

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	15 June 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Ned Attie and Eddy Sarkis
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 3 June 2021.

MATTER DETERMINED

PPSSCC-158 - DA2020/0542 – Cumberland - 14 -22 Mary Street, Auburn - Demolition of existing structures and construction of a 12-storey mixed use building comprising 4 ground floor retail spaces, a boarding house development containing 101 boarding rooms and 84 residential apartments over 4 levels of basement parking, including landscaping and associated site improvement works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant regarding exceedance of the height of the building of 3.1m for a minor portion of the building that is not visually prominent, made under cl 4.6 (3) of The Auburn Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 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 of the LEP and the objectives for development in the B4 Mixed use zone; and
- c) the concurrence of the Secretary has been assumed.

The decision was **unanimous**.

CONDITIONS

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

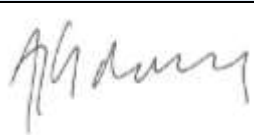
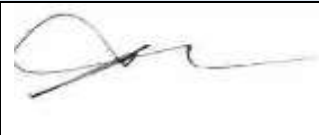
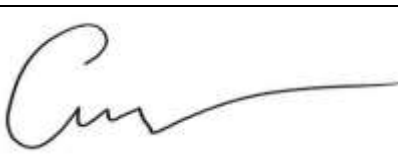

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered six written submissions made during the public exhibition.

The Panel notes that issues of concern in the written submission included:

- Excessive density
- Traffic and parking
- The development being out of character with the local context.

The Panel considers that concerns raised in the submission have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Ned Attie	 Eddy Sarkis

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-158 - DA2020/0542 – Cumberland
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 12-storey mixed use building comprising 4 ground floor retail spaces, a boarding house development containing 101 boarding rooms and 84 residential apartments over 4 levels of basement parking, including landscaping and associated site improvement works
3	STREET ADDRESS	14 -22 Mary Street, Auburn
4	APPLICANT/OWNER	Rolz Group Pty Ltd/Labesu Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$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. 55 – Remediation of Land (SEPP 55) Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Affordable Rental Housing) 2009 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Auburn Local Environmental Plan 2010 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Cumberland Local Environmental Plan Draft State Environmental Planning Policy (Environment) Development control plans: <ul style="list-style-type: none"> Auburn Development Control Plan 2010

		<ul style="list-style-type: none"> • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000 • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report – May 2021 • Draft Notice of Determination • Architectural plans • Stormwater/Engineering plans • Submissions received • DEP minutes (original scheme) • Applicant response to DEP comments and other matter raised • CI4.6 request prepared on behalf of applicant • Locality map • Appendices A, B, C and D (legislation compliance tables) • Written submission during public exhibition: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers were circulated electronically on 3 June 2021. • Final briefing to discuss council's recommendation, 11 June 2021, 9.30am (teleconference). Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg - Chair, David Ryan and Ned Attie (Eddy Sarkis did not attend the final briefing, providing instead written support for the application) (Suzie Jattan and Sung Pak on behalf of Panel Secretariat) ○ <u>Council assessment staff</u>: Brett Brown – Consultant planner (Ingham Planning), Rennie Rounds – Executive Planner, Michael Lawani - Coordinator Major Development Assessment, Esra Calim - Coordinator Development and Building Systems and Rashika Rani - Development and Building Systems Support Officer <p><u>Points Discussed:</u></p> <ul style="list-style-type: none"> ○ History of the site, previous applications and current approvals ○ Applicant's acquisition of two adjoining sites and subsequent re-design of the proposal ○ Removal of significant trees due to location of stormwater infrastructure ○ Acceptability of overshadowing impacts, including on heritage buildings ○ Advice of Council's DEP regarding bulk and scale of the proposal, and

		<p>the Applicant's response to this, and opinion of the assessing planner in this regard</p> <ul style="list-style-type: none"> ○ Absence of a clear rationale from the assessing planner and Council staff regarding why the advice of the DEP was not taken led to clarification that the primary reason for not taking the advice of the DEP is that the alternative design proposed by them would result in a non-compliant height on the corner of the site, which floor space would also include habitable floor space ○ The Panel notes its expectation going forward that should Council staff disagree with the advice of Council's DEP, their reasoning is clearly explained in terms of urban design outcomes and planning merit.
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report