Appendix C

Council Report and Resolution
15: **SUBJECT:** Planning Proposal and associated Site Specific Development Control Plan

**Premises:** 400, 402, 402A, 404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue Cabramatta

**Applicant/Owner:** TCON Constructions Pty Ltd (Director - Ahmed Taleb)

**Zoning:** R2 Low Density Residential

**File Number:** 16/02059

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Type of Interest</th>
<th>Nature of Interest</th>
<th>Action Taken/ Explanation Given</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Carbone</td>
<td>Significant Non-Pecuniary</td>
<td>I was a member of the Joint Regional Planning Panel when this item came to it so I won't take part.</td>
<td>Mayor Carbone left and took no further part in debate or discussion.</td>
</tr>
<tr>
<td>Khoshaba</td>
<td>Significant Non-Pecuniary</td>
<td>I may have been a member of the Joint Regional Planning Panel when this item came to it so I won't take part.</td>
<td>Councillor Khoshaba left and took no further part in debate or discussion.</td>
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**MOTION:** (Wong/Le)

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend Fairfield Local Environmental Plan (LEP) 2013 in relation to 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue
Cabramatta as follows:

1.1 Amend the Land Zoning Map from R2 Low Density Residential to part R4 High Density Residential and part R3 Medium Density Residential
1.2 Amend the Height of Building Map from 9 metres to part 17 metres and part 10 metres
1.3 Amend the Floor Space Ratio Map from 0.45:1 to part 1.7:1 and part 0.7:1
1.4 Remove the development standards shown on the Minimum Lot Size for Dual Occupancy Map and the Minimum Lot Size Map
1.5 Remove Item 3 from Schedule 1 – Additional Permitted Uses
1.6 Remove Item 3 from the Key Sites Map.

2. Council inform the Department of Planning and Environment (DPE) that it wishes to commence the Gateway process to amend Fairfield LEP 2013.

3. In requesting the Gateway Determination, Council advise the DPE that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 2.4 of the Environmental Planning and Assessment Act 1979).

4. Council endorse the draft Site Specific Development Control Plan (Attachment B of the report) to amend the Fairfield City Wide Development Control Plan 2013 to introduce development objectives and controls to guide the future development of land at 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue Cabramatta.

5. Council upon receipt of a Gateway Determination from NSW DPE, concurrently exhibit the Planning Proposal and draft Site Specific Development Control Plan for a period of 28 days.

6. Council receive a further report on the Planning Proposal and draft DCP at the conclusion of the public consultation period.

A division was taken with the following results:

<table>
<thead>
<tr>
<th>Aye</th>
<th>Nay</th>
</tr>
</thead>
</table>
Councillor Azzo
Councillor Bennett
Councillor Grippaudo
Councillor Kazi
Councillor Le
Councillor Ly
Councillor Molluso
Councillor Rohan
Councillor Saliba
Councillor Wong
Councillor Yilmaz

Total=(11)         Total=(0)

**CARRIED UNANIMOUSLY**

**ACTION TAKEN BY OFFICER**

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please update any action taken, or the finalisation of this Item, in InfoCouncil by clicking in the Infocouncil tab, to Add/Edit Notes.
SUBJECT: Planning Proposal and associated Site Specific Development Control Plan

Premises: 400, 402, 402A, 404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue Cabramatta

Applicant/Owner: TCON Constructions Pty Ltd (Director - Ahmed Taleb)

Zoning: R2 Low Density Residential

FILE NUMBER: 16/02059

REPORT BY: Patrick Warren, Senior Strategic Land Use Planner; Chris Shinn, Coordinator Strategic Planning

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend Fairfield Local Environmental Plan (LEP) 2013 in relation to 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue Cabramatta as follows:
   
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   1.3 Amend the Floor Space Ratio Map from 0.45:1 to part 1.7:1 and part 0.7:1
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   1.5 Remove Item 3 from Schedule 1 – Additional Permitted Uses
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3. In requesting the Gateway Determination, Council advise the DPE that it seeks to utilise the delegation for LEP Plan Making (delegated by the Minister under Section 2.4 of the Environmental Planning and Assessment Act 1979).

4. Council endorse the draft Site Specific Development Control Plan (Attachment B of the report) to amend the Fairfield City Wide Development Control Plan 2013 to introduce development objectives and controls to guide the future development of land at 400-404 Cabramatta Road West, 2 Orange Grove Road and 6 Links Avenue Cabramatta.
5. Council upon receipt of a Gateway Determination from NSW DPE, concurrently exhibit the Planning Proposal and draft Site Specific Development Control Plan for a period of 28 days.

6. Council receive a further report on the Planning Proposal and draft DCP at the conclusion of the public consultation period.

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   | Planning Proposal 400-404 Cabramatta Road West Cabramatta | 162 Pages |
| AT-B   | Draft Site Specific Development Control Plan - 400-404 Cabramatta Road Cabramatta | 10 Pages |
| AT-C   | Fairfield Local Planning Panel Meeting Minutes - 400-404 Cabramatta Road West Cabramatta | 4 Pages |

CITY PLAN

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

SUMMARY

Council is in receipt of a Planning Proposal (Attachment A) for multiple lots located at the intersection of Cabramatta Road West and Orange Grove Road (also known as Cumberland Highway). The subject site consists of 6 privately owned lots and has a total site area of 15,349m².

The Planning Proposal seeks to amend the following provisions of Fairfield LEP 2013:

- Zoning map;
- Height of Buildings map;
- Floor Space Ratio (FSR) map;
- Minimum Lot Size map;
- Minimum Lot Size Dual Occupancy map;
- Key Sites map; and
- Schedule 1 – Additional Permitted Use
The Planning Proposal is seeking amendment to the land zoning map by rezoning the northern portion of the site from R2 Low Density Residential to R4 High Density Residential to facilitate a 4 storey apartment building with a smaller 5 storey component. The Planning Proposal is also seeking to rezone the southern portion of the site from R2 Low Density Residential to R3 Medium Density Residential to facilitate townhouse/terrace style development. The Planning Proposal also seeks to amend the relevant development standards map to facilitate the redevelopment.

THE SITE

The site consists of 6 privately owned lots (Figure 1) and has a total site area of 15,349m$^2$. The site is currently zoned R2 Low Density Residential and has a maximum FSR of 0.45:1 and a maximum building height of 9 metres. The site currently contains a Minimum Lot Size provision of 450m$^2$ and a Minimum Lot Size for Dual Occupancy provision of 600m$^2$.

The site is currently identified on Council’s Key Sites Map and within Schedule 1 Additional Permitted Use of Fairfield LEP 2013 for the purpose of multi dwelling housing.

Locality Map
The site is zoned R2 Low Density Residential and currently has access from Orange Grove Road and Links Avenue. The site is bounded by:

- R2 Low Density Residential zoned land to the east;
- R2 Low Density Residential zoned land to the south;
- Orange Grove Road and Cabramatta Golf Course (zoned RE2 Private Recreation) to the west; and
- Cabramatta Road West and an existing service station and takeaway food and drinks premises to the north.

The site is currently vacant land and contains small clusters of mature trees to the centre and south east of the site. The north of the site contains a small portable gazebo and demountable building. The site is characterised by a slight slope to the south, with a much more significant drop in elevation towards Links Avenue with a gradient change of up to 10 metres. The site is under single ownership (TCON Constructions Pty Ltd).

The western side of the site is currently serviced by the 819 bus service traveling north to Cabramatta Station and south to Liverpool Station. North of the site there is a current bus stop for the 815 bus service that travels west to Bonnyrigg.

BACKGROUND

A previous iteration of a Planning Proposal for the subject site was lodged with Council in 2016. The Proposal was not supported by Council Officers due to what would have resulted in significant over development of the site. The previous proposal proposed the following:

- R1 General Residential Zoning across the entire site;
- Increased height of buildings to part 14 metres (4 storeys) and part 27 metres (8 storeys);
- Increase the maximum floor space ratio for the site to 2:1;
- Allow “Office Premises” and “Business Premises” as additional permitted uses on the site.

Council at its meeting on 12 September 2017 resolved to not proceed with the Planning Proposal. The Applicant chose to submit the Planning Proposal to the Department of Planning and Environment for a pre Gateway rezoning review. On 11 April 2018, the Sydney Western City Planning Panel considered the proposal and determined that the Application should not proceed to Gateway Determination as the proposal had not demonstrated site specific strategic merit.

While the Proposal had demonstrated strategic merit at the District level by adding to the supply of housing it was inconsistent with the Fairfield Residential Development Strategy which constitutes the strategic framework developed by Fairfield Council to deliver its housing supply.
It was further suggested by the panel that a more appropriately scaled form of medium density residential development be discussed.

As a result, the Applicant submitted the present amended Planning Proposal to Council on 20 August 2018 which sought to address the previous reasons for refusal by Council and the panel.

REPORT

A. THE PROPOSAL

The Proposal relates to 6 subject lots outlined in Table 1 below:

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Title Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 Cabramatta Road West Cabramatta</td>
<td>Lot: 1 DP: 29449</td>
</tr>
<tr>
<td>402 Cabramatta Road West Cabramatta</td>
<td>Lot: 1 DP: 503339</td>
</tr>
<tr>
<td>402A Cabramatta Road West Cabramatta</td>
<td>Lot: 2 DP: 503339</td>
</tr>
<tr>
<td>404 Cabramatta Road West Cabramatta</td>
<td>Lot: 7 DP: 709126</td>
</tr>
<tr>
<td>2 Orange Grove Road Cabramatta</td>
<td>Lot: 6 DP: 709126</td>
</tr>
<tr>
<td>6 Links Avenue Cabramatta</td>
<td>Lot: 3 DP: 30217</td>
</tr>
</tbody>
</table>

Table 1. Subject lots

The proposed changes to Fairfield LEP 2013 are summarised in Table 2 below:

<table>
<thead>
<tr>
<th>Use/Development Standard</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Floor Space</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Commercial Floor Space</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Number of Dwellings</td>
<td>None</td>
<td>• 69 units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 63 town houses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total 132 dwellings</td>
</tr>
<tr>
<td>Dwelling Mix (approximate)</td>
<td>None</td>
<td>Residential apartments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 22x1 bedroom units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 46x2 bedroom units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 1x3 bedroom Terrace/townhouses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 63x3 bedroom townhouses</td>
</tr>
<tr>
<td>Zoning</td>
<td>R2</td>
<td>• R4 for the northern portion of the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• R3 for the centre and southern portion of the site</td>
</tr>
<tr>
<td>FSR</td>
<td>0.45:1</td>
<td>• 1.7:1 for the R4 zoned portion of the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 0.7:1 for the R3 zoned portion of the site</td>
</tr>
<tr>
<td>Height of Building</td>
<td>9 metres</td>
<td>• 17 metres for the R4 zoned portion of the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 10 metres for the R3 zoned portion of the site</td>
</tr>
<tr>
<td>Car Parking</td>
<td>None</td>
<td>• 85 x residential and 17 x visitors parking to the R4 portion of the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 91 x town house resident spaces and 16 x visitor spaces to the R3 portion of the site</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>450m²</td>
<td>To be removed</td>
</tr>
<tr>
<td>Minimum Lot Size Dual Occupancy</td>
<td>600m²</td>
<td>To be removed</td>
</tr>
<tr>
<td>Additional Permitted Use</td>
<td>Multi dwelling housing</td>
<td>To be removed as the proposed zoning change will make multi dwelling housing a permissible land use,</td>
</tr>
</tbody>
</table>
Table 2. Summary of development and required LEP Amendments

<table>
<thead>
<tr>
<th>Use/Development Standard</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>and therefore there is no need for the additional permitted use.</td>
</tr>
</tbody>
</table>

No retail or commercial floor space is proposed on the land. No additional permitted use for any purpose is proposed on the subject site.

