



Purpose: To outline the planning proposal, the reasons why the original Gateway determination was made and to consider and assess the request for a review of a Gateway determination.

Dept. Ref. No:	GR_2019_FAIRF_001_00	
LGA	Fairfield City Council	
LEP to be Amended:	Fairfield Local Environmental Plan 2013	
Address/Location:	Cabramatta Town Centre East – Land bounded by Fisher Street, Broomfield Street and Cabramatta Road East, Cabramatta	
Proposal:	<p>The planning proposal (Attachment A) seeks to increase the development controls for land within the eastern portion of Cabramatta Town Centre by amending the Fairfield Local Environmental Plan (LEP) 2013 as follows:</p> <ul style="list-style-type: none"> • increase the maximum building height for land within the site from 14m to up to 48m (approximately 15 storeys) (note: this was amended by Gateway Condition 1 and is the subject of this review); • increase the maximum floor space ratio (FSR) for land within the site from 2.5:1 to 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 1300m², 1800m², 2200m² and 2700m² to certain land within the site; and • introduce a new local clause for the site that provides additional controls for the redevelopment of the site in relation to building height and FSR, and the application of a development control plan. <p>The planning proposal seeks to facilitate approximately 542 additional dwellings and 12,750m² of floor space for 369 additional jobs across the site.</p> <p>A Gateway determination was issued with a condition that Council amend the proposed maximum building height to be consistent with the heights originally assessed and supported by council officers and the Fairfield Local Planning Panel within the site which is a maximum building height of part 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys).</p>	
Review request made by:	<input checked="" type="checkbox"/> The council	
	<input type="checkbox"/> A proponent	
Reason for review:	<input type="checkbox"/>	A determination has been made that the planning proposal should not proceed.
	<input type="checkbox"/>	A determination has been made that the planning proposal should be resubmitted to the Gateway.
	<input checked="" type="checkbox"/>	A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

BACKGROUND INFORMATION

Details of the planning proposal

Site description

The planning proposal applies to part of the eastern portion of Cabramatta Town Centre, which is zoned B4 Mixed Use and immediately adjoins the eastern boundary of Cabramatta Station. The site has an area of approximately 1.3ha (or 12,847m²) and is bounded by Fisher Street to the north, Broomfield Street to the west, Cabramatta Road East to the south and a commercial development to the east (Figure 1).

Under the Fairfield LEP 2013, the following zone and development controls apply to the site:

- zoned B4 Mixed Use (Figure 2);
- a maximum building height of 14m; and
- a maximum FSR of 2.5:1.

The site is also identified as “Cabramatta – Area A” on the Town Centre Precinct, minimum site area map, which involves the application of Clause 7.2 (Cabramatta – floor space ratio) and Clause 7.3 (Cabramatta – height of buildings) to the site. The objective of these clauses is to provide additional guidance for the development of land within the site. A minimum lot size does not apply.



Figure 1: Site context.

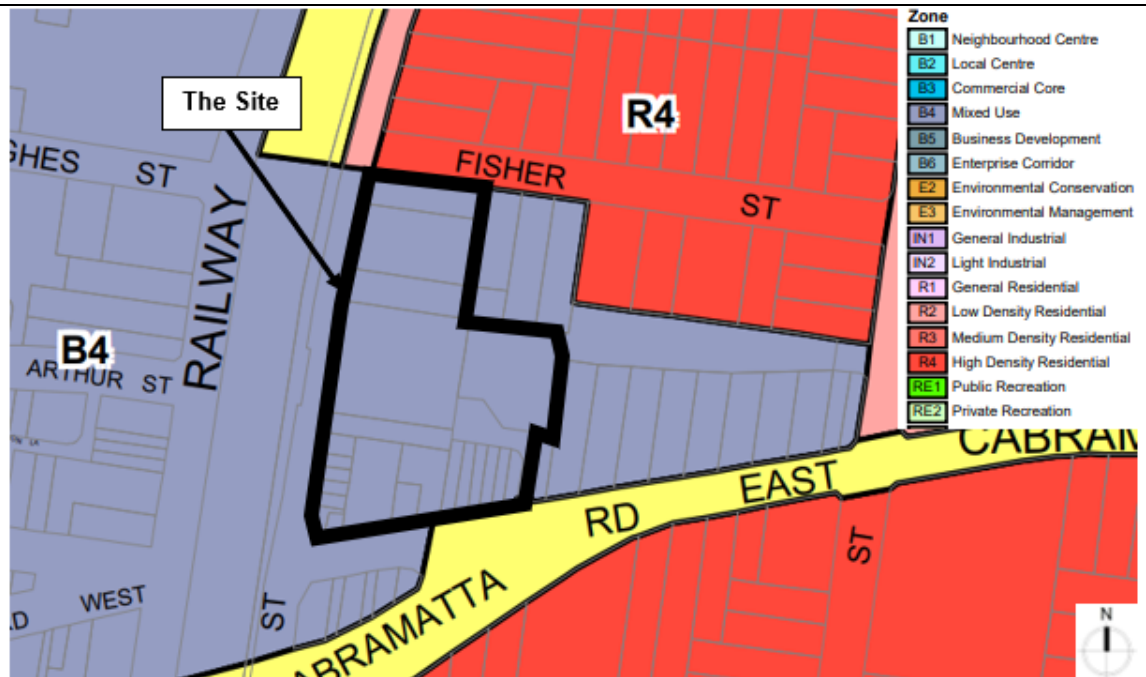


Figure 2: Current land zoning map.

The planning proposal

The planning proposal as submitted for Gateway (**Attachment A**) sought to increase the development controls for land within the eastern portion of Cabramatta Town Centre by amending the Fairfield Local Environmental Plan (LEP) 2013 as follows:

- increase the maximum building height for land within the site from 14m to up to 48m (approximately 15 storeys);
- increase the maximum floor space ratio (FSR) for land within the site from 2.5:1 to 3.85:1, 4:1, 6.1:1 and 6.45:1;
- identify the site as “Cabramatta – Area E” instead of “Cabramatta – Area A” on the Town Centre Precinct, Minimum Site Area map and apply a minimum site area of 1300m², 1800m², 2200m² and 2700m² to certain land within the site; and
- introduce a new local clause for the site that provides additional controls for the redevelopment of the site in relation to building height and FSR, and the application of a development control plan as follows:

Clause 7.9 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).*
7. *Development of land identified as “Cabramatta Area – E” must be substantially in accordance with the adopted Development Control Plan that applies to the land.*
8. *The Development Control Plan must provide for:*
 - i. *Building envelopes and built form controls;*
 - ii. *Distinct public and private spaces including a market square, pedestrian access and overhead pedestrian bridge linking the site and the Cabramatta Railway Station concourse;*
 - iii. *Staging of future development;*
 - iv. *Traffic management infrastructure, including appropriate entry and exit points for each of the identified stages, loading and servicing areas;*
 - v. *Active street frontages to Broomfield Street and Cabramatta Road East; and*
 - vi. *Public domain improvements.*

The proposal would also remove the application of clauses 7.2 and 7.3 to the site though the proposed map amendments and would not change the current B4 Mixed Use zone for the site. Clauses 7.2 and 7.3 provide details on the FSR and heights permitted for Cabramatta Town Centre.

The planning proposal seeks to facilitate approximately 542 additional dwellings and 12,750m² of floor space for 369 additional jobs across the site.

The proposed development has the potential to include a church, a hotel/tavern, a medical centre, and additional retail and commercial floor space, as identified in the accompanying urban design report. The proposal could 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.

The site is proposed to be developed in four stages (i.e. stages A to D) as shown in Figure 3, with corresponding development controls. A summary of the proposed development controls for each development stage is provided in Table 1.

Table 1: Proposed controls for the site

Proposed control	Stage A	Stage B	Stage C	Stage D
Maximum building height	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)
Maximum FSR	3.85:1	6.45:1	6.1:1	4:1
Town Centre Precinct	Cabramatta – Area E	Cabramatta – Area E	Cabramatta – Area E	Cabramatta – Area E
Minimum site area	2700m ² (eastern half) and 1800m ² (western half)	2700m ²	1300m ²	2200m ²

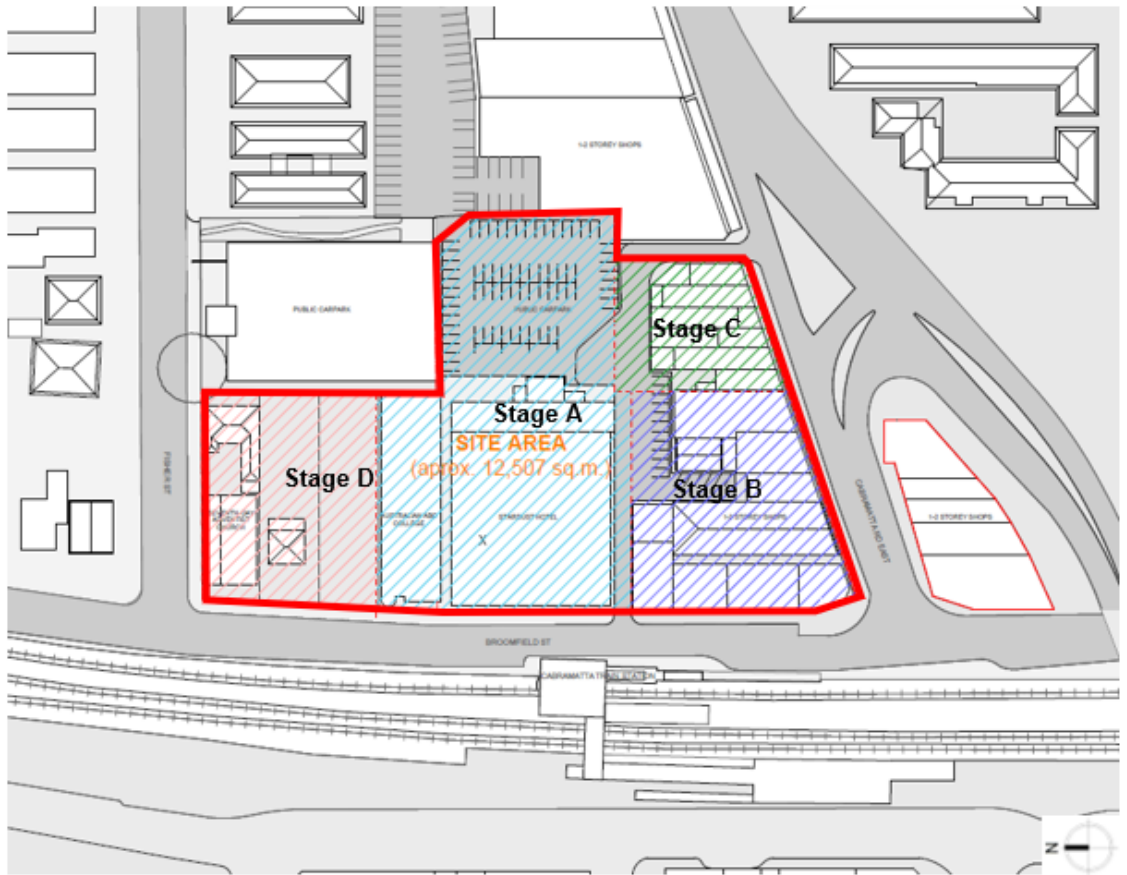


Figure 3: Proposed redevelopment stages.

