

# **SYDNEY WEST JOINT REGIONAL PLANNING PANEL**

## **STATEMENT OF REASONS**

### **for decision under the *Environmental Planning and Assessment Act 1979 (NSW)***

The Sydney West Joint Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979 (NSW)* (the Act) to:

Grant consent to the development application subject to conditions

Proposed Advertising Signage Adjacent to the M7 motorway - 44 Wallgrove Rd, Cecil Park; 73 Redmayne Rd Horsley Park; 54 Chandos Rd Horsley Park; 372 Wallgrove Rd Horsley Park

Council Reference: DA 60.1/2013 - JRPP Reference: (2013SYW072)

Applicant: Western Sydney Parklands Trust (Applicant)

The applicant (being a crown development) has exercised their right under Section 89 of the Environmental Planning and Assessment Act (EP&A) 1979 to have the matter referred to the Joint Regional Planning Panel (JRPP) for consideration

#### **A. Background**

##### *1. JRPP meeting*

Sydney West Joint Planning Panel meeting was held on 05 June 2014 at Fairfield Council, 12.00 pm.

Panel Members present:

Mary-Lynne Taylor  
Stuart McDonald  
Bruce McDonald  
Ninos Koshaba  
Robert Cologna

Council staff in attendance:

Nelson Mu  
Sunnee Cullen

Apologies: None

Declarations of Interest: As before

## *2. JRPP as consent authority*

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Fairfield City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

## *3. Procedural background*

A **briefing meeting** was held with council on 22 August 2013

A **site visit** was undertaken by panel on 24 October 2013.

A **panel meeting** was held on 24 October 2013 – Decision deferred

A **final briefing meeting** was held with council on 05 June 2014.

## **B. Evidence or other material on which findings are based**

In making the decision, the Panel considered the following:

s79C (1) Matters for consideration—general

The boundaries of the Parklands and the specific functions of the Parklands trust have been defined by the Western Sydney Parklands Act 2006 where the principle function of the Trust is set out in section 12(1) as:

- To develop the parklands into a multi-use urban parkland for the region of Western Sydney
- to maintain and improve the parklands on an ongoing basis

And specifically relevant is S12(2) (j)

- To undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands

(a) the provisions of:

(i) SEPP (Western Sydney Parklands) 2009; Clause 11(1)

(Land unzoned and therefore **FLEP** 1994 not applicable);

(SEPP 64 not applicable);

(ii) Western Sydney Parklands Plan of Management 2020 and Supplement February 2014

(iii) Fairfield Citywide DCP 2013 (excluded);

(iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:

There are none

(a) (iv) Relevant Regulations:

None

There were submissions made in accordance with the Act and the regulations for this application. In making the decision, the Panel considered the following submissions:

adjoining neighbour;

RMS; and

Westlink M7

In addition, in making the decision, the Panel considered the following material:

1. Minutes of JRPP Meeting on 24/10/2014
2. Applicant's response to JRPP Minutes
3. Legal Advice requested by the JRPP
4. Statement of Environmental Effects
5. Development Plans and Visual Impact
6. Amended Plans for Site 3
7. Applicant's Response Letter

8. Supplementary Visual impact
9. Written Submissions
10. Flora and Fauna Assessment
11. Western Sydney Parklands Plan of Management 2020 and Supplement dated February 2014
12. Council's Supplementary Report and Draft Conditions
13. Usatti family spoken submissions at first meeting.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 05 June 2014:

1. Usatti Family supporting legal letter
2. Suellen Fitzgerald, Director of the Western Sydney Parklands Trust
3. Jane Fielding – Architectus

### **C. Findings on material questions of fact**

***(a) Environmental planning instruments.*** The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B.

***(b) Likely environmental impacts on the natural environment.*** In relation to the likely environmental impacts of the development on the **natural** environment, the Panel agrees with and adopts the analysis in relation to these impacts on the **natural** environment in Council's Assessment Report and, in particular Council's assessment following receipt of additional material sought by the Panel as assessed in Council's Supplementary Report.

***(c) Likely environmental impacts of the development on the built environment.*** In relation to the likely environmental impacts of the development on the **built** environment, the Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **built** environment in Council's Assessment Report.

***(d) Likely social and economic impacts.*** In relation to the likely social and economic impacts of the development in the locality, the Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report and, in particular

Council's Assessment following receipt of additional material sought by the Panel as assessed in Council's Supplementary Report.

**(e) Suitability of site.** Based on a consideration of all of the material set out in Section B above and given the Panel's comments in this Section C, the Panel's finding is that the site is suitable for the proposed development, subject to conditions.

**(f) Public Interest.** Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

#### **D. Why the decision was made**

The proposed development is considered a suitable use of the site in that:

1. The proposed signs are considered a suitable use within the Parklands as they are of the type specified in and are located in accordance with the Western Sydney Parklands Plan of Management 2020 including the Supplement of February 2014, prepared by the Western Sydney Parklands Trust and adopted by the Minister for Environment
2. The proposed signs will provide a source of revenue for the Western Sydney Parklands Trust to direct to the management, development and enhancement of the Parklands and in that respect the proposed development is considered to be in the public interest.
3. The landscape treatment and lighting impact mitigation for the area in the vicinity of Sign 4/Site 4 as now proposed is considered to result in acceptable impact on the amenity of the residents of the nearby dwelling.
4. The location of the signs proposed along the M7 has not been opposed by the RMS and Westlink M7, subject to the imposition of conditions.



JRPP member (chair)  
Mary-Lynne Taylor



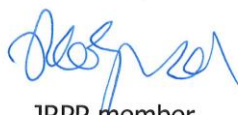
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