

Fairfield Local Planning Panel



MINUTES

DATE OF MEETING: 18 September 2019

LOCATION: Reading Room/Lunch Room

TIME: 5.00pm Closed Briefing Session
6.00pm Public Meeting

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 2

PRESENT:

Mary-Lynne Taylor
Charles Hill
Stephen Pearse
Toni Lord
Council Staff
Andrew Mooney
Marcus Rowan
Sunnee Cullen
Liam Hawke
Hayley Tasdarian
Jeyda Kokden

APOLOGIES AND REASONS ACCEPTED

There were no apologies tendered for this meeting.

ADVICE AND STATEMENT OF REASONS

20: SUBJECT: Fairfield Accelerated LEP Review - Stage 1 Planning Proposal
(CLOSED BRIEFING SESSION)
Premises: Fairfield City LGA
Applicant/Owner: Fairfield City Council
Zoning: All zones under Fairfield LEP 2013
File Number: 9/19838

DECLARATIONS OF INTEREST:

Nil

FLPP ADVICE:

1. The Panel notes that the draft planning proposal has been prepared to address a key grant funding milestone for Council under the NSW Accelerated LEP Program. The planning proposal also represents Stage 1 of amendments to Fairfield LEP 2013 and includes a number of provisions that support proposed actions and planning themes of the Fairfield City draft LSPS – Shaping a Diverse City, as well as, addressing housekeeping amendments to the LEP, and recommends Council that it refer the proposal to the Department of Planning for consideration as part of the Gateway Process.
2. In addition, the planning proposal also deals with a number of housekeeping amendments to Fairfield LEP 2013, associated with zoning anomalies relevant to three properties as shown in **Attachment A** to Council's planning report, and updates to property descriptions for heritage listed sites as shown in **Attachment B**, to Council's planning report, aimed at promoting greater

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 3

certainty for future development of these sites.

3. Whilst not part of the Planning Proposal, the Panel strongly recommends that Council considers the appointment of a design review panel to be part of the Design Excellence Strategy as recommended within the Draft Local Strategic Planning Statement.
4. The Panel congratulates Council's staff for minimising applications for minor developments such as that for the use of footpaths in commercial areas, and would recommend that Council also consider extending that approach to such matters as the annual event of the circus.
5. Details of the planning proposal are set out in the Council's planning report referred to the Fairfield Local Planning Panel for advice in accordance with the provisions of section 9.1 of the EP& A Act 1979.
6. The Panel supports the proposed draft Planning Proposal, as outlined in Council's planning report and recommends that Council forward the proposal for further consideration by the Department of Planning as part of the Gateway Process.

REASONS FOR THE DECISION:

1. That the Fairfield Local Planning Panel indicate to the Fairfield City Council, that it supports the proposed draft Planning Proposal, as outlined in Council's planning report, to implement a number of priority actions of the Fairfield Local Strategic Planning Statement, as well as, housekeeping amendments to the Fairfield LEP 2013.

MATERIAL CONSIDERED BY THE PANEL:

Housekeeping amendments to Fairfield LEP 2013
Amendments to Heritage Schedule – Property details
Fairfield Draft LSPS – Shaping a diverse City

MEETINGS AND SITE INSPECTIONS BY THE PANEL:

Pre-meeting, no site inspection.

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 4

PANEL MEMBER SIGNATURES

Item No. 20

Mary-Lynne Taylor (Chair)

Charles Hill

Stephen Pearse

Toni Lord (Community Representative)

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 5

DETERMINATION AND STATEMENT OF REASONS

21: SUBJECT: Demolition of existing structures and the construction of a Shopping Centre to incorporate a supermarket, discount department store and retail shops with associated parking, including the retention and vegetation works to the existing Clear Paddock Creek.

Premises: Lot 114, DP 1327, Lot 31 and Lot 32, DP 263540, known as 685 – 707 Smithfield Road, Edensor Park.

Note that the application previously included part of Lots 33 and 34 DP 263540 known as 697A and 697B, Smithfield Road, Edensor Park (owned by Fairfield City Council) and part of Lot 35, DP 263540 (owned by Roads and Maritime Services (RMS)). These lots are excluded from the amended application.

An aerial photograph identifying the current lots to which the application relates is contained in Section 3 of the report.

