

## RECORD OF DEFERRAL

SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DEFERRAL</b>	Thursday 7 December 2017
<b>PANEL MEMBERS</b>	Sue Francis (Chair), John Roseth, Clare Brown, Sam Iskander, Vic Macri
<b>APOLOGIES</b>	Maria Atkinson
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 7 December 2017, opened at 10.00am and closed at 11.10am.

### MATTER DEFERRED

2017SCL039 – Inner West – DA2017/00310 at 4-112 McGill Street Lewisham (AS DESCRIBED IN SCHEDULE 1)

### REASONS FOR DEFERRAL

The Panel considered the Council's recommendation for refusal, mainly due to a breach of floor space ratio and the loss of the through site link at the upper levels off McGill St. However, the Panel noted that the applicant's clause 4.6 variation request indicated that out of seven immediately adjoining sites only one complied with the relevant floor space ratio and that the six others breached the control ranging from 17% to 80%. The site immediately to the south of the subject site being that which breached the control by 80% to a maximum floor space ratio of 4.14:1.

The Panel noted that the Marrickville Development Control Plan 2011, in relation to height of buildings and site amalgamation, has been varied in the afore mentioned developments. Accordingly, insisting on compliance with a floor space ratio on what might be the penultimate site in the precinct seems inconsistent with prior actions of Marrickville Council and other consent authorities.

The Panel also noted the Council's acceptance that the proposed through site link could be improved if it allowed for physical access from any future development at 2 McGill St onto the proposed public open space and provided easements for light and air, such that any future southern wall of any development on 2 McGill St could have openings. The council also considered the proposed architectural design and proposed materials to be superior to the previous approval on the site.

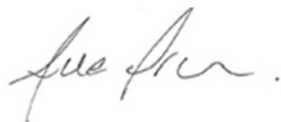




The Panel therefore unanimously agreed to defer the determination of the proposal to seek the following amendments:

1. Physical access and easement for light and air to be provided for 2 McGill Street (the remaining site to the north). Such access shall be allowed for on amended plans and easement documentation.
2. Private open space to all units shall comply with the minimum ADG requirements.
3. Any 'embedded' Studies which do not have a window or solar access shall be removed.
4. The clause 4.6 variation request to floor space ratio shall be amended to deal with any changes to compliance and shall address the issue of the abandonment of Council's floor space ratio control relative to the maximum height limit in the LEP, the storey heights anticipated in the DCP and the actual built form both approved and built in the precinct.

These amended details shall be provided to the Council by the end of January 2018 and Council shall provide the Panel with a supplementary report and draft conditions of consent within 4 weeks of receipt of

the above. When this information has been received, the Panel will consider the matter at a public meeting.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Sue Francis (Chair)	 John Roseth
 Clare Brown	 Sam Iskander
 Vic Macri	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL039 – Inner West – DA2017/00310
2	PROPOSED DEVELOPMENT	To demolish the existing improvements and construct a mixed use development consisting of a 6 storey building (Building A) with roof terrace fronting McGill Street and a 8 storey building (Building B) fronting the light rail line containing a total of 88 dwellings and 1 commercial tenancy within Building A for use as art gallery and café space with 2 basement car parking levels and associated landscape works
3	STREET ADDRESS	4-12 McGill Street Lewisham
4	APPLICANT/OWNER	McGill Advance Management P/L
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Marrickville Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Marrickville Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</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: 24 November 2017</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting 7 December 2017: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Ben Craig, Simon Parsons</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting: 28 September 2017</li> <li>• Final briefing meeting to discuss council's recommendation 7 December 2017. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), John Roseth, Clare Brown, Sam Iskander, Vic Macri</li> <li>○ <u>Council assessment staff</u>: Jamie Erken, Asher Richardson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	No supplied