



<b>DATE OF DETERMINATION</b>	Wednesday, 4 April 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Lindsay Fletcher, Stuart McDonald and Sameer Pandey
<b>APOLOGIES</b>	Paul Mitchell and Steven Issa
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Rydalmere Operations Centre on Wednesday, 4 April 2018, opened at 2:10 pm and closed at 4:15 pm.

#### **MATTER DETERMINED**

2017SWC076 – City of Parramatta – DA/529/2017 AT 5-9 Smith Street, EPPING (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 approve the Clause 4.6 variation request to vary the height standard and approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

Reasons for Panel decision to approve Clause 4.6 variation request:

The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Hornsby Local Environmental Plan 2013 and considers that:

- the applicant's submission adequately addresses the matters required under Clause 4.6;
- the development remains consistent with the objectives of the standard and the objectives of the zone;
- there are sufficient environmental planning grounds to justify the variation, particularly the increased provision of communal space; and
- compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the Hornsby Local Environmental Plan 2013 development standard is in the public interest.

Reasons for Panel decision to approve the development application:

1. The proposed development will add to the supply and choice of housing within the Central City district and the City of Parramatta local government area in a location with ready access to local amenities and public transport.
2. The site is considered suitable for the residential use.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies and the applicable objectives and provisions of the Hornsby Local Environmental Plan 2013, noting that the height variation is considered acceptable.

4. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments, including amenity of adjacent and nearby residential premises, or the amenity of the adjacent child care centre, or on the operation of the local road system.
5. In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**CONDITIONS**

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





- Condition 7 will be amended to refer to 240L bins.
- The second sentence of Condition 19 to be deleted.
- Condition 52 (a) (iv) to be amended to read 'Location of any crane standing areas so as to prevent any overhang of the adjoining childcare centre.'
- A new condition to be added as follows:

Prior to the issue of a Construction Certificate, the design of additional privacy measures (e.g. Louvres/screens) shall be incorporated into the design in the following locations:

- a) on the eastern elevation of the balconies serving units 209, 210, 211, 309, 310, 311, 407, and 408; and
- b) on the eastern side of the rooftop communal open space.

The additional privacy measures are to be to the satisfaction of Council's Manager Development and Traffic Services prior to the issue of a Construction Certificate.

**Reason:** To provide a reasonable level of privacy to the adjoining child care centre

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Lindsay Fletcher
 Stuart McDonald	 Sameer Pandey

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2017SWC076 – City of Parramatta – DA/529/2017
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Five storey residential flat building development over basement car parking.
<b>3</b>	<b>STREET ADDRESS</b>	5-9 Smith Street, EPPING
<b>4</b>	<b>APPLICANT OWNER</b>	Sunrise Epping Development Pty Ltd Sook Chin Soon (No. 5) and Tack Soon (No. 7-9)
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development with a CIV of more than \$20 million, lodged with Council before 1 March 2018
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>○ State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>○ Hornsby Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Hornsby Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 21 March 2018</li> <li>• Written submissions during public exhibition: four</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Object – Kathy Ware</li> <li>○ On behalf of the applicant – Mark Broadley</li> </ul> </li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection on 4 April 2018</li> <li>• Final briefing meeting to discuss council’s recommendation, Wednesday, 4 April 2018, 1:00 pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Lindsay Fletcher, Stuart McDonald and Sameer Pandey</li> <li>○ <u>Council assessment staff</u>: Johnathan Cleary, Anthony Blood, Alex McDougall, Wendy Wang, Liam Frayne, Ché Wall, Nabil Alaeddine, Steve Chong and Myfanwy McNally</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval (with deferred commencement conditions)
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report