

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	15 October 2024
<b>DATE OF PANEL DECISION</b>	14 October 2024
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 9 October 2024.

**MATTER DETERMINED**

**PPSSCC-517 – Cumberland – DA2023/0753** – 58 Railway Parade, Granville - Demolition of an existing structures, retention of existing heritage dwelling (item 78) and construction of a three (3) storey mixed-use development comprising 2 commercial tenancies for a medical centre and retail space at ground floor level and a 120 place centre based childcare centre on the first and second floor level, including basement parking, landscaping, associated site and infrastructure works and lot consolidation.

**PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented 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 Cumberland Local Environmental Plan 2011 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) and cl. 4.4 (Floor Space Ratio) is unreasonable or unnecessary in the circumstances because the non-compliance to building height are a result of the lift over-run, a small portion of the front parapet and roof, skylight and mechanical riser, which (other than the parapet) are located well back from the front boundary. There is marginal visual impact and no adverse impact on heritage significance. No adverse overshadowing or privacy issues are created; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as contravention of the development standard will result in a more satisfactory environmental planning outcome that enables maintenance of the heritage item on site.

**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 floor space ratio; and approve the application for the reasons outlined in the council assessment report, replicated in part as follows:

*The