

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 September 2018
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Paul Stein and Paul Moulds
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Cumberland Council on Thursday 13 September 2018 opened at 1.02pm and closed at 1.46pm.

#### MATTER DETERMINED

Panel Ref – 2016SYW249 - LGA – Cumberland, DA2016/381, Address – Lots 12 & 13, Butu Wargun Drive, Pemulwuy (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 the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The applicant has submitted a written request to vary the height of buildings standard in the Holroyd LEP. The maximum variation sought is 2.5m above the prescribed 12.5m height standard (or 20%).

The submission demonstrates that compliance with the standard is unnecessary in this case because no material adverse impacts will arise including loss of views to and from Prospect Hill, a local heritage item. As such the variation is consistent with the objectives of the standard as environmental impacts are minimised, the development is compatible with the landform and an appropriate scale and intensity of development will result.

The Panel is satisfied that there are sufficient environmental planning grounds to justify the variation. The proposal provides a well-modulated design that is superior to a complying scheme which would have a consistent height and monotonous appearance.

The proposal as varied would enable development that is consistent with relevant zone objectives. Accordingly, the Panel finds that upholding the variation request is in the public interest.

Overall, the Panel finds that the written request is satisfactory and upholds the request to vary the height of buildings standard.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

#### REASONS FOR THE DECISION

1. The design of the proposal is well-considered. It is compatible with the sloping topography, preserves view-lines and has a varied and interesting appearance. Also, it complies with all applicable standards and guidelines with the exception of building height where the variation is satisfactory.
2. The proposal adjoins a state heritage item Prospect Hill but views to and from the heritage item are maintained and, thus, the character of the heritage item will not be adversely affected.
3. The proposal with the recommended conditions is satisfactory in terms of the effects on the capacity of local infrastructure, including the local road network. In regard to traffic impacts the Panel notes the support for the application by both Council's traffic engineer and the RMS, and agrees with the road upgrading works recommended by Council's engineer.
4. The proposal will add to the stock and range of housing available in the location. This will contribute to improved housing choice and affordability, and in so doing socially beneficial.
5. For the reasons given above approval of the proposal is in the public interest.

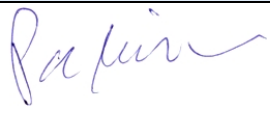


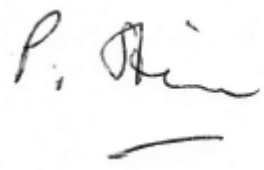

The decision was unanimous.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with modification to Condition 1 in Schedule A with the second paragraph to read as follows –

The above road widening and boundary adjustment is necessary to satisfy the traffic requirements of Council and concerns raised by residents. The boundary adjustment shall take into consideration the following:

Condition 1 of schedule B – shall approve the development for a period of five (5) years.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Stuart McDonald
 Mary-Lynne Taylor	 Paul Stein AM
 Paul Moulds	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2016SYW249 - LGA – Cumberland, DA2016/381
2	PROPOSED DEVELOPMENT	Construction of 7 x part 3, 4 & 5 storey residential flat buildings comprising a total of 300 units above 3 basement levels and at grade parking accommodating a total of 379 car parking spaces and internal roadways in 2 Stages with Stage A accommodating Blocks A, B, C and D and Stage B accommodating Blocks E, F and G.
3	STREET ADDRESS	Lots 12 & 13, Butu Wargun Drive, Pemulwuy
4	APPLICANT/OWNER	Mintus Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <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>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Holroyd Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Holroyd Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil <ul style="list-style-type: none"> <li><i>Environmental Planning and Assessment Regulation 2000</i>: Section 92</li> </ul> </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 – August 2018</li> <li>Written submissions during public exhibition: 9</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Nil</li> <li>On behalf of the applicant – Anthony El Hazouri, Adam Byrnes, Samantha Polkinghorne</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ On behalf of Council – Karl Okorn and Mark Stephenson</li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>● Site Inspection – 13 September 2018</li> <li>● Final Briefing Meeting – 13 September 2018 from 12.30pm to 1.00pm</li> <li>● Public Meeting – 13 September 2018</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Paul Stein and Paul Moulds</li> <li>○ <u>Council assessment staff</u>: Karl Okorn, Mark Stephenson, Clare Burke, Diep Hand, Troy Morris, John Skaf and Ashur Toma</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
<b>10</b>	<b>DRAFT CONDITIONS</b>	Submitted with report