

MINUTES OF THE SYDNEY EAST REGIONAL PANEL MEETING HELD AT ASHFIELD COUNCIL ON WEDNESDAY, 17 MARCH 2010 AT 6:00 PM

PRESENT:

John Roseth	Chair
David Furlong	Panel Member
Mary-Lynne Taylor	Panel Member
Ted Cassidy	Panel Member
Lyall Kennedy	Panel Member

IN ATTENDANCE

Phil Sarin	Director Planning and Environment
Atalay Bas	Manager Development Services
Martin Amy	Development Assessment Officer

1. The meeting commenced at 6:00pm.

1. **Declarations of Interest - NIL**

2. **Business Items**

ITEM 1 - **2010SYE003 – Ashfield – 10.2009.225.01 – Alteration and addition to heritage item, demolition and construction of a mixed use development - 11-13 Hercules Street, Ashfield**

3. **Public Submission**

Vince Barilla spoke **against** the application

Bill Gertos (owner) spoke **in favour** of the application

4. **Business Item Recommendations**

ITEM 1 - **2010SYE003 – Ashfield – 10.2009.225.01 – Alteration and addition to heritage item, demolition and construction of a mixed use development - 11-13 Hercules Street, Ashfield**

Resolution of Panel

The Panel resolves unanimously to accept the planning assessment report's recommendation to refuse the application for the following reasons:

1. The proposal exceeds the 6 storey limit contrary to the site-specific DCP and the Ashfield LEP. While 8 storeys are possible if there is community benefit offered, no specific

community benefit has been proposed, nor has a Voluntary Planning Agreement been entered into between the council and the applicant as required by the EPA Act. The building is 10 storeys high.

2. The proposal's FSR of 3.45:1 exceeds the maximum permissible of 3:1, even without including the heritage item.
3. The proposal does not provide the setback of 3m from the north, east and south as required by the site-specific DCP, even less the larger setbacks required by SEPP 65.
4. For the above reasons, the Panel does not consider the SEPP 1 Objections to the development standards well founded.

ITEM 2 - *2010SYE005 – Ashfield – 2009/231 – Demolition of existing buildings and construction of a Seniors Living Development - 25 Etonville Parade, 1-3 Mackay Street, Ashfield*

5. Public Submission

Brian Howle, Paul McGuinness, Thanh Nguyen, Sue Mackenzie, Tim Austin, Brian Keirnan and Carol Moreland spoke **against** the application.

Tony Robb, town planner (on behalf of the applicant), and Tom Zarimis (owner) spoke **in favour** of the application

6. Business Item Recommendations

ITEM 2 - *2010SYE005 – Ashfield – 2009/231 – Demolition of existing buildings and construction of a Seniors Living Development - 25 Etonville Parade, 1-3 Mackay Street, Ashfield*

Resolution of Panel

Following consideration of the council planner's recommendation, the comments of objectors and those of the applicant, the Panel has decided to accept the planning report's recommendation to refuse the application for the following reasons.

1. The FSR is too high in the context of a low density residential area.
2. The three storey height is inappropriate.
3. The proposed buildings are far too close to the rear fences of adjoining properties resulting in loss of privacy.
4. The townhouses on Mackay Street do not address the residential character of the street.

The Panel, by a majority of 3 to 2, does not agree to the deferral of the application because it does not believe that the amended proposal, as foreshadowed by the applicant without a reduction in density, will be acceptable.

The two members of the Panel who voted for deferral of the application believe that an acceptable proposal, as foreshadowed by the applicant, is possible.

For refusal: John Roseth
 Ted Cassidy
 Lyall Kennedy

For deferral: David Furlong
 Mary-Lynne Taylor

The meeting concluded at 9.15pm.

Endorsed by

David Furlong
as delegated by John Roseth (Chair)
Sydney East Region Planning Panel
23 March 2010