel of land. There are also approximately 70 private car parking spaces to the rear of the retail shops and a Council owned laneway (which is 680m<sup>2</sup> in area) that traverses the southern part of the site.

The site is surrounded by Fisher Street to the north, Broomfield Street and the T2/T4 railway line to the west, Cabramatta Road East to the south and a commercial premise and carpark to the east. The area surrounding the site consists of two-storey commercial premises, a three-storey car park and a mix of single-storey dwelling houses and three-storey to four-storey residential flat buildings.

The site is outlined in red in **Figure 1** below.



Figure 1: Site context

The site is zoned B4 Mixed Use. Privately owned land within the subject site area has a current maximum allowable building height of 14 metres, and maximum allowable floor space ratio of 2.5:1.

The site is surrounded by B4 Mixed Use and R4 High Density Residential-zoned land.

The site is outlined in red dash in **Figure 2** below.



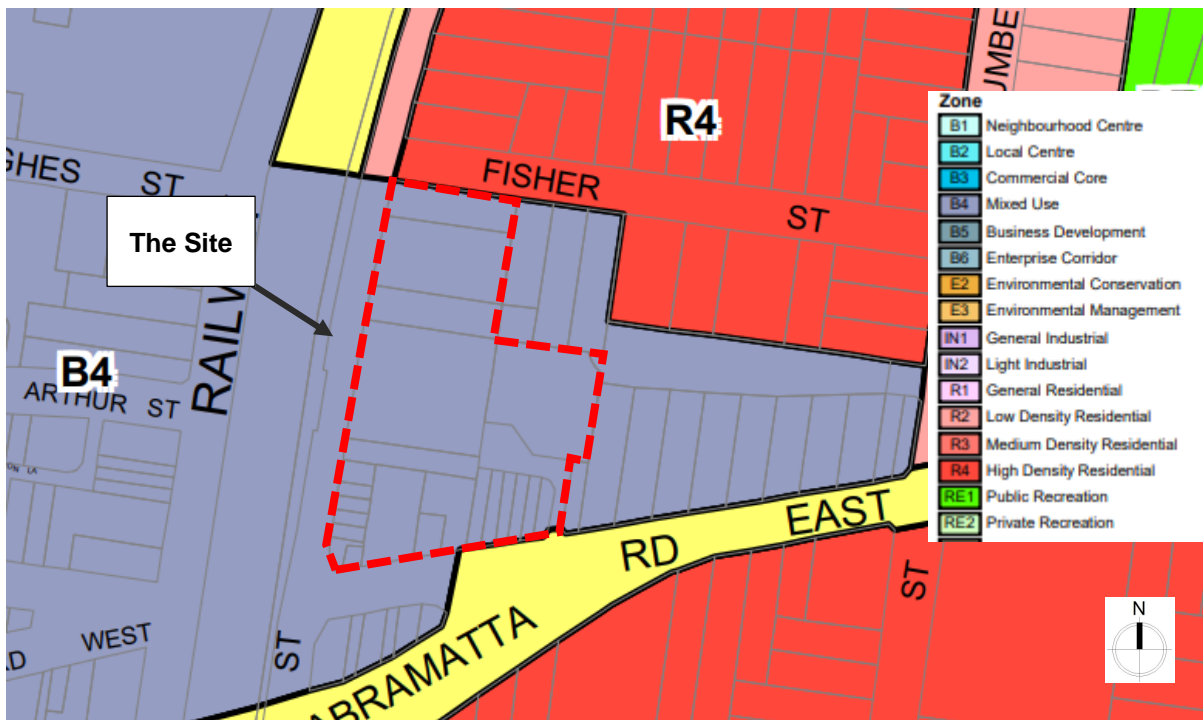


Figure 2: Site zoning context

## 1.5 Mapping

The planning proposal will amend the following maps, Shown in figures 3 – 8 below:

- height of building map (HOB\_017);
- FSR map (FSR\_017);
- Town Centre Precinct, minimum site area map (CL2\_017); and
- The site is also identified as “Cabramatta – Area A” on the Town Centre Precinct, minimum site area map. This will be replaced by a proposed clause for the site to be indicated as “Cabramatta – Area E”.

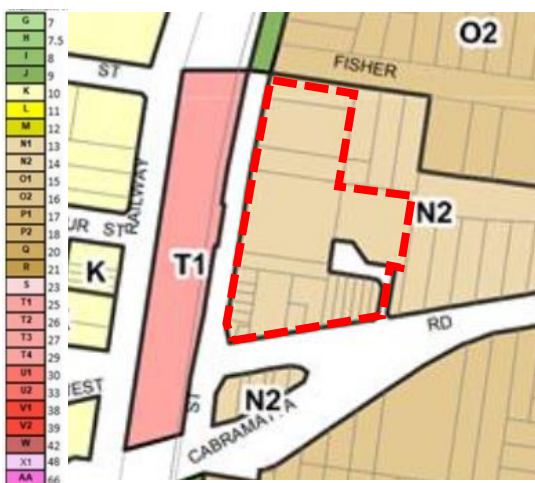


Figure 3: Current height of buildings map

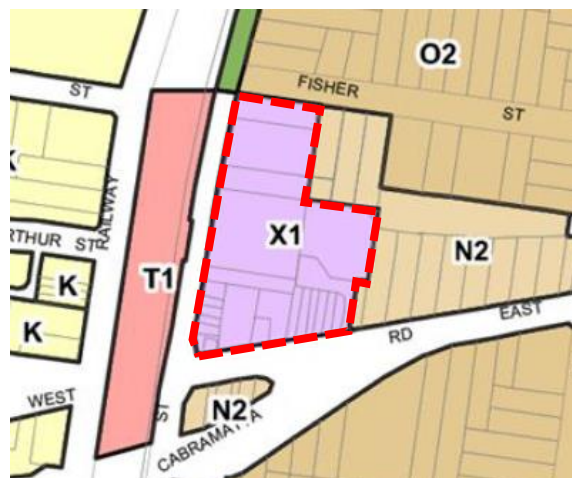


Figure 4: Proposed height of buildings map



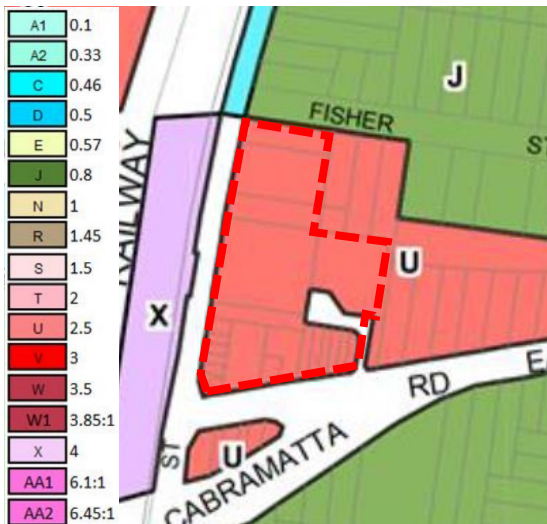


Figure 5: Current floor space ratio map

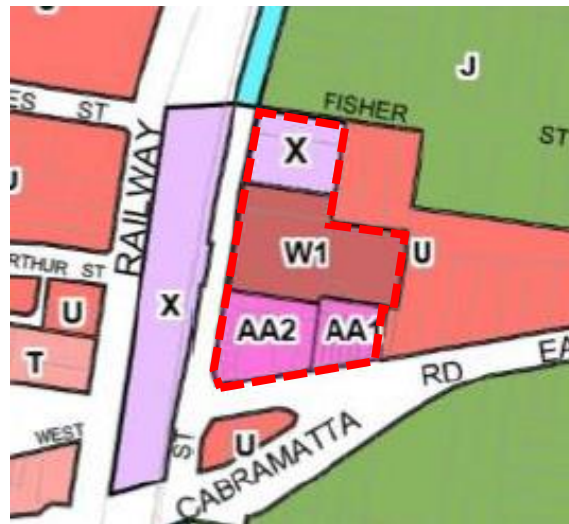


Figure 6: Proposed floor space ratio map

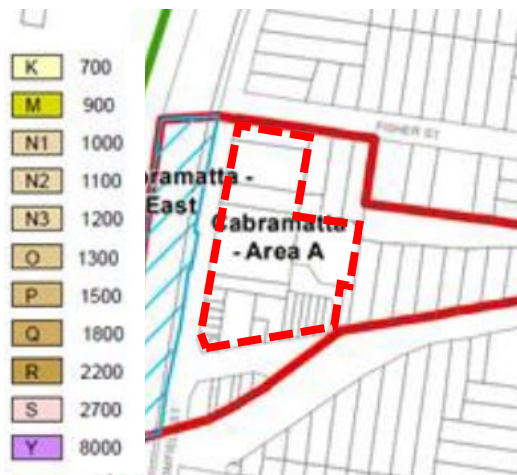


Figure 7: Current minimum site area map

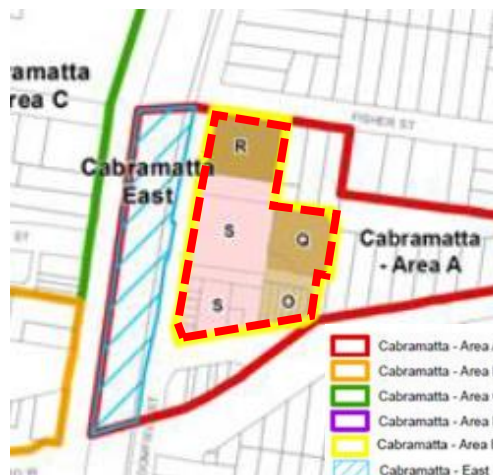


Figure 8: Proposed minimum site area map

## 1.6 Background

The current planning proposal is a resubmission of a previously determined planning proposal.

The original planning proposal was referred to the Department on 25 September 2018. Gateway determination was granted for the planning proposal on 18 July 2019 and it was determined by the Department to not proceed on 20 March 2021. The objectives and proposed planning provisions of the current planning proposal are identical to the original.

On 12 October 2021, Council's outcomes committee paper recommended that Council endorse the (resubmitted) planning proposal with a maximum building height of 66m (19 storeys) (**attachment E1**). The proponent and Council had continued to work to resolve outstanding VPA and traffic issues and addressed the reasons for the 'do not proceed' determination as well as the original conditions of Gateway determination (18 July 2019). Specifically, Council and the proponent have:

- prepared a draft site-specific development control plan (DCP) for the site, indicated the intent of the DCP to include proposed development controls for the site and removed

subclauses 7 and 8 from the proposed local cause pertaining to the preparation of the draft DCP;

- prepared a visual impact assessment to address and consider the impacts of the proposed development on the surrounding area; and
- updated the proposed concept plan with the recommendations of Council's traffic engineers.

However, Council referred this planning proposal to the Department with a reduced maximum building height of 15 storeys (approx. 48m). Council have therefore not met the previous Gateway determination condition no. 1, which required Council to revert the maximum building height up to 66m. The Department is aware that the planning proposal was amended to include a maximum height of buildings of 48m in accordance with Council's resolution at its meeting on 19 October 2021 (**attachment E2**).

## 1.7 Supporting local provisions

A draft VPA has been prepared and will be reported to Council for consideration, and publicly exhibited with the planning proposal to enable adequate community consultation (**attachment F1**).

The draft VPA is designed to ensure a satisfactory level of material public benefit, including the construction of an overhead pedestrian bridge linking Cabramatta railway station and eastern side of Cabramatta (Stage A), or monetary contribution, should appropriate approvals not be able to be obtained from TfNSW. Further details of foot traffic parameters are detailed in the draft DCP (**attachment F2**).

The draft DCP has also been reported to Council for consideration and will be publicly exhibited with the planning proposal to enable adequate community consultation (**attachment F2**).

The site specific DCP provisions will form an amendment to the Cabramatta Town Centre DCP No.5/2000. The draft DCP is designed to ensure a satisfactory level of design and public safety. It includes details on; the structure plan, built form, performance criteria related to active street frontages, safety and security, parking, flooding, staging, landscaping, tree preservation and a pedestrian bridge station link.

## 2 Need for the planning proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not a result of any strategic planning statement, strategic study or report and is applicant/owner initiated.

Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The proposed amendment is the best and most appropriate way to achieve Council's intended outcome to reinvigorate the commercial area in the eastern portion of Cabramatta Town Centre.

A planning proposal is the only means available to achieve amendments to relevant provisions under the Fairfield LEP 2013.

Council advised that previous strategies to densify the town centre west of the station have not progressed due to the significant costs required to fund road upgrades and parking infrastructure. However, the eastern portion of Cabramatta Town Centre, where the site is located, has fewer traffic constraints and therefore is a suitable location for increased densities.

## 3 Strategic assessment

### 3.1 Western City District Plan

The Western City District Plan applies to the site. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

Fairfield is identified as a strategic centre in the Western City District Plan. The planning proposal will contribute, and is consistent with the priorities for infrastructure and collaboration, liveability and productivity in the plan as outlined in **Table 2**, below.

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

**Table 2 Western City District Plan assessment**

District Plan Priorities	Justification
INFRASTRUCTURE AND COLLABORATION	
Planning Priority W1: Planning for a city supported by infrastructure choice and Planning	The proposal will align the provision of forecast growth with existing infrastructure, such as the facilities and services provided in Cabramatta Town Centre and Cabramatta Station.
LIVEABILITY	
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal will provide additional housing supply and choice near jobs, services and public transport facilities.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will facilitate the revitalisation of the eastern portion of Cabramatta Town Centre, which is a local centre, and improve the amenity, connectivity, and accessibility of the precinct for residents and the public.
PRODUCTIVITY	
Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres	The proposal will generate additional jobs in the retail and commercial sectors in the eastern portion of Cabramatta Town Centre.

### 3.2 Local Plans

The proposal states that it is consistent with local plans and endorsed strategies. The Department have reviewed Council's claims and is satisfied that the planning proposal gives effect, in particular to the following strategies:

**Table 3 Assessment against local strategies (source: Planning Proposal)**

Strategy	Justification
Fairfield City Centres Study and Fairfield City Centres Policy 2015	The planning proposal has the potential to revitalise the land on the eastern side of the railway line in close proximity to Cabramatta Station.
2016-2026 Fairfield City Plan	The proposal seeks to improve the local character of the area and increase the supply of housing to meet the varied needs of the community. The proposal will generate ongoing employment through retail, service and commercial activity and short-term employment through the construction of the project.
Draft Cabramatta Town Centre Urban Design Study	It concluded that the subject site is viable for future redevelopment into a vibrant mixed-use precinct with the built form proposed under the Planning Proposal.
Fairfield Draft Local Housing Strategy	Fairfield have prepared and exhibited the draft housing strategy, yet to be submitted to the Department for endorsement. Cabramatta is one of three Town Centres in Fairfield LGA. Cabramatta Town Centre East is considered a strategic location for high density residential and mixed-use development in the medium term.

The Local Strategic Planning Statement (LSPS) provides the strategy for the Fairfield community's economic, social and environmental land use needs over the next 20 years. The planning proposal was considered against the planning priorities in the LSPS as shown in table 3 below and found to give effect to the LSPS.

**Table 4 Local strategic planning assessment (source: Planning Proposal)**

Planning Priority	Justification
Local Planning Priority 1: Provides Housing that Accommodates the Needs of Existing and Future Residents and	Within the City of Fairfield, much of the higher density housing stock is occupied by families, especially those on lower incomes. New housing stock will be provided for families and other demographics. New housing stock will be within close proximity to services, facilities, public transport and open space.
Local Planning Priority 4 – Provide attractive, healthy, accessible and safe places for the whole community	A new civic plaza and overhead pedestrian bridge are proposed under the future redevelopment of the subject site will contribute to a new attractive, healthy, accessible and safe environment for the community. These community benefits would not be possible without the increased development potential for the site proposed under the planning proposal.
Local Planning Priority 6: Ensure Infrastructure is aligned to accommodate planned growth and community needs	Redevelopment of the subject site under the proposed concept plans will generate housing choice and employment opportunities in close proximity to services and infrastructure already existing within the Cabramatta Town Centre. Additional infrastructure including new public open space and a plaza will be provided to meet the needs of the growing community.

Local Planning Priority 11: Promote a robust economy which generates diverse services and job opportunities	The proposed redevelopment of the subject site will stimulate economic activity and employment opportunities within the Cabramatta Town Centre particularly in the areas of retailing and restaurants.
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### 3.3 Local planning panel (LPP) recommendation

The planning proposal was considered by the Fairfield Local Planning Panel on 30 August 2018 (**Attachment G**). The LPP advised that the planning proposal should proceed to the Department for a Gateway determination.

The panel advised that the proposal provides an opportunity to implement urban renewal in the eastern portion of Cabramatta Town Centre near services and transport without the necessity of a city-wide LEP, and in an area not restricted by the road network, with a form that would provide public benefit. The panel reviewed the proponent's original planning proposal and supported the proposed maximum building height for the site of up to 66m (19 storeys) but recommended a site specific DCP be developed. Council proceeded to draft a site specific DCP.

The Department agrees with the panel's comments and recommends that Council proceeds with the planning proposal submitted by the proponent, with a maximum building height of up to 66m (19 storeys).

A letter from the Department to Fairfield Council indicated that the Department would not support further IPC review on matters they have already considered (**attachment D2**).

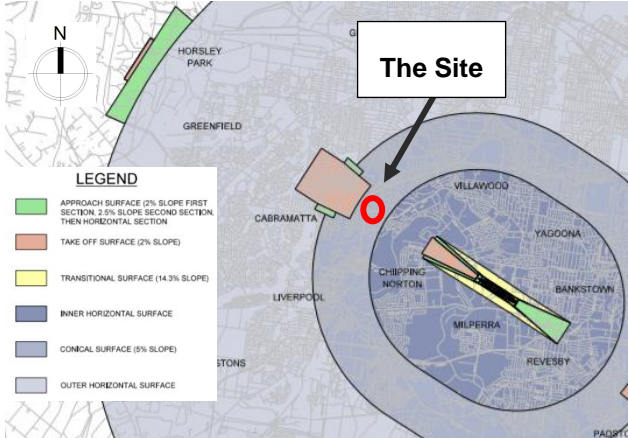
### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below in Table 5:

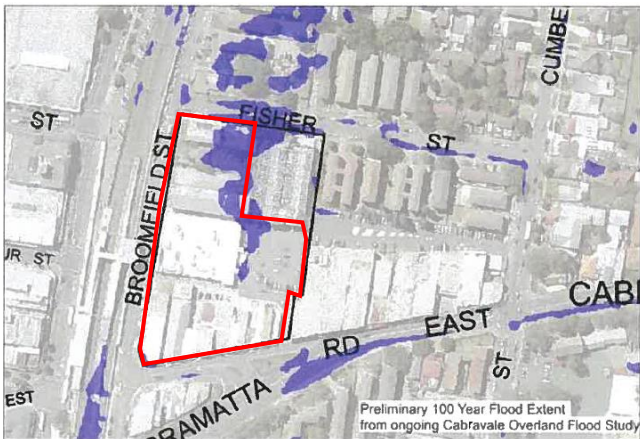
**Table 5 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/Not Applicable	Reasons for Consistency or Inconsistency
Direction 6.3 Site Specific Provisions	<i>Inconsistent:</i> minor significance – approval from Secretary's delegate requested	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this Direction as it seeks to introduce a site-specific clause (i.e. the new local clause) into the Fairfield LEP 2013, which will enable a particular development to occur on the site.</p> <p>This inconsistency is considered to be minor as the site-specific development controls for the site will ensure that the construction of the development outcome is consistent with the proposed concept plan as part of this planning proposal.</p> <p>Accordingly, it is recommended that the Secretary's delegate agrees that the inconsistency of the planning proposal with Direction 6.3 Site Specific Provisions is of minor significance.</p>



Direction 3.5 Development Near Regulated Airports and Defence Airfields	Consistent	<p>This Direction aims to ensure the effective and safe operation of regulated airports and defence airfields and that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The site is within the conical surface (5% slope) of Bankstown Airport and therefore this Direction applies to the planning proposal (Figure 9 below).</p>  <p>Figure 9: Obstacle limitation surfaces for Bankstown Airport.</p> <p>The proponent has undertaken preliminary consultation with Bankstown Airport, which subsequently recommended the proposal be referred to Airservices Australia. Airservices Australia has advised that a maximum height of 66m is appropriate and will not affect sector or circling altitude, any instrument approach or departure procedure at Bankstown Airport. Therefore the planning proposal is deemed consistent with this Direction.</p>
Direction 1.1 Business and Industrial Zones	Consistent	<p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This Direction applies to the planning proposal as it affects land zoned B4 Mixed Use.</p> <p>The proposal is considered to be consistent with this Direction as it will yield additional retail and commercial floorspace as a result of redevelopment in a mixed use precinct.</p>



Direction 4.3 Flood Prone Land	<i>Inconsistent:</i> minor significance - consultation with EES conditioned	<p>The objectives of this Direction are to ensure that development of flood-prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual</i>. The site contains flood-prone land (Figure 10 below) and therefore this Direction applies to the planning proposal.</p>  <p>Figure 10: Flood-prone land map.</p> <p>However, Figure 10 relates to overland flooding and the proposal states that these matters will be addressed at the development application stage.</p> <p>The proposal is deemed inconsistent with this Direction but that inconsistency is considered minor. Further consultation with the Environment, Energy and Science is required to determine if there are any objection to the proposed development on flooding ground.</p>
Direction 3.4 Integrating Land Use and Transport	Consistent	<p>The objective of this Direction is to increase the choice of available transport and reduce dependence on cars. The proposal is consistent with this Direction as it would provide additional housing and jobs within walking distance of Cabramatta Station and bus services.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal's consistency with relevant SEPPs is discussed below:

#### State Environmental Planning Policy No 55–Remediation of Land

The object of this policy is to provide for a state-wide planning approach to the remediation of contaminated land. Council has advised that there have been no contaminating land uses or activities on the site. The proposal would not introduce any additional permitted land uses. Therefore, the Department considers the proposal is consistent with this policy.

#### State Environmental Planning Policy No 65–Design Quality of Residential Apartment Development

This policy aims to improve the design quality of residential apartment development in NSW. The proposal is supported by concept plan, Council's independent urban design review and draft site specific DCP. Future assessment could occur at the development phase against these guidelines.

## 4 Site-specific assessment

### 4.1 Environmental

Given the location of the planning proposal, it is not expected that it will have an impact on any critical habitat or threatened species, populations, or ecological communities. Council advises that the benefits of locating high-density residential development near public transport would facilitate fewer cars on roads and a lower environmental footprint.

Environmental impacts will however become relevant at the time of future redevelopment of the site and will include (but are not limited to) construction noise, air and water quality impacts and associated traffic impact, flooding impacts, overshadowing impacts, stormwater and waste management.

All these matters can be effectively managed under a detailed assessment at DA phase.

### 4.2 Socio Economic Impact

The planning proposal seeks to facilitate approximately 542 additional dwellings and 12,750m<sup>2</sup> of floor space for 702 additional jobs across the site. It is noted that the proponent's original planning proposal (maximum building height of 66m) sought to facilitate approximately 582 additional dwellings. The planning proposal would significantly increase housing stock in the area.

The proponent's concept plan of the proposed development (**Attachment D3**) illustrates the inclusion of a church, a hotel/tavern, a medical centre, and additional retail and commercial floor space. The proposal would also provide several additional public benefits such as a new pedestrian overbridge to Cabramatta Station, a new public market square, activated street frontages, local intersection upgrades and additional landscaping.

Council notes that the planning proposal would enable the redevelopment of the site, which would reinvigorate the eastern portion of Cabramatta Town Centre and enable people to reside, work and recreate in an area that benefits from good urban infrastructure and transport accessibility.

### 4.3 Proposed height of building

Gateway determination was granted for the original planning proposal on 18 July 2019 with the condition that Council revise the planning proposal to a maximum building height of up to 66m (19 storeys).

Council resolved to request a Gateway Determination Review of this decision on 6 August 2019: The Independent Planning Commission (IPC) recommended on 22 May 2020 the planning proposal proceed with the maximum building height of 66m (**Attachment H**). The IPC found no strategic or site-specific merit to justify a reduction in the maximum building height.

At the 19 October 2021 Council meeting, Council resolved to reduce the proponent's proposed building height for the site again from a range of heights, with a maximum height of 66m (19 storeys) to a blanket maximum height of 48m (15 storeys).

A comparison of the two proposed maximum building heights is provided in Table 6 (below) and Figures 11-12 (below).

**Table 6: Comparison of proposed building heights**

Building height	Stage A	Stage B	Stage C	Stage D
<b>Council-endorsed height (Figure 11)</b>	48m	48m	48m	48m
<b>Proponent's proposed heights (Figure 12)</b>	59m	66m	57m	48m
<b>Height difference</b>	11m	18m	9m	0m

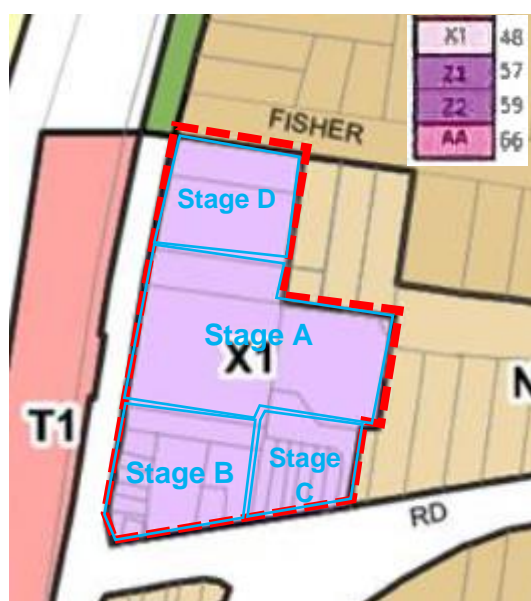


Figure 11: Current endorsed height of buildings map

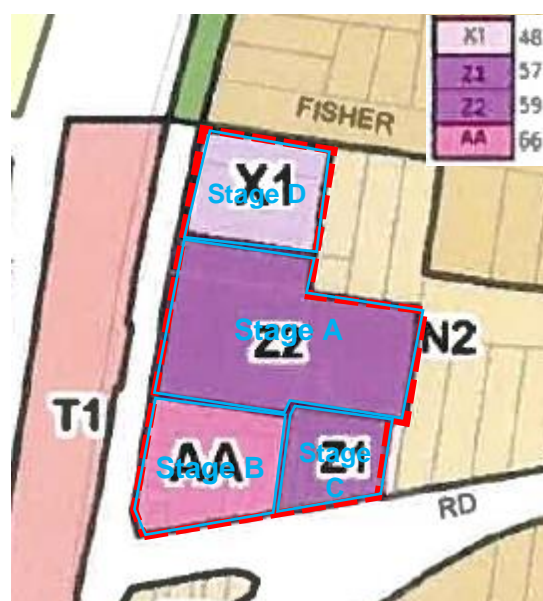


Figure 12: Proponents height of buildings map

As shown in Table 6 (above), there is a height difference for three of the proposed buildings (i.e. Stages A, B & C). For Stages A and C, the height difference is related to the double ceiling height for the two commercial floors (i.e. approx. 5.5m and 4.5m per floor respectively). Whilst, the height difference for Stage B is attributed to the additional five residential floors.

The height of buildings for the planning proposal has been a matter of contention. The respective decisions and advice on the matter are summarised in table 6 below.

**Table 6: Comparison of recommendations**

Body	Date	Supported height	Summary
Independently appointed Urban Designers <b>(Attachment I1)</b>	28 March 2018	Up to 72m	TPG Town Planning and Urban Design reviewed a maximum height of 72m for the northern portion of the site and 45m for the southern portion. It assessed and earlier layout but did not object specifically to the maximum building height of up to 72m. It recommended reconsideration of building height and distribution of massing to ensure that the proposal does not unfairly impact on the solar access and development potential of nearby land parcels. As the study was for a different building layout, albeit at the same height, the Department deem it to be neutral on the matter.
Fairfield Local Planning Panel <b>(Attachment G)</b>	30 August 2018	Up to 66m	The panel recommended to Council that the planning proposal as detailed in the Council officer's assessment report (maximum building height of 66m) be supported.
The Department <b>(Attachment D3)</b>	18 July 2019	Up to 66m	In the previous gateway determination, the Department concluded that a height of 66m is justified because it will support a better built form coupled with the proposed FSR, and has strategic merit, aligning with the adopted Fairfield Town Centre Urban Design Study, LSPS and strategic Plan.
Visual Impact assessment <b>(Attachment I2)</b>	16 December 2019	Up to 19 storeys	The study concludes that there is no doubt that the proposed development will present a visual change to the area, even allowing for future adjacent rezonings. It suggests mitigating strategies include architectural detailing, awnings, articulation and landscaping that will present a high-quality outcome. It is neutral on the comparative height of the development.
The Independent Planning Commission <b>(Attachment H)</b>	22 May 2020	Up to 66m	The IPC recommended the planning proposal proceed with the original maximum building height (66m), agreeing with the Department's determination that any height difference will be imperceptible from street level and that it will create a landmark destination that is consistent with the strategic vision of Cabramatta. No strategic or site-specific merit was found to justify a reduction in the maximum building height.
Fairfield City Council officers <b>(Attachment E2)</b>	12 October 2021 (and 25 September 2018)	Up to 66m	It was recommended to the elected Council that they endorse the planning proposal at a maximum building height of 66m. They concluded that this scenario had site-specific and strategic merit.

Body	Date	Supported height	Summary
Council (Councillors) <b>(Attachment E1)</b>	19 October 2021 (and 25 September 2018)	Blanket 15 storeys (48m)	Council endorsed the re-submitted planning proposal but with a reduced height of 15 storeys as per Council's previous resolution on this matter.

A maximum building height of up to 66m is recommended in this Gateway determination for the following reasons:

1. there is a history of decisions supporting a 66m development scenario showing strategic merit for densification, achieving housing targets and supporting transit orientated development with a landmark destination building in a key 'Town Centre';
2. the eastern portion of Cabramatta Town Centre is not constrained by traffic issues, like the western side of the town centre, making this an ideal location to achieve strategically aligned densification;
3. supporting studies to the planning proposal including traffic and visual impact studies are based on a 66m scenario;
4. there is no justification, or studies, provided by Council to support the blanket 48m maximum building height scenario;
5. blanket building height of 48m and the proposed FSRs of 2.5:1 to 3.85:1, 4:1, 6.1:1 and 6.45:1 for the site are not considered to be compatible. The built form outcome of the proposed development based on these development standards would result in an entirely different building compared to the version assessed by Council officers, the Fairfield Local Planning Panel, and the independently appointed urban designers;
6. it is in accordance with the Bankstown Airport (Sydney Metro Airports) Obstacle Surface Limitation (OLS). The OLS in this area is set at around 90-100 metres AHD. The proposal achieves 84m AHD;
7. the Department considers the visual impact of an additional four storeys (i.e. 19 storeys compared to 15 storeys) on the corner of Cabramatta Road East and Bloomfield Street would be minor from the street level and the surrounding public domain, see excerpts from the concept plans (**attachment K**) in Figure 13-14 below;
8. original proposed building height would significantly increase the overshadowing on adjoining properties, but these would be limited to few hours due to the slender design of the built form, see excerpts from the shadow diagrams (**attachment K**) in Figure 15 below;
9. it was advised by Council that the height change would compromise the negotiations between Council and the proponent in regard to securing the consolidation of the site for redevelopment and the viability of delivering the local voluntary planning agreement (VPA) outcomes, such as the pedestrian overbridge to the station concourse; and
10. on 20 Mar 2021, the Department determined that the planning proposal 'Do Not Proceed' but encouraged Council to resubmit the proposal for a fresh gateway determination once unresolved issues relating to local infrastructure and traffic were resolved, and that any subsequent request to review matters already considered by the IPC would not be supported by the Department.



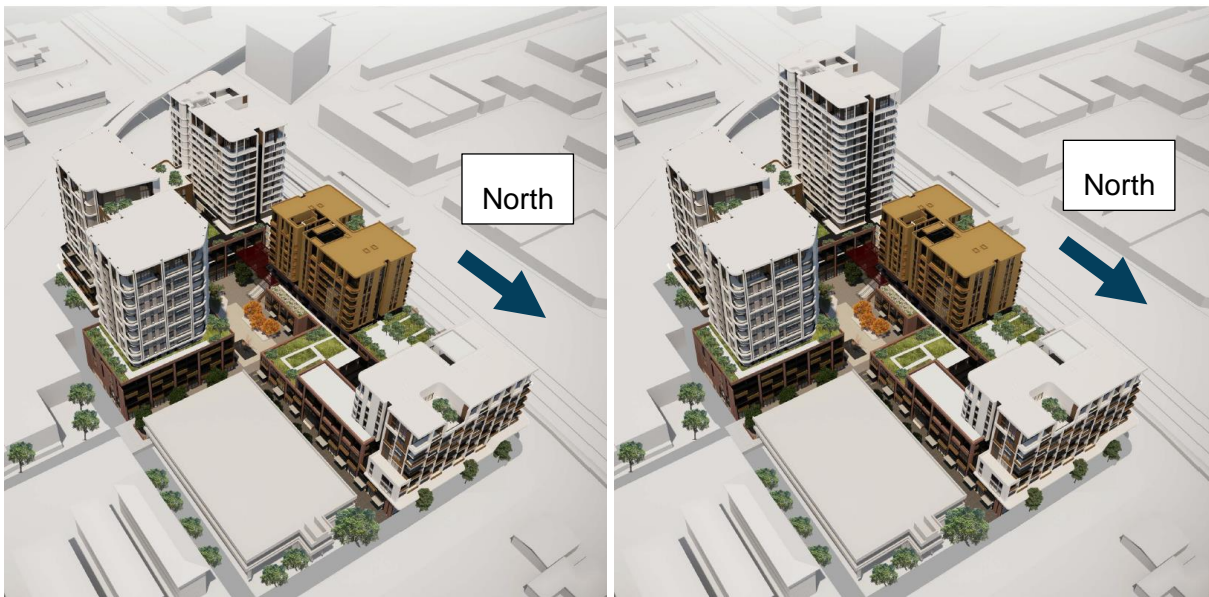


Figure 13: Comparing concept plan - Council-endorsed heights (left) to proponent's proposed heights (right).



Figure 14: Comparing Stage B from Southwest - Council-endorsed heights (left) to proponent's proposed heights (right).

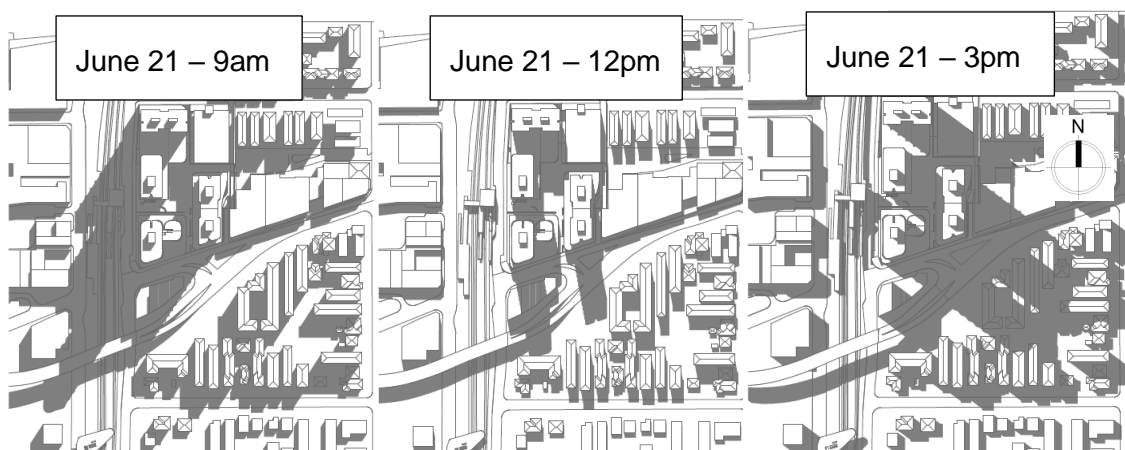


Figure 15: Shadow diagrams of the proponent's proposed development.



Taking these matters into consideration, the Department recommends that Council amends the proposed maximum building height to be consistent with the heights originally proposed by the proponent, i.e. a maximum building height of 48m, 57m, 59m, and 66m.

However, the Department note the neutrality of supporting design studies. Necessary mitigations need to occur at development stage and in accordance with the draft DCP (**Attachment F**). The draft DCP states that development is to occur so 'dwellings within the development and in proximity to the Precinct are capable of achieving the required solar access as prescribed in the Apartment Design Guide' (Section 2.5 – Precinct 4A – part B).

## 4.4 Traffic

The proponent's traffic and transport assessment (**Attachment J**) concludes that the road network can accommodate the additional trip generation arising from the planning proposal and broader uplift without being significantly impacted. The assessment recommends several relatively minor intersection upgrades to accommodate the traffic generated from the planning proposal site and other up-zonings in the area. Council's traffic engineers also advise significant impacts on the intersections of the slip lane/Cabramatta Road East and the adjacent road networks/intersections.

In response, a secondary access point via Fisher Street has been proposed (see Figure 16 below).

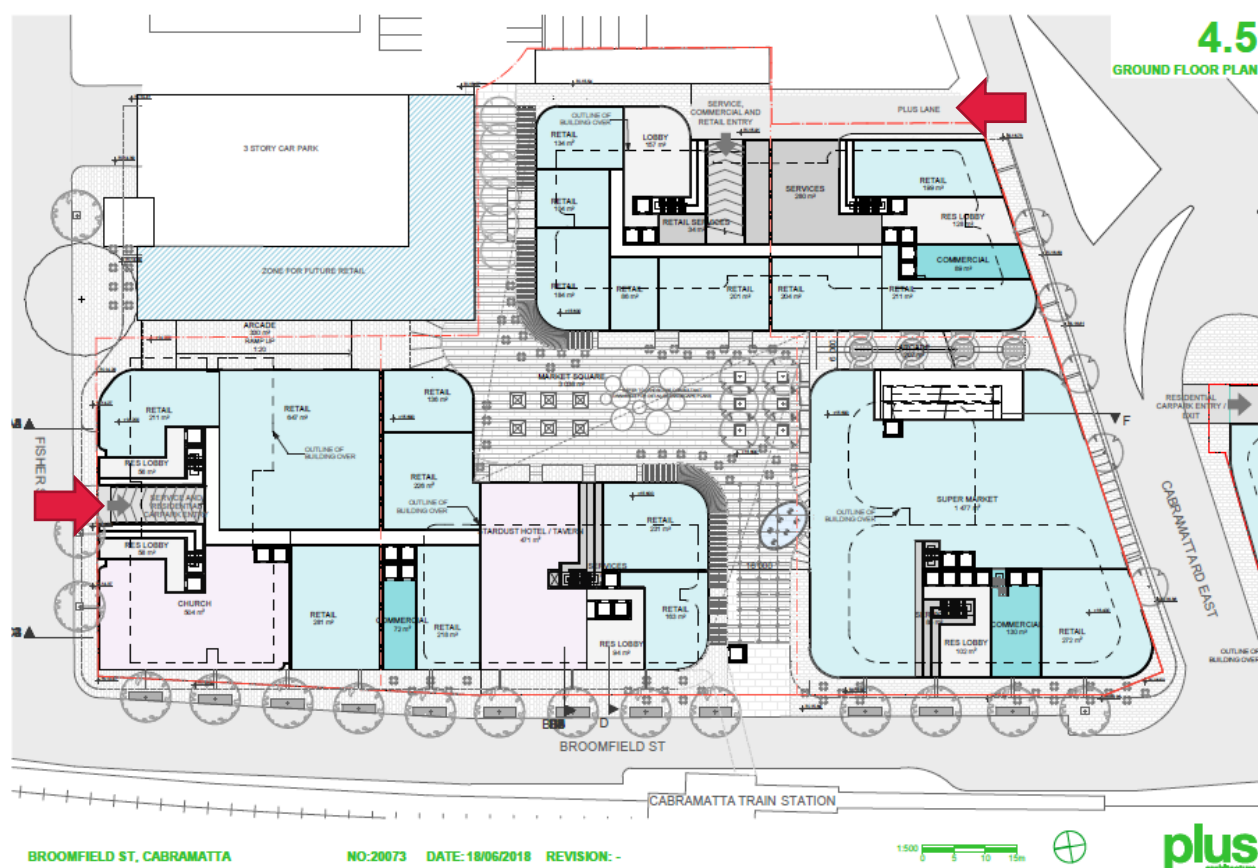


Figure 16: Proposed entry/exit for development parking.

Discussions continue with TfNSW regarding access, parking and SIDRA modelling, but TfNSW has advised that they do not object to the proposal progressing to Gateway determination and that they will continue to work with council to resolve issues. Council's traffic engineers also recommend additional traffic modelling and a road safety audit be prepared at the development application stage (**Attachment E3**).

## 5 Consultation

### 5.1 Community

The Department recommends a community consultation period of minimum 28 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

### 5.2 Agencies

The proponent undertook preliminary consultation with Bankstown Airport and Airservices Australia. And no objection to the proposal was raised.

The proponent also undertook preliminary consultation with TfNSW and Sydney Trains. It is expected for these conversations to continue in order to address ongoing traffic and VPA considerations.

The Department recommends that the following additional agencies to be consulted on the planning proposal and given 21 days to comment:

- Environment, Energy and Science (flooding);
- Transport for NSW
- Sydney Water;
- Telstra;
- Jemena Gas; and
- Endeavour Energy.

## 6 Timeframe

Council proposes approximately 6 months' timeframe to complete the LEP, between November 2021 and June 2022.

The Department recommends a time frame of 12 months to ensure it is completed in line with the Department's commitment to reduce processing times. Whilst a 6-month deadline as proposed by Council is sufficient in most regards, the ongoing discussions regarding a VPA for the footbridge may require contingencies. For this reason, 12 months is recommended.

The Department also recommend the community consultation should occur as soon as possible or no later than February 2022 as Council suggests.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal. Given that the planning proposal affects Council-owned land (i.e. a public laneway) and the issue relating to the proposed building height for the site, Council should not be authorised as the local plan-making authority.

## 8 Assessment summary

The proposal has strategic and site-specific merit. It will provide approx. 702 additional jobs and approx. 542 additional dwellings with access to existing infrastructure and services, and adjacent to the Cabramatta Railway Station.

The Department recommends that the planning proposal proceeds with conditions including the application of a maximum building height of 48m, 57m, 59m, and 66m to the site, given that it would facilitate the revitalisation of the eastern portion of Cabramatta Town Centre in a suitable manner.

The proposed maximum building height of up to 66m would not impact the current operation of Bankstown Airport and supporting studies submitted with the planning proposal, such as the Visual impact assessment, Draft DCP, Urban Design Report and Transport and Traffic Report are all in response to a 66m scenario. A blanket 48m maximum building height would result in a built form outcome that is entirely different to the version assessed by Council officers, the Fairfield Local Planning Panel, and the independently appointed urban designers.

On 20 Mar 2021, the Department determined that any subsequent request to review matters already considered by the IPC would not be supported by the Department. The appropriate height of buildings for the development has been reviewed previously by the Department and the IPC and the conclusion consistently supports a 66m scenario, no contextual change that would warrant review of these decisions has been presented since.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor or justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal as follows:
  - a) apply a maximum building height of 48m, 57m, 59m, and 66m across the site.
  - b) To include a table, within the planning proposal, that clearly demonstrates:
    - a. The description of the relevant land(s) that is the subject of the local provision,
    - b. The proposed or amended local provision,
    - c. The intent of the local provision,
    - d. Indicative zoning under the employment zones reform,
    - e. Whether the local provision will still be required under the incoming employment zones.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
  - Environment, Energy and Science (flooding);
  - Transport for NSW;
  - Sydney Water;

- Telstra;
  - Jemena Gas; and
  - Endeavour Energy.
4. The proposal should be exhibited no later than February 2022.
  5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.



15/11/2021

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15/11/2021

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## Attachments

Attachment	Title
Report	Gateway determination report
A	Planning proposal
B	Gateway determination
C	Letter to Council
D1	Previous Gateway determination
D2	Previous Do Not Proceed letter
D3	Previous Gateway determination report
E1	Council Report and resolution 12 October 2021
E2	Council Report and resolution 19 October 2021
E3	Council report and resolution 25 September 2018
F	Draft site specific DCP
G	Fairfield local planning panel report
H	Independent Planning Commission report
I1	Independent urban design review
I2	Visual Impact Study
J	Traffic and Transport Assessment
K	Concept plans and shadow diagrams