

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Fairfield City Council** on **Thursday 28 January 2016 at 5.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher, Ninos Khoshaba and Eber Butron

Apologies: None

Declarations of Interest: Councillor Ninos Khoshaba declared an interest - To err on the side of caution, he would like to make a non-pecuniary non-significant declaration as he is an elected Councillor for Fairfield City Council, and this matter has been before Fairfield Council in the past. Also, Fairfield Council has land adjoining to this property. Whilst he has no personal or financial interest in this matter, he believes it is more appropriate and in the best interest of the Council, residents and the applicant and the Panel that he does not vote on this matter and remove himself from the meeting.

Mr Eber Butron declared an interest – whilst he does not believe that he has a conflict of interest, he will err on the side of caution and declared a non-significant non-pecuniary interest as he is employed by Fairfield City Council who is an adjoining landowner, and due to his Council staff involvement in rezoning the site, he will remove himself from the meeting.

Determination and Statement of Reasons

2014SYW042 – Fairfield City Council, DA/15.1/2014, Demolition of the existing Calabria Community Club buildings, construction of a residential flat building, basement car park, associated landscaping, subdivision to create two (2) Torrens title allotments and construction of new roads, 184-192 Restwell Road, Prairiewood.

Date of determination: 28 January 2015

Decision:

The panel unanimously determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will add to the supply and choice of housing within the southwest Metropolitan Subregion and the Fairfield local government area in a location with access to the amenities and services available within Prairiewood Town Centre and to the metropolitan transport service provided by the Parramatta to Liverpool Transit way.
2. The proposed development adequately satisfies the following relevant State legislation and State Environmental Planning Policies, Water Management Act 2000, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
3. The Panel considers that the proposed development conflicts with the SEPP 65 (Design Quality of Residential Flat Development) Design Principles relating to Context and Scale. The Panel considers that is an inevitable outcome of any development proposal of this site consistent with the maximum FSR and Height standards that were introduced to specifically regulate this site's development. The Panel notes that the issue of contextual scale and density were considered by Council when preparing and adopting the applicable LEP and DCP provisions.
4. The proposal adequately satisfies the design standards of the Residential Flat Design Code.
5. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 – Height of Buildings of Fairfield LEP 2013 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the additional height is an element of an architectural roof feature, will have negligible impacts and the development remains consistent with the objectives of the standards of the applicable B4 Mixed Use Zone. It is also noted the building has been raised above natural ground level as an element of overland flow management.
6. The proposal adequately satisfies the provisions and objectives of Fairfield LEP2013 and Prairiewood Town Centre Southern Precinct DCP 2013. In this regard the Panel has imposed a condition to ensure future development of the residual element of the site does not result in the adopted FSR standard applying to the subject lot being exceeded.

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7. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or the operation of the local road system or the local stormwater drainage system.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Condition: Consent to the development application is granted subject to conditions specified in the Council Supplementary Report with minor amendment to Condition 81, 82 and with an additional condition (2a) for bicycle parking.

Condition 81 Car Space Bays on Public Road to read as follows:

The car space bays shall be line marked only with no upright kerb or obstruction utilised."

Condition 82 Bicycle Parking to read as follows:

Bicycle parking facilities for the proposed development shall be provided within the basement car parking in accordance with Condition 2A."

New condition (2a) **Bicycle Parking** to read as follows:

Bicycle parking facilities are to be provided within the basement car park at a rate of 1 space per residential unit. Amended plans are to incorporate the location and details of the bicycle parking facilities and be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The bicycle parking facilities may be either Class 1, 2 or 3 (or a combination of these Classes) in accordance with the Australian Standard 2890.3:1993 – Parking Facilities. The incorporation of bicycle parking facilities is in addition to the required residential storage facilities and shall not reduce the residential storage facilities within the basement levels to less than one residential storage facility per residential unit. There shall be no reduction in the required number of car parking spaces."

Panel members:



Mary-Lynne Taylor



Bruce McDonald



Lindsay Fletcher

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SCHEDULE 1

1	JRPP Reference – 2014SYW042, LGA – Fairfield City Council, DA/15.1.2014
2	Proposed development: Demolition of the existing Calabria Community Club buildings, construction of a residential flat building, basement car park, associated landscaping, subdivision to create two (2) Torrens title allotments and construction of new roads.
3	Street address: 184-192 Restwell Road, Prairiewood.
4	Applicant/Owner: Applicant: Alfredo G Pagano (Pagano Architects Pty Ltd). Owners: Calabria Community Club Ltd.
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Fairfield Local Environmental Plan 2013 ○ Prairiewood Town Centre Southern Precinct Development Control Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Fairfield City Wide Development Control Plan 2013 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: <p>At the meeting on 3 September 2015, the Panel deferred determining the application and requested the additional information to be supplied by the applicant and the Council in relation to the compliance with the provisions of SEPP 55 – Remediation. The Panel required a clear statement of the suitability of the site for the proposed use and encouraged the applicant to supply this further information promptly and ideally within one month.</p> <p>The Panel required further consideration of the site's compliance with the principles of SEPP 65 and the Residential Flat Design Code Guidelines particularly in relation to the street setbacks, reduced landscaping, and non-compliance with deep soil zones, as the guidelines suggested in the Council's Site Specific DCP (Prairiewood Town Centre Southern Precinct) appear to conflict with the RFDC and being a greenfield development there appear to be no constraints relevant to this site.</p> <p>Original Council Assessment Report with recommended deferred conditions of consent, Council Supplementary Report, Copy of Deposited Plan 1175636, Certificate of Title, Additional Information provided by the Applicant and written submissions.</p> <p>Written submissions prior to panel meeting:</p> <ul style="list-style-type: none"> • Lachlan Murdoch <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Jean Hanson On behalf of Prairiewood Community Group • On behalf of the applicant - Mr. Gerard Turrise, GAT & Associates, Mr. Alfredo Pagano, Pagano Architects, Mr. Matthew Taylor, Taylor Brammer Landscape Architects and Mr. Rocco Leonello

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	<ul style="list-style-type: none"> Stuart Gordon on behalf of Fairfield City Council (SJB Planning) consultant of the Council.
8	Meetings and site inspections by the panel: 22 May 2014 – Briefing Meeting 3 September 2015 - Site Inspection and Final Briefing Meeting. 28 January 2016 – Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report