

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	5 November 2021
DATE OF PANEL DECISION	1 November 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Noni Ruker, Eddy Sarkis and Ned Attie
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 October 2021.

MATTER DETERMINED

PPSSCC-286 – Cumberland – DA2021/0430 at 2-36 Church Street, Lidcombe for alterations and additions to a mixed-use development (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.

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 building) 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 building) of the LEP and the objectives for development in the R4 High Density Residential 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






The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Noni Ruker	 Eddie Sarkis
 Ned Attie	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-286 – Cumberland – DA2021/0430
2	PROPOSED DEVELOPMENT	Alterations and additions to an approved mixed use development currently under construction including the provision of additional levels to facilitate a varying height of 6 to 13 storeys, accommodating an additional 114 residential apartments (including an additional 10 social housing apartments), provision of a child care centre and three (3) neighbourhood shops), reconfiguration of basement layout and associated design changes.
3	STREET ADDRESS	2-36 Church Street LIDCOMBE NSW 2141
4	APPLICANT/OWNER	Applicant – Lidcombe Church Property Pty Ltd Owner - New South Wales Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 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 and Regional SEPP) ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) ○ Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) ○ Auburn Local Environmental Plan 2010 (ALEP 2010) • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP) ○ Draft Cumberland Local Environmental Plan (Draft CLEP) • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Control Plan 2010 (ADCP 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

		<ul style="list-style-type: none"> 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: 22 October 2021 Clause 4.6 Variation Request: Height of Building Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick off Briefing: 30 September 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair) <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Rennie Rounds, Esra Calim, Sarah Hussein <u>Applicant Representatives</u>: Thomas Nader, Saul Moran, Jim Murray, Youshe Li, Amar Prashant, George Bakopoulos <u>Panel Secretariat</u>: Alexandra Hafner, George Dojas Briefing: 14 October 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, Eddy Sarkis, Ned Attie <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Rennie Rounds, Esra Calim, Sarah Hussein <u>Panel Secretariat</u>: George Dojas, Suzie Jattan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report