Figure 2 below provides a visual perspective of the proposal looking east from the Cabramatta Golf Club.

![Figure 2. Visual Perspective of the Proposal looking east from Cabramatta Golf Club](image)

Additional concept plans and development design illustrations are included within Attachment A of this report and are intended to give an indication of the proposed design and scale of future development under the provisions of the planning proposal. The Applicant would be required to further refine the concepts for the development application stage.

**B. PROPOSED AMENDMENTS TO FAIRFIELD LEP 2013**

The zoning and development standards proposed for the site are separated into 2 distinct sectors. The following figures illustrate how the key LEP maps are proposed to be amended:
Proposed Zoning Map

Figure 3. Proposed land zoning map
Proposed Height of Building Map

Figure 4. Proposed height of building map
The Proposal is a significant residential rezoning which requires it to be assessed against a number of Council strategies and studies as well as relevant State government strategic documents.

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (the EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EPA Reg) set out:

- Requirements for rezoning land;
- Requirements regarding the preparation of a local environmental study as part of the rezoning process;
- Matters for consideration when determining a development application; and
- Approval permits and/or licences required from other authorities under other legislation.
This Planning Proposal has been prepared in accordance with the requirements set out in Section 3.33 of the EP&A Act, in that it explains the intended outcomes of the proposed instrument. The Planning Proposal also provides justification and an environmental analysis of the Proposal.

Metropolis of Three Cities – A vision to 2056

The Metropolis of Three Cities – A Vision to 2056 is the overarching strategic land use plan for the Greater Sydney metropolitan area. It outlines the strategic vision for managing growth in Sydney to 2056. The vision seeks to transform Greater Sydney into a metropolis of three cities.

- The Western Parkland City – the site is located within the Western Parklands City;
- The Central River City; and
- The Eastern Harbour City.

The strategy for Greater Sydney is underpinned by ten strategic directions each with specific objectives designed to deliver the plan. Table 3 summarises the Planning Proposal’s consistency with the relevant directions.

<table>
<thead>
<tr>
<th>Directions</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A city supported by infrastructure</td>
<td>Cabramatta and Liverpool are a short bus ride from the site and the Orange Grove MegaCenta (which is being considered for a planning proposal by Liverpool Council) is within walking distance. The planning proposal will facilitate a reasonable increase in housing density which will increase the local community’s capacity to live within 30 minutes of the nearest strategic centres of Fairfield and Liverpool. Further, the planning proposal will not compromise the delivery of any planned metropolitan infrastructure projects.</td>
</tr>
<tr>
<td>A collaborative city</td>
<td>The planning proposal will not compromise the co-ordination and delivery of the Western City Deal or the proposed Liverpool collaboration area. The planning proposal is a result of ongoing consultation between the landowner and Council; it will also be publicly exhibited to allow the wider community and authorities to provide their views on the proposal.</td>
</tr>
<tr>
<td>Housing the city</td>
<td>The planning proposal will facilitate the provision of approximately 130 new dwellings in a variety of typologies, within walking distance of the Orange Grove MegaCenta, and adjacent to bus stops that connect to Cabramatta and Liverpool. The planning proposal will increase housing diversity and supply in an appropriate location.</td>
</tr>
<tr>
<td>A well-connected city</td>
<td>As outlined above, the planning proposal is close to surrounding strategic centres and will not prevent the delivery of metropolitan transport infrastructure projects.</td>
</tr>
</tbody>
</table>

Metropolis of Three Cities – A vision to 2056

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The strategy for Greater Sydney is underpinned by ten strategic directions each with specific objectives designed to deliver the plan. Table 3 summarises the Planning Proposal’s consistency with the relevant directions.
Jobs and skills for the city
The planning proposal seeks to increase the density of existing residentially zoned land within reasonable limits. It does not seek to rezone industrial or urban services land.

A city in its landscape
The Plan does not identify the site as having any significant ecological or biodiversity significance. While it is noted that the site contains a number of stands of trees, the 1943 aerial photo shows that the site was cleared of any significant vegetation. The current vegetation on site is likely to have been planted since that time. The site’s existing landscape is highly modified and degraded and it is bounded by two high volume major arterial roads and existing urban development. Notwithstanding, the planning proposal seeks to retain many of the mature trees on-site and provides a significant area of communal open space.

The planning proposal does not propose to rezone any environmentally zoned land.

**Table 3. Summary consistency with planning directions**

**Western City District Plan**

The Greater Sydney Commission’s overarching vision for the Western City is to provide a 30-minute city. This means that residents in the Western City District will have quicker and easier access to a wider range of jobs, housing types and activities. The Western City District Plan sets out 20 strategic planning priorities to achieve the vision. The table below sets out the key planning priorities applicable to this proposal and justification of consistency.