The current and proposed maps are shown in Figures 4–9. These outcomes reflect the planning proposal as lodged, not the planning proposal as required to be amended by the gateway conditions.

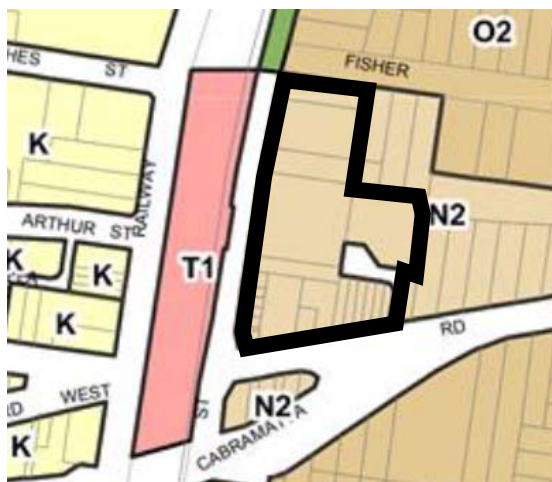


Figure 4: Current height of building map.

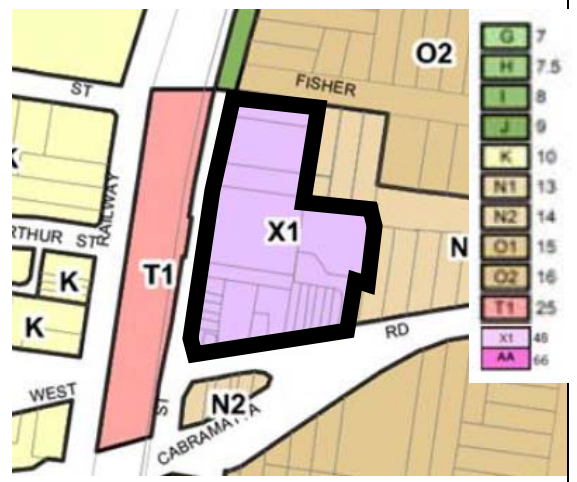


Figure 5: Proposed height of building map.

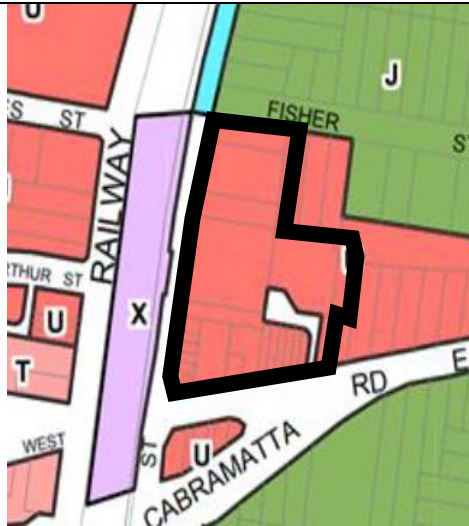


Figure 6: Current FSR map.

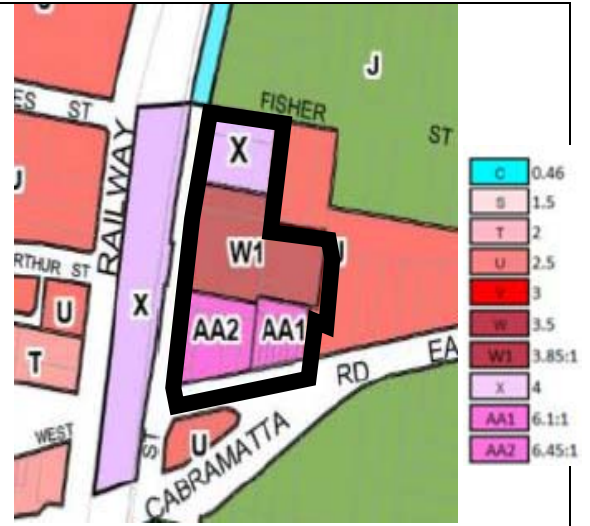


Figure 7: Proposed FSR map.



Figure 8: Current Town Centre Precinct, minimum site area map.

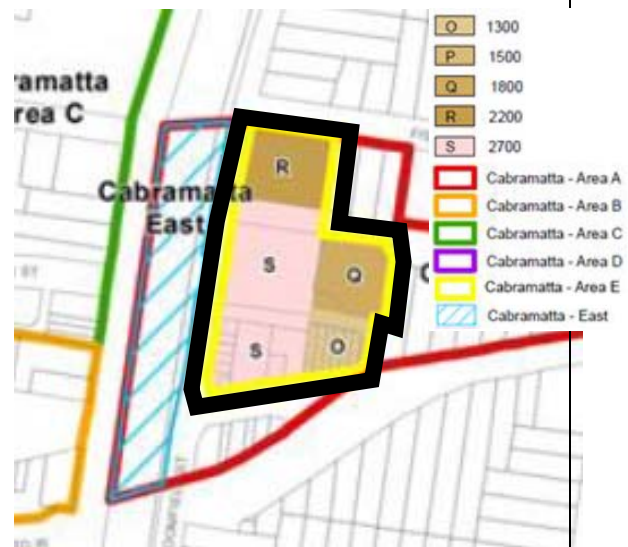


Figure 9: Proposed Town Centre Precinct, minimum site area map.

