

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Friday, 16 October 2020
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Ninos Khoshaba and Dai Le
APOLOGIES	Frank Carbone
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 September 2020.

MATTER DETERMINED

2018SSW035– Fairfield City Council – DA413.1/2018 at 3 William Street, Fairfield – Construction of a Boarding House (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

The Panel has considered the applicant's written request made under cl 4.6 (3) of the Fairfield Local Environmental Plan 2013 (LEP) to permit a departure from the development standard recorded by Clause 4.3 Height of Buildings of the Fairfield Local Environmental Plan (LEP) 2013 in the determination of the DA.

The maximum building height of the DA proposal above natural ground is 11metres. It will therefore exceed the maximum building height limit by 2 metres which is equal to 12.2%, due to the lift overrun, with a smaller exceedance of around 1 metre for the building parapet.

The Panel is satisfied that it is in the public interest to grant the request, and that the request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP. There are sufficient environmental planning grounds identified and established in the written request to justify contravening the development standard. Compliance is unreasonable and unnecessary in the circumstances.

Notwithstanding the non-compliance, the development as proposed will be consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the B4 Mixed Use zone. The building at the proposed height will still be complementary to the streetscape and character of the area in which the development is to be located. The visual impact of the building will still be satisfactory, and the additional height will not disrupt views, result in unacceptable loss of privacy, or unreasonably obstruct solar access to existing development.

The concurrence of the Secretary is assumed (see Planning Circular PS 20-002 issued 5 May 2020).

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application generally for the reasons outlined in the council assessment report.

The Panel was pleased to see that amendments had been made to the proposal which will reduce its scale and impacts during the assessment process. In particular there has been an increase in the separation from the heritage item, a reduction in building height from 4 to 3 storeys, a reduction in the number of boarding rooms from 30 to 22, and relocation and screening of all plant on the rooftop level to reduce their visual intrusion. The result is a proposal which will sympathetically add to the available stock of low cost accommodation, well located adjacent to the Fairfield town centre.

The relationship of the proposed development within the Heritage Sub-Precinct of the Fairfield Town Centre, and the Fairfield Fire Station building dating from 1924 is sufficiently addressed in the proposal. The proposed alterations to the building including removal of the 1980s additions and work to the front of the heritage component, and the proposed use, will sufficiently preserve the significance of the item.

There will be a non-compliance with the building height development standard, as set out above. In the context of the measures adopted to address the potential heritage impacts on the site, that degree of non-compliance is acceptable and consistent with the surrounding streetscape, and will be compatible with the objectives of the zoning and the LEP.

The proposal performs satisfactorily against the Fairfield City Wide DCP 2013. It provides more than the parking required by the Affordable Rental Housing SEPP and satisfies the requirements of the SEPP for boarding house development.

CONDITIONS






The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the five written submissions made during public exhibition.

Issues raised centred on perceived amenity impacts expected to be experienced from the occupants of the proposed development including acoustic impacts, anti-social behaviour carried out by future boarders, decreased property values, increased traffic congestion and lack of on-street car parking.

The potential for overlooking into adjoining residential units was also raised. Under Clause 26 of the Affordable Rental Housing SEPP, the proposed use is permissible on land zoned B4 Mixed Use under the Fairfield LEP, and the Panel expects that the identified impacts will be sufficiently managed by the conditions proposed.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	 Ninos Khoshaba
 Dai Le	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW035 – Fairfield City Council – DA413.1/2018
2	PROPOSED DEVELOPMENT	Proposed consolidation of two lots, construction of a 3 storey boarding house comprising 22 rooms (including a Managers room), including the construction of a basement level car park comprising of eight (8) car spaces, and alterations, additions and use of an existing heritage item for the purpose of a medical centre with associated landscaping, drainage and earth works.
3	STREET ADDRESS	3 William street, Fairfield
4	APPLICANT/OWNER	Karlos Charly
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Affordable Rental Housing) 2009 ○ SEPP – Remediation Land ○ SEPP (Infrastructure) 2007 ○ Greater Metropolitan Regional Environmental Plan (REP) No 2 – George River Catchment ○ Fairfield Local Environmental 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 • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 21 September 2020 • Clause 4.6 variation request in relation to the height development standard. • Total number of unique written submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 8 November 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Frank Carbone and Ninos Khoshaba ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawke • Site inspection: Monday, 8 November 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Frank Carbone and Ninos Khoshaba ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawke • Final briefing to discuss council's recommendation: Monday, 28 September 2020

		<ul style="list-style-type: none">○ <u>Panel members:</u> Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Ninos Khoshaba and Dai Le○ <u>Council assessment staff:</u> Hayley Tasdarian and Liam Hawke
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report