<table>
<thead>
<tr>
<th>Planning Priority</th>
<th>Consistency</th>
</tr>
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<tbody>
<tr>
<td>Planning Priority W5 – “Providing housing supply, choice and affordability with access to jobs, services and public transport”</td>
<td>The Planning Proposal will boost housing supply within the established neighbourhood of Cabramatta, close to Liverpool which is consistent with the Western City District Plan and will also enable the existing community to remain in place. The site is unique and represents one of the largest single residential landholdings in the LGA. It has the capacity to provide a range of smaller affordable dwelling types to suit the change in housing demand for smaller dwellings. It has been acknowledged that the delivery of smaller housing types needs to be prioritised to meet the changing needs of the local community. The site is within walking distance of the Orange Grove MegaCenta and within 30 minutes travel time on public transport to Liverpool CBD, Cabramatta and Fairfield. Therefore, it is in a strategically appropriate location to deliver the ‘30-minute City’ by taking advantage of the amenity, services and employment opportunities provided by the surrounding strategic centres.</td>
</tr>
</tbody>
</table>
OUTCOMES COMMITTEE

Meeting Date 12 March 2019

Item Number. 15

| Planning Priority W14 “Protecting and enhancing bushland and biodiversity” | The site does contain a small amount of remnant vegetation. However, it is not identified on the Fairfield LEP “Terrestrial Biodiversity Map” or “Riparian Lands and Watercourses Map”. Further, it is not subject to any additional local environmental protection provisions in the LEP.

The ecological assessment undertaken and submitted with the planning proposal concluded that:

- The site is located within a significant area of existing urban development and has been substantially cleared and developed in the past. The existing vegetation on the site is described as ‘synthetic’ and is dominated by introduced species and horticultural plantings.

- The development area is not considered critical or important for the survival of a viable local population of any threatened biota or threatened or migratory species.

Notwithstanding the above, the applicant has worked with Council to demonstrate that the majority of larger trees and the key stand of remnant vegetation to the south east can be maintained as provide for the residential communal open space.

Table 4. Key planning priorities of the Western City District Plan

SEPP 65 – Principle 1 “Context and Neighbourhood Character” – Addressing the Sydney Western City Planning Panel comments on the original proposal

On 11 April 2018, the Sydney Western City Planning Panel determined that the original application not proceed to Gateway Determination as the proposal had not demonstrated site specific strategic merit.

In considering the original iteration of the Planning Proposal, the Panel determined that the Proposal would result in a development that would contrast with the character of the immediate urban precinct. The Panel wrote that:

“The proposal is considered to lack site specific merit as it would result in an isolated medium/high density development distinctly contrasting with the character of the immediate urban precinct in which is located. That immediate precinct constitutes low density detached dwellings adjoining the common eastern and southern boundaries of the site. Significant open space and vistas are provided by the golf course located opposite on Orange Grove Road. This element of the proposal’s setting is unlikely to undergo significant change in the medium term.”

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</tbody>
</table>
There is no development with similar form or height to the development that is proposed in the area surrounding the Orange Grove development and surrounding commercial development.

Given those matters, the resulting development is considered to be incompatible with the surrounding urban context, and would result in development in conflict with State Environmental Planning Policy (SEPP) 65 Design Quality of Residential Apartments, Principle 1: Context and Neighbourhood Character.

The indicative concept design submitted with the current Planning Proposal has been prepared to be more compatible with the surrounding urban context and allow the efficient and orderly development of the site. The current Planning Proposal seeks to primarily facilitate medium density townhouses of a scale and form that is compatible with the adjacent detached dwellings. The mass and scale of the single residential flat building is significantly lower than the mass and scale of the residential flat buildings previously considered by the Sydney Western City Planning Panel. This section of the report demonstrates that the Planning Proposal and the future built form of the proposed residential flat building is consistent with the Principle 1. Principle 1 is reproduced below:

“Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area’s existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”

The proposed residential flat building is consistent with Principle 1 for the following reasons:

- The site is large and currently vacant; it is located on a major arterial road intersection on a prominent ridgeline at the southern gateway to the Fairfield LGA. It is a unique location. The immediate surrounding context comprises a range of uses including a highway service centre, fast food outlet, golf club and course, low density detached dwellings and multi dwelling houses. The existing maximum height limit on the immediately adjoining land is 9m.
- The indicative concept for the residential flat building responds to the surrounding context in the following manner. The proposal is setback 6m from the public domain which is consistent with the front building line setback established by the lower density dwellings to the east. The Cabramatta Road West building façade at the ground plane and upper levels can be broken down vertically and horizontally to respond to and reflect the scale of the adjacent low-density dwellings. By implementing these mechanisms, the Proposal can respond and contributes to the existing streetscape.
• The Proposal is setback 18m from the adjoining low density at the fifth storey, and 9m from the adjoining low density at the fourth storey. These distances allow the form and scale to transition between the 9m low density zone to the four storey (12m) component without resulting in an abrupt change in the streetscape. The addition of a detailed landscaping strategy at the DCP or development application stage will further soften the transition between the two zones.

• The recessive fifth storey ‘pop-up’ element is set back 3m from the building’s street façade (9m from the street boundary) and between 18m – 14m from the side facades. The proposed built form will read as a four-storey building from the immediate surrounds, and it will create a landmark that addresses the corner, which will improve geographical legibility and create a distinct identity for the immediate area.

In summary, the proposed location, height, mass and scale of the residential flat building has been scaled back per the recommendations of the Sydney South West Local Planning Panel.

2016 – 2026 Fairfield City Plan

The Planning Proposal is consistent with a number of themes and goals within the Fairfield City Plan 2016 – 2026. The table below illustrates how the Planning Proposal aims to achieve the outcome of these themes and goals.

