

DATE OF DETERMINATION	23 September 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald and Nicole Gurran
APOLOGIES	Sera Yilmaz
DECLARATIONS OF INTEREST	Frank Carbone and Ninos Khoshaba declared conflict of interest for the Dutton Lane proposal as they attended a council meeting and voted on this matter in the past.

Public meeting held at Fairfield City Council on 23 September 2019, opened at 11.20 am and closed at 12.45pm.

MATTER DETERMINED

2019WCI020 – Fairfield – DA48.1.2019 at 34-40 Hughes Street, Cabramatta – Proposed redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping (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

Following consideration of a written request from the applicant to, made under cl.4.6(3) of the Fairfield Local Environmental Plan (LEP) that has demonstrated that;

- (a) compliance with cl.4.3 (Height of buildings) is unreasonable or unnecessary in the circumstances; and
- (b) there are sufficient environmental planning grounds to justify the development standard as that variation relates to the centrally located overrun of the lift provided to facilitate pedestrian movement within the car park and to solar panels servicing the operation of the parking facility. The variation will not create unreasonable impacts on the nearby premises.

the Panel is satisfied that;

- (a) The applicants written request adequately addresses the matters required to be addressed under cl 4.6(3) of the LEP, and

(b) the development is in the public interest because it is consistent with the objectives of cl.4.3(height of Buildings and the objectives for development in the B4 Mixed Use zone; and

(c) The concurrence of the Secretary has been assumed.

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 agrees with the reasons for approval stated in the council assessment report relating to this application.
- The proposed development will provide additional parking supply to service demands of Cabramatta Centre.
- The Panel and considers that the proposed development is a suitable use of the site and that approval is in the public interest.

CONDITIONS

The development application was approved subject to the conditions presented at the meeting with the following changes –

Condition 28 is deleted.

Condition 32, third dot point is amended to read as follows –

Procedures to ensure that the loading bays are only used for deliveries between the hours of 6am and 10am.

Condition 39 first paragraph is amended to read as follows –

The stormwater drainage generated from the development shall be directed in accordance with the Stormwater Management Plan (Taylor Thomson Whiting C03 Version A).

Condition 43 is deleted.

Condition 44(e) is deleted.

Condition 46 (i) is amended to read as follows –

Two hundred and twelve (212) off-street car parking spaces for general use; and

Condition 46 – last paragraph is amended to read as follows –

All car parking spaces shall remain free from any storage or other obstructions at all times.

Condition 51(a) is amended to read as follows -

- a. A camera must be located at all entrances of the car park and positioned to record any vehicle or person entering through this entrance.

Condition 51(b) is amended to read as follows –

- a. In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:

- i. all other public entrances and exits, whether or not in use at the time
- ii. staircases in multi-level premises
- iii. all portions of the car park accessible to the public (excluding toilet facilities)

Condition 51(h) is deleted.

Condition 51(i) is amended to read as follows –

- i. Upon installation of the CCTV system the Fairfield Police Area Command must be notified that the system is operating.

Condition 51(j) is amended to read as follows –

- j. The CCTV system shall be able to reproduce a copy of the recordings on compact disk, DVD or USB memory stick.

Condition 51(k) is amended to read as follows –

- k. Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the car park operator shall take all reasonable steps to repair the system as soon as practical.

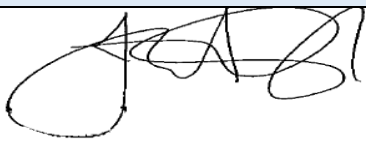

Condition 53 is amended to read as follows –

The development is to be constructed and finished substantially in accordance with (and to a quality at least matching) the materials and colours contained within the approved Finishes Sample Board, as prepared by Collins and Turner, drawing number 302_720, Revision A, dated 10 July 2019.

A design verification certificate is to be provided by the design architect for the DA plans confirming that the construction certificate drawings are in accordance with this condition and that the development continues to achieve design excellence. The certificate shall be submitted to and approved by the Manager, Development Planning prior to the issue of the construction certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald

A handwritten signature in dark ink, appearing to read 'N. Gurran', followed by a long horizontal flourish.

Nicole Gurran

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI020 – Fairfield – DA48.1.2019
2	PROPOSED DEVELOPMENT	Proposed redevelopment of the at-grade Hughes Street car park, including the construction of a 2-storey open deck carpark comprising 219 car spaces (including 7 accessible car spaces and 12 service vehicle spaces) and the upgrade and reconfiguration of the existing multi-deck Dutton Lane carpark, with associated signage and wayfinding, subdivision, drainage works and landscaping.
3	STREET ADDRESS	34-40 Hughes Street, Cabramatta
4	APPLICANT/OWNER	Fairfield City Council
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5million Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ Greater Metropolitan Regional Environmental Plan (REP) No. 2 – Georges 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 ○ Cabramatta Town Centre Development Control Plan No.5/2000 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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: September 2019 • Written request pursuant to Clause 4.6 of Fairfield Local

		<p>Environmental Plan 2013</p> <ul style="list-style-type: none"> • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Hayley Tasdarian, Sunnee Cullen and Liam Hawke - On behalf of the applicant – David Niven, Project Applicant - Huw Turner, Consultant (Collins and Turner) - Andy Carlsen, Consultant (Collins and Turner)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 20 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawke • Briefing: 20 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawke • Final briefing to discuss council's recommendation, 23 September 2019, 10.30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Hayley Tasdarian, Sunnee Cullen and Liam Hawke
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report