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| DATE OF DETERMINATION | 16 December 2019 |
| PANEL MEMBERS | Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald, Frank Carbone and Ninos Khoshaba |
| APOLOGIES | Nil |
| DECLARATIONS OF INTEREST | Nil |

Public meeting held at Fairfield City Council on Monday, 16 December 2019, opened 1.00pm and closed at 2.34pm.

MATTER DEFERRED

2019WCI022 - Fairfield – DA93.1/2019 at 224-398 Burley Road, Horsley Park, construction and use of a Masonry Plant (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 **defer** its determination of the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION






1. Having regard to the provisions of CL 26 (3) and Cl. 29(3) of *SEPP (Western Sydney Employment Area) 2009 ('WSEA SEPP')*, the Panel is not able to determine this application at this time as the land is being converted from a non-industrial use, but a 'Satisfactory Arrangements Certificate' has not yet been issued by the Director General Department of Planning in relation to satisfactory arrangements having been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this DA applies. Under clause 29, the requirement for that certificate is a mandatory precondition where land is being converted from a non-industrial to an industrial use.
2. However, having considered the relevant material including the Council officer's assessment report the Panel is of the view that once the certificate required by cl.29 of the SEPP the proposal is likely to warrant approval subject to the draft conditions recommended in the staff assessment report, as well as any additional requirements arising from the Director General's advice when it is received.
3. The Reasons the Panel considers the development is likely to warrant approval are;
 - a) The proposal will contribute to the development of the Western Sydney Employment Area by adding additional warehousing capacity and additional manufacturing activity in a readily accessible location. The proposal will generate additional employment within the Fairfield Local Government Area and the Sydney Western City District.
 - b) The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP (Western Sydney Employment Area 2009, SEPP 55 -Remediation of Land, SEPP 33 Hazardous and Offensive

Development, SEPP (Infrastructure) 2007, SEPP 64 (Advertising and Signage) and SREP NO. 20 Hawkesbury Nepean Catchment.

- c) The proposal adequately satisfies the applicable objectives and provisions of Oakdale East Estate DCP noting that the layout of the road network is in accordance with the Indicative Access Plan.
 - d) The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including native vegetation, the local riparian system or the operation of the road system.
 - e) The proposed development is considered to be of acceptable form and scale consistent with the planned character and purpose of the Western Sydney Employment Area.
 - f) In consideration of the considerations listed at (a) to (e) above the Panel considers the proposed development is a suitable use of the site and approval of the proposal will be in the public interest.
4. During the period of deferral, the Panel has requested that more specific information as to the proposed solar panels should be provided by the applicant to address the issue of reducing carbon emissions associated with the development.

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 | |
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|  Justin Doyle (Chair) |  Bruce McDonald |
|  Nicole Gurran |  Frank Carbone |
|  Ninos Khoshaba | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2019WCI022 - Fairfield – DA93.1/2019 |
| 2 | PROPOSED DEVELOPMENT | Construction and use of a Masonry Plant, Construction of four (4) Industrial Warehouses, Estate Wide Earthworks, Infrastructure, Subdivision and Services. |
| 3 | STREET ADDRESS | Lot 20 DP 1246626, 224-398 Burley Road, Horsley Park |
| 4 | APPLICANT/OWNER | Austral Bricks Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Designated development |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 33 Hazardous and Offensive Development State Environmental Planning Policy 55 – Remediation of Land Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean Catchment State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Western Sydney Employment Area) 2009 State Environmental Planning Policy No. 64 Advertising and Signage Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield Citywide Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Schedule 3 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: December 2019 Written submissions during public exhibition: 0 Verbal submissions made at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Nil Council assessment officer – Jason Liang, Liam Hawke and Sunnee |

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| | | <p>Cullen</p> <ul style="list-style-type: none"> ○ On behalf of the applicant – Guy Smith |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and briefing: 20 August 2019 <ul style="list-style-type: none"> • <u>Panel members</u>: Nicole Gurran (Acting Chair), Mark Grayson, Bruce McDonald, Frank Carbone and Ninos Khoshaba • <u>Council assessment staff</u>: Jason Liang, Liam Hawke and Sunnee Cullen • Final briefing to discuss council's recommendation, 16 December 2019, 12.15pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Frank Carbone and Ninos Khoshaba • <u>Council assessment staff</u>: Jason Liang, Liam Hawke and Sunnee Cullen |
| 9 | COUNCIL RECOMMENDATION | Deferral |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |