

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

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| <b>DATE OF DETERMINATION</b>    | 18 February 2019  |
| <b>PANEL MEMBERS</b>            | Justin Doyle (Chair), Bruce McDonald and Nicole Gurran  |
| <b>APOLOGIES</b>                | Nil   |
| <b>DECLARATIONS OF INTEREST</b> | <p>Frank Carbone declared that he participated in an ordinary council meeting in the 26 May 2015 where he took part in a matter relating to this application. On that basis he did not participate in the decision making on this matter.</p> <p>Ninos Khoshaba declared he participated in an ordinary council meeting on 26 May 2015 where he took part on a matter before council which related to a submission on this application. On that basis he did not participate in the decision making on this matter.</p> |

Public meeting held at Fairfield City Council on Monday, 18 February 2019, opened 11.24am and closed at 11.40am

#### MATTER DETERMINED

Panel Ref – 2018SSW012 – LGA – Fairfield – MA15.2/2014 AT 184-192 Restwell Road, Prairiewood (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

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

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

1. The Panel is satisfied that the proposed development is substantially the same as that for which consent was originally granted and that the proposed modification is of minimal environmental impact.
2. The proposed development as modified continues to adequately satisfy the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, as well as SEPP 65 Design Quality of Residential Flat Development and its associated Apartment Design Guidelines and SEPP (Infrastructure) 2007. The proposed relocation of communal open space is considered acceptable and will not reduce the on-site amenity of residents.

3. The original proposal constituted integrated development and General Terms of Approval were issued by the NSW Office of Water pursuant to the Water Management Act 2000. The amended proposal does not generate any changes to those General Terms of Approval and does not raise any significant additional considerations relevant to those terms.
4. The proposal continues to adequately satisfy the applicable objectives and provisions of Fairfield LEP 2013. While the consent as originally granted approved a building height of 27.6 m which is in excess of the maximum 26m height control for the site prescribed by the LEP, no variation to that effective approved height is proposed for this amended proposal. The lift overrun and stairwell proposed will not lead to any unacceptable adverse impacts. The amended proposal reduces the Gross Floor Area of the proposed building by 191m<sup>2</sup>, and this amount of floor space is to be “transferred” as floor space available to the development of future lot 2. Such an arrangement would be consistent with that accepted in the current consent of agreeing to the total FSR of subject land (Lot 1) and future Lot 2 being developed to a combined maximum of 3.0:1, being the maximum prescribed by the LEP.
5. The proposal continues to adequately satisfy the applicable objectives and provisions of both Prairiewood Town Centre Southern Precinct DCP2013 and Fairfield Citywide DCP 2013
6. In consideration of conclusions 1-5 above the Panel considers the proposed development, subject to the conditions imposed 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 the following amendments to Condition 4 (last sentence) and Condition 19.

### **Condition 4 (last sentence) to read as follows –**

Gross floor area and site area are to be calculated in accordance with the definitions within the Fairfield Local Environmental Plan 2013 as currently applicable on the date that MA15.2/2014 was determined.




### **Condition 19 Waste Management Plan to read as follows -**

- A) Prior to the issue of a Construction Certificate, a Waste Management Plan for construction of the development shall be submitted to and approved by Fairfield City Council. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.
- B) A Waste Management Plan for the ongoing use of the building shall incorporate the management for the storage and transport of the waste disposal bins including a location plan in order to ensure that a safe, attractive and accessible streetscape is maintained. Details are to be submitted to The Manager of Development Planning within Fairfield City Council for approval prior to the issue of a Construction Certificate.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the eight (8) written submissions made in response to public exhibition.

The Panel considers that concerns raised by the public have been adequately addressed in the Council assessment report and that no new issues requiring further assessment were raised during the public determination meeting. The Panel is satisfied that the issues raised are suitably addressed via conditions which are imposed on the consent.

| PANEL MEMBERS   |  |
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| <br>Justin Doyle (Chair) | <br>Bruce McDonald |
| <br>Nicole Gurran        |  |

| SCHEDULE 1 |                              |   |
|------------|------------------------------|---|
| 1          | PANEL REF – LGA – DA NO.     | Panel Ref – 2018SSW012 – LGA – Fairfield – DA15.2/2014  |
| 2          | PROPOSED DEVELOPMENT         | <p>Deletion of one (1) basement car park level, reducing from three (3) levels to two (2) levels:</p> <ul style="list-style-type: none"><li>• Revision of four (4) entry foyers on ground floor and new substation kiosk located at the northern section of the site;</li><li>• Deletion of communal open space on Level 6;</li><li>• Addition of communal open space on rooftop of Building A (Level 7) with lift and stairwell access;</li><li>• Addition of feature wall on western elevation to accommodate lift overrun and stairwell for new communal open space;</li><li>• Amendments to façade treatment and schedule of finishes; and</li><li>• Amendment to the future Section 88B Instrument relating to site, associated with the allocation of gross floor area (GFA) across site.</li></ul> |
| 3          | STREET ADDRESS               | 184-192 Restwell Road, Prairiewood  |
| 4          | APPLICANT/OWNER              | <p>Applicant – Frank Lesko</p> <p>Owner – Calabria Community Club Ltd</p>   |
| 5          | TYPE OF REGIONAL DEVELOPMENT | Section 96(2) modification application  |

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| 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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)</li> <li>○ Fairfield Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Prairiewood Town Centre Southern Precinct Development Control Plan 2013</li> <li>○ Fairfield Citywide Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: 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 sustainable development</li> </ul> |
| 7 | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council assessment report: 01 February 2019</li> <li>• Written submissions during public exhibition: 8</li> <li>• Verbal submissions made at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Sunnee Cullen, Liam Hawke and Natalie Kastoun, Paul Judge and Simon Smith (Council Planning Expert)</li> <li>○ On behalf of the applicant – Frank Lesko and Rocco Leonello</li> </ul> </li> </ul>  |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Site inspection and briefing: 28 May 2018</li> <li>• Final briefing to discuss council's recommendation, 18 February 2019, time 10.30am to 11.20am.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Sunnee Cullen, Liam Hawke and Natalie Kastoun, Paul Judge and Simon Smith (Council Planning Expert)</li> </ul> </li> </ul>  |

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| 9  | COUNCIL<br>RECOMMENDATION | Approval                                  |
| 10 | DRAFT CONDITIONS          | Attached to the council assessment report |