

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 11 December 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher, Ned Attie and Michael Zaiter
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Cumberland Council on 11 December 2019, opened at 12:11pm and closed at 2.54pm.

MATTER DETERMINED

PPSSCC-11 - Cumberland – DA94/2019 at 2-36 Church Street, Lidcombe – four residential flat buildings (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Auburn Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. the proposal is permissible development in the R4 High Density Residential Zone and is consistent with relevant zone objectives and generally satisfactory with respect to all applicable SEPPs, including SEPP 65 Design Quality of Residential Flat Development and the accompanying Apartment Design Guide.

2. The proposal is generally satisfactory with respect to the Affordable Rental Housing SEPP. Minor variations to natural ventilation landscaping, deep soil areas, and sunlight access occur but in all cases the variations are minor and acceptable.
3. The character assessment that has been undertaken shows that no unacceptable physical impacts on neighbouring properties will occur and that the development will be consistent with the desired future high-density residential character of the area.
4. The proposal will provide a reasonable proportion of affordable housing (approximately 20%) and overall will increase the stock and diversity of housing available, thus improving housing affordability.
5. Site is suitable for the proposed development as it is conveniently located with respect to retail, community and transport services.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

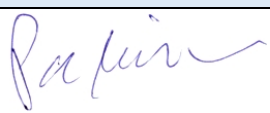
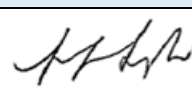
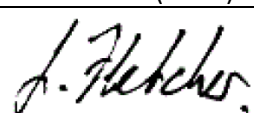
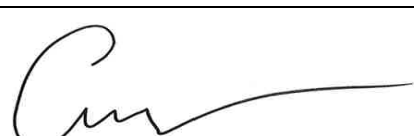

The development application was approved subject to the conditions in the Council assessment report subject to the following new condition -

Condition DC2A – Car Parking

Amended architectural plans shall be submitted to Council's Executive Manager Development and Building for assessment and approval, prior to the operation of this consent, which reduces the number of car parking spaces within the basement levels associated with Buildings B, C, and D, to a total of 239 spaces, being the required number of car parking spaces as identified by the Apartment Design Guide.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel noted that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Mary-Lynne Taylor
 Lindsay Fletcher	 Ned Attie
 Michael Zaiter	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-11 - Cumberland – DA94/2019
2	PROPOSED DEVELOPMENT	Construction of four residential flat buildings of varying heights from four to ten storeys, comprising 262 units (including 53 social housing units) over basement parking for 335 vehicles, pursuant to SEPP (Affordable Rental Housing) 2009, and construction of a roundabout at the intersection of

		Martin Street and Church Street
3	STREET ADDRESS	2-36 Church Street, Lidcombe
4	APPLICANT OWNER	Billbergia Group Pty Ltd NSW Land and Housing Corporation (Crown Application)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 19 – Bushland in Urban Areas; ○ 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 (Affordable Rental Housing) 2009; ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; ○ State Environmental Planning Policy (Coastal Management) 2018; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ Sydney Environmental Plan (Sydney Harbour Catchment) 2005; ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; ○ Auburn Local Environmental Plan 2010 (ALEP); • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft State Environmental Planning Policy (Environment) • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Control Plan 2010 • 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: 11 December 2019 • Addendum Council assessment memorandum: 11 December 2019

		<ul style="list-style-type: none"> • Clause 4.6 Variation: Height of Buildings (Ethos Urban): 4 September 2018 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer - Michael Lawani and William Attard ○ On behalf of the applicant – Saul Moran, Andrew Szczepanski, Felipe Miranda and Garth Greenway
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 23 July 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald and Julie Walsh ○ <u>Council assessment staff</u>: Michael Lawani and William Attard • Site inspection: 11 December 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher. Councillor Ned Attie and Councillor Michael Zaiter advised that they have inspected the site previously. ○ <u>Council assessment staff</u>: Rennie Rounds, William Attard and Sifa KC • Final briefing to discuss council's recommendation, 11 December 2019, 11.45am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher, Ned Attie and Michael Zaiter ○ <u>Council assessment staff</u>: Rennie Rounds, William Attard and Sifa KC
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report