

## Development Assessment Report

**SUBJECT:** Determination of Development Application  
**Supplementary Report**

**ADDRESS:** 43-51 Queen Street & 3-7 New Street, Ashfield

**DA NO:** 2013.98.1

**JRPP REF:** 2013SYE045

**PREPARED BY:** Philip North, Specialist Planner

**PREPARED FOR:** Sydney East Joint Regional Planning Panel

**DATE:** 12 September 2013

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### Overview of Report

#### 1.0 Background

The application was considered by the Sydney East Joint Regional Planning Panel at its meeting of 14 August 2013 with a recommendation for refusal in Council's Development Assessment Report. The panel resolved as follows:

- 1. The Panel resolves unanimously to accept the finding of the planning assessment report that the application, in its present form, is not appropriate for approval, principally because it exceeds the relevant planning controls.*
- 2. However, the Panel would consider favourably a similar proposal in which the height of the four storey building is reduced to three storeys. The number of apartments may remain 53, but should not be increased. The plans should confirm a minimum floor to ceiling height of 2.7m and ensure that the services can be accommodated within the building.*
- 3. The Panel requests the applicant to submit, by 30 August 2013, amended drawings that reduce the height of Building 3 to three storeys, provide an easement for public access to Lewis Herman Reserve and provide privacy screens to reduce overlooking of Robert Street and New Street properties. The amended application should respond to concerns expressed in the planning assessment report about site contamination.*
- 4. The Panel requests the planning assessment officer to prepare, by 12 September 2013, a supplementary report on whether the amended application has responded to the matters in paragraph 3 above, as well as suitable draft conditions of consent.*
- 5. Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means*

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### 2.0 Assessment

The applicant has submitted amended plans on 30 August 2013 which respond as follows to the requirements of Recommendation No. 3 of the Panel:

Requirement	Response of Applicant	Assessment	Complies
Reduce height of Building 3 to three storeys.	The applicant has removed the top most floor from Building 3.	Satisfactory.	Yes
<ul style="list-style-type: none"> <li>plans should confirm a minimum floor to ceiling height of 2.7m</li> </ul>	Information not provided explicitly on the plans.	Although the plans do not uniformly provide explicit dimensions in this regard, it is likely that the floor to floor heights provided would allow for a minimum ceiling height of 2.7m. This will be ensured by way of condition of consent.	Yes subject to conditions
<ul style="list-style-type: none"> <li>The plans should confirm a minimum floor to ceiling height of 2.7m and ensure that the services can be accommodated within the building</li> </ul>	Information not provided explicitly on the plans.	Although the plans do not explicitly provide this information, the maximum overall height of Building 3 can be limited by way of condition of consent in respect of absolute maximum RL to AHD.	Yes subject to conditions
Provide an easement for public access to Lewis Herman Reserve	The applicant has detailed the location and extent of the right of way on the site plans and nominated that the pathway be publicly accessible between 7am and 7pm.	<p>Council considers that 1.5m is an inadequate width and has recommended a condition of consent requiring that this be widened to 2.5m and dedicated to Council as a right of carriageway (see Condition G(6)).</p> <p>In addition, Council is of the view that it should be publicly accessible 24 hours a day and a condition has been recommended to address this (Condition H(3)).</p>	Yes subject to conditions
Privacy screens to reduce overlooking of Robert Street and New Street properties	The applicant has provided a combination of lowered height of building 3, privacy screens, planter boxes and vegetation to address this issue.	<p>Generally satisfactory, however the following issues must be further addressed:</p> <ul style="list-style-type: none"> <li>It is considered that some of the planter boxes in Building 2 are too low to adequately protect privacy and will be raised by way of condition of consent.</li> <li>Although it is considered that the privacy impacts of Building 3 upon its neighbours to the north is relatively minor ( due to the nature of the Robert Street properties with rear yards dominated by concrete car</li> </ul>	Yes subject to conditions

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		parks), it is recommended that the planter boxes on the north side of Building 3 be raised in height to provide a moderation of sight lines not simply dependent upon planting.	
Site contamination	The applicant has submitted a letter from EIS (Environmental Investigation Services) stating: <i>"Provided that that the recommendations listed above are implemented, the site should be fit for the intended use."</i>	This document is considered to satisfy this matter and the recommendations have been included in the recommended conditions of consent.	Yes

### 3.0 Conclusion

Given the above analysis, it is considered that the proposal as amended adequately responds to the recommendations of the Joint Regional Planning Panel and that where it does not, any deficiency can be addressed by way of condition of consent.

### Attachments

Attachment 1 – Conditions



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