<table>
<thead>
<tr>
<th>Relevant FCCSP Outcome within the theme</th>
<th>Outcome</th>
<th>How the Planning Proposal achieves the outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Theme 2 – Places and Infrastructure</strong></td>
<td>High quality development that meets the community’s needs.</td>
<td>The Planning Proposal seeks to encourage development of different housing types to meet the varied needs of the community.</td>
</tr>
<tr>
<td><strong>Goal A.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Theme 4 – Local Economy and Employment</strong></td>
<td>A variety of job and training opportunities available in the city</td>
<td>The Planning Proposal will generate full time short term employment through the construction of the project. The ongoing maintenance of the development will generate employment for the local economy.</td>
</tr>
<tr>
<td><strong>Goal C.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 5. Consistency with Fairfield City Plan Themes**

Fairfield Local Environmental Plan 2013 (Fairfield LEP 2013)

The Fairfield LEP is the key environmental planning instrument that applies to the site. In summary the Planning Proposal will endeavour to:

• Provide appropriate and diverse housing types to meet a range of lifestyles and cultures, and;
• Provide a built form that is sensitive to the existing character of the surrounding residential properties and will not generate any unacceptable impacts on the amenity of the neighbouring dwellings.
<table>
<thead>
<tr>
<th>Objective FLEP 2013</th>
<th>Proposal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,</td>
<td>The Planning Proposal is consistent as it seeks to increase the number of dwellings permitted on the site. This will increase the range and diversity of housing opportunities the LGA.</td>
</tr>
<tr>
<td>To ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,</td>
<td>The Planning Proposal is related to residential land uses in a residential area. It will not undermine the achievement of this objective.</td>
</tr>
<tr>
<td>To conserve the environmental heritage of Fairfield,</td>
<td>The Planning Proposal is consistent as it will not have any impact on the preservation of the environmental heritage of Fairfield.</td>
</tr>
<tr>
<td>To protect and manage areas of remnant bushland, natural watercourses and threatened species.</td>
<td>The Planning Proposal is consistent as it will not have any adverse impact on the sensitive ecological systems located in Fairfield. The vegetation on-site is identified as low environmental significance, with the 1943 aerial photograph showing that the site was historically cleared of vegetation. However, the site specific DCP will seek to maintain as much of the significant vegetation and tree canopy as possible, creating a canopy link from the site south to Cabramatta Creek riparian corridor by ensuring that the communal open space centres around the significant trees.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives of R4 Zone</th>
<th>Proposal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide for the housing needs of the community within a high density residential environment.</td>
<td>The Planning Proposal will facilitate the development of a modest residential flat building with approximately 69 apartments adjacent to public transport and within proximity of the Orange Grove MegaCenta.</td>
</tr>
<tr>
<td>To provide for a variety of housing types within a high density residential environment.</td>
<td>The Planning Proposal will facilitate a variety of one, two and three bedroom apartments.</td>
</tr>
<tr>
<td>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</td>
<td>The residential flat building is not incompatible with other land uses that are permissible in the R4 zone.</td>
</tr>
<tr>
<td>To maximise opportunities for increased development on all land by encouraging site amalgamations.</td>
<td>The Planning Proposal seeks to facilitate a reasonable residential development on an amalgamated site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives of R3 Zone</th>
<th>Proposal Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide for the housing needs of the community within a medium density residential environment.</td>
<td>The Planning Proposal will facilitate the development of approximately 63 multi-dwelling houses (townhouses) adjacent to public transport and within proximity to Orange Grove MegaCenta.</td>
</tr>
<tr>
<td>To provide a variety of housing types within a medium density residential environment.</td>
<td>The Planning Proposal will facilitate the development of a variety of two and three bedroom townhouses.</td>
</tr>
<tr>
<td>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</td>
<td>The proposed townhouses are not incompatible with other land uses that are permissible in the R3 zone.</td>
</tr>
</tbody>
</table>

Table 6. Consistency with objectives of the proposed zones within the Fairfield LEP 2013
Fairfield Residential Development Strategy 2009
The Fairfield Residential Development Strategy (RDS) identifies areas within Fairfield City that should be investigated for future increases in residential density. The key principle for the increase in density within the City outlined by the RDS is density around centres and along corridors. This was reflected in the initial RDS which proposed residential density increase in and around the Cabramatta Town Centre.

Whilst the Proposal is outside the areas identified for increased residential density by the RDS, the site is a uniquely large site (approximately 1.5HA) that can accommodate greater residential density with limited impacts on adjoining residential land uses.

The Planning Proposal provides an opportunity to implement urban renewal to the south west of Cabramatta and increase diversity in housing typology. The site is serviced by regular bus services running south to Liverpool Station and east to Cabramatta Station.

Fairfield City Wide Development Control Plan 2013

The Proposal was considered against objectives and desired character of Chapter 6A Multi Dwelling Housing and Chapter 7 Residential Flat Buildings.

Specifically, the Planning Proposal generally satisfies the following objectives and desired character outcomes of chapter 6A:

- To provide for the housing needs of the community within a medium density residential environment, meeting the needs of families and households that require smaller dwelling units and more affordable housing choices;
- To ensure the development makes a positive contribution to the streetscape and neighbourhood.

Concerning Chapter 7 the Planning Proposal satisfies the following objectives and desired character outcomes:

- Visually integrate new development with neighbouring housing via compatible dwelling form;
- Maximise access to sunlight for dwellings in and around the development;
- Maximise the effective use of the site including front and side setbacks.

Whilst the Proposal is generally consistent with the desired future character of the locality, the scale of development proposed is considerably greater than that provided for under the controls of the existing DCP. Consequently, a draft Site Specific DCP has been prepared for the site. Details of the draft SSDCP are discussed in further detail later in this report.
D. FAIRFIELD LOCAL PLANNING PANEL REFERRAL

Planning Proposals are required to be referred to the Local Planning Panel for advice prior to being reported to Council, as set out by the Local Planning Panels (LPP) Direction – Planning Proposals under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal was referred to the Fairfield Local Planning Panel (FLPP) for advice at its meeting of the 21 November 2018.

FLPP Comments and Recommendation

On the 21 November 2018 the FLPP met to consider the matter and adopt a recommendation. A pre-meeting inspection was held on site with Council Officers.

