

DATE OF DETERMINATION	16 October 2019
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Mark Grayson, Peter Brennan, Sameer Pandey and Martin Zaiter
APOLOGIES	None
DECLARATIONS OF INTEREST	Paul Mitchell declared a conflict of interest, as his employer CityPlan prepared the Statement of Environmental Effects for this development application. Mr Mitchell has not participated in any discussion or consideration of this DA.

Public meeting held at Rydalmere Operations Centre on 16 October 2019, opened at 3:30 pm and closed at 3:45pm.

MATTER DETERMINED

2018SWC043 – City of Parramatta – DA174/2018 at 29 Carter Street, LIDCOMBE – mixed use development (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 Auburn Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (height of building development standard) 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 (height of building development standard) of the LEP and the objectives for development in the R4 zone; and
- c) 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

1. The proposed development is permissible with development consent in the R4 High Density Residential zone and is consistent with the relevant zone objectives.

2. The proposal is generally consistent with the specific controls introduced by the Department of Planning, Industry and Environment for the Carter St precinct and the wider planning framework of the District Plan
3. The proposal exceeds the maximum height of the building standard; however it will be a similar height to other approved apartment buildings in the vicinity. The proposal variation is supported by a Clause 4.6 Variation request and is considered to be reasonable and supportable in this instance, having regard to the context, the high quality design outcome and consistency with the objectives of the zone.
4. The overall design will provide for an improved level of residential amenity and public spaces.
5. The Panel notes that the Secretary at the Department of Planning, Infrastructure and Environment has certified that satisfactory arrangements have been entered into.

CONDITIONS




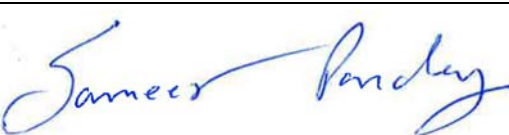

The development application was approved subject to the revised conditions provided by City of Parramatta Council on 16 October 2019.

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:

- Width of Road 2 and resultant site isolation for 1-5 Hill Road

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	
 Mary-Lynne Taylor (Chair)	 Peter Brennan
 Mark Grayson	 Sameer Pandey
 Martin Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC043 – City of Parramatta – DA174/2018
2	PROPOSED DEVELOPMENT	Mixed use development consisting of residential flat buildings (411 apartments) and associated basement parking, 8 neighbourhood shops, child care centre, public domain elements and associated roads and civil infrastructure
3	STREET ADDRESS	29 Carter Street, LIDCOMBE
4	APPLICANT/OWNER	Australia YMCI 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 No 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft amendments to Auburn Local Environmental Plan 2010 • Development control plans: <ul style="list-style-type: none"> ○ Carter Street Precinct Development Control Plan 2016 ○ Carter Street Precinct Development Contributions 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: 4 October 2019 • Clause 4.6 variation request: September 2019 • Written submissions during public exhibition: one (1) • Revised conditions of consent: 16 October 2019 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Lotti Wilkinson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 5 December 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Peter Brennan, Paul Mitchell, Sameer Pandey and Steven Issa ○ <u>Council assessment staff</u>: Brad Roeleven • Final briefing to discuss council’s recommendation, 16 October 2019, 1:40 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Mark Grayson, Peter Brennan, Sameer Pandey and Martin Zaiter ○ <u>Council assessment staff</u>: Brad Roeleven, Andrew Golden, Myfanwy McNally and Mark Leotta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Revision supplied by Council on 16 October 2019