Applicant: Sergi Brothers Pty Ltd
Directors: Rosario, George & Umberto Sergi

Owners: Lot 114 – Sergi Brothers Pty Ltd
Lot 31 – Rosario, George & Umberto Sergi
Lot 32 – Sergi Brothers Pty Ltd

Zoning: Part 2(a) Residential A, and part 6(a) Existing and Proposed Recreation under Fairfield Local Environmental Plan 1994 (FLEP 1994). The extent of works relate only to the 2 (a) zoned land.

A part of No. 685 is also zoned SP2 “Classified Road” under Fairfield Local Environmental Plan 2013 (FLEP 2013) but the extent of works do not include this land.

File Number: DA 2358/2003

DECLARATIONS OF INTEREST:

Nil

CONSIDERATIONS AND DECISION:

1. The Fairfield Local Planning Panel resolves to defer the determination of DA 2358/2003 at 685-707 Smithfield Road, Edensor Park, pending satisfactory resolution of the contamination issue and for the Panel to receive a technical report that finds the whole site to be suitable now or will be suitable after remediation for the proposed use of this site.

The Panel is minded to approve the application for the reasons given in the

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 6

Assessment Report and subject to conditions within the Council report with the deferred commencement conditions to be amended as follows:

- Amendment of Condition a. by the addition of the following words;
The acoustic wall proposed on the south western boundary is to be set back three (3) metres from the south-western boundary.
- Condition b. to be amended as follows:
 - A deep soil landscaping strip of a minimum of three (3) metres in width and capable of accommodating substantial planting is to be provided along the south western boundary for the length of the loading dock ramp as indicated on the current application.

CONSIDERATIONS FOR THE DECISION:

1. The Panel notes that the development application has a very long history and has been amended numerous times.
2. The most significant amendment followed the Council resolution of 2013 and resulted in the substantial reduction in the footprint and size of the development and the abandonment of the proposed redirection of Clear Paddock Creek.
3. The site carries three (3) separate zonings under FLEP 1994 although the shopping centre development is confined only to the land zoned 2(a). The proposed shopping centre is not permissible in the 2(a) zone and relies on the provisions of Clause 25H – Bonnyrigg Town Centre for approval.
4. In that regard, the Panel agrees with Council's assessment of the proposal in relation to the assessment of DCP 28 – Bonnyrigg Town Centre, and the Council's officer's conclusion that the amended proposal does adequately respond to the provisions of DCP 28.
5. The Panel also notes that the economic impact of the proposal has been the subject of two separate reports by the Council's independent economic consultant, the conclusion of which notes that the proposal will not have an unacceptable impact.
6. The Panel was not addressed by any objectors to the proposal. There have been several public notifications of the various amendments on these sites and as a result of the most recent notification there were 17 submissions. These submissions have been responded to in Council's assessment report and have been met by suitable conditions of consent, amendment of plans or were not considered grounds for refusal.

RELEVANT MANDATORY CONSIDERATIONS:

Section 4.15 (formerly S79C), Environmental Planning and Assessment Act 1979
Fairfield Local Environment Plan 2013
Fairfield City Wide Development Control Plan 2013
Indirect (Section 94) Development Contribution Plan 2011

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 7

MATERIAL CONSIDERED BY THE PANEL:

Summary History of Development
Architectural Plans
Landscape Plans
Supplementary Planning Report
Flood Study
Traffic Report Including Additional traffic Information
Concept Design Report for Signalised Intersection
RMS Response
Vegetation Management Plan
Submissions – 2011
Submissions – 2015
Draft Conditions of Consent Including Office of Water GTAs

MEETINGS AND SITE INSPECTIONS BY THE PANEL:

Pre-meeting on site with Council Development Assessment Officer and Panel Members.

COUNCIL OFFICER RECOMMENDATION:

Defer

DRAFT CONDITIONS:

Included with Council Assessment Report and attached hereto.

