



**Addendum report to Sydney Central City Planning Panel  
14 October 2019**

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| <b>SWCCP reference</b>        | 2018SWC043   |
| <b>DA No.</b>                 | 174/2018   |
| <b>Date of receipt</b>        | 15 March 2018. Amended plans or information received: <ul style="list-style-type: none"><li>• 22 January 2019</li><li>• 15 July 2019</li><li>• 2 September 2019</li><li>• 2 October 2019</li></ul>   |
| <b>Proposal</b>               | Mixed use development consisting of residential flat buildings (411 apartments) and associated basement parking, 8 neighbourhood shops, child care centre, public domain elements and associated roads and civil infrastructure.   |
| <b>Street address</b>         | 29 Carter Street, Lidcombe   |
| <b>Property Description</b>   | Lot 13 DP 1217641  |
| <b>Applicant</b>              | Australia YMCI PTY LTD   |
| <b>Owner</b>                  | Australia YMCI PTY LTD   |
| <b>Submissions</b>            | One  |
| <b>Relevant s4.15 matters</b> | <ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy No. 65</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (BASIX) 2004</li><li>• State Environmental Planning Policy (State Regional Development) 2011</li><li>• Auburn Local Environmental Plan 2010</li><li>• Draft amendments to Auburn Local Environmental Plan 2010</li><li>• Carter Street Precinct Development Control Plan 2016</li><li>• Carter Street Precinct Development Contributions Plan 2016</li></ul> |

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| <b>Summary of s4.15 matters</b>   |     |
| Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report ?  | Yes |
| <b>Legislative clauses requiring consent authority satisfaction</b>   |     |
| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report ? | Yes |
| <b>Clause 4.6 Exceptions to development standards</b>   |     |
| If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?  | Yes |
| <b>Special Infrastructure Contributions</b>   |     |
| Does the DA require Special Infrastructure Contributions conditions (S94EF)?  | No  |
| <b>Conditions</b>   |     |
| Have draft conditions been provided to the applicant for comment ?  | Yes |

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| <b>Recommendation</b> | Approval – Deferred commencement |
| <b>Report by</b>      | Brad Roeleven, Executive Planner |

## 1. Reason for addendum report

Section 3.2 of the Executive Summary report lodged with the Panel addressed the status of the strategic review of the controls for the Carter Street Priority Precinct by the Department of Planning Industry and Environment (DPIE). In summary the report states:

- The need for the review, which commenced in mid-2017 was, in part, due to its consideration of the Sydney Olympic Park Master Plan 2030 and also to ensure the controls accommodated changes to the design of a proposed off ramp from the M4 Motorway and Parramatta Light Rail (Stage 2) stop and terminus;
- A master plan was prepared which informed amendments to both the Auburn Local Environmental Plan and Carter Street Precinct Development Control Plan. The draft LEP and DCP were exhibited in late 2018, and submitted for Ministerial approval in early 2019; and
- DPIE had however recently advised that the draft controls for the entire precinct were indefinitely deferred.

On that basis, section 2.9 of the assessment report (Appendix A) provided only a limited evaluation of this development application against those draft controls.

Subsequent to lodging the assessment report, the formal advice received from DPIE on this matter states:

*“The Department is undertaking a further post-exhibition review of the draft controls and as such, the post-exhibition controls from January 2019 have no statutory weight as they were not exhibited.*

*As stated in our previous letter, the exhibited planning controls for Carter Street are indefinitely deferred as they relate to 11A and 13 Carter Street, and 4-8 Uhrig Road, Lidcombe. The controls that were exhibited in September – October 2018 remain a head of consideration in the assessment of Development Applications for the rest of the Precinct.”*

Given that advice, this addendum revises section 2.9 of the assessment report (Appendix A) to provide a more detailed evaluation of this application against the draft controls.

## **2. Assessment of draft instruments**

### **2.9 Draft Amendments to Auburn Local Environmental Plan 2010**

The DPIE has undertaken a review of the master plan and existing planning controls for the precinct to ensure those provisions accommodate a new westbound off-ramp from the M4 Motorway at Hill Road, the proposed Parramatta Light Rail (Stage 2) and to respond to the revised Sydney Olympic Park Master Plan 2030. Draft amendments to the Auburn LEP and the Carter Street Precinct DCP were exhibited from 7 September 2018 until 26 October 2018.

For this site, the relevant provisions of the draft LEP are addressed below:

| <i>Draft provision</i>   | <i>Comment</i>  |
|--|---|
| Amend the Land Zoning Map to: <ul style="list-style-type: none"><li>• Relocate the school site to new position south of Road 2</li><li>• Rezone the current school site R4 High Density Residential</li><li>• Increase the size of the primary RE1 area of public open space</li></ul> | Although the school site and that open space area are within this site, those lands are not where this proposal is located, and therefore these changes do impact this assessment |
| Amend the Height of Building Map <ul style="list-style-type: none"><li>• Apply a height of 29.9m to the part of site which is rezoned R4 (the current school site)</li></ul>   | As above.   |
| Amend the Floor Space Ratio Map <ul style="list-style-type: none"><li>• Apply an FSR of 2.98:1 to the part of site which is rezoned R4 (the current school site)</li></ul>   | As above.   |

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| Amend the Land Reservation Acquisition Map <ul style="list-style-type: none"> <li>Classify the new school site and the enlarged area of RE1 land as being the subject of the LRA provisions of the LEP</li> </ul>                                     | As above                          |
| Clause 6.13<br>New buildings to meet design excellence provisions, being to satisfy qualitative matters for consideration, and for building higher than 42m be the subject of a design competition which would which would trigger a 10% height bonus | See comments following this table |

#### Comments relating to draft clause 6.13 – Design Excellence

Subclause (4) of the DLEP sets out qualitative criteria to be addressed when evaluating whether a proposal exhibits design excellence. This proposal is considered to satisfy the intent of this draft clause given:

- Council's Design Excellence Advisory Panel (DEAP) was specifically requested to take this draft clause into consideration when reviewing this scheme. The Panel, and Council's City Architect, ultimately concluded this proposal was satisfactory - refer to section 2.2 of Appendix A of the assessment report.

Subclause (5) of the DLEP provides that a building exceeding 42m in height must be the subject of a design competition, and where design excellence is awarded a bonus height of up to 10% of the mapped control can be granted. This matter is satisfied given:

- Subclause (6) allows council to not require a design competition if it considers such to be appropriate. Given this DA was lodged 6 months before the draft controls were publicly exhibited, that is a reasonable circumstance to warrant a lack of such a competition;
- The post exhibition controls, which are of no weight in this assessment but which indicate the direction the DPIE was progressing in completing the LEP process, recommend that subclause (5) be removed; and
- Had the DLEP being gazetted prior to this DA being determined, it is expected that 'savings and transition' provisions would have dictated that no design competition was required.

Finally, the DPIE advice notes that it is undertaking further post-exhibition review of the draft controls. The strategic intent for the precinct, and any next steps, is therefore unclear.