Background

On 14 August 2017, Council received a planning proposal to amend the Fairfield LEP 2013 to increase the maximum building height for land in Cabramatta Town Centre East from 14m to up to 59m and 66m (i.e. 16 and 19 storeys) and alter the associated development controls.

On 28 March 2018, Council appointed an independent urban designer to review the proponent's planning proposal (**Attachment E2**). The independent review supported the proponent's proposal.

On 30 August 2018, the Fairfield Local Planning Panel reviewed the proponent's original planning proposal and supported the proposed building height for the site of a maximum of up to 59m and 66m (i.e. 16 and 19 storeys).

On 25 September 2018 Fairfield City Council officers presented the proponent's planning proposal (with increased height) to the councillors at the council meeting.

At the meeting, councillors resolved to reduce the proponent's proposed building height for the site from a maximum of up to 59m and 66m (i.e. 16 and 19 storeys) to a consistent maximum building height of 48m (i.e. 15 storeys). The councillors did not resolve to alter any of the proponent's other proposed amendments (i.e. FSR and minimum lot size).

On 22 October 2018, Council revised the planning proposal in accordance with Council's resolution and submitted the revised proposal to the Department for a Gateway determination.

On 18 July 2019, a Gateway determination was issued for the planning proposal to proceed subject to conditions including a change to the proposed maximum building height in accordance with the proponents original planning proposal.

On 6 August 2019, Council resolved to submit a request for a Gateway Review.

Reason for Gateway determination

Department's justification for a height change

The Departments Gateway Determination Report (**Attachment C**) identifies that at the Council meeting of 25 September 2018, councillors resolved to reduce the proponent's proposed building height for the site from a maximum height of up to 59m and 66m (i.e. 16 and 19 storeys) to a uniform maximum height of 48m (i.e. 15 storeys). The councillors did not resolve to alter any of the proponent's other proposed amendments (i.e. FSR and minimum lot size).

A comparison of the two proposed maximum building heights is provided in Table 2 and Figures 10-11.

Table 2: Comparison of proposed building heights

Building height	Stage A	Stage B	Stage C	Stage D
Council-endorsed height (Figure 10)	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)	48m (approx. 15 storeys)
Proponent's proposed heights (Figure 11)	59m (approx. 16 storeys plus lift overrun = 17 storeys)	66m (approx. 19 storeys plus lift overrun = 20 storeys)	57m (approx. 16 storeys plus lift overrun = 17 storeys)	48m (approx. 12 storeys plus lift overrun = 13 storeys)
Height difference	11m (approx. 2 storeys)	18m (approx. 5 storeys)	9m (approx. 2 storeys)	0m

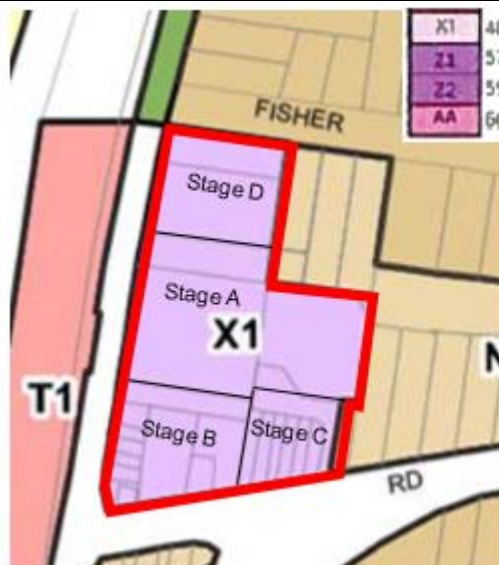


Figure 10: Council-endorsed heights.

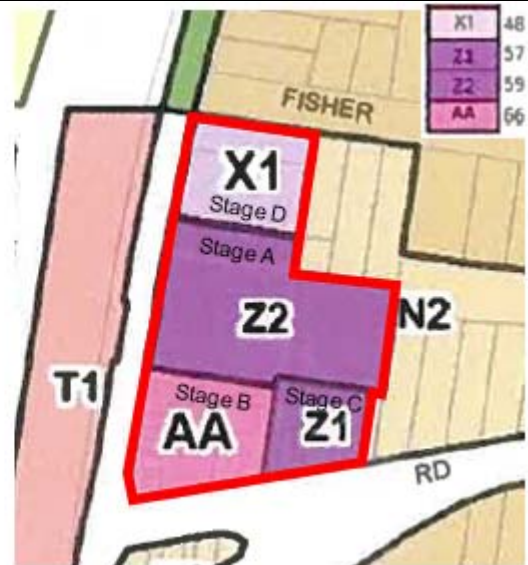


Figure 11: Proponent's proposed heights.

The Gateway determination considered the ability for a revised scheme to ensure site consolidation and secure public benefits if the lower building heights were maintained.



Figure 12: Concept plan based on Council-endorsed heights.