In considering the Proposal, the Fairfield Local Planning Panel (FLPP) raised a number of issues with the Proposal and recommended that the issues be addressed before the Planning Proposal is forwarded to the Department of Planning and Environment for Gateway Determination. The FLPP minutes form Attachment C of this report and the main points have been summarised below.

Notwithstanding the issues raised, the recommendation by the panel was that it supported the Proposal in principle, subject to the Proposal being amended to adequately address a number of concerns which it believes Council Officers should take into account prior to reporting the matter to Council. A summary of the matters raised by the panel and how they were addressed are outlined below:

- Site Specific Development Control Plan
  The panel was of the view that a Site Specific Development Control Plan should be developed in conjunction with the Proposal.

  Council Officer comment and further action taken:
  The Applicant has subsequently submitted a draft site specific Development Control Plan, which has been reviewed and amended by Council Officers to ensure consistency with the FLPP comments. The site specific DCP forms Attachment B of this report.

- Further address the environmental constraints on site
  The panel felt that the environmental constraints of the site had not been dealt with effectively and that the DCP should specifically consider the need to protect the Cumberland Plain Woodland (Ecologically Endangered Communities) and the manner in which this vegetation links with other local and similar vegetation within the immediate vicinity. Such an assessment should also strategically consider the opportunities for offsetting should it be determined that some degree of loss of vegetation is unavoidable.
Council Officer comment and further action taken:
The Applicant has included provisions within the draft site specific DCP which seek to address the environmental issues. The concept proposal has also been redesigned so that more of the larger mature trees are not disturbed.

- **Traffic noise attenuation**
  That the Applicant be requested to provide advice on how it intends to attenuate traffic noise, particularly along the Cumberland Highway.

Council Officer comment and further action taken:
The Applicant has included provisions within the draft site specific DCP which would require the development include noise attenuation measures for the buildings addressing Cabramatta Road and Cumberland Highway.

- **Affordable Housing**
  That the panel was of the view that the Proposal ought to have an element of affordable housing which it singularly lacks at this stage.

Council Officer comment and further action taken:
Council currently does not have an affordable housing policy or an agreement with a local affordable housing provider, however, Council does have a Voluntary Planning Agreement Policy should the Applicant wish to enter into an affordable housing arrangement. This would need to be further discussed with the Applicant should the Proposal receive Gateway Determination.

- **Isolation of 22 Orange Grove Road and 4 Links Avenue**
  The panel was concerned about the diminished development potential on the two contiguous sites on the corner of Links Avenue and Cumberland Highway, and believed that this needed to be properly addressed prior to a planning proposal proceeding any further including the Applicant being asked to provide evidence of a genuine attempt to purchase the property and / or clearly showing that the site could accommodate redevelopment in the future.

Council Officer comment and further action taken:
The Applicant has provided a concept of how the two sites at the corner of Links Avenue and Cumberland Highway can be developed should they choose to pursue their own planning proposal in the future.

It is considered that the matters raised by the FLPP have been adequately addressed by the Applicant and reviewed by Council Officers for the Planning Proposal to progress to Gateway Determination.
E. INTERNAL REFERRALS

The Planning Proposal and associated supporting material was referred to the relevant Council departments for review and comment. The following provides a summary of the relevant feedback and issues raised. Many of the comments provided by internal stakeholders are specific to a future development application, and as such would be required to be dealt with at that stage.

Traffic and Parking

The Applicant has provided a Traffic Impact Assessment report (the same submitted with the previous proposal) prepared by Asongroup. The report concluded that the existing road network can accommodate the additional trip generation arising from the scale of development from original planning proposal and future broader precinct uplift without significant impacts.

Council’s Traffic Engineers reviewed the Proposal and provided the following comments.

1. The number of trips generated by the current Planning Proposal during peak hours is 63, and is significantly lower when compared with the original proposal.
2. The Planning Proposal shall be referred to the Roads and Maritime Services for comments.
3. The number of parking spaces proposed shall comply with Chapter 12 of Fairfield City Wide Development Control Plan 2013.
4. Bicycle parking spaces shall be provided to encourage active transport.
5. The proposed access driveway shall be designed to cater for the largest vehicle servicing the development. The proposed location of the driveway shall comply with sight distance requirements.
7. The proposed cul-de-sac shall be designed to ensure Council’s waste collection vehicle could turn around and egress the site in a forward direction.
8. The Applicant shall assess the traffic impact of the proposed development on the intersection of Cumberland Highway/Links Avenue.
9. The waste collection is to be undertaken by Council’s waste collection vehicles at the street level on the internal access road connecting from Links Avenue. This requires the dedication of internal access road to Council.
10. A preliminary two way road analysis be undertaken by the Applicant.

Council Officer comment

The comments above are noted. A number of the comments are specific in detail which would relate directly the draft site specific development control plan and / or a development application.
The key strategic planning issues that would be required to be addressed prior to submitting the Application to the Department of Planning and Environment for Gateway Determination are as follows:

