

DATE OF DETERMINATION	19 November 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Vivienne Ryan, Mike Ryan
APOLOGIES	Roberta Ryan
DECLARATIONS OF INTEREST	None

Papers circulated on 5 November 2020.

MATTER DETERMINED

PPSSEC-51 – Strathfield - DA2020/080 at 2 Eastbourne Rd, Homebush West (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 application before the Panel is for a 5 storey RFB containing 35 units (16 Affordable Housing) and 2 basement levels of parking.

Application to vary a development standard

Following consideration of the written request from the Applicant, made under cl 4.6 (3) of the Strathfield Local Environmental Plan 2012 (LEP) the Panel finds this has not demonstrated that:

- a) compliance with cl. 4.6 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard.

Therefore, the Panel is not 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 inconsistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R3 zone. In particular it does not provide for an appropriate level of residential amenity within a medium density residential environment.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons outlined in the Council Officer's assessment report.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel considers the proposal is an overdevelopment of this constrained site and any future development must have regard to its context.
- The development application does not provide for an appropriate level of amenity for future residents.

CONDITIONS





Not applicable

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:

- Non-compliant building height
- Development incompatible with streetscape
- On-street carparking congestion
- Overshadowing onto adjoining properties
- Visual privacy concerns
- Tree removal

The Panel considers that concerns raised by the community have been addressed in the assessment report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Mike Ryan	 Vivienne Albin

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-51 – Strathfield - DA2020/080
2	PROPOSED DEVELOPMENT	Demolition of existing townhouses and tree removal and the construction of a five (5) storey residential flat building containing thirty-five (35) units including sixteen (16) infill affordable rental units and two (2) levels of basement.
3	STREET ADDRESS	2 Eastbourne Rd, Homebush West
4	APPLICANT/OWNER	Applicant – Bechara Chan & Associates Owner – A & A Lederer 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 (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development Apartment Design Guide State Environmental Planning Policy (Affordable Rental Housing) 2009 Strathfield Local Environmental Plan 2012 Strathfield Community Participation Plan Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Strathfield Consolidated Development Control Plan 2005 <ul style="list-style-type: none"> Part C – Multiple-Unit Housing Part H – Waste Minimisation and Management Part P – Heritage Part Q – Urban Design 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: 6 November 2020 Clause 4.6 variation request - height Written submissions during public exhibition: 4 Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 15 October 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Mike Ryan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Nicole Doughty, Kandace Lindeberg, Joseph Gillies ● Site inspection: Due to Corona virus precautions, the Panel visited the site independently prior to 19 November 2020 ● Final briefing to discuss council's recommendation: 19 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Mike Ryan, Vivienne Albin ○ <u>Council assessment staff</u>: Nicole Doughty ○ <u>Applicant representatives</u>: Richard Verzi, John Boumelhem
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Supplied