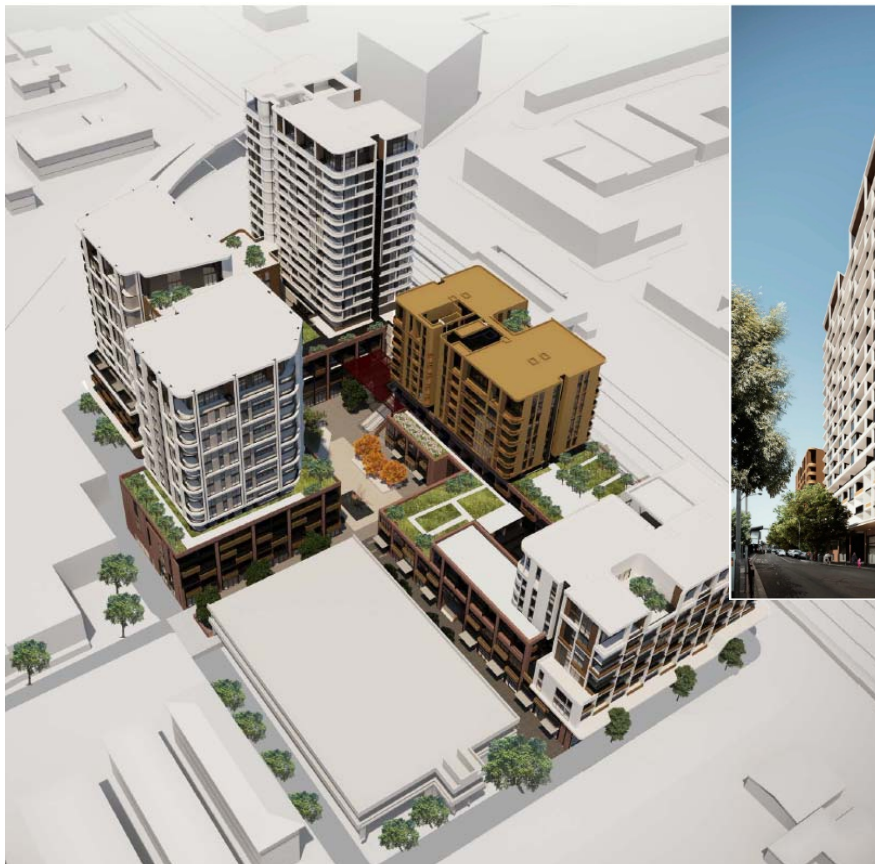


Figure 13: Concept plan based on proponent's proposed heights.

A visual comparison of the proposed development based on the councillors' endorsed height (Figure 12) and the proponent's proposed height (Figure 13) was considered as part of the Gateway determination.

The Department considered that 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, as demonstrated by Figure 12 and 13.

The Department acknowledged the work undertaken by council officers, and the proponent, to develop the original planning proposal and concept plan, including the alignment of the building height and FSR controls to restrict the built form of the proposed development.

It is also noted that the supporting studies submitted with the planning proposal, such as the shadow diagrams and the traffic and transport assessment, are based on the proponent's original building height.

Further, there was no justification, or study, provided by Council to support the blanket 48m building height for the site. In addition, the blanket building height of 48m and the identified 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 could 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. The Gateway determination concluded that the implication of this may be a development with larger floor plates that has greater building mass when viewed from the street.

Taking these matters into consideration, the Department issued a gateway determination that required Council to amend the proposed maximum building height to be consistent with the heights originally assessed and supported by council officers and the Fairfield Local Planning Panel, i.e. a maximum building height of part 48m (approx. 12 storeys), 57m (approx. 16 storeys), 59m (approx. 16 storeys), and 66m (approx. 19 storeys).

The Department considers that there is strategic and site-specific merit for the planning proposal to proceed with the scaled building height as originally proposed by the proponent.

The Department also concluded that the planning proposal based on the maximum building height of up to 16 and 19 storeys is considered to be appropriate for the site and was satisfied that the proposal will give effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Further details of the Department's assessment of the planning proposal is provided in **Attachment C**.

COUNCIL'S JUSTIFICATION FOR REVIEW

Details of justification:

On 19 August 2019, the Department received notice of intention from Council to request a Gateway Review (**Attachment D1**).

On 28 August 2019, the Department received the formal Gateway review request from Council (**Attachment D2**) and a report by an independently appointed planning consultant (**Attachment D3**) in support of the gateway review. Council requests that the Gateway Determination be altered to restrict development to a maximum of 16 floors (storeys) as per Council resolution of 6 August 2019.

Council's Resolution

Council at its Ordinary Meeting of 6 August 2019 considered a report (copy provided in **Attachment D3**) regarding Condition No 1 of the Gateway determination

Condition 1 of the Gateway Determination required Prior to public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys), 57m (approximately 16 storeys), 59m (approximately 16 storeys), and 66m (19 storeys) across the site, in accordance with the planning proposal considered by Council at its meeting of 25 September 2018.

Council after consideration of this report and the Gateway Determination, resolved as follows:

That Council seek a review of the Gateway Determination based on Council's previous resolution, to restrict the development to 16 floors.

This resolution would result in Stage B of the Planning Proposal being restricted to a maximum height of between 57m to 59m (approximately 16 storeys). This represents a variation from the original gateway request, which sought a maximum height of 48m across the site.

