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| DATE OF DETERMINATION | 6 December 2017 |
| PANEL MEMBERS | Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher |
| APOLOGIES | Steven Issa Sameer Pandey abstained on voting on this matter. |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Rydalmere Operations Centre, City of Parramatta, 316 Victoria Rd, Rydalmere on 6 December 2017, opened at 3:00 pm and closed at 5:10 pm.

MATTER DETERMINED

2017SWC047 - Parramatta - DA 210/2017 at 63-67 Pine Street and 44-46 Wattle Street, RYDALMERE
(AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, 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.

The Panel determined to:

- Uphold the Clause 4.6 Variation to the height control; and
- approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

Please note: Three of the four Panel members (Mary-Lynne Taylor, Paul Mitchell and Lindsay Fletcher) of the Panel have inspected the site and fully understand the context of the development site. Accordingly, the majority of the Panel was able to make a properly informed decision about the proposal's relationship with the character of surrounding area; the remaining panel member (Sameer Pandey) abstained from voting on this item.

REASONS FOR THE DECISION

The Panel determines the application by granting approval for the following reasons:

1. The development is of an appropriate scale and form for its setting and has an appropriate character according to the prescribed test.
2. The development is well designed, it has been reviewed by the DEAP and subsequently modified to improve a number of aspects, resulting in a good final design.
3. The development site is suitable for the proposed use. It is close to a major transport route – Victoria Road – and largely free of constraints. Remediation will be required but expert advice shows that this is practical and that the land can be made suitable for its intended use.
4. The design of the development complies with nearly all applicable standards and guidelines, with one exception being building height. In this regard a written application to vary the standard has been received. The Panel considers the application to be satisfactory because compliance with the standard is unnecessary at this location, the variation will enable a better planning outcome and foster development consistent with relevant zone objectives. Overall, approval of the development at the height proposed is in the public interest.
5. The development will add to the stock and range of housing available in the locality and contribute to improved housing affordability. It will thus be socially beneficial.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following additions:

Additional Condition 1

A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing monitoring and maintenance and any future rehabilitation works required in terms of the appropriate management of contamination present on the site, including the discharge or prevention of discharge there from of any contaminated ground water or soil vapours or for any works required by the Environment Protection Authority.

Reason: *To ensure the continuation of the contamination management measures and to prevent the future occurrence of a health hazard and the spread of contamination.*

Additional Condition 2

An Environmental Management Plan (EMP), outlining an on-going monitoring and maintenance program for the proposed remedial measures on the site is to be developed and implemented by an appropriately qualified consultant. This is to include monitoring and maintenance of the water-tight basement of the building/s and the vapour barrier/dispersal system/s to ensure their continued effective operation.

Reason: *To ensure the on-going effectiveness of the adopted remedial measures.*




Additional Condition 3

The applicant is to engage a NSW EPA accredited auditor to develop a Site Validation Report following completion of remediation works. This report is to include details of any collected soil, groundwater and/or soil vapour/ambient air validation of analytical results compared to the applicable guideline criteria and an evaluation of the site's suitability for the proposed land use. The report will also include details of the implemented management/vapour recovery strategy and outline the requirements for on-going groundwater/soil/vapour monitoring.

Additional Condition 4

The applicant is to engage a NSW EPA accredited site auditor to undertake an independent assessment of the Site Validation Report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation and validation works.

Reason: *To ensure the site validation report has adhered to appropriate standards, procedures and guidelines, thereby ensuring that the subject land is suitable for its approved future use.*

| PANEL MEMBERS | |
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|  Mary-Lynne Taylor (Chair) |  Paul Mitchell |
|  Lindsay Fletcher | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2017SWC047 - Parramatta - DA 210/2017 |
| 2 | PROPOSED DEVELOPMENT | Demolition of existing dwelling houses and construction of 55 residential units including 18 affordable housing units with a basement car park and associated external works and landscaping with Strata subdivision. |
| 3 | STREET ADDRESS | 63-67 Pine Street and 44-46 Wattle Street, RYDALMERE |
| 4 | APPLICANT/OWNER | Architex Pty Ltd / Wattle Pine Developments Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy – Affordable Rental Housing 2009 ○ State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy No 55 – Remediation of Land 2005 ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development) and Apartment Design Guide ○ Parramatta Local Environment Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> • Clause 4.6 Variation request • Council assessment report: 16 October 2017 • Written submissions during public exhibition: 17 submissions, 110 petition signatures • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Father Peter Lamont on behalf of Holy Name of Mary Catholic Church Rydalmere and St Mary’s Primary School Rydalmere, Glenda Hudson, Anne Betteridge, Michael Sobb ○ On behalf of the applicant – Robert Del Pizzo |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Briefing meeting and site inspection 10 May 2017 • Site inspection by Lindsay Fletcher 5 December 2017 • Final briefing meeting to discuss council’s recommendation, 6 December 2017 at 1pm. Attendees: |

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| | | <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher, Sameer Pandey ○ <u>Council assessment staff</u>: Anthony Blood, Steven Chong |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |