

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	9 October 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Mark Grayson, Sameer Pandey and Martin Zaiter
APOLOGIES	Lindsay Fletcher
DECLARATIONS OF INTEREST	Nil

Public meeting held at Rydalmere Operations Centre, City of Parramatta on 9 October 2019, opened at 2.30pm and closed at 3.25pm.

MATTER DETERMINED

2018CCIO23 - City of Parramatta – DA843/2018 AT 18-20 Irving Street, Parramatta, Demolition, tree removal and construction of a 4 storey residential flat building comprising 22 units over 1 level of basement parking (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R4 zone; and
- c) the concurrence of the Secretary has been provided.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is permissible in the R4 High Density Residential zone, is consistent with the relevant objectives and complies with most applicable standards and guidelines.

2. The proposal exceeds the height of the building standard but is of a similar height to other recently approved nearby buildings. Further, the site has unique characteristics which mitigate the effects of a taller building and the design is well-considered and compatible with the desired future high density residential character of the area. Therefore, approval of this application will not act as a precedent for future applications.
3. The proposal will have no material adverse effects on nearby properties and local infrastructure and services including the road network.
4. The proposal will increase the stock of affordable housing in the locality and is therefore socially beneficial.
5. The Panel has carefully considered the matters raised by objectors and believes they have been mostly resolved by amendments to the proposal and/or conditions imposed or are not of sufficient consequence to warrant refusal of the application.
6. For the reasons given above the Panel believes approval of the proposal is in the public interest.

CONDITIONS






The development application was approved subject to the conditions received on 4 October 2019.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Excessive height and bulk
- Proximity of garbage area to neighbours
- Loss of privacy
- Social effects on neighbourhood

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor
 Mark Grayson	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCIO23 - City of Parramatta – DA843/2018
2	PROPOSED DEVELOPMENT	Demolition, tree removal and construction of a 4 storey residential flat building comprising 22 units over 1 level of basement parking.
3	STREET ADDRESS	18-20 Irving Street, Parramatta
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$5 million – Crown Development
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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 (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – (Design Quality of Residential Apartment Development) ○ Parramatta Local Environmental 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 <i>Environmental Planning and Assessment Regulation</i> 2000 • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Addendum report: September 2019 • Original Council assessment report: 4 September 2019 • Amended Clause 4.6 variation • Conditions without prejudice: received 4 October 2019 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting 4 September 2019: <ul style="list-style-type: none"> ○ In support – nil ○ In objection – Ms K Fraser (on behalf of Vicky Tzimoulas), Gazoin Sakalaki, Steve Sakalaki ○ Council assessment officer – Jonathan Cleary ○ On behalf of the applicant – Daniel Ouma-Machio • Verbal submissions at the public meeting 9 October 2019: <ul style="list-style-type: none"> ○ In support – nil ○ In objection – Gazoin Sakalaki, Steve Sakalaki, Vicky Tzimoulas ○ Council assessment officer – Jonathan Cleary ○ On behalf of the applicant – Daniel Ouma-Machio

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 6 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Jonathan Cleary and Liam Frayne • Site inspection and Public meeting: 4 September 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mark Grayson, Lindsay Fletcher, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Jonathan Cleary • Final briefing to discuss council's recommendation, 4 September 2019, 12.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Mark Grayson, Sameer Pandey and Martin Zaiter <u>Council assessment staff</u>: Jonathan Cleary • Final briefing to discuss council's recommendation, 9 October 2019, 12.00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Mark Grayson, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Jonathan Cleary
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Conditions received 4 October 2019