

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 19 June 2015 and 16 July 2015

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Brian McDonald and Deborah Laidlaw

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015SYE014 Leichhardt D/2014/713 [at 22 George Street, Leichhardt] as described in Schedule 1.

Date of determination: 16 July 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Council Assessment Report of 22 May 2015 concludes that the only issue justifying refusal is contamination. The panel has relied on a letter of the Environment Protection Authority, dated 26 March 2015, which says that, on the material before it, the Panel can be satisfied that the land will only be occupied if it is suitable for residential use as long as the approval is subject to a satisfactory set of conditions in relation to remediation. The Panel has also relied on the statement of Mr Jason Clay, an accredited site auditor under the Contaminated Land Management Act, who told the Panel unequivocally that the material before it is sufficient to satisfy it that the land will be able to be certified as suitable for residential use before it is allowed to be occupied.

The Panel has considered the views of objectors. In the Panel's opinion, many of the objections relate to the density and height that is allowed by the rezoning of the site. While the objectives of the new zone include a reference to medium density housing, the FSR and height permit high density development. The applicant has a reasonable expectation to achieve a development at somewhere near the permissible density.

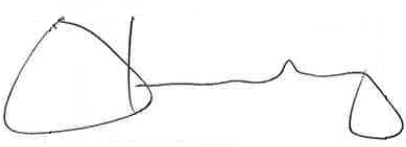
Finally, the Panel notes that the proposal has departed to some extent from the site-specific DCP that was prepared in conjunction with the rezoning. The Panel is satisfied that these departures have resulted in a design that has a lesser overshadowing impact on the external neighbours than it would if the DCP had been strictly applied.

Conditions: The development application was approved subject to the conditions forwarded by Leichhardt Municipal Council on 13 July 2015, with the following amendment:

Delete condition 30b

Reason: This condition is unnecessary, as it is covered by Condition 23.

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Brian McDonald	 Deborah Laidlaw	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE014 Leichhardt D/2014/713
2	Proposed development: Site preparation works including remediation and construction of five residential flat buildings, incorporating 287 apartments and 5 commercial tenancies and associated landscaping and basement parking.
3	Street address: 22 George Street, Leichhardt
4	Applicant: Greenland (Sydney) George Street Development Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No.64 – Advertising and Signage • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Leichhardt Local Environmental Plan 2013 • Draft State Environmental Planning Policy (Competition) 2010 • Draft Leichhardt Local Environment Plan 2013 – Amendment No.4 • Draft State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (Amendment No 3) • George and Upward Street, Leichhardt Development Control Plan 2014 • Leichhardt Development Control Plan 2013 • Kolotex Site Planning Agreement • Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated 22 May 2015 Written submissions during public exhibition: 105 Written submissions received after the Council Assessment Report was published and verbally assessed by the Council Assessment Officer: 9 Verbal submissions at the panel meeting on 4 June 2015: Against- Scott Birrell, Mark Bolduan on behalf of elected Leichhardt Councillors, Simon Emsley, Sharon Birrell, Kristna Gurney, Paul Bidwell; On behalf of the applicant- Peter Strudwick, Jason Clay, Alex Mikov and Marco Damic
8	Meetings and site inspections by the panel: Briefing Meeting on 23 April 2015, public meeting on 4 June 2015, electronic discussion between 19 June 2015 and 16 July 2015
9	Council recommendation: Refusal
10	Draft conditions: Conditions supplied by Leichhardt Municipal Council on 13 July 2015