PANEL MEMBER SIGNATURES	
Item No. 21	
Mary-Lynne Taylor (Chair)	Charles Hill
Stephen Pearse	Toni Lord (Community Representative)

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 8

- 22: SUBJECT:** Proposed reconfiguration of existing demountable class room buildings, outdoor covered learning areas, playgrounds and car parking area, increase of student population from 149 to 285 and modifications to the existing school Master Plan including associated landscaping and drainage works at an existing school, known as Irfan College. **(See Addendum to Minutes at Page 15)**
- Premises:** Lot 1 DP 508759, No. 2089-2109 Elizabeth Drive, Cecil Park
- Applicant/Owner:** Irfan College
- Zoning:** Primary Production Small Lots RU4 - Fairfield LEP 2013
- File Number:** DA 473.1/2017

DECLARATIONS OF INTEREST:

Nil

CONSIDERATIONS AND DECISION:

1. The Fairfield Local Planning Panel defers the Development Application No. 473.1/2017 at 2089-2109 Elizabeth Drive, Cecil Park, to await the satisfactory resolution of the current unauthorised structures existing on the site without approval. Following the receipt of this information, the Panel will meet again to decide the application. Whilst the Panel is minded to approve the application for the reasons given in the Council's assessment report the Panel also requires the school plan of management to be amended by the following additional requirements:
 - Provision of detail of the procedures for drop-off and pick-up of children by cars coming to the school site is to be included in the Plan of Management, and these arrangements are to be monitored by the school and made known to the students and parents.
 - The school shall provide details of the school student numbers annually prior to 1 March in each school year.
 - In addition, the proposed master plan is to be updated to reflect the student capacity of 285 students.
2. The application was notified to surrounding residential neighbours and advertised in the local newspaper on 3 separate occasions. During these notification periods, a total of 27 submissions were received. The nature of the concerns raised by the objectors, were primarily related to the traffic impact of the proposal particularly upon the existing intersection of Elizabeth Drive and Duff Road and the proposed number of students.
3. The Panel notes that based on the advice from the Roads and Maritime Services (RMS), being the relevant roads authority with respect to the existing traffic network, the proposed alterations to the existing school would not require any changes to the existing intersection of Elizabeth Drive and Duff Road, and the application is therefore considered to be acceptable.

4. The Panel agrees with Council's assessment that whilst it is considered that the application warrants approval, the application should be deferred pending the resolution of the outstanding unauthorised erection of buildings on site.

RELEVANT MANDATORY CONSIDERATIONS:

Section 4.15 (formerly S79C), Environmental Planning and Assessment Act 1979
Fairfield Local Environment Plan 2013
Fairfield City Wide Development Control Plan 2013
Indirect (Section 94) Development Contribution Plan 2011

MATERIAL CONSIDERED BY THE PANEL:

Architectural Drawings
Stormwater Plans
Statement of Environmental Effects
Plan of Management
RMS Comments
Acoustic Report
On-site Waste Water Management Report
General Terms of Approval – NRAR
Traffic Report
Approved Master Plan Document
Flood Study
Submissions
Draft Conditions of Consent

MEETINGS AND SITE INSPECTIONS BY THE PANEL:

Pre-meeting on site with Council Development Assessment Officer and Panel Members.

COUNCIL OFFICER RECOMMENDATION:

Defer

DRAFT CONDITIONS:

Included with Council Assessment Report and attached hereto.

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 10

PANEL MEMBER SIGNATURES

Item No. 22

Mary-Lynne Taylor (Chair)

Charles Hill

Stephen Pearse

Toni Lord (Community Representative)

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 11

- 23: SUBJECT:** Temporary use of vacant land at Bonnyrigg Sports Club for the purpose of the Stardust Circus commencing on 28 October 2019 and concluding on 18 November 2019.
- Premises:** Lot 13 DP 24063, Lot 1 DP 717806, Lot 1 DP 781418 No. 610-618 & 620 Elizabeth Drive, Bonnyrigg Heights.
- Applicant/Owner:** Janlin Circuses Pty Ltd
Owners: Mr D Radan, Mr J Pavasovic, Mr Trifunovic, Mr M Borak and Movement of Serbian Chetniks Ravna Gora in Australia Pty Ltd.
- Zoning:** RE2 Private Recreation pursuant to the Fairfield Local Environment Plan 2013.
- File Number:** DA 319.1/2019

DECLARATIONS OF INTEREST:

Nil

CONSIDERATIONS AND DECISION:

1. The Fairfield Local Planning Panel approves Development Application No. 319.1/2019, proposing the use of vacant land at Bonnyrigg Sports Club for the purpose of the Stardust Circus commencing 28 October 2019 and concluding 18 November 2019, in accordance with the conditions contained in **Attachment J** of Council's assessment report.
2. The Stardust Circus has operated annually within the Fairfield Local Government Area for the last nine years. The Bonnyrigg Sports Club has hosted the event for the last five years. A search of Council records has indicated that the temporary event has operated in a satisfactory manner, with no known complaints regarding previous Circus events on the site.
3. The application was notified for a period of 14 days from 23 August 2019 to 6 September 2019 via written notification. No submissions were received during that notification period.

REASONS FOR THE DECISION:

1. The subject site is zoned RE2 Private Recreation in accordance with the Fairfield Local Environmental Plan 2013. The temporary event is to be hosted by the Bonnyrigg Sports Club and is therefore considered ancillary to the Club use, and therefore considered to be acceptable.
2. The proposal meets the objectives of the zone, and will provide for recreational activities which are considered suitable as a temporary use of the vacant land.
3. The applicant has satisfactorily demonstrated that the proposal is consistent with the Fairfield Local Environmental Plan 2013 and Fairfield City Wide Development Control Plan 2013.

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 12

4. The application was referred to Council's Building Control Branch, Development Engineering Branch, Environmental Management Section and Traffic Section. No concerns were raised in relation to the proposal, subject to conditions.
5. The application has been assessed by the Panel, pursuant to Section 4.15 of the Environmental Planning and Assessment (EP & A) Act 1979 and is found to be acceptable, subject to the conditions contained in **Attachment J**, to Council's assessment report.

RELEVANT MANDATORY CONSIDERATIONS:

Section 4.15 (formerly S79C), Environmental Planning and Assessment Act 1979
Fairfield Local Environment Plan 2013
Fairfield City Wide Development Control Plan 2013
Indirect (Section 94) Development Contribution Plan 2011

MATERIAL CONSIDERED BY THE PANEL:

Architectural Plans
Cover Letter & Statement of Environmental Effects
Indemnity Letter
Waste Management Plan
Emergency Response Plan
Event Risk Management Plan
Certificate of Currency
Animal Recovery Plan
Conditions of Consent.

MEETINGS AND SITE INSPECTIONS BY THE PANEL:

Pre-meeting on site with Council Development Assessment Officer and Panel Members.

COUNCIL OFFICER RECOMMENDATION:

Approval

DRAFT CONDITIONS:

Included with Council Assessment Report and attached hereto

**Fairfield Local Planning Panel
Minutes**

Meeting Date: 18 September 2019

Page 13

PANEL MEMBER SIGNATURES

Item No. 23

Mary-Lynne Taylor (Chair)

Charles Hill

Stephen Pearse

Toni Lord (Community Representative)

Fairfield Local Planning Panel



ADDENDUM TO MINUTES

(Electronically Determined on 4 November 2019)

DATE OF MEETING: 18 September 2018

LOCATION: Reading Room/Staff Lunch Room

TIME: 5.00pm Closed Briefing Session
6.00pm Public Meeting

Fairfield Local Planning Panel

Addendum to Minutes

(Electronically Determined on 4 November 2019)

Meeting Date: 18 September 2019

Page 2

PRESENT:

Mary-Lynne Taylor (Chair)
Charles Hill
Stephen Pearse
Toni Lord

APOLOGIES

There were no apologies tendered for this matter (determined electronically).

DETERMINATION AND STATEMENT OF REASONS

- 22: SUBJECT:** Proposed reconfiguration of existing demountable classroom buildings, outdoor covered learning areas, playgrounds and car parking area, increase of student population from 149 to 295 and modifications to the existing school Master Plan and including associated landscaping and drainage works at an existing school, known as Irfan College.
- Premises:** Lot 2 DP 508759, No. 2089-2109 Elizabeth Drive, Cecil Park.
- Applicant:** Fairfield City Council
- Owner:** Fairfield City Council
- Zoning:** Primary Production Small Lots RU4 – Fairfield LEP 2013
- File Number:** DA 473.1/2017

DECLARATIONS OF INTEREST

Nil

CONSIDERATIONS AND DECISION

At the meeting, the Panel concluded at this stage that a favourable recommendation be deferred and instead recommended that the Application is not approved until the satisfactory resolution of the current unauthorised structures existing on the site without approval. Whilst the Panel has stated that it is minded to approve the application, for the reasons given in the Council's assessment report, the Panel also requested the school Plan of Management to be amended to include procedures for drop-off and pick-up of students and an annual review of student numbers prior to 1 March in each school year. In addition, the Panel required the proposed master plan required to be updated to reflect the student capacity of 285 students.

