

<b>DATE OF DETERMINATION</b>	20 November 2017
<b>PANEL MEMBERS</b>	Bruce McDonald (Acting Chair), Lindsay Fletcher, Stuart McDonald, Frank Carbone and Ninos Khoshaba
<b>APOLOGY</b>	Nicole Gurran
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fairfield City Council on Monday 20 November 2017 opened at 10.55 am and closed at 11.40am.

### **MATTER DETERMINED**

2016SYW227 - LGA – Fairfield– DA – 676.1/2016, Lot 121, DP 1017634, No. 366 The Horsley Drive, Fairfield (AS DESCRIBED IN SCHEDULE 1).

### **PANEL CONSIDERATION AND DECISION**

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

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

### **REASONS FOR THE DECISION**

1. The proposed development will add to the supply and choice of housing available to the Sydney Western City District and the Fairfield local government area in a location with ready access to the metropolitan transport services available from Fairfield Rail Station and the employment opportunities, services and amenities provided by Fairfield Town Centre. Further the proposal will add retail and commercial services complementing the role of the Town Centre.
2. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3(2) of Fairfield LEP 2013 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby premises, and remain consistent with the objectives of the standard and the objectives of the B4 mixed use zoning.
3. The proposed development, subject to the conditions imposed, satisfies the relevant State Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
4. The proposed development adequately satisfies the objectives and provisions of Fairfield LEP 2013 and Fairfield City DCP 2013.

5. The proposed development is considered to be of scale and form consistent with the character of the existing and planned development of the sector of the Fairfield Town centre and the element of Horsley Drive in which it is placed. Further it is considered the open space and pedestrian arrangements at ground level will facilitate adequate integration with the town centre core.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjoining and nearby residential premises the operation of adjacent businesses or operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

## CONDITIONS





The development application was approved subject to the conditions in the Council Assessment Report with additional conditions relating to –


- Acoustic treatment to the apartments,
- Ramp within the corner of Court Road/Nelson Street into the public plaza.

Acoustic treatment condition 86(c) – all apartments are to be constructed so as to meet the interim guideline noise criteria set out in table 4 – 1 of the traffic noise assessment report prepared by Rodney Stephens Acoustic dated 31/8/2016. A design verification statement shall be submitted identifying compliance with the relevant standards by a suitably qualified acoustic engineer prior to issue of the construction certificate.

Additional ramp condition 3(d) – additional ramp access between the corner of Court Road/Nelson Street and the public plaza be provided to the satisfaction of Group Manager – City Development and Compliance of Fairfield City Council.

A new sentence is added to Condition 85b to read as follows – additionally a door is to be provided from the bedroom to the balcony.

PANEL MEMBERS	
 Bruce McDonald	 Lindsay Fletcher
 Stuart McDonald	 Ninos Khoshaba



Frank Carbone

#### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYW227 - LGA – Fairfield– DA – 676.1/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of an 8-storey mixed use development comprising commercial uses and a publicly accessible plaza at ground level, 280 residential units across 3 x 8-storey residential towers including communal open space at podium level and 3 levels of basement car parking for 476 vehicles
3	STREET ADDRESS	Lot 121, DP 1017634, No. 366 The Horsley Drive, Fairfield
4	APPLICANT/OWNER	Applicant – Merhis Fairfield Pty Ltd Owner – Aldi Foods Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>• State Environmental Planning Policy No. 55 – Remediation of Land</li><li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)2004</li><li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li><li>• Fairfield Local Environmental Plan (LEP) 2013</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>• Fairfield City Development Control Plan (DCP) 2013</li></ul></li><li>• Section 94 Community Facilities Plan Planning agreements: Nil</li><li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li><li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li><li>• The suitability of the site for the development</li><li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li><li>• The public interest, including the principles of ecologically</li></ul>

		sustainable development
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report with recommended conditions, attachments with the report and submissions from the public.</li> <li>• Written submissions during public exhibition: 5</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Ben Haynes, Frank Sartor, Chris Palmer and Graham Jago</li> <li>○ On behalf of the council – Sunnee Cullen and George Vlamis</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection – 9 February 2017 and 20 November 2017</li> <li>• Final briefing meeting to discuss Council’s recommendation – 20 November 2017, 10.00 am to 10.45 am</li> <li>• Determination meeting – 8 June 2017</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Lindsay Fletcher, Stuart McDonald, Frank Carbone and Ninos Khoshaba</li> <li>○ <u>Council assessment staff</u>: Sunnee Cullen and George Vlamis</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Included with Council Assessment Report