

<b>DATE OF DETERMINATION</b>	29 July 2021
<b>PANEL MEMBERS</b>	Jan Murrell (Chair), Roberta Ryan, Sue Francis, Monica Wangmann, Ted Cassidy
<b>APOLOGIES</b>	Carl Scully
<b>DECLARATIONS OF INTEREST</b>	None

Meeting held by videoconference on 29 July 2021, opened at 9am and closed at 10.20am.

#### **MATTER DETERMINED**

PPSSEC-113 – Inner West – DA/2020/1094 – 1-9 Thomas Street, Ashfield (Also known as 2-6 Cavill Avenue, Ashfield) (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 cl. 4.3(A) height of buildings development standard is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.3 (2) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (2) of the LEP and the objectives for development in the B4 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 Panel determined to uphold the Clause 4.6 variation requests to building height; and approve the application for the reasons outlined in the Council Officer's assessment report.

This is a DA relative to a site specific Development Control Plan (DCP) and Planning Proposal and is consistent with the intended outcomes of both. The Panel considers the quality of design and choice of materials and landscaping to be of high quality which will provide a benefit in terms of residential amenity and a contribution to the public domain.

## CONDITIONS

The development application was approved subject to the conditions in the Council Officer's assessment report with the following amendments.



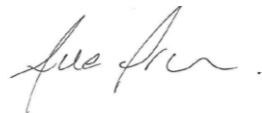


- Delete condition 93 as it has no work to do given the demolition of all structures
- Amend Condition 3 for contributions to be paid prior to Occupation Certificate, consistent with Ministerial COVID-19 Directions
- Amend Condition 61 to address typo of "roods" to "roofs"

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Traffic and parking concerns
- Streetscape
- Overshadowing
- Bulk/scale
- Overdevelopment
- Loss of trees/ greenscape
- Privacy and acoustics impacts

The Panel considers that concerns raised by the community have been addressed in the assessment report. The Panel notes that in addressing these issues appropriate conditions have been imposed and the development is generally consistent with the objectives of the Planning Proposal and site specific DCP.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Roberta Ryan
 Sue Francis	 Monica Wangmann
 Ted Cassidy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-113 – Inner West – DA/2020/1094
2	PROPOSED DEVELOPMENT	Demolition of all buildings; construction of a 10-storey mixed use development comprising: 3 storey basement car park with 320 spaces, ground floor retail, and 264 residential apartments
3	STREET ADDRESS	1-9 Thomas Street, Ashfield (Also known as 2-9 Cavill Avenue)
4	APPLICANT/OWNER	Shayher Alliance Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Ashfield 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>○ Inner West Comprehensive Development Control Plan 2016</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>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 15 July 2021</li> <li>• Clause 4.6 variation request - Building Height</li> <li>• Written submissions during public exhibition: 8</li> <li>• Total number of unique submissions received by way of objection: 8</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: panel members visited the site independently, prior to 29 July 2021.</li> <li>• Final briefing to discuss Council's recommendation: 29 July 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jan Murrell (Chair), Roberta Ryan, Sue Francis, Monica Wangmann, Ted Cassidy</li> <li>○ <u>Council assessment staff</u>: Conor Wilson, Jai Reid, Luke Murtas, Angela Berryman</li> <li>○ <u>Applicant representatives</u>: Rob Battersby, George Chen, Matt Durning, Michael Lee, Ken Liao, Simon Parsons, Zoe Lyons, Alex Lin</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Officer’s assessment report