

ATTACHMENT B

Report to Council meeting 25 September 2018

REPORT BY CHAIRPERSON
OUTCOMES SUPPLEMENTARY REPORTS

Meeting Date 6 August 2019

Item Number. 71

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

FILE NUMBER: 16/18077

PREVIOUS ITEMS: 98 - Planning Proposal - Cabramatta Town Centre East - Outcomes Committee - 14 Aug 2018
20 - Planning Proposal - Cabramatta Town Centre East - Fairfield Local Planning Panel - 30 Aug 2018

REPORT BY: Elizabeth Workman, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council note the Gateway Determination (Attachment A to the report) to allow the Cabramatta Town Centre East Planning Proposal to proceed to public exhibition.
2. The draft Site Specific Development Control Plan (SSDCP), draft Voluntary Planning Agreement (VPA) and Visual Impact Assessment for the subject site be reported to Council for endorsement prior to referral of these documents to the NSW Department of Planning.

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

SUPPORTING DOCUMENTS:

AT-A [↓](#) Cabramatta Town Centre East Gateway Determination and Letter - 5 Pages
18 July 2019
AT-B [↓](#) Planning Circular - Independent Review of Plan Making Decisions 3 Pages

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CITY PLAN

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

SUMMARY

Council is in receipt of a Gateway Determination for the Planning Proposal relating to a number of sites on the eastern side of the Cabramatta Town Centre adjacent to the Cabramatta Railway Station. The Gateway Determination was issued on 18 July 2019 and contains a number of conditions that are to be met prior to the Planning Proposal proceeding to public exhibition.

The purpose of this report is to inform Council of the relevant conditions of the Gateway Determination specifically relating to an amendment to the maximum height of buildings and the preparation and submission of a Visual Impact Assessment. The report also informs Council of its right to apply for a Gateway Review given the variation to the proposal that was endorsed for Gateway Determination by Council in September 2018.

BACKGROUND

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

10 October 2017 - A briefing outlining the Proposal and issues for investigation was presented to Councillors.

14 August 2018 – Council considered the Planning Proposal (including an independent urban design review) and referred the proposal to the Fairfield Local Planning Panel for consideration and advice.

30 August 2018 - The Fairfield Local Planning Panel subsequently considered and supported the Planning Proposal and recommended its referral to the NSW Department of Planning for the purposes of a Gateway Determination.

25 September 2018 – Council considered the advice of the Fairfield Local Planning Panel and resolved to refer the Planning Proposal to the Department of Planning **with a reduced building height over a portion of the site from 19 storeys to 15 storeys.**

22 October 2018 – The amended Planning Proposal (reflecting Council's resolution for a reduced height limit over a portion of the site) was formally referred to the NSW Department of Planning under Section 3.34 of the Environmental Planning & Assessment Act, 1979 for the purposes of a Gateway Determination.

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REPORT

On 18 July 2019, Council received a Gateway Determination (Attachment A to the report) to facilitate the public exhibition of the Planning Proposal for the Cabramatta Town Centre East Precinct bounded by Fisher Street, Broomfield Street and Cabramatta Road East immediately adjacent to the Cabramatta Railway Station.

Condition No.1 of the Gateway Determination requires Council to revise the Planning Proposal to apply a maximum building height of 48m (approximately 12 storeys), 57m (approximately 16 storeys), 59m (approximately 16 storeys), and 66m (approximately 19 storeys) across the site in accordance with the Planning Proposal initially considered by Council at its meeting of 25 September 2018. A further Condition No.2(c) also requires the preparation of a Visual Impact Assessment by the applicant to address and consider the impacts of the proposed development on the surrounding area.

Condition No.1 is contrary to Council's resolution from the meeting of 25 September 2018, which stated the following:

"Council endorse the Planning Proposal (Attachment A of the report) to amend the building height, floor space ratio and minimum site area provisions under Fairfield Local Environmental Plan (LEP) 2013 for certain land bounded by Fisher Street, Broomfield Street and Cabramatta Road East Cabramatta but that the proposed 16 and 19 storey buildings on the site be amended to a maximum of 15 storeys".

Under the provisions of *Planning Circular PS 18-012 Independent Reviews of Plan Making Decisions* (Attachment B of the report) Council can request a Gateway Review be undertaken by the Minister (or delegate) where the Gateway Determination makes variations to the proposal that Council thinks should be reconsidered.

In the accompanying letter to the Gateway Determination (Attachment A of the report) the Executive Director provides justification for the Department's decision to increase the building heights over a portion of the site. In particular, the letter states that *"amendment to the proposal in this manner will better facilitate the revitalisation of the eastern portion of Cabramatta Town Centre and introduce proposed building height and floor space ratio controls to provide appropriate built form certainty"*. The letter further states that the Department has *"fully considered all the planning merits and advice, including the analysis prepared by the independently appointed urban designers"*.

The Fairfield Local Planning Panel, independent urban design review and the Department have all supported the proposed building heights for the purposes of public exhibition, ranging from 48m to 66m.

Given that Condition No.2(c) of the Gateway Determination requires the preparation of a visual impact assessment to address and consider the impacts of the development on the surrounding area, it is recommended that Council not pursue a Gateway Review.

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The requirement for the public exhibition of the Planning Proposal to be accompanied by associated documents including the draft Site Specific Development Control Plan (SSDCP), draft Voluntary Planning Agreement (VPA), draft concept plans and visual impact assessment will allow Council and the community an opportunity to consider the entire proposal in the context of the Town Centre and surrounds.

Should this public exhibition and consultation period bring to light significant concerns with respect to the proposed building height and/or floor space ratio controls, Council can reconsider the ultimate development potential for the site at this time.

For these reasons, it is recommended that Council accept the Gateway Determination issued on 18 July 2019 and advise the applicant of their requirement to submit a draft SSDCP, draft VPA, updated draft concept plans and a visual impact assessment for review and approval by Council and the Department prior to public exhibition.

CONCLUSION

The Gateway Determination issued by the NSW Department of Planning in respect of the Cabramatta Town Centre East Planning Proposal supports the progression of the Planning Proposal to public exhibition subject to a number of conditions.

One of these conditions requires Council to amend the maximum building height control across the site to that proposed under the original Planning Proposal. This decision to increase the building height was based upon significant consideration of the planning merits and advice including that of the Fairfield Local Planning Panel and independently appointed urban designers.

It is therefore recommended that Council not pursue a Gateway Review, but instead proceed to public exhibition of the Planning Proposal supported by all associated documentation as outlined in this report.

Elizabeth Workman
Senior Strategic Land Use Planner

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

Outcomes Supplementary Reports - 6 August 2019

File Name: **OSR06082019_1.DOCX**
***** END OF ITEM 71 *****