Fairfield Local Planning Panel

Addendum to Minutes

(Electronically Determined on 4 November 2019)

Meeting Date: 18 September 2019

Page 3

In response, the applicant has submitted additional information to address these matters that have been considered by the Panel. Accordingly, the Panel unanimously approve the application subject to conditions attached.

REASONS FOR THE DECISION

1. Development Application No. 473.1/2017 is unanimously approved for the following reasons:
 - a) The development is defined as Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979. The proposed development involves works within 40 metres of waterfront land. Accordingly, the development also requires the concurrence of NSW Natural Resources Access Regulator (NRAR) under Sections 89, 90 and 91 of the Water Management Act 2000. The application was assessed by NRAR and General Terms of Approval (GTAs) were issued on 19 September 2017, and the terms of approval have been added as conditions of this consent.
 - b) The subject site is zoned RU4 Primary Production Small Lots under Fairfield LEP 2013. The proposed development, which is defined as an 'Educational Establishment', is permitted with consent within the RU4 zone.
 - c) The proposal meets the objectives of the 'RU4 Primary Production Small Lots' zone and is considered to be compatible with the existing character of the local area.
 - d) The Applicant has satisfactorily demonstrated that the proposed development is consistent with the objectives and the development principles stipulated within the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Fairfield City Wide DCP 2013.
 - e) Based on the advice from the Roads and Maritime Services (RMS), being the relevant roads authority with respect to the existing traffic network, the proposed alterations to the existing school would not require any changes to the existing intersection of Elizabeth Drive and Duff Road, and the application is therefore considered to be acceptable.
 - f) Pursuant to the Section 4.15C of the Environmental Planning and Act 1979, the proposed development has been assessed having regard to likely impacts on the natural and built environment and any social and economic impacts on the locality, and found to be acceptable.
 - g) The applicant has satisfactorily demonstrated that the proposal appropriately responds to the character of the surrounding locality in terms of built form and is unlikely to result in any adverse traffic impacts upon the surrounding road

Fairfield Local Planning Panel

Addendum to Minutes

(Electronically Determined on 4 November 2019)

Meeting Date: 18 September 2019

Page 4

network. It is considered that the proposed development has been designed to minimise potential impacts on the environment and the amenity of the adjoining locality.

- h) The applicant has adequately demonstrated that the current unauthorised structures existing on the site without approval are being resolved to the satisfaction of the Council officers and the Panel.
- i) The Panel accepts the Plan of Management and Master Plan to include the maximum student capacity of 285 students and the procedures for drop-off and pick-up of children, including details of how these arrangements will be monitored and both Plans are now satisfactory.

Accordingly, the Panel is satisfied that the application is now acceptable and can be approved on this basis.

RELEVANT MANDATORY CONSIDERATIONS:

Section 4.15, Environmental Planning and Assessment Act 1979
Fairfield Local Environment Plan 2013
Fairfield City Wide Development Control Plan 2013
Development Contribution Plan 2011 (S.7.11)

MATERIAL CONSIDERED BY THE PANEL:

Updated Master Plan dated 9 July 2019 Revision C
Updated Plan of Management dated 18 October 2019

MEETINGS AND SITE INSPECTIONS BY THE PANEL

Pre-meeting on site with Council Development Assessment Officer and all Panel Members on 18 September 2019 and electronic review forwarded to the Panel via email of submitted updated Master Plan and Plan of Management electronically forwarded to the Panel.

COUNCIL OFFICER RECOMMENDATION:

Approval

DRAFT CONDITIONS:

Included with Council Supplementary Report and attached hereto.

Fairfield Local Planning Panel

Addendum to Minutes

(Electronically Determined on 4 November 2019)

Meeting Date: 18 September 2019

Page 5

PANEL MEMBER SIGNATURES

Item No. 22

Mary-Lynne Taylor (Chair)

Charles Hill

Stephen Pearse

Toni Lord (Community Representative)