- The Planning Proposal will be forwarded to the NSW Roads and Maritime Services for comment.
- To address the issues outlined in points 3 to 6 above, such as car and bike parking and detailed design of the access ways, a draft site specific DCP has be prepared by the Applicant. The draft site specific DCP will supplement the controls within the Fairfield City Wide DCP given the unique development and proposed varied floor space ratio across the site. Outstanding issues regarding carriage way width and road network have been addressed in the site specific DCP.
- Council’s Traffic Engineers requested that the Applicant provide swept path diagrams to show that Council’s waste service vehicles could manoeuvre inside the proposed internal access road. It was important that this be proven at concept plan stage as any change to the road network may impact dwelling numbers and configuration. The Applicant lodged swept path diagrams as additional information. The swept path diagrams where analysed by Council’s waste service and traffic engineers and no further issues were raised.
- The Applicant provided the original traffic assessment supplied with the original, more dense proposal. This traffic assessment concluded that the surrounding road network and intersection at Links Avenue could accommodate the proposed density at that time and it was acceptable. It could not be justified to request the re analysis of trip generation at a much lower trip generation rate.
- Proposed parallel parking spaces close to the property boundary resulting in conflict between motorists entering/exiting from the development, and motorists trying to park in parallel parking spaces. This will need to be further addressed post exhibition and during the development application stage of the development.
- SiDRA files shall be submitted to assess the existing and proposed traffic conditions associated with the development for Cumberland Highway/Link Avenue intersection.
- It was advised by Council’s traffic engineers that the Roads and Maritime Services (RMS) will not support the 10km/h speed limit for a public road as outlined in the pedestrian safety assessment. Therefore, the status of the proposed road whether private or dedicated to Council needs to be resolved. At this early stage it is anticipated that the road will remain privately owned.
- The Applicant has addressed the issue of vehicular circulation, waste access and dwelling separation by designing a development with two way access, which has been incorporated within the site specific DCP.

Further consultation and refinement of the site specific DCP may occur after the public exhibition stage.
Natural Resources

The Applicant submitted an ecological issue and assessment report and an ecological considerations report. The reports concluded that no ecologically endangered species or critically endangered wildlife existed onsite. The report did note that some vegetation onsite was listed as having a low Conservation Significance under Fairfield City Council’s Biodiversity Strategy.

Council’s Natural Resources Branch raised 15 matters to be resolved or discussed as part of the assessment.

Council Officer Comment

The matters raised by the Natural Resources team are within the scope of a development application. As a result, appropriate controls have been included within the draft site specific development control plan to facilitate compliance with the above matters.

Catchment Planning

The Applicant submitted a Flood Assessment Report prepared by ANA Civil P/L Rev 3. The report concluded that the site was not flood affected. Council’s Catchment Branch agreed with this assessment.

Catchment Planning also noted that the proponent will be required to undertake On Site Detention (OSD) of stormwater as the development may result in overland flow issues to sites downstream of the development.

Council Officer comments

An indicative OSD plan was submitted by the Applicant on 5 November 2018. It is anticipated that the indicative location of OSD storage location can be resolved within the development application stage of the Proposal.

Further consultation and refinement of the site specific DCP regarding on-site detention may occur during the public exhibition stage.

Development Engineering

The Application was referred to Council’s Development Engineering branch for comment. The major issue raised was in relation to the parking, access and manoeuvring of waste vehicles and safety of pedestrians within the development. Swept path analysis diagrams and a Traffic and Safety Assessment authored by Asongroup were provided as additional information.

The safety assessment concluded that the one-way nature of the system also provides an improved walking environment for pedestrians.
• Traffic is approaching from one direction only and therefore simplifies the ‘awareness’ required for pedestrians walking within the aisle;
• Wider roadway so that the vehicles can drive pass pedestrians more easily, and
• Provides opportunity of reduced carriageway widths (using landscaped blisters when clear of garages); reducing the crossing distance for pedestrians.

Council Officer comments

The Applicant has addressed the above issues by designing a development with two way access, which has been incorporated within the site specific DCP.

Waste Management

Council’s Waste Management branch reviewed the Proposal’s urban design report and concept plan and determined the following:

1. There will need to be significant number of garbage and recycling bins for collection. (ie. approximately 98 of 240L garbage bins and 86 of 240L recycling bins). There shall be sufficient space for bins to be presented at ground level for collection. This is critical for the residential flat building.
2. Design of internal road of one-way will create issues for waste collection, especially collecting from both sides of the road as side-loader truck can only collect from the left hand side of the truck. One-way road makes it impossible for collection with side-loader trucks.
3. The width of the road needs to be designed for big trucks.
4. The curve of the road need to be designed for big trucks to make turn. This can be done by following guideline in the MUD guideline published by the NSW EPA.
5. There shall be sufficient space for bulky waste to be presented and collected at kerbside of the internal road.
6. There should be a dedicated space for other recycling systems beside normal kerbside collection, such as separate bins for cloths, e-waste, house hold batteries, mobile phones.
7. Organic waste could be reduced by providing community garden within the area.
8. Townhouses should be designed to minimise noise from the internal road, especially noise from garage trucks during collection. Since the collection may be done in early morning.

Council Officer comments

The matters raised by the Waste Management branch are within the scope of a development application, however, the Applicant has addressed the majority of the above issues by designing a development with two way access, which has been incorporated within the site specific DCP

Further consultation and refinement of the site specific DCP regarding waste and waste vehicle access may occur during the public exhibition stage.
Strategic Land Use Planning

Strategic Land Use Planning required a number of issues be acknowledged in the Planning Proposal documentation prior to being forwarded to DPE for Gateway Determination, namely:

1. Addressing a “Metropolis of Three Cities – A vision to 2056” in the strategic merit test;
2. Addressing proximity to Heritage Item I11 “Red Gums”;
3. Addressing Planning Priority W14 “Protecting and enhancing bushland and biodiversity”

Council Officer comments

The above points were addressed in the additional information package provided to council on 5 November 2018.

F. ASSESSMENT OF CONSISTENCY WITH MINISTERIAL DIRECTION UNDER SECTION 117

Planning Proposals are required to demonstrate consistency with Section 117 Ministerial Directions under the NSW Environmental Planning and Assessment Act and also satisfactorily justify any inconsistencies. The Planning Proposal document (Attachment A) contains a detailed review of the Proposal against all the relevant Section 117 Directions. Below is a summary of the key directions that are relevant to the Planning Proposal.

