

DATE OF DETERMINATION	28 July 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Julie Savet Ward, Vic Macri and Sam Iskander
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christies Conference Centre on 28 July 2016, opened at 10:00 AM and closed at 10:30 AM

MATTER DETERMINED

2015SYE168 – Inner West – DA2015/00682 – 4-12 McGill Street, Lewisham – To demolish existing improvements and tree removal and construct a mixed use development consisting of a 6 storey building (Building A) fronting McGill Street and a 5 storey building (Building B) fronting the light rail line containing a total of 80 dwellings and 1 commercial tenancy within Building B for use as art education and café space with 2 basement car parking levels and associated landscape works (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 in Schedule 1. 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*. The decision was unanimous.

REASONS FOR THE DECISION



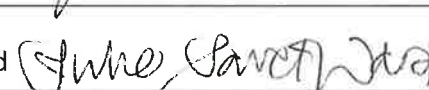


The reasons for the decision of the Panel were:

- The proposal fits into the desired future character of the locality.
- The proposal is lower by two storeys than the permissible building height. While it exceeds the permissible FSR to a minor extent, this has been justified by a submission under cl 4.6 of the Marrickville LEP 2011. The justification is principally on the grounds that other similar variations have been granted in the precinct, including a much larger variation by the Land and Environment Court to the development on the adjacent site.
- The proposal provides reasonable internal amenity to the apartments.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Conditions 3, 131, 132, 159 are deleted;
- Condition 106 is re-worded: The remediation of the site must be undertaken according to the approved Remediation Action Plan (RAP) prepared by Environmental investigations Australia Pty Ltd dated 6 May 2016. Before the issue of a Construction Certificate, a Site Validation Report prepared by an environmental auditor accredited by the NSW Environmental Protection Authority must be prepared validating that the site is remediated and able to accommodate its future residential use.

PANEL MEMBERS	
John Roseth (Chair) 	Sue Francis 
Julie Savet Ward 	Vic Macri 
Sam Iskander 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYE168 – Inner West - DA201500682
2	PROPOSED DEVELOPMENT	To demolish existing improvements and tree removal and construct a mixed use development consisting of a 6 storey building (Building A) fronting McGill Street and a 5 storey building (Building B) fronting the light rail line containing a total of 80 dwellings and 1 commercial tenancy within Building B for use as art education and café space with 2 basement car parking levels and associated landscape works
3	STREET ADDRESS	4-12 McGill Street, Lewisham
4	APPLICANT/OWNER	Tony Owen Partners
5	TYPE OF REGIONAL DEVELOPMENT	General development with a Capital Investment Value of more than \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55); • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65); • State Environmental Planning Policy (State and Regional Development 2011) (SEPP SRD); • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX); • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure); <p>Draft environmental planning instruments: Marrickville Local Environmental Plan 2011</p> <ul style="list-style-type: none"> • Development control plans: Marrickville Development Control Plan 2011 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report: 19 July 2016</p> <p>Written submissions during public exhibition:</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Support – none • Object – none • On behalf of the applicant – Tony Owen, Daniel Howard, John Anogiankis
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Briefing Meeting on 16 April 2015
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report