

DATE OF DETERMINATION	Thursday 7 November 2019
PANEL MEMBERS	Carl Scully (Chair), Abigail Goldberg, John Roseth, Ted Cassidy
APOLOGIES	Sue Francis, Monica Wangmann, Deborah Laidlaw, Jacinta Reid
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites Sydney, 488 Kent Street Sydney, on 7 November 2019, opened at 10am and closed at 10.15am.

MATTER DETERMINED

2019ECI018 – Inner West – DA10.2018.220 at 74-75 Carlton Crescent Summer Hill for a student accommodation building (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Ashfield Local Environmental Plan 2013 (LEP), that has demonstrated that:

- compliance with cls. 4.3 (height) and 4.4 (floor space ratio) (development standards) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards.

The panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cls. 4.3 and 4.4 (development standard) of the LEP and the objectives for development in the B2 zone; and
- the concurrence of the Secretary has been assumed.

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

The proposal responds to an important need, that of providing student accommodation in close proximity of public transport and major educational institutions.

The proposal complies with the future desired character of the area.

While the proposal exceeds the building height development standard, this has been justified by a written submission under clause 4.6 of the Ashfield LEP 2013, principally on the grounds that the exceedance is in the centre of the development and not visible from the street. The exceedance of the FSR development standard is minor.

The Panel had considered the application at a previous meeting on 5 September 2019 and deferred its determination pending the applicant's response to several concerns. At the meeting of 7 November 2019 the applicant responded satisfactorily to all concerns.





CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the addition of the following condition:

- *The sprinkler system proposed as part of the design and referred to in Appendix A of the Supplementary Report must be installed in all sole occupancy units, path of travel to required exits, storage areas, common areas and administration areas within the building and connected by electronic transmission to the nearest NSW Fire Brigade.*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered seven written submissions made during public exhibition. One objector attended the public meeting on 5 September 2019 and raised issues in regards to parking. Based on the low car ownership ratios among students and the proximity of this site to Summer Hill station, the Panel is satisfied that the proposal will not add undue pressure on on-street parking. The submissions dealt with several matters which are not within the ambit of planning legislation, they also referred to non-compliance with height and FSR. The Panel is satisfied that those non-compliances have been justified pursuant to written submissions under clause 4.6 of the Ashfield LEP 2013.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Abigail Goldberg	 Ted Cassidy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019ECI018 – Inner West – DA10.2018.220
2	PROPOSED DEVELOPMENT	Partial demolition of existing building and construction of a 180 room student accommodation building (Boarding House) over 4 levels, with associated management offices, common rooms and landscaping.
3	STREET ADDRESS	74 – 75 Carlton Crescent Summer Hill
4	APPLICANT/OWNER	Iglu No. 210 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No.64 – Advertising and Signage State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Ashfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Inner West Comprehensive Development Control Plan 2016 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <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"> Council assessment report: 26 August 2019 Council supplementary report: 14 October 2019 Clause 4.6 Variation Height Clause 4.6 Variation FSR Council submission: 3 September 2019 Written submissions during public exhibition: 7 Verbal submissions at the public meeting 5 September 2019: <ul style="list-style-type: none"> In objection – Cllr Lucille McKenna On behalf of the applicant – Kate Bartlett, Stephen Brain, Guy Lake Verbal submissions at the public meeting 7 November 2019: <ul style="list-style-type: none"> On behalf of the applicant – Kate Bartlett, Stephen Brain, Guy Lake
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 15 August 2019 Briefing: 15 August 2019 Final briefing to discuss council's recommendation, 5 September 2019 at 1.30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Abigail Goldberg, John Roseth, Ted Cassidy <u>Council assessment staff</u>: Luke Murtus, Conor Wilson

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 7 November 2019 at 9.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Abigail Goldberg, John Roseth, Ted Cassidy <u>Council assessment staff</u>: Luke Murtus, Conor Wilson
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report