

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 October 2017
<b>PANEL MEMBERS</b>	Edward Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell and Richard Thorp
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>David Ryan has a direct conflict as he helped prepare the development application documents for the proposal.</p> <p>Mary-Lynne Taylor declares that the submitter, Tony Royal, and his company, are known to her as previous clients at a previous law firm, but has had no recent contact with the submitter and does not believe there is any conflict, and will participate in the determination.</p>

Electronic meeting held between 10 October 2017 and 13 October 2017.

#### MATTER DETERMINED

2016SYW224 – City of Parramatta – DA 1005/2016 AT 29 Carter Street, Lidcombe (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 decision was unanimous.

#### REASONS FOR THE DECISION

The Panel notes that the addendum report now satisfactorily deals with the matters that caused the Panel to defer the determination at the public meeting on 6 September 2017.

The Panel has considered the applicant's request to vary the development standard contained in Auburn Local Environment Plan 2010 Clause 4.3 relating to height of buildings and is satisfied that the request has adequately addressed the matters to be demonstrated by Clause 4.6 (3). The Panel considers compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as:

- the exceedances of height are matched by lower heights elsewhere on the site and this results in a varied built form which is a better planning and design outcome for the site;
- the increased height does result in increased density on the site;
- the resultant design is in keeping with the character of the area and appropriate for the site.





The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone. The Panel is therefore satisfied that the Applicant's clause 4.6 variation request has adequately addressed the matters required to be demonstrated in clause 4.6(3) of the Auburn LEP and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the zone in which the development is proposed to be carried out.

The Panel determines the application by granting approval for the following reasons:

1. The proposed development will add to the supply and choice of housing within the Sydney Central City District and the City of Parramatta local government area in a location with ready access to the services and amenities in the neighbourhood centre and the general locality.
2. The proposed development adequately satisfies the relevant instruments and controls, except for the height exceedances addressed in the Clause 4.6 variation request approved by the Panel above.
3. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments, including amenity of adjacent and nearby residential premises or the operation of the local road system.
4. In consideration of conclusions [1-3] above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

#### CONDITIONS

The development application was approved subject to the conditions in the Addendum Council Assessment Report.

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	 Richard Thorp AM

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW224 – City of Parramatta – DA 1005/2016
2	PROPOSED DEVELOPMENT	Construction of a mixed use development of three buildings with heights of 4-14 storeys containing 421 residential units, six neighbourhood shops over two levels of basement car parking, and subdivision to create development lots and one road lot to be dedicated to Council; construction of roads and public domain elements
3	STREET ADDRESS	29 Carter Street, Lidcombe
4	APPLICANT & OWNER	Australia YMCI Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulations 2000</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Auburn Local Environmental Plan 2010</li> <li>• Carter Street Precinct Development Control Plan 2016</li> <li>• Carter Street Precinct Development Contributions Plan 2016</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 28 August 2017</li> <li>• Written submissions during public exhibition: one</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Ary Bornoush, Adam Hunter and Mark Sheargold</li> </ul> </li> <li>• Addendum Council assessment report dated 3 October 2017</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting on 25 January 2017</li> <li>• Final briefing meeting and public determination meeting on 6 September 2017</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the addendum council assessment report