

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 1 July 2015 at 10:30am

Panel Members: John Roseth (chair), Sue Francis, Bruce Clarke, Stephanie Kokkolis and Sang Ok

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2015SYE015 Strathfield DA2011/195/03 [at 29-35 Burlington Road, Homebush] as described in Schedule 1.**

**Date of determination:** 1 July 2015

**Decision:**

The majority of the Panel (Sue Francis, Bruce Clarke and Stephanie Kokkolis against the minority of John Roseth and Sang Ok) determined to not accept the recommendation of the planning assessment report and to refuse the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

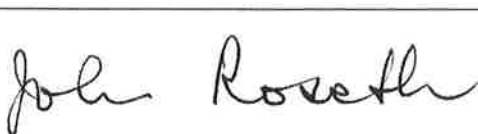
**Reasons for the panel decision:**

The reason for the majority decision of refusal was that the modification, which seeks to increase the height of the development by two storeys and breach the current development standard by 13m, results in a building which is not compatible with the existing built form of the area and neighbouring properties, nor with the desired future character anticipated by the controls. Accepting the increased height to allow the development to achieve its maximum FSR does not justify the significant breach of the height limit. Further, the modification proposal does not allow for an appropriate transition in built form and scale and is therefore unacceptable.

The reason for the minority decision to accept the recommendation to approve the modification application is that the actual variation was not from 16m to 29m, but rather from 22m to 29m, as the parent application was approved at a height of 22m at the time the current LEP was made. The fact that LEP shows a height limit of 16m suggests that the makers of the LEP had ignored reality. The minority of the Panel also gave weight to the fact that the combination of an FSR of 3:1 and a height of 16m is unrealistic as it requires buildings to occupy 60% of the site, which is inconsistent with required setbacks. Finally, the minority noted that the site is at the western end of the mixed use zone and therefore a change of scale between this site and its western neighbour is envisaged in the LEP.

**Conditions:** not applicable

**Panel members:**



**John Roseth (chair)**



**Sue Francis**



**Bruce Clarke**



**Stephanie Kokkolis**



**Sang Ok**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2015SYE015 Strathfield DA2011/195/03
2	<b>Proposed development:</b> The modification seeks to add an additional (27) units, an additional two (2) floors, to modify the configuration of the basement, configuration of the ground floor community facilities and the area of the retail tenancy
3	<b>Street address:</b> 29-35 Burlington Road, Homebush
4	<b>Applicant/Owner:</b> Ghazi Al Ali Architect / Homebush Project Developments Pty Ltd
5	<b>Type of Regional development:</b> S96(2) Application – parent application determined by JRPP 17 May 2012
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>• Residential Flat Design Code (RFDC)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Strathfield Local Environmental Plan 2012</li> <li>• Strathfield Direct Development Contributions Plan 2010-2030</li> <li>• Strathfield Consolidated Development Control Plan 2005 – Part C – Multi Unit Housing;</li> <li>• Part I – Off Street Parking of the Strathfield Consolidated DCP 2005</li> <li>• Strathfield Consolidated Development Control Plan 2005 - Draft Part H – Waste Management.</li> <li>• VPA approved as part of the parent application for a community facility. This portion of the development is not proposed to be modified under this S96 Application.</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 17 June 2015 Written submissions during public exhibition: 12 objections and 2 petitions
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 4 March 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to council assessment report