Direction 3. Housing and Urban Development, 3.1 Residential Zones

Aim of the Direction – This direction is relevant as it also applies to any zone in which significant residential development is permitted or proposed to be permitted. The direction aims to encourage a variety and choice of housing types to provide for existing and future housing needs and to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.

Assessment of Consistency – The site is proposed to be rezoned part R3 Medium Density Residential and part R4 High Density Residential. The Planning Proposal is consistent with this direction as it seeks to increase the residential density on the site which will make better use of infrastructure and proximity to services. The Planning Proposal will also increase the choice of building and housing types, in an area that is located close to transport, opens space, schools, services, and employment in Cabramatta, the Liverpool CBD and Fairfield.
Direction 3. Housing, Infrastructure and Urban Development, 3.4 Integrating Land Use and Transport

Aim of the Direction – This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

a) Improving access to housing, jobs and services by walking, cycling and public transport, and
b) Increasing the choice of available transport and reducing dependence on cars, and
c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
d) Supporting the efficient and viable operation of public transport services, and
e) Providing for the efficient movement of freight.

Assessment of Consistency – The Planning Proposal will facilitate a medium to high density residential development to support the existing bus routes connecting the site, and improve access to housing, jobs and services by walking, cycling and public transport.

Direction 7. Metropolitan Planning, 7.1 Implementation of A Plan for Growing Sydney

Aim of the Direction - This direction aims to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney – A Metropolis of Three Cities.

Assessment of consistency – See a metropolis of 3 cities above.

G. ADDITIONAL CONSIDERATIONS

Incorporation of 4 Links Avenue and 22 Orange Grove Road

In an additional information letter to the Applicant on 25 October 2018 Council Officers stated that additional analysis should be undertaken to the possibility 4 Links Avenue and 22 Orange Grove being able to be redeveloped in the future. Further consideration should be undertaken as to the future potential of 4 Links Avenue and 22 Orange Grove Road.

As a result, Council Officers required the Applicant to provide a concept plan for 2 Links Avenue and 22 Orange Grove Road, Cabramatta, showing that the lots would not be affected by isolation and how they could be redeveloped in the future should the land owners choose to do so. This concept shows that should the land owners seek to pursue a redevelopment and planning proposal in the future, they could achieve redevelopment in isolation.
Removal of additional permitted use applying to the site

Currently additional permitted use for the purpose of Multi Dwelling Housing applies to the site. It is recommended that as part of this proposal the additional permitted use be removed as multi dwelling housing is a permissible use under the R3 Medium Density Residential and R4 High Density Residential zone of Fairfield LEP 2013.

H. SITE SPECIFIC DEVELOPMENT CONTROL PLAN

As outlined earlier in this report, the Fairfield Local Planning Panel recommended that a site specific DCP be prepared to accompany the Planning Proposal.

The site specific DCP has been prepared address the issues outlined by the FLPP and the relevant internal stakeholders.

The site specific DCP responds to the issues raised and provides objectives and development controls as listed below:

- Site design and layout
- Building height (storeys)
- Building separation and setbacks
- Residential flat building design
- Development controls for multi dwelling housing
- Vehicular and pedestrian access
- Parking
- Traffic noise attenuation
- Tree protection
- Solar access and natural ventilation
- Communal and private open space
- Mix of units
- Units per site area
- Cut and fill
- Indicative concept plans

It is noted that further refinement of the site specific DCP may be required post exhibition depending on the nature of submissions received from relevant internal Council stakeholders/subject matter experts and external resident and land owner submissions.

Should the Planning Proposal receive a favourable Gateway Determination, it is recommended that the draft site specific DCP be publicly exhibit concurrently with the planning proposal.

NEXT STEPS

Subject to Council’s endorsement to the recommendations to this report, the Planning Proposal included in Attachment A would be referred to the DPE requesting a Gateway Determination.

If the Department is satisfied with the contents of the Planning Proposal, it is anticipated that Council would be issued with a Gateway Determination in approximately 2-3 months’ time authorising public exhibition of the document.
Following issue of the Gateway Determination, the Planning Proposal would be placed on public exhibition concurrently with the draft site specific DCP.

**CONSULTATION STRATEGY**

Generally, public exhibition of a Planning Proposal of this significance and scale will be required for a minimum statutory period of 28 days and would involve:

- Notification to landowners both within and directly adjoining the land affected by the Planning Proposal;
- Notice in the local newspaper;
- Publication of all relevant information on Council’s website; and
- If the timing coincides with statutory public exhibition, information on the Planning Proposal will be included in a future edition of Council’s newsletter CityLife.

The Gateway Determination will also require Council to undertake consultation with a number of State Government Agencies and utility providers.

Following public exhibition, a report will be presented to Council to consider the outcomes of the public exhibition, including submissions received as a result of public exhibition and consultation with the State Agencies and utility providers.

In addition to the above, delegated authority for Council to finalise the Planning Proposal will be requested given that Council does not own any land subject to the proposal. If delegation is granted, the finalisation process will be undertaken by Fairfield City Council.

**CONCLUSION**

As a result of the assessment undertaken above, Council Officers support the Planning Proposal subject to the matters discussed above being resolved post Gateway Determination. It is recommended that Council support the Planning Proposal for 400-404 Cabramatta Road West, Cabramatta as outlined in this report.

Once the matter has been considered by Council, the Planning Proposal will be forwarded to the Department of Planning and Environment to proceed for Gateway Determination.

A further report will be submitted to Council at the conclusion of the public consultation period.

Patrick Warren
Senior Strategic Land Use Planner
Chris Shinn
Coordinator Strategic Planning

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

Outcomes Committee - 12 March 2019

File Name: OUT12032019_3.DOCX

***** END OF ITEM 15 *****