

TO: Sydney Central City Planning Panel – [14 June 2018]
REPORT: SCCPP Report
SUBJECT: 13-21 John Street, LIDCOMBE NSW 2141
FILE No: DA-24/2014

Application lodged	30 January 2014
Applicant	Sydney Constructions & Developments Pty Limited
Owner	Auburn City Council & Sydney Project Group P/L
Application No.	DA-24/2014
Description of Land	Lot 1 DP 233926, Lot 3 DP 608751, Lot 2 DP 608751, Lot 1 DP 608751, 13 - 21 John Street, LIDCOMBE
Proposed Development	Demolition of existing structures and construction of 2 buildings, one 11 storeys and the other 10 storeys including a 2,300 m ² supermarket located at the ground floor, 103 residential apartments and basement car parking for 240 cars, including replacement public car parking.
Site Area	3188.77m ²
Zoning	Zone B4 – Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	Owners Consent

REPORT

The consideration of the Development Application DA-24/2014 was deferred by the Panel on 25 January 2017, at the request of the applicant.

The DA was deferred until the *“completion of the existing Court proceedings No 2016/00297667.”*

The DA is for the construction of a residential flat building to be constructed over four parcels of land. One of those parcels – 13 John Street - is owned by Cumberland Council, and is presently used as a public carpark.

The Court proceedings related to a contract for sale of 13 John Street. The purchaser on that contract was the applicant for the DA. Council rescinded the contract for sale of 13 John Street in 2016. The proceedings involved the applicant seeking that the Court reinstate the contract, which would require Council to transfer 13 John Street to the applicant.

From January 2017 the matter proceeded through the Court and it was listed for hearing to commence on 26 March 2018. On 8 March 2018, the Council applied to Justice Darke to have the proceedings dismissed, which his Honour did. A copy of his Honour's judgment is attached.

Council, as the owner of 13 John Street, has not provided its consent in writing for the development application. It does not intend to do so unless required to do so by lawful authority.

The effect of the decision of Justice Darke is that there is no order requiring that Council provide its consent as owner to the DA.

Council provided its independent planning assessment report on the DA for the consideration of the Panel on 10 June 2016. It also provided its Director's Report on 17 January 2017 regarding the issue of owner's consent. Both recommendations are unchanged. The Panel is requested to determine the application based on these reports.

ATTACHMENT

- Copy of judgment