

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 17 August 2017
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth, Monica Wangmann, Ted Cassidy
APOLOGIES	None
DECLARATIONS OF INTEREST	Vic Macri and Sam Iskandar both declared a non-pecuniary conflict of interest having voted on this application in their roles as Councilors.

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 17 August 2017, opened at 10:05 am and closed at 12:15pm.

MATTER DETERMINED

2016SYE108 – Inner West – DA2016/00434 at 313-319 Marrickville Road Marrickville (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 the matters observed at site inspections listed at item 8 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 Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was 3:2 in favour, against the decision were Ted Cassidy (TC) and Monica Wangmann (MW).

REASONS FOR THE DECISION

The majority of the Panel (MA, SF and JR) accepts the recommendation of the planning assessment report to approve the application for the following reasons:

1. The proposal is generally consistent with the Marrickville LEP 2011 and the site specific aspects of the Marrickville DCP 2011. Where there is a variation of height, on balance, it results in a better distribution of massing. For this reason the majority supports the height variation under clause 4.6 of Marrickville LEP 2011. The Panel notes that the proposal complies with the maximum FSR permissible on the site.
2. While the internal amenity of the apartments is acceptable, the Panel notes that there are some variations to the guidelines in the ADG. The Panel accepts that where separation distances are reduced, acceptable privacy is achieved by architectural design.
3. The Panel gave serious consideration to the views expressed by objections, both in the written submissions and their comments at the public meeting. The Panel understands that most of the objectors prefer a previous version of the DCP which had a different location for the new public park. The Panel also accepts that reasonable minds may differ on the merits of the previous and current version of the DCP. However, the Panel has no option but to rely on the current version, which was agreed to by the then Marrickville Council and with which the proposal is generally consistent.

The minority of the Panel (TC and MW) voted to refuse the proposal for the following reasons:






1. The proposal fails the public interest test given the concerns expressed by a large number of residents in the vicinity of the development.
2. The proposal does not provide sufficient solar access, as 13.8% of apartments do not receive direct sunlight in mid-winter. Only 60% of the apartments achieve natural cross ventilation.
3. The proposal does not achieve adequate separation between Buildings A2 and B.
4. Ten units have a balcony smaller than recommended by the ADG.
5. The minority does not support the variation of height under clause 4.6 in view of the negative community response to the scale of this proposal.
6. The Common and Library Lawn will have significant and unacceptable overshadowing in winter.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Supplementary Memo dated 15 August 2017, with the addition of the following condition in respect to landscaping:

New condition to read as follows:

"Soft and hard landscaping shall be maintained."

PANEL MEMBERS	
 Maria Atkinson (Chair)	 Sue Francis
 John Roseth	 Monica Wangmann
 Ted Cassidy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE2016 – Inner West – DA2016/00434
2	PROPOSED DEVELOPMENT	Construction of a mixed use development through the adaptive reuse and associated alterations of former hospital building(s) to provide a community hub, comprising a public library, pavilion, a residential building, and construction of three (3) new residential flat buildings including car parking, landscaping and associated works.
3	STREET ADDRESS	313-319 Marrickville Road Marrickville
4	APPLICANT/OWNER	Mirvac Projects Pty Ltd / Inner West Council
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ 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 (Infrastructure) 2007 ○ Marrickville Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Marrickville Development Control Plan 2011 ○ Marrickville Section 94/94A Contributions Plan 2014 • 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: 7 August 2017 • Supplementary memo: 15 August 2017 • Written submissions during public exhibition: 60 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Chris Bourke, Aris Giotas, John Theodoropoulos on behalf of the owners of 28A, 28B & 30 Lillydale St Marrickville, Heather Davie, Frank Littler, John Bon, Ted Pirola, Richard Carey, Christine Crowe, Toni Warbuiton ○ On behalf of the applicant – Tim Greer, Kim Bazeley, Brian Clohessy, Andrew Duggan, Adrian Checchin ○ On behalf of Inner West Council: Stuart Gordon (consultant planner)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 2 November 2016, 13 April 2017 • Site inspection: 13 April 2017 • Final briefing meeting to discuss council's recommendation, 17 August 2017 at 9:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), Sue Francis, John Roseth, Monica Wangmann, Ted Cassidy ○ <u>Council assessment staff</u>: Judy Clarke, Stuart Gordon (consultant planner)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report