

**RECORD OF DEFERRAL
SYDNEY EAST JOINT REGIONAL PLANNING PANEL
MEETING HELD AT CHRISTIE CONFERENCE CENTRE
ON THURSDAY 10 SEPTEMBER 2015 AT 10:30 AM**

Panel members:

David Furlong – Panel Chair
Sue Francis – Panel Member
Victor Macri – Panel Member
Mark Gardiner – Panel Member

Council staff in attendance:

Judy Clark
Daniel East
Patrick Nash
Kaitlin Zieme

Apologies: None

Declarations of interest: None

Matter deferred:

2015SYE034 Marrickville DA201500081: To demolish existing improvements and construct a 5 storey development consisting of a residential flat building (Building A) containing 44 dwellings and a mixed use building (Building B) containing 3 retail tenancies and 38 dwellings with 2 levels of basement carparking at 801-807 New Canterbury Road Dulwich Hill

Public submissions made at this meeting:

Against the development: Anita Krivickas

On behalf of the applicant: Stuart Gordon

Panel Decision:

1. The Panel resolves unanimously to defer the application for the submission of amended plans to remove level 4 from both Buildings A & B.

As submitted to the Panel, the proposal exceeds the relevant floor space ratio by over 1800m² and the building height control by more than one level. While a request to vary the standards under Clause 4.6 of the Marrickville LEP was submitted, it failed to justify the variations in terms of the issues raised in the recent Court matter *Four2Five v Ashfield Council*.

In specific terms, the outcome of the above decision requires demonstration that compliance with the relevant controls is unreasonable or unnecessary in the circumstances of the site.

The panel notes that this is the first DA in this precinct under the current LEP and there is no indication that Council has varied its standards, except where there is a disconnect between the LEP and DCP controls in relation to building height and FSR.

Accordingly, the panel requests:

2. The applicant provide amended plans, deleting level 4 off both Buildings A & B and an amended Clause 4.6 variation request dealing with the matters raised in the *Four2Five* decisions. This information should be submitted to Council by C.O.B. Wednesday 30 September 2015.
3. Council provide a Supplementary Assessment Report to the Regional Panels' Secretariat by 14 October 2015 indicating satisfactory compliance with the matters contained in point 2 above.
4. Should the requirements of points 2 & 3 above be satisfied, the Panel will reconsider this matter and determine it by electronic means, unless the Panel Chair considers it necessary to hold another public meeting.
5. Alternatively should the applicant not wish to comply with points 2 & 3 the Panel will reconvene to determine the DA in its current form, noting the matters raised in point 1 above.

Endorsed by

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long horizontal stroke and a small loop at the end.

David Furlong
Acting Chair, Sydney East Joint Regional Planning Panel
Date: 10 September 2015