Council's Justification for a Review of Condition 1

1. Urban Design Assessment/Height/Streetscape

Council's submission was prepared on their behalf by an independent town planning consultant. This report (**Attachment D3**) notes that the previous independent urban design assessment of the planning proposal (**Attachment E2**) by TPG Town Planning and Urban Design assessed two (2) precincts only, a northern precinct (Site A) and a southern precinct (Site B) unlike the 4 precincts proposed under Gateway Determination planning proposal. The controls identified for Site B was a maximum height of 45m and FSR of 3.15:1. Whilst Site A was allocated a maximum height of 72m and FSR of 5.2:1.

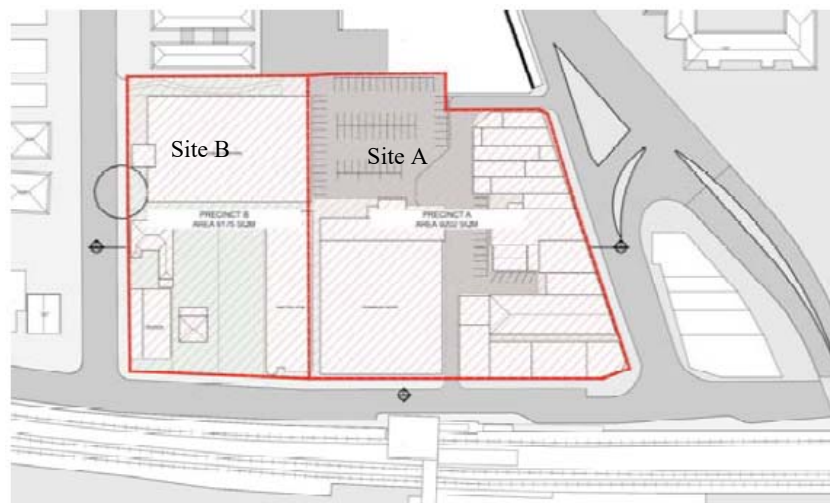


Figure 14: The site in the independent urban design assessment.

Council contends that the original urban design assessment also identifies that to reduce the impacts on neighbouring properties, especially to the south of the site, a reconsideration of building height and distribution of massing is warranted to ensure that the proposal does not unfairly impact on the future solar access and development potential to properties to the south.

Council's submission at **Attachment D3** seeks to demonstrate that a reduction in height is required to facilitate an appropriate urban form between the subject site and the surrounding land.

Accordingly, the report at **Attachment D3** contends that the Gateway Determination should be altered to require that prior to the public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys to Stage D) and 57m (approximately 16 storeys to Stages A, B and C) across the site.

The Department notes that the above recommendation is different to the planning proposal as submitted, which recommended a blanket height of 48m across the site.

2. Shadow Impact Assessment

Council contends that the Gateway determination report undertook no assessment or comparison of the potential reduction in overshadowing on the land located to the south of the site for the height reduction proposed in Council's resolution of 25 September 2018. The only mention of shadow diagrams relates to the original building heights proposed.

Council notes that the original urban design review recommended that the applicant undertake further investigation of the proposed built form massing and its overshadowing impact on developable land parcels to the south (i.e. 126 and 144-156 Cabramatta Road East) to ensure that the future development of the subject site does not unfairly prejudice the development potential of those lots.

Council considers that the planning proposal documentation did not undertake to provide this information, rather it only provided large scale overshadowing diagrams which could not allow the required detail assessment to be undertaken that was recommended to be undertaken in the original urban design advice.

Council therefore considers that given the original urban design advice considered a height of 45m along the Cabramatta Road East boundary was unacceptable due to overshadowing impact and proposed built form and massing, to require that the height revert to the originally proposed 66m for that area identified as Stage B of the planning proposal assessed by the Department appears unacceptable and unsupportable in light of the future overshadowing and built form and massing impacts.

Council concludes, after consideration of the above information, that the height reduction requested from 19 storeys to 16 storeys (floors) by Council in the Gateway Determination Review, 'should address the identified potential overshadowing impact issue that will result in the unfairly prejudice of the development potential of those lots to the south of the site.'

This height variation will also enable an appropriate urban form and transition both within and external to the development site.

Accordingly, the Gateway Determination should be altered to require that prior to the public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys to Stage D) and 57m (approximately 16 storeys to Stages A, B and C) across the site, in accordance with the planning proposal considered by Council at its meeting of 25 September 2018.

Council's Conclusion

Council contends that after consideration of the impacts to be generated on the developable lots to the south through the required height increase from 59m to 66m, the Gateway Determination should be altered by the Gateway Determination Review

	<p>and that the following suggested Gateway Determination amendment to Condition should be issued.</p> <p><i>The Gateway Determination is altered and now requires that prior to the public exhibition, Council is to revise the planning proposal, where required, to apply a maximum building height of 48m (approximately 12 storeys to Stage D) and 57m (approximately 16 storeys to Stages A, B and C) across the site, in accordance with the planning proposal considered by Council at its meeting of 25 September 2018.</i></p>
Material provided in support of application/ proposal:	<p>Council has provided the following documents to support its Gateway Review request:</p> <ul style="list-style-type: none"> • Council’s letter of intent to request a Gateway Review; • Gateway Review Request Application Form; • Gateway Review Request Submission Report; • Planning proposal; and • Council report and resolution.

PROPONENT’S VIEWS

Date Proponent advised of request:	October 2019
Date of Proponent response:	The proponent provided detailed comments on 9 December 2019 (Attachments E1-E4).
Proponent’s Response:	<p>GLN Planning (the proponent) on behalf of the landowners, Moon Investments Pty Ltd provided comments in response to Council’s Gateway review request.</p> <p>The proponent is in support of the Gateway determination and their comments are summarised below.</p> <p>Proponent’s response to Council’s request</p> <p><u>1. Determination of Heights in the Planning Proposal</u></p> <p>The ultimate heights in the Planning Proposal were informed by the following:</p> <ul style="list-style-type: none"> • a review of Council’s previous Residential Strategy; • Traffic Studies that have confirmed that the proposed rezoning together with the proposed residential opportunities in Council’s Residential Strategy on the east side of the rail line can proceed without adversely impacting on the capacity of existing intersections in the area; • consultation with Air Services Australia to confirm the proposed height would not present an obstacle limitation for aircraft using Bankstown Airport; • an Urban Design Study by E8Urban (Urban Designers) and architectural reference schemes prepared by Plus Architecture; and • review by Council Officers of the built form proposed on the site against that allowed in the hierarchy of other centres in Fairfield LGA. <p>The proponent contends that the independent urban design peer review previously completed (Attachment E2) recommends further work and reconsideration of massing to ensure that the commercial property to the south on 144–158 Cabramatta Road East can be redeveloped, and the vacant residential properties known as 126–142 Cabramatta Road East to south of the rail crossing bridge have appropriate solar access.</p> <p>The proponent does not agree with the Council’s interpretation of the previous urban</p>

design assessment and notes that there are some discrepancies in the analysis. The proponent also states that the urban design outcomes did change as a result of the findings of the original urban design peer review.

2. Solar Access within the Development.

The proponent has prepared documentation (**Attachment E3**) confirming that the massing and maximum heights will achieve appropriate solar access to the proposed central square, as well as the dwellings within the development to achieve the solar access requirements in the Apartment Design Guide.

The proponent considers that the proposed massing ensures the smaller buildings are located to the north with the highest building tower providing a landmark gesture to placemark the station location to the south east. The proponent considers that this not only achieves appropriate solar access within and external to the development but also provides an appropriate transition and visual interface to the residential properties to the north that comprise yet to be developed residential flat building sites.

The proponent has sought to ensure that the building massing and heights achieve appropriate solar access to the public domain plaza at the centre of the development.

The proponent considers that the plans submitted with the Planning Proposal for the site and all subsequent iterations confirm that the proposed development can readily meet the solar access requirements in the Apartment Design Guidelines given the different heights and facades exposed to direct sunlight.

3. Solar Access to properties to the south

There are two properties to the south of the site identified by Council that are potentially overshadowed by development to the north. The independent urban design peer review report identified that the development on the Planning Proposal site may require further massing of built form and heights to ensure that they would, when redeveloped, be capable of meeting the Apartment Design Guideline criteria for 2 hours of solar access. The two properties are:

1. The commercial properties known as 144–158 Cabramatta Road East, and
2. the vacant residential properties known as 126–142 Cabramatta Road East to south of the rail crossing bridge.

See Figure 15 for the property locations in relation to the Planning Proposal site.



Figure 15: Neighbouring sites

A. Properties at 144-158 Cabramatta Road East

The proponent has prepared concept plans (**Attachment E4**) that demonstrate a hypothetical built form outcome for this site.

The properties at 144–158 Cabramatta Road East comprise a small irregular shaped parcel comprising 6 lots of about 1,200m², bounded by the Cabramatta Road East rail line elevated bridge, the at grade section of Cabramatta Road East and Broomfield Street. There appears to be no residential uses within any of the buildings on the parcel and only 5 carparking spaces attached to the end tenancy to the east.

Under Fairfield Local Environmental Plan 2013, this parcel has a maximum FSR of 2.2:1 if the building incorporates between 10 to 50% residential accommodation and a maximum height of 14m. The proponent prepared a concept for a 10 storey building based on the hypothetical upzoning of the site. This building is shown in Figure 16 relative to the subject site.

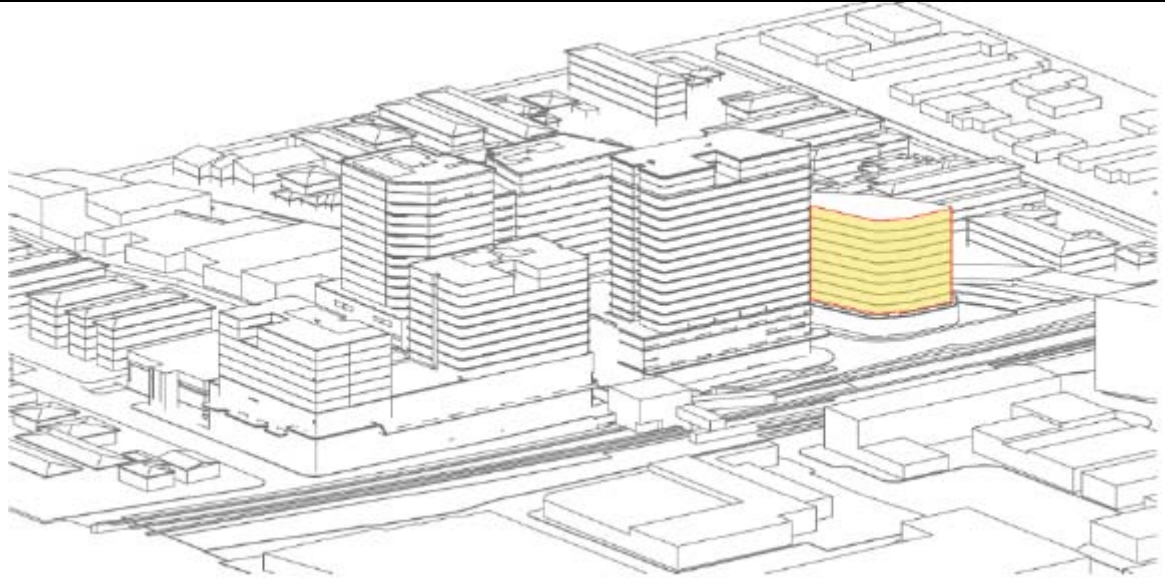


Figure 16: Redevelopment of 144–158 Cabramatta Road East

The proponent report finds that concept 10 storey building is capable of achieving solar access required by the Apartment Design Guide of 2 hours to a minimum 70% of dwellings with the proposed built form outcomes on the subject site. The proponent also tested a 6 storey building with the same finding that solar access can be achieved.

B. Vacant Residential Properties at 126-142 Cabramatta Road East

The vacant residential properties known as 126–142 Cabramatta Road East south of the rail crossing bridge comprise a triangular residential parcel with an area of about 1,700m² and street access only to Cabramatta Road East. The proponent has provided detailed shadow diagrams showing the extent of overshadowing of this land in **Attachment E4**.

It is noted that land in this parcel is subject to a covenant requiring the written consent of The Commissioner of Main Roads to construct or allow to be constructed any means of access from Cabramatta Road East. It is also noted for the purposes of determining shadow impact that the adjoining residential flat building to the east of this parcel maintains a minimum setback to Cabramatta Road East of some 8.5m, which would also be applied to any development on this parcel.

The shadow diagrams show that there is a substantial window of time in the morning of the winter solstice where a future development of 126–142 Cabramatta Road East is capable of meeting solar access requirements in the Apartment Design Guide.

Proponent's Conclusion

The above demonstrates that solar access within the development and external to the development has been properly considered and can be achieved with the 19 storey proposed height.

Further, the proponent considers that the concerns raised by Council in their request for a gateway review have been adequately addressed. The proponent does not support a reduction in building height, as recommended by Council.

ASSESSMENT SUMMARY

<p>Department's assessment</p>	<p>The Department's position on the Gateway determination review application is that the planning proposal should proceed without alteration to Condition No 1 of the Gateway determination for the following reasons:</p> <p>Council in its request for Gateway determination review concludes that the Gateway Determination should be altered to require that prior to the public exhibition the planning proposal is amended to reduce the building heights across the site and that this is appropriate from an urban design perspective and to also mitigate overshadowing impacts to properties to the south.</p> <p>The proponent has commissioned a Solar Access Analysis (Attachment E3) and Shadow Analysis (Attachment E4), both of which concluded that solar access within the development and external to the development can be achieved with 19 storey heights as proposed in Gateway determination issued on 18 July 2019.</p> <p>The Department has considered both the Council and proponent submission and notes that in relation to the proposed 16 storey height limit:</p> <ul style="list-style-type: none"> • limited justification is provided to support restricting the height of the proposed development to 16 storeys; • justification for the reduction in height is based on an earlier urban design peer review that does not reflect the proposed built form outcomes in the planning proposal; and • no formal shadow study has been provided by Council to demonstrate any lack of solar access compliance to the south of the development site as a result of the proposed controls. <p>It is considered that as Council has not sufficiently justified a 16 storey height limit and evidence has been provided to demonstrate that solar access within the development and external to the development can be achieved with 19 storey heights as proposed in the Gateway determination issued on 18 July 2019, no change in the existing Gateway determination is recommended.</p>
<p>Conclusion</p>	<p>The Department notes that the planning proposal as per the Gateway determination has merit as it would provide additional housing and jobs in local centre with access to existing infrastructure and services, and adjacent to the Cabramatta Railway Station. Further, it could improve the connectivity between the eastern and western portion of the Cabramatta Town Centre through a proposed pedestrian overbridge.</p> <p>The Department acknowledges the work undertaken by council officers and the proponent, to develop the original planning proposal and concept plan, including the alignment of the building height and FSR controls.</p> <p>Council has provided limited justification or studies to support a 16 storey height limit.</p> <p>In view of the above, it is considered that there is strategic and site-specific merit for the planning proposal to proceed with the scaled building heights as suggested in the Gateway determination issued on 18 July 2019 (Copy at Attachment B)</p>
<p>Attachments</p>	<p>Attachment A – Planning Proposal</p> <p>Attachment B – Gateway Determination</p> <p>Attachment C – Gateway Determination Report</p> <p>Attachment D1 – Gateway review notification letter</p> <p>Attachment D2 – Gateway Review Request Application Form</p> <p>Attachment D3 – Gateway Review Request Submission Report</p> <p>Attachment D4 – Council Report</p>

	Attachment D5 – Council Resolution Attachment D6 – Fairfield Local Planning Panel Resolution Attachment E1 – Proponent’s Submission Attachment E2 – Urban Design Review Attachment E3 – Solar Access Analysis Plaza Attachment E4 – Shadow Analysis CCV Site Attachment E5 – Proponent’s Original Concept Plans and Shadow Diagrams
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COMMISSION’S RECOMMENDATION

Reason for review: A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

Recommendation:	<input type="checkbox"/>	The planning proposal should not proceed past Gateway.
	<input type="checkbox"/>	<input type="checkbox"/> no amendments are suggested to original determination. <input type="checkbox"/> amendments are suggested to the original determination.
	<input type="checkbox"/>	The planning proposal should proceed past Gateway in accordance with the original Determination.

Any additional comments: