



IRF 25/2706

Gateway determination report – PP-2024-1431

Fairfield LEP 2013 Amendment No. 43 – Smithfield
RSL Planning Proposal – 88 to 102 Smithfield Road,
Smithfield

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A1 – Planning Proposal- Smithfield RSL – V2 – PP-2024-1431
Attachment A2 – Proposed Map Amendments – PP-2024-1431
Attachment A3 – Planning Proposal Request – 21 June 2024 PP-2024-1431
Attachment D1 – Council Draft Minutes – 18 November 2025 – Smithfield RSL Planning Proposal – PP-2024-1431
Attachment D2 – Report to Council – 18 November 2025
Attachment E – Statement of Heritage Impact 170823
Attachment F1 – Flood Impact Modelling 1
Attachment F2 – Flood Impact Modelling 2
Attachment F3 – Flood Emergency Response
Attachment F4 – Rev C Hydraulic Engineering Assessment Report
Attachment G1 – Detailed Geotechnical Site Investigation
Attachment G2 – Remedial Action Plan
Attachment G3 – Preliminary Environmental Assessment Report
Attachment H – Utility Servicing Report
Attachment I1 – Sustainability Report
Attachment I2 – Preliminary Arboricultural Assessment Report
Attachment K1 – Urban Design Study
Attachment K2 – Urban Design Study – Reference Design Scheme
Attachment L1 – Social and Economic Impact Assessment
Attachment L2 – Norling Peer Review
Attachment M1 – LA-01-Cover Sheet
Attachment M2 - LA-02-Site Plan - Consolidated Ground Floor
Attachment M3 - LA-03-Landscape Plan- Civic Square
Attachment M4 - LA-03-Plan- Civic Square & North Landscape
Attachment M5 - LA-04-Landscape Plan - Local Park

Attachment M6 - LA-04-Plan - Local Park

Attachment M7 - LA-05-Landscape Plan - Central Courtyard

Attachment M8 - LA-05-Plan- RSL Courtyard & Justin Street link

Attachment M9 - LA-06-Landscape Plan - Forest Walk

Attachment M10 - LA-06-Plan - Through site Link

Attachment M11 - LA-07-Landscape Plan

Attachment M12 - LA-07-Plan

Attachment M13 - LA-08-Landscape Plan - Level 4 Roof Garden

Attachment M14 - LA-08-Plan - Park South

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Fairfield																																																		
PPA	Fairfield City Council																																																		
NAME	Fairfield LEP 2013 Amendment No.43 – Smithfield RSL Planning Proposal– 88-102 Smithfield Road, Smithfield 2164																																																		
NUMBER	PP-2024-1431																																																		
LEP TO BE AMENDED	Fairfield Local Environmental Plan 2013																																																		
ADDRESS	88-102 Smithfield Road, Smithfield 2164 and other properties (refer to following)																																																		
DESCRIPTION	The existing Smithfield RSL and surface car park site is described as Lot 1 DP1254549. The 21 items below (including the above) are the subject of the planning proposal, (refer to Figure 2 (Page 7) of the Planning Proposal [Attachment A]) <table><tr><th>Item</th><th>Lot</th><th>DP</th><th>Address</th></tr><tr><td>1</td><td>1</td><td>1254549</td><td>88-102 Smithfield Road, Smithfield</td></tr><tr><td>2</td><td>20</td><td>575281</td><td>31 Neville Street, Smithfield</td></tr><tr><td>3</td><td>21</td><td>598459</td><td>33 Neville Street, Smithfield</td></tr><tr><td>4</td><td>22</td><td>605517</td><td>35A Neville Street, Smithfield</td></tr><tr><td>5</td><td>21</td><td>605517</td><td>35 Neville Street, Smithfield</td></tr><tr><td>6</td><td>4</td><td>582485</td><td>37A Neville Street, Smithfield</td></tr><tr><td>7</td><td>1</td><td>582485</td><td>37 Neville Street, Smithfield</td></tr><tr><td>8</td><td>4</td><td>26819</td><td>39 Neville Street, Smithfield</td></tr><tr><td>9</td><td>3</td><td>26819</td><td>41 Neville Street, Smithfield</td></tr><tr><td>10</td><td>2</td><td>815265</td><td>43 Neville Street, Smithfield</td></tr><tr><td>11</td><td>1</td><td>815265</td><td>45 Neville Street, Smithfield</td></tr></table>			Item	Lot	DP	Address	1	1	1254549	88-102 Smithfield Road, Smithfield	2	20	575281	31 Neville Street, Smithfield	3	21	598459	33 Neville Street, Smithfield	4	22	605517	35A Neville Street, Smithfield	5	21	605517	35 Neville Street, Smithfield	6	4	582485	37A Neville Street, Smithfield	7	1	582485	37 Neville Street, Smithfield	8	4	26819	39 Neville Street, Smithfield	9	3	26819	41 Neville Street, Smithfield	10	2	815265	43 Neville Street, Smithfield	11	1	815265	45 Neville Street, Smithfield
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	Item	Lot	DP	Address
	12	2	882031	13 O'Connell Street, Smithfield
	13	1	882031	11 O'Connell Street, Smithfield
	14	5	26819	7 O'Connell Street, Smithfield
	15	6	26819	5 O'Connell Street, Smithfield
	16	4	1059050	154 Brenan Street, Smithfield
	17	1	567165	152 Brenan Street, Smithfield
	18	2	567165	152A Brenan Street, Smithfield
	19	4	567165	150 Brenan Street, Smithfield
	20	3	567165	150A Brenan Street, Smithfield
	21	7	1037645	148 Brenan Street, Smithfield
RECEIVED	24/11/2025			
FILE NO.	IRF25/2706			
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			

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The purpose of the proposal is to facilitate redevelopment of the subject land, 88-102 Smithfield Road, Smithfield, by amendment of Fairfield Local Environmental Plan 2013. A detailed site masterplan has been prepared (Figures 1 and 2), which aims to deliver:

- 436 residential dwellings on the proposed R4 zoned land within buildings ranging in height from 4 to 14 storeys;
- a ten storey, 168 room hotel on the land zoned R2 Private Recreation;
- a five storey carpark;
- a medical centre and neighbourhood shop, which are permissible land uses, with consent, in the R4 Zone;
- a north-south pedestrian through site link;
- an onsite storm water management regime; and
- an internal access road, with an area of 2,246m².

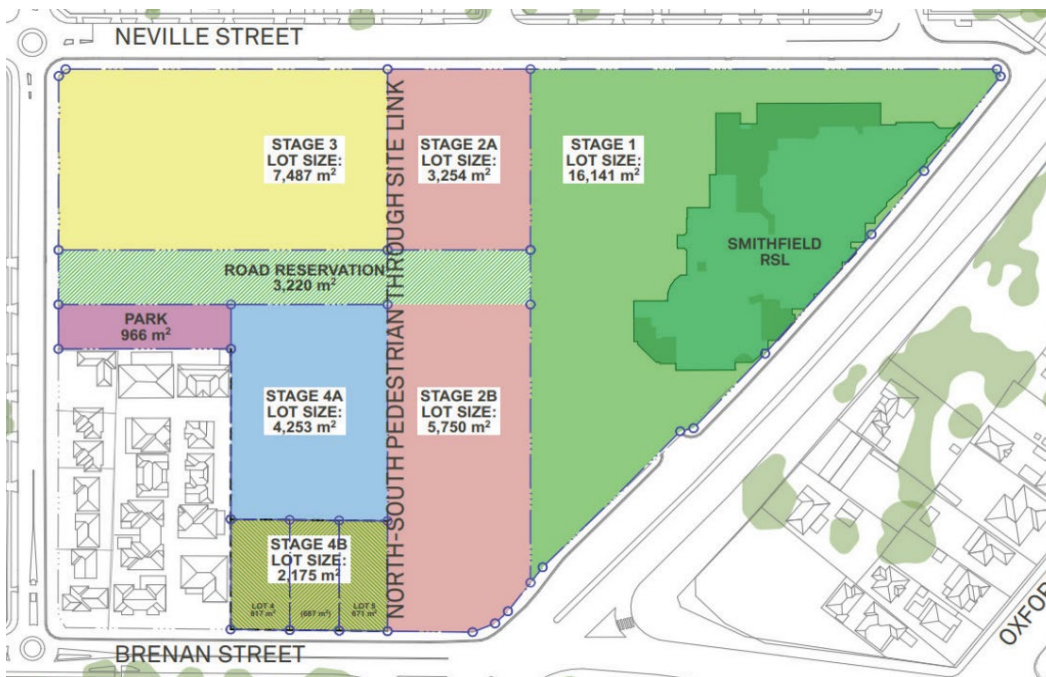


Figure 1 Masterplan – Proposed Site Staging Plan (source: Attachment A Planning Proposal)

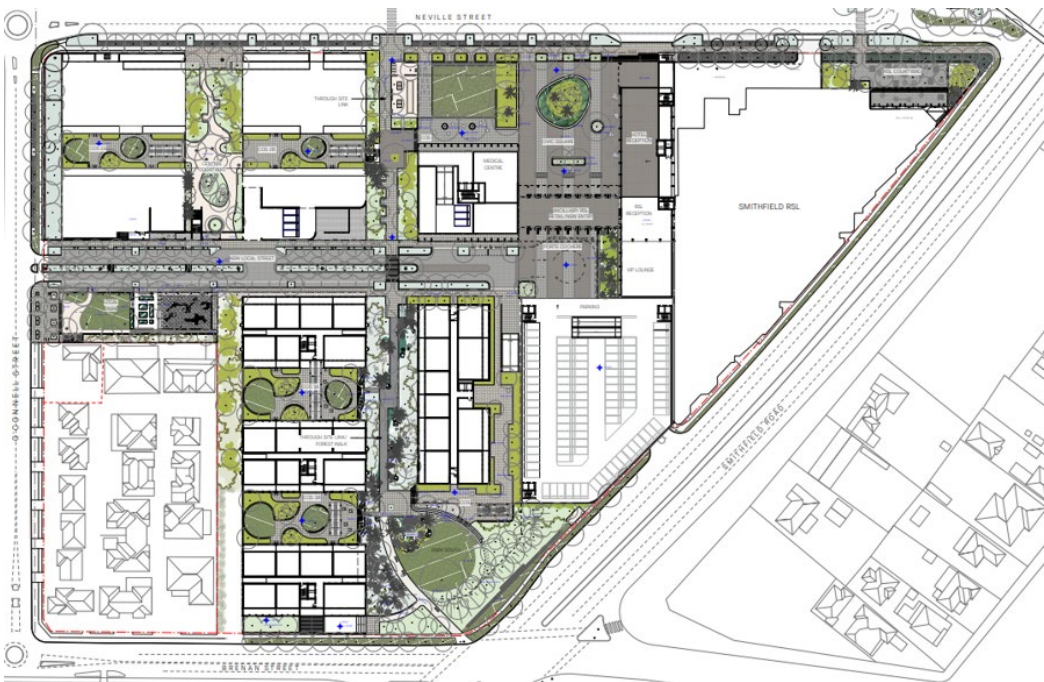


Figure 2 Proposed Concept and Landscape Plan (Source Attachment A Planning Proposal)

The proponent has indicated willingness to enter into a voluntary planning agreement (VPA) to deliver traffic and pedestrian improvements.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Fairfield LEP 2013 as follows:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RE2 – Private Recreation Zone Comprises the existing RSL Club site and carpark.	Part RE2 Private Recreation (approximately 4,566m ² less than existing RE2 zone) Part R4 High Density Residential
	R3 Medium Density Residential (2.2 ha in area) Consists of 20 existing lots bounded by Neville, O'Connell and Brennan Streets.	R4 High Density Residential
Maximum height of building	RE2 Private Recreation: no maximum height of building R3 Medium Density Residential: nine metres	RE2 Private Recreation: unchanged R4 High Density Residential: Part 33 metres and part 51 metres.
Floor space ratio	RE2 Private Recreation: no FSR R3 Medium Density Residential: 0.45:1	RE2 Private Recreation: unchanged R4 High Density Residential: Part 2.0:1 and part 2.5:1.
Minimum lot size	NA	RE2 Private Recreation: unchanged R4 High Residential: 2,000 m ²
Number of dwellings	10	436 dwellings N.B. a 168 room hotel is proposed
Additional permitted uses/ local provisions	NA	'Transitional car park' is proposed in the R4 High Density Residential zoned land. This car parking arrangement will allow for parking until a new multi-deck car park and other surface car parking is constructed in the RE2 zone. This clause applies to land identified as '32' on the Key Sites Map. The Department notes 'transitional car park' is not a defined term in the Standard LEP therefore it may be more suitable as a local provision rather than APU. This will be worked through with Parliamentary Counsel at the LEP drafting stage.
	NA	Hotel and motel accommodation on RE2 Private Recreation zoned land. This clause applies to land identified as '33' on the Key Sites Map. It is noted that planning controls related to height and floor space ratio to guide development are not proposed for this APU. A Gateway condition recommends Council consider including controls in the site specific DCP.

Control	Current	Proposed
Design Excellence	NA	Apply clause 6.12 <i>Design excellence</i> of the Fairfield LEP for development within the RE2 Private Recreation Zone.

The proponent has acknowledged the need for a draft Site Specific Development Control Plan (SSDCP) for review and endorsement by Council. Council has indicated that the timing for the preparation of the DCP is to coincide with public exhibition of the planning proposal (refer to **Attachment D2**).

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is largely in the ownership of Smithfield RSL, with one allotment - described as 152 Brenan Street (Lot 1 DP 567165), being in other ownership. The subject land comprises of 21 individual allotments with a combined total area of 43,158m² (4.3 hectares) (refer to **Figures 3 and 4**), with a gradual incline towards the west. The sites contain the following existing development:

- The existing RSL buildings and carpark occupy the eastern portion of the site. The RSL building is a two and three-storey structure fronting Smithfield Road (Cumberland Highway).
- 4 x lots fully bitumen surfaced
- 4 x lots vacant land
- 1 lot with a club maintenance shed and outbuilding.
- 10 dwellings over 8 lots
- 3 x partially bitumen surfaced lots partially vacant land

The subject land is bound by Neville Street to the north, Cumberland Highway to the east, Brenan Street to the south and O'Connell Street to the west (**Figure 3**).



Figure 3 Overview of subject site in red (source: Attachment E Final Statement of Heritage Impact)



Figure 4 Map of the 21 properties, which are the subject of the planning proposal (source: Attachment A Planning Proposal)

Relevant locations, services and land uses in the surrounding area include:

- **Smithfield Town Centre:** According to the planning proposal, the site is located approximately 230 metres to the south of the existing Smithfield Town Centre (E1 Local Centre), with shops and services located nearby, north east of the site (**Figure 1**).
- **Bus Service:** Along Cumberland Highway (**Figures 1, 2 and 3**).
- **Open Space:** Brennan Park sporting fields to the south (**Figure 1**). Other open space includes Thorley Park, which provides playground equipment and is accessible from the site via a pedestrian bridge over Cumberland Highway.
- **Primary Schools and Out of School Care:** St Gertrude's Catholic Primary School 100m to the north and Smithfield Public School 120 metres distant in O'Connell Street (**Figure 1**).
- **Wetherill Park:** Wetherill Park shopping centre is about 3.5 km, west of the site. Smithfield-Wetherill Park Industrial area, which is the largest in the southern hemisphere, lies about 3km by road to the north-west of the site.
- **Housing:** Established residential housing surrounds the site to the north and west, including multi-dwelling housing.
- **Western Sydney Airport:** is located about 13 km west of the site by road.



Figure 5 Context of subject site including Smithfield Road and surrounds (source: Attachment A Planning Proposal)

The proposed site is not listed as a heritage item, however there are 4 local heritage items in the vicinity of the subject site:

- St Gertrude's Catholic Church – Victorian Gothic style church at 1-11 Justin St, Smithfield (being the closest heritage item, north-east of the site);
- St James' Anglican Church – Mid-Victorian, Gothic style church at 704 The Horsley Drive, Smithfield;
- Uniting Church Cemetery at 711 The Horsley Drive, Smithfield;
- Federation House at 716 The Horsley Drive, Smithfield.

1.5 Mapping

The planning proposal includes mapping amendments to Land Zoning, Height of Building, Floor Space Ratio, Minimum Lot Size and Key Sites Map Sheets (**Table 4**).

Table 4 Proposed mapping amendments

Map title	Map tile number to be amended
Land Zoning	Land zoning maps for Fairfield LGA are now digitised
Height of Building	Sheet HOB_021
Floor Space Ratio	Sheet FSR_021
Lot Size	Sheet LSZ_021
Key Sites Map	Sheet KYS_021 – Identify Key Sites 32 'Transitional Car Park' and 33 'Hotel or Motel Accommodation'.

Figures 6 to 10 show current and proposed maps extracted from **Attachment A2 – Proposed Map Amendments** (PP-2024-1431).

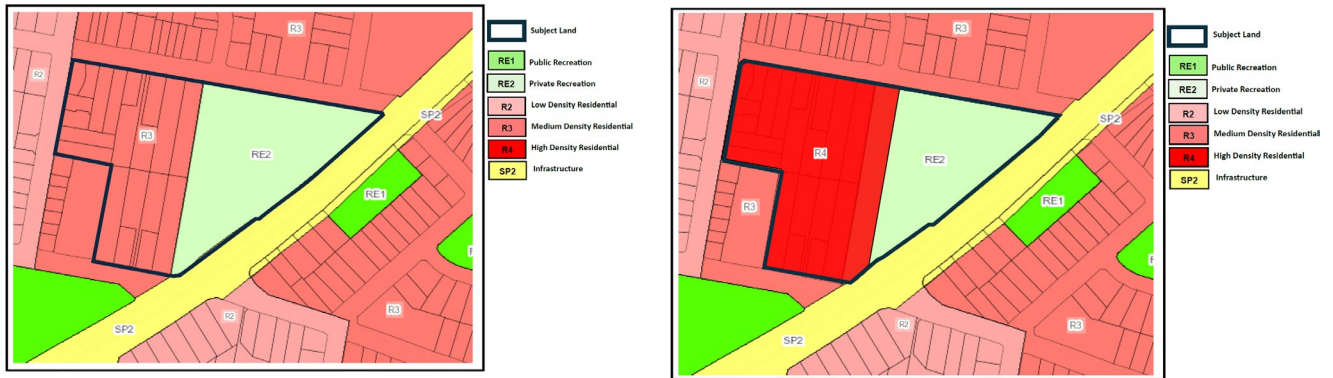


Figure 6 Current (left) and Proposed (right) Land Zoning Maps (Source: Attachment A2)



Figure 7 Current (left) and Proposed (right) Lot Size Maps (Source: Attachment A2)



Figure 8 Current (left) and Proposed (right) Floor Space Ratio Maps (Source: Attachment A2)

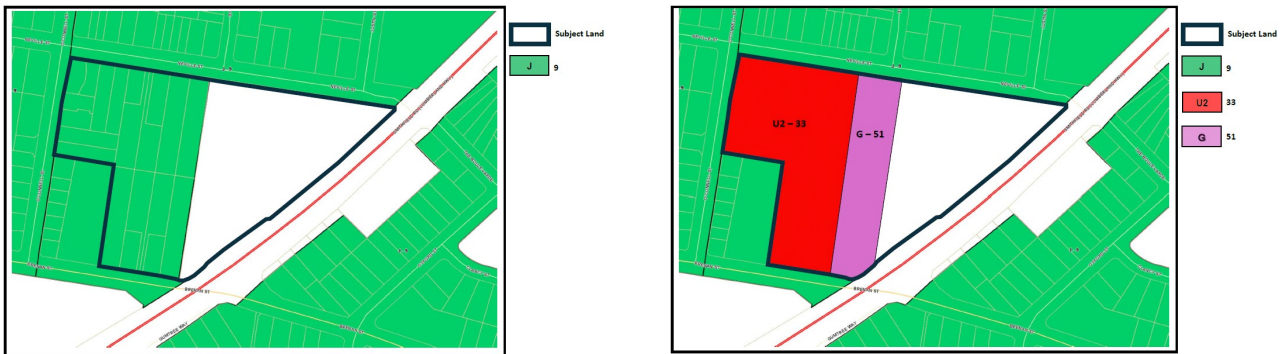


Figure 9 Current (left) and Proposed (right) Height of Buildings Maps (Source: Attachment A2)

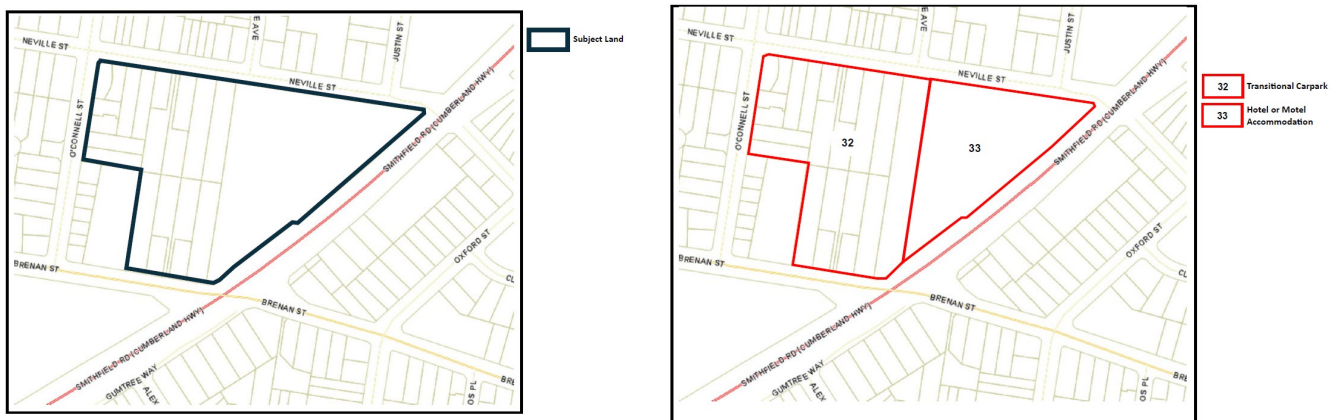


Figure 10 Current (left) and Proposed (right) Key Sites Maps (Source: Attachment A2)

The maps are suitable for community consultation.

1.6 Background

The current planning proposal is a third revision. Two previous draft proposals were initiated by the proponent in 2023 and 2024.

DPHI notes that many of the technical studies respond to previous iterations of the planning proposal. Although key technical studies such as the Transport Impact Assessment (**Attachment J**), and the landscape concept plans (**Attachment M1 to M14**) respond to the latest proposal, a Gateway condition is recommended to require amendment of technical studies prior to exhibition, to reflect the current planning proposal where Council considers necessary.

2 Need for the planning proposal

The planning proposal is not the result of an endorsed Local Strategic Planning Statement (LSPS) but Council's planning proposal states that the proposal is consistent with Council's key relevant strategic document, the Fairfield Local Strategic Planning Statement (LSPS) 2040 and Council's Urban Design Study (Attachment K1)

The proposal has been initiated by Smithfield RSL, is supported by Fairfield City Council and the Fairfield Local Planning Panel, and is intended to facilitate redevelopment of the site.

The proposal is supported by a Masterplan and Urban Design study (**Attachments K1 and K2**) and a number of technical studies that have been included as attachments to this report (**Attachments D to M**). The proposal seeks to facilitate motel/hotel accommodation, supporting studies deemed there is a shortage of accommodation to serve the new Western Sydney Airport, which is accessible from the site via the Cumberland Highway.

Council also contends that the proposal is consistent with its intention to increase residential density in and around town centres with access to local community infrastructure and services. Council recognises the potential for this proposal to assist in reaching dwelling and jobs targets.

A planning proposal is the appropriate means for achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The *Greater Sydney Region Plan – A Metropolis of Three Cities* was published by the Greater Sydney Commission in March 2018.

The Regional Plan contains themes concerned with Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The planning proposal identifies relevance to three themes and 15 objectives. The following table provides an assessment of the planning proposal against key aspects of the Greater Sydney Region Plan (Regional Plan).

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification by Council in planning proposal	DPHI assessment
Theme 3: Infrastructure and Collaboration	4: Infrastructure use is optimised.	The planning proposal is not inconsistent with Objective 4. The site is located on the Cumberland Highway with access to bus services and other amenities. Located less than 400m from the Smithfield Town Centre, future residents will be able to take advantage of services offered by the centre.
Theme 4: Liveability	10. Greater housing supply 11. Housing is more diverse and affordable 12. Greater places that bring people together.	The planning proposal is consistent with Objective 10 And 11. The Social and Economic Impact Assessment (SEIA Attachment L1) refers to an undersupply of flats and apartments compared to Greater Sydney. The proposal is anticipated to facilitate diverse housing including 393 one and two bedroom residential dwellings providing affordable rental accommodation to 259 low and moderate income households, and affordable purchase accommodation to 134 moderate income households.' (Page 47 SEIA Attachment L1). The Department notes that the social and economic assessment (Attachment L1) indicates that it is not financially viable to introduce affordable housing provisions. While this is the case the proposal is silent on this issue and it is recommended that a condition of Gateway clarifies that this provision is not

Regional Plan Objectives	Justification by Council in planning proposal	DPHI assessment
		proposed within the planning proposal or supporting documents. In respect of objective 12, the proposal intends to facilitate the establishment of local open space as part of the RE2 zoned land and provide connectivity for the Smithfield Town Centre and Brennan Park to the south.

Generally, the planning proposal supports and is consistent with the Regional Plan.

3.2 Draft Sydney Plan

The draft Sydney Plan was released on 10 December 2025 and the exhibition period closed recently. Once adopted, the Sydney Plan is intended to supersede the existing *Greater Sydney Region Plan – A Metropolis of Three Cities*, as the guiding strategic document which sets out how the NSW Government will address growth in Sydney over the next 20 years.

The draft plan establishes 12 key responses, with associated actions, to achieve the overarching purpose of The Sydney Plan. The following responses are applicable to this proposal:

- Response 1: Implement Sydney housing targets;
- Response 2: Increase housing diversity and choice; and,
- Response 6: create a more vibrant Sydney;

Generally, the planning proposal supports and is consistent with the draft Sydney Plan.

3.3 District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its 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 outlined (following).

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*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification by Council in planning proposal	DPHI assessment
Liveability: Providing services and social infrastructure to meet people's changing needs	The proposal is conceived at its core with a vision to create a signature place in Smithfield that provides multi-stimuli to attract people of all cultures and ages.	The proposal has the potential to provide limited services and social interaction to meet the community's needs.

District Plan Priorities	Justification by Council in planning proposal	DPHI assessment
Liveability: Fostering healthy, creative, culturally rich and socially connected communities	The proposal provides for a civic space, public park and landscaped pedestrian links to encourage outdoor engagement and provides valuable connectivity for the Smithfield Town Centre and Brenan Park to the south.	The subject land is located within the walking catchment of the Smithfield Town Centre and local open space, providing connectivity between the sites.
Liveability: Provide housing supply, choice and affordability with access to jobs, services and public transport	The planning proposal is generally consistent with this priority and the proposed increase in housing supply will be a great benefit for the area. There are currently limited public transport services (buses) servicing the Smithfield Town Centre. However, as is detailed in the Council report, the precinct is located on the alignment for a potential metro rail service from Parramatta to the Western Sydney Airport. This site is located within close proximity to the Smithfield Employment Area and Smithfield Town Centre.	The supply of additional housing, and the provision of motel/hotel accommodation with associated employment opportunities, generally aligns with this priority. The Department is not aware of committed plans for a potential metro rail service as indicated by Council. A Gateway condition is recommended for Council to remove this statement.
Liveability: Creating and renewing great places and local centres and respecting the district's heritage	The planning proposal represents a catalyst for potential rejuvenation and renewal in close proximity to the Smithfield Town Centre. The proposal seeks to establish a significant new place to be called Chisolm Place as a nod to the former name of Smithfield, which was Chisolm's Bush. The proposal is anticipated to have minimal impact on nearby heritage buildings however will be further assessed at development application stage. As discussed further in this report, Council's Heritage Advisor has no concerns in relation to heritage matters relevant to the precinct subject to more detailed assessment being undertaken at future development application stage.	DPHI acknowledges the intention to develop the site to assist in the rejuvenation of the Smithfield Town Centre. The Department notes that: - the heritage assessment indicates there are no negative impacts subject to a detailed assessment being undertaken during development application stage, and - an Aboriginal heritage assessment has not been undertaken.
Productivity: Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	The proposal is considered to be a satellite leverage opportunity with Western Sydney Airport and Aerotropolis, although more likely to be a stronger complimentary fit with the Smithfield-Wetherill Park industrial area.	The proposal includes the intention to provide motel/hotel accommodation, which is not inconsistent with this priority.
Productivity: Growing investment, business opportunities and jobs in strategic centres	The proposal is expected to come at a future development cost in excess of \$300m delivering a community place, hotel, medical, public park and other infrastructure, as well as high density housing. Considerable jobs will also be generated during the construction phase of any future redevelopment.	DPHI acknowledges the creation of jobs through the provision of residential and hotel accommodation is in accordance with this priority.

3.4 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. The proposal states it is also consistent with the strategic direction and objectives. Assessment is in the table below:

Table 7 Local strategic planning assessment

Local Strategies	Justification by Council in planning proposal	DPHI assessment
The Fairfield Local Strategic Planning Statement (FLSPS) 2040	The FLSPS 2040 represents the key land use strategy providing strategic directions and outcomes. The subject site lies within the LSPS housing investigation area, under the draft Smithfield Urban Study (UDS), endorsed by the Outcomes Committee in July 2023 and indicating suitability for high density housing.	The planning proposal is consistent with the intent expressed in the Fairfield Local Strategic Planning Statement (FLSPS). The FLSPS identifies specific areas as Housing Investigation Areas, including the subject site for future housing.
Smithfield Draft Urban Design Study (UDS) 2000	The draft Smithfield UDS was completed in 2020. In relation to land associated with the Smithfield RSL planning proposal the UDS identifies the following opportunities. - Rezoning of land from R3 Medium Density to R4 High Density to facilitate apartment development ranging from 3 to 4 storeys. - Provision of hotel accommodation (up to 8 storeys) adjoining the RSL Club on land zoned RE2 Private Recreation. - North south pedestrian/cycle linkages over RSL land from Neville St to Brenan Park - Possible street and park for new housing as a community benefit. The draft Smithfield UDS also identified the need for streetscape improvements to Justin Street to enhance pedestrian amenity and better connectivity between the RSL site and existing Smithfield retail main street.	DPHI notes that Council has liaised with the applicant to bring the design of proposed development into alignment with the aims of the Smithfield Urban Study, including provision of hotel accommodation and residential housing, a pedestrian corridor to Smithfield Town Centre and open space. The planning proposal notes that the significance of this large site under predominantly single ownership presents an opportunity to achieve a greater density than was previously envisaged under the draft Urban Design Study and significantly contribute to housing supply and diversity within the City of Fairfield.

3.5 Fairfield Local planning panel (FLPP) recommendation

The Fairfield Local Planning Panel considered the planning proposal, peer review findings and Council officer advice on 22 October, 2024.

The FLPP formally resolved:

- The Fairfield Local Planning Panel advises Council that, while it considers that the Planning Proposal has Strategic Merit, the proposal has not been able to demonstrate sufficient Site-Specific Merit due to the unresolved planning and urban design issues identified above.*
- The Panel's advice is that the Planning Proposal is not forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination unless or until the Proponent is able to resolve the planning matters identified by the Panel. Once this has occurred, it is open to the proponent to resubmit the Proposal.*

The Panel provided a number of recommendations regarding the proposed zoning and site development outcomes.

This advice, principally related to concerns about urban design, built form, proposed zonings and stormwater management.

In December 2024, the draft proposal and recommendations from the FLPP were formally reported to Council. Due to a number of unresolved issues, Council resolved, as follows:

1. *Council inform[s] the Applicant, based on advice received from the Fairfield Local Planning Panel, internal staff and external peer reviews, that the Planning Proposal cannot be supported in its current form.*
2. *Council invite[s] the Applicant to make modifications to the Planning Proposal to address the issues raised in the report following which the Proposal can be reconsidered by Council.*

While it was generally agreed that the planning proposal would benefit the community, particularly in the provision of additional housing, the site planning; urban design outcomes; and ultimate public benefits, required additional consideration by the applicant and submission of a revised planning proposal.

A subsequent Council briefing held on 18 November 2025 presented modifications to the proposal to satisfy the planning matters identified by the Panel. These matters are addressed in Council's report (**Attachment D2**) which demonstrated the revised planning proposal has satisfactorily addressed the issues raised by the Panel.

3.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed, as follows (Table 8).

Table 8 – section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Region Plans. DPHI is of the view that the planning proposal is not inconsistent with the objectives and provisions of this direction.
1.4 Site Specific Provisions	Inconsistent - justified	The planning proposal does not impose additional development standards than the type applying under Fairfield LEP 2013. While this is the case, any technical inconsistency with the proposed temporary nature of the additional permitted use of a car park, which is prohibited in the R4 zone, is justified on the basis of minor significance.
4.1 Flooding	Unresolved	The site is located within the catchment of Prospect Creek (sub-catchment of Georges River Catchment), with the primary flooding being overland

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		land flow from upstream catchments to the west and north, and overland spill from Smithfield Road. A Flood Impact Assessment, including civil engineering drawings, flood impact modelling and Flood Emergency Response Plan have been submitted with the planning proposal (Attachments F1-F4). At this point in time, the planning proposal is inconsistent with the following Directions: • Direction 4.1(1) relating consistency with flooding policies and guidelines; • Direction 4.1(2) relating to the rezoning of land from RE2 Private Recreation to R4 High Density Residential; • Directions 4.1(3)(d) and 4.1(4)(c) relating to the increase in dwelling density on land within the flood planning area and PMF; • Direction 4.1(4)(a) relating to the proposed access road and works within a floodway; and • Directions 4.1(4)(d) and 4.1(4)(e) relating to safe evacuation of occupants. Gateway conditions are recommended to address these inconsistencies as further addressed in section 4.1.
4.4 Remediation of Contaminated Land	Consistent	A Geotechnical Detailed Site Investigation Report (DIR), Remedial Action Plan (RAP) and Environmental Assessment Report (EAR) have been provided with the planning proposal (Attachments: G1, G2 and G3). According to the DIR the site is contaminated with asbestos and will not be suitable for development until remediation measures have been completed, which is proposed to take place during demolition works. A RAP has been provided, detailing the proposed remediation methodology. The RAP includes requirement of a Validation Plan to ensure the RAP has been followed and the remediation goal has been achieved. Council has indicated that a report will be required before any future development approval is given.
5.1 Integrating Land Use and Transport	Consistent	DPHI concurs with Council that the proposal is generally consistent with this direction. The development is serviced by a bus stop in Brenan Street, adjacent to the development. Bus services operate between Fairfield Station, Prairiewood T way Station and Liverpool, providing access to Fairfield shopping centre and railway station, Stockland Wetherill Park and Liverpool shopping centre and railway station. Connecting bus services provide access to industrial areas to the north and west of Smithfield. Buses are generally available twice hourly through

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		the day. The bus interchange at Fairfield Railway Station and the T way Station at Prairiewood connect to a wide range of regional destinations. The proposal also seeks to facilitate improved pedestrian links. Council is seeking a VPA to deliver a pedestrian link with the Smithfield Town Centre in the north and Brennan Park in the south.
5.2 Reserving Land for Public Purposes	Not Applicable	The proposal does not create, alter or reduce existing zonings or reservations of land for public. The Department notes that communal open space is proposed as part of the proposed development.
6.1 Residential Zones	Consistent	The aims of this direction include encouraging diverse housing types; and making use of existing infrastructure. Given the nature of the proposal, it will broaden the choice of building types available in the housing market at this location, and make efficient use of existing infrastructure and services. While the proposal does not contain provisions which will reduce the permissible residential density of land, it is noted that a proposed multideck carpark on the R4 zoned land is intended to serve the hotel. In effect, this will reduce the theoretical maximum housing density of the land until such time as a car parking structure is constructed on the RE2 land. In accordance with the terms of the direction, clause 6.9 <i>Essential services</i> of the Fairfield LEP will apply to the proposal, so that residential development is not permitted until land is adequately serviced.

3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Relevance	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development Codes) 2008	Land Application	Consistent	This SEPP will be applicable at the development application stage.
SEPP (Housing) 2021	Land Application	Consistent	Provisions under the SEPP to incentivise future residential development will be relevant at development application stage.

SEPPs	Relevance	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Land Application	Consistent	The site has been identified by the Geotechnical Site Investigation Report (Attachment G1) as being contaminated and will require remediation before the site is suitable for development. A Remedial Action Plan has also been provided. Contaminants include asbestos. Council has indicated its intention to take appropriate action.
SEPP (Sustainable Buildings) 2022	Land Application	Consistent	This SEPP is applicable and the development will be required to demonstrate compliance as part of the assessment during the development application phase.
SEPP (Transport and Infrastructure) 2021	Land Application	Consistent	The aim of this SEPP includes facilitation of effective delivery of infrastructure. This SEPP applies to the site, which aims to intensify development on an existing site, making efficient use of existing infrastructure.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	DPHI is satisfied that no critical habitats will be negatively impacted as the result of this planning proposal. There are no threatened species or ecological communities identified on the subject site or in immediate proximity to the site.
Flooding	As identified in Section 3.6, the primary flooding mechanism for the site being overland flow from upstream catchments to the west and north, conveyed in a south-easterly direction through the site towards Smithfield Road. Flood waters on Smithfield Road also spill into the existing Smithfield RSL carpark at the southern corner of the site. The depth of flooding reaches

up to 0.50m in the 1% AEP event (**Figure 11**) and 1m in a PMF event (**Figure 12**). The site is identified as a mixture of 'Low Flood Risk' and 'Medium Flood Risk'.



Figure 11 – Pre-Development Peak Flood Depth and Level – 1% AEP Event

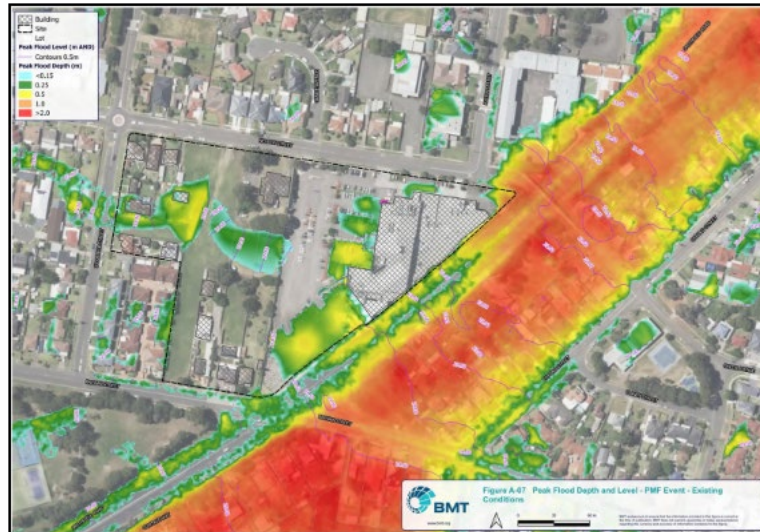


Figure 12 – Pre-Development Peak Flood Depth and Level – PMF Event

Post-development overland flows during the 1% AEP and PMF events are proposed to be controlled west-east along a central access road off O'Connell Street and then north-south in an engineered swale from the access road to Brennan Street (**Figure 13** and **Figure 14**). This flow path will act as a floodway. Depths and flood hazards for the access road and swale are shown in the **Table** below. A flood storage/conveyance tank is proposed on the southern side of the site to maintain flood levels along Smithfield Road.



Figure 13 – Post-Development Peak Flood Depth and Level – 1% AEP Event

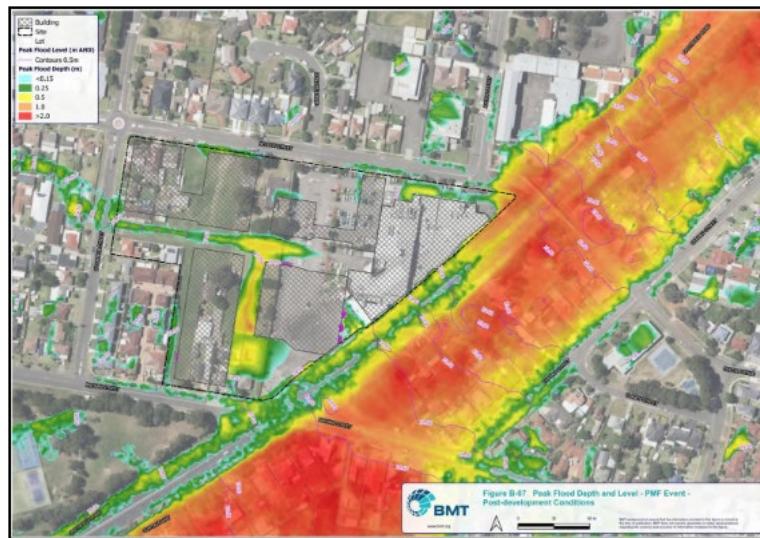


Figure 14 – Post-Development Peak Flood Depth and Level – PMF Event

	1% AEP Event		PMF Event	
	Depth	Hazard	Depth	Hazard
<i>Access Road</i>	0.28m	H1 – Generally safe for people, vehicle and buildings	0.7m	H5 - Unsafe for people and vehicles, with buildings being vulnerable to structural damage
<i>Swale</i>	0.41m	H2 - Unsafe for small vehicles but generally safe for people and buildings	1m	H5 - Unsafe for people and vehicles, with buildings being vulnerable to structural damage

During a PMF event, the time for flood waters to exceed a safe depth of 300m is about 6 minutes and the time for flood waters to peak across the site is approximately 10-13 minutes. The time for

Environmental Impact	Assessment
	a return to a safe depth is about 26-28 minutes and the time for flood waters to fully recede is about 60-90 minutes. Off-site impacts have been modelled in the Flood Impact Assessment that conclude that the development will result in minor increases in 1% AEP flood levels (10-20mm) and velocity (>0.1m/s) south of the site, but decrease flood levels and velocities to the east, north-east and north of the site, generally improving flood conditions across the floodplain. Council have assessed the flood information and have no objections at this stage subject to further consultation with the State Emergency Service during public exhibition. The Department has reviewed the Flood Impact Assessment, including Civil Engineering Drawings, Flood Impact Modelling Report and Flood Emergency Response Plan (Attachments: F1, F2, F3 and F4). The following concerns have been identified: • The proposed evacuation is impractical during a PMF event given: ○ The 6 minute timeframe for flood waters to exceed a safe depth; and ○ The main access road being a floodway inundated to a depth up to 0.7m; • Despite the short time for flood water to recede, proposed shelter-in-place is not a measure free from risk and further consideration of the Department's <i>Shelter in place guideline for flash flooding</i> is warranted; and • The planning proposal seeks to enable a medical centre, a land use sensitive to flooding, and may require specific strategies in consideration of Recommendation 28 of the 2022 NSW Flood Inquiry (medical centres are to be situated above the PMF level). This could be addressed by including guidance within a DCP that in assessing any future development proposal for a medical centre within the R4 zoned land, external entry and exit points for the centre are to be located above the PMF event. It is recommended that a determination condition require relevant documents to be updated prior to public exhibition and agency consultation to: • Address the proposal's inconsistency with the Section 9.1 Direction 4.1 Flooding (Section 3.6 of this report) and provide a response in accordance with the terms of the direction. • Address the Department's <i>Shelter in place guideline for flash flooding</i>; and • Recommend Council consider including DCP controls regarding entry/exit points for a medical centre above the PMF event It is also recommended that consultation be undertaken with the Reconstruction Authority; the Department of Climate Change, Energy, the Environment and Water; and, State Emergency Services, as a determination condition.
Scale and bulk	Overall, the proposed scale and massing is suitable. The proposal will not result in unreasonable overshadowing impacts on surrounding public open space, the adjacent school or nearby development.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing and other benefits	The planning proposal is supported by a social and economic impact assessment (Attachment L1), which has been independently peer reviewed (Attachment L2). DPHI is satisfied that the planning proposal is likely to result in net social and economic benefits to the local area. Benefits include: - an increase in the supply, typology and perceived affordability of housing, as well as, the provision of tourist accommodation; and - medical services and a small scale retail use can be facilitated, subject to development consent, on land located within the R4 zone.
Perceived social impacts associated with the licensed gaming club	Council's commissioned independent review (Attachment 2) of the social impact assessment (Attachment L1) confirmed there was justification for residential units, short-term accommodation, a medical centre and retail space. The review, however, raised a concern over perceived affordable housing in close proximity to a large, licensed gaming club. DPHI notes that the original development proposal has been adjusted to address this issue. Proposed development has been reconfigured so that the built form layout and zone boundary between the R4 High Density Residential and RE2 Private Recreation zones ensures residential land uses are now accommodated on residential zoned land with physical separation of the proposed apartment buildings from the club facilities. A determination condition is recommended that council consults with Liquor and Gaming NSW.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 12 Infrastructure assessment

Infrastructure	Assessment
Public infrastructure – traffic and pedestrian improvements	The proponent has indicated a willingness to enter into a voluntary planning agreement (VPA) with Council to deliver traffic and pedestrian improvements to the associated public domain, including creation of a connection between the site and Smithfield Town Centre. A determination condition is recommended to ensure that prior to finalisation, an appropriate mechanism is in place to deliver the proposed community benefits.
Public infrastructure – water, wastewater, energy, telecommunications	The planning proposal is supported by a utility servicing assessment, considering potable water connections and capacity, wastewater, electrical and gas capacity and internet. Subject to recommendations, the study concludes that the development site can be serviced.

Infrastructure	Assessment
	A determination condition is recommended that council consults with Sydney Water.
Public transport	The planning proposal is supported by a Traffic Impact Assessment. Preliminary consultation has taken place, resulting in some changes to the proposal. Concerns include location of the site on the Cumberland Highway and pedestrians crossing the road, giving rise to a requirement for safety measures to be put in place. It is anticipated a pedestrian link would be delivered to Smithfield Town Centre within a VPA. Currently public transport is provided by buses along Smithfield Road. A bus stop is located in Brenan Street adjacent to the development. Bus services operate between Fairfield Station, Prairiewood T way Station and Liverpool, providing access to Fairfield shopping centre and railway station, Stockland Wetherill Park and Liverpool shopping centre and railway station. Connecting bus services provide access to industrial areas to the north and west of Smithfield. Buses are generally available twice hourly through the day. The bus interchange at Fairfield Railway Station and the T way Station at Prairiewood connect to a wide range of regional destinations. Council has indicated that a metro rail line between Parramatta and Western Sydney Airport is proposed in the future, passing close to Smithfield Town Centre. DPHI is not aware of a government commitment at this time and a determination condition is recommended for Council to remove this reference. Consultation with Transport for NSW will also be required.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

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

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- NSW Department of Climate Change, Energy, the Environment and Water.
- Sydney Water.
- NSW State Emergency Services.
- Reconstruction Authority.
- Liquor and Gaming NSW.

6 Timeframe

Council proposes an 12 month time frame to complete the LEP with an anticipated completion date of November 2026.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex.

The Department agrees with this timeframe.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has requested to be the local plan-making authority (LPMA). Given the general consistency with local and regional strategic plans, and the nature of the proposal, the Department recommends Fairfield City Council be authorised to be the LPMA under the Act.

Any outstanding issues and further consultation requirements have been appropriately conditioned, with Fairfield City Council being best placed to finalise the proposal within the timeframe given in the Gateway determination.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The subject site is a significant project intended to realise a long-term vision of the site involving substantial site amalgamation, resulting in significant housing provision, place activation in close proximity to the existing town centre
- The proposal is consistent with the Regional Plan; District Plan; draft Sydney Plan and local planning policies and strategies.
- The planning proposal aligns with the Fairfield Local Strategic Planning Statement (FLSPS) 2040 in that it proposes to provide housing in an area identified in the FLSPS as an Investigation Area for future housing.
- The planning proposal is supported by a series of technical studies that conclude that the result will be beneficial for the community by providing housing, hotel/motel accommodation, services and public space, thereby creating renewal of the site and the surrounding area.
- The proposal is generally consistent with Council's Urban Design Study (UDS) 2020 and a series of independent peer reviews to support rejuvenation of the local area.
- Council staff have engaged with the applicant to resolve concerns raised by the Local Planning Panel and to bring the planning proposal into alignment with the UDS.
- According to Council, the applicant has expressed a willingness to enter into a VPA with Council. Items for delivery include a pedestrian link with Smithfield Town Centre, upgraded landscaping and open space.

9 Recommendation

It is recommended the delegate of the Secretary notes that consistency with section 9.1 Direction: 4.1 Flooding, is unresolved and will require further consideration or justification and agrees that any inconsistency with section 9.1 Direction: 1.4 Site Specific Provisions, is justified in accordance with the terms of the Direction.

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

1. Prior to exhibition and agency consultation, Council is to amend the planning proposal and supporting documents as follows:
 - (a) In the planning proposal:
 - Insert a statement that affordable housing is not being provided within the planning proposal irrespective of any commentary in supporting studies.
 - Note that 'transitional car parking' may be facilitated within a local provision rather than an APU.
 - Where appearing, remove the statement that a potential metro rail service from Parramatta to the Western Sydney Airport is located in close proximity to the Smithfield Town Centre.
 - Address inconsistency with Section 9.1 Direction 4.1 Flooding (as per section 3.6 of this report) and justify in accordance with the terms of the direction.
 - (b) Update the Flood Emergency Response Plan to:
 - Address the Department's *Shelter in place guideline for flash flooding*.
 - (c) Consider including the following in a draft site specific DCP:
 - Guidance regarding entry/exit points for the proposed medical centre above the PMF event.
 - Standards to limit the height and guide the location and form of the proposed hotel within the RE2 private recreation zone.
 - (d) Where Council considers necessary, amend relevant technical studies to accurately respond to the Council adopted planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Department of Climate Change, Energy, the Environment and Water
 - Transport for NSW
 - Sydney Water
 - NSW State Emergency Services
 - Reconstruction Authority
 - Liquor and Gaming NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Prior to finalisation, ensure an appropriate mechanism is in place to deliver the proposed community benefits.
6. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The timeframe for completing the LEP is to be 11 December 2026.



5/3/26

Terry Doran

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Noted:



22 March 2026

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