

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2009.234.1

**15 PARK AVENUE ASHFIELD. Andrew Johnston - Development
Assessment Officer. Report Submitted with attachments 1 and 2.**
(30/03/10)

10.2009.234

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CM 10.3 Attached

124/10 RESOLVED Stott / Cassidy

That members of the public be permitted to address the meeting.

Michael Young addressed the meeting at 8.10pm and concluded at 8.12pm

125/10 RESOLVED Mansour / Stott

That Michael Young be granted an extension of time

126/10 RESOLVED Lofts /Stott

1/2 That Council does not support the application in its present form.

2/2 That Council write to the Minister for Transport and Local MP Linda Burney seeking their support in advocating for the RTA to modify their proposals for Park Avenue, Ashfield. That is Council would like the RTA to modify the current proposals for 15 & 135 Park Avenue to be single story dwellings as:-

- a) it will be in keeping with the bulk and scale of adjacent properties**
- b) the architecture does not compliment surrounding properties.**

The voting was as follows:-

For the Motion

Councillors McKenna, Rercerethnam, Stott, Wangmann, Cassidy, Drury, Lofts, Wang, Mansour and Kennedy.

Against the Motion

Nil.

The Motion was Carried

Subject	DEVELOPMENT APPLICATION: 10.2009.234.1 15 PARK AVENUE ASHFIELD
File Ref	10.2009.234
Prepared by	Andrew Johnston - Development Assessment Officer
Reasons	Application requires Council determination – application previously deferred
Objective	For Council to determine the application
Strategic Plan Link	N/A
Management Plan Activity	2.11 Development & Building Control, Strategic Planning

Overview of Report

The application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 15 Park Avenue, Ashfield. The front portion of the dwelling house is to be single-storey in height, with the two-storey portion setback approximately 12m from the front boundary.

Background

1.0 History of Application

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 15 Park Avenue, Ashfield. The front portion of the dwelling house is to be single-storey in height, with the two-storey portion setback approximately 12m from the front boundary.

The site is currently vacant.

This application has been lodged on behalf of the Roads and Traffic Authority (RTA) and is defined as Crown Development as it was lodged by a public authority. It is comparable to DA: 10.2009.235.1, which was lodged for the construction of a new dwelling house at 135 Park Avenue.

A report on this matter was previously heard at Council's meeting of 23 March 2010. A copy of this report, recommending the approval of the application, is included at **Attachment 1**.

At this meeting Council resolved:

That the application be deferred for further discussions with the RTA.

The RTA was advised of this resolution on 10 March 2010. The Council's suggestion that a terrace-style dwelling house be considered was also passed on (i.e. that the two-storey portion of

Ashfield Council

Meeting Held 13 April 2010

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Ashfield Council – Report to Ordinary Meeting held on Tuesday 13 April 2010
DEVELOPMENT APPLICATION: 10.2009.234.1
15 PARK AVENUE ASHFIELD

the dwelling house should be located towards the street like its Victorian neighbour at 13 Park Avenue). The RTA has since advised that they do not wish to further modify the proposal and instead wish to proceed with the development as detailed in the previously prepared report. A copy of this correspondence is included at **Attachment 2**.

It is therefore requested that Council determine the proposal.

2.0 Determination of Crown Development Applications

The RTA is defined as a 'public authority' under Clause 226(1)(a) of the Environmental Planning and Assessment (EP&A) Regulations 2000. As such the RTA may lodge applications under the Crown development provisions of Division 4 of Part 4 of the EP&A Act.

Section 89 of the EP&A Act states:

- (1) *A consent authority (other than the Minister) must not:*
- (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Council is therefore unable to formally refuse this application without the approval of the applicable Joint Regional Planning Panel.

Should Council support the development the previously prepared conditions would need to be referred to the RTA for concurrence pursuant to Clause 89(1)(b) of the EP&A Act.

Financial Implications

Based on the supplied value-of-work of \$350,000.00 a Section 94A Contribution of \$3,500.00 would be payable should the application be approved.

Other Staff Comments

See Section 8.1 of the previously prepared report.

Public Consultation

Two (2) submissions were received during the notification of the development application:

Submissions
Mr M Young 13 Park Avenue ASHFIELD NSW 2131
Ms A Himmelreich 19 Campbell Road ST PETERS NSW 2044 (Owner of 18A/45 Rose Street)

A copy of these submissions and a discussion of the matters raised are included in the originally prepared report.

Conclusion

This report has been submitted for the consideration of Council. It has been prepared in response to Council's resolution of 23 March 2010, which deferred the determination of this application.

The RTA has advised that they do not wish to modify the proposal and it is therefore requested that Council determine the current application.

Should Council elect to refuse the application the RTA may take the matter to the Joint Regional Planning Panel. Alternatively, should Council wish to approve the application the concurrence of the RTA would be required for the imposition of conditions.

ATTACHMENTS

Attachment 1	Council Report dated 9 March 2010	34 Pages
Attachment 2	Correspondence with Road and Traffic Authority (RTA)	1 Page

RECOMMENDATION

Submitted for consideration.

PHIL SARIN
Director Planning and Environment

MIN NO

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 23 MARCH 2010**

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2009.234.1

15 PARK AVENUE ASHFIELD Andrew Johnston - Development
Assessment Officer. Report Submitted with attachments 1 to 4.

(09/03/10)

10.2009.234.1

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CM 10.5 Attached

91/10

RESOLVED

Stott / Mansour

That members of the public be permitted to address the meeting.

Michael Young addressed the meeting at 7.37pm and concluded at 7.41pm

92/10

RESOLVED

Kelso / Lofts

That Michael Young be granted an extension of time.

Emma Brooks-Maher addressed the meeting at 7.44pm and concluded at 7.46pm

93/10

RESOLVED

Rercerethnam / Mansour

That the application be deferred for further discussions with the RTA

The voting was as follows:-

For the Motion

Councillors McKenna, Rercerethnam, Stott, Wangmann, Cassidy, Drury, Kelso, Lofts, Adams, Wang, Mansour and Kennedy.

Against the Motion

Nil.

The Motion was Carried

MIN NO

**DRAFT MINUTES OF ORDINARY MEETING
TUESDAY 23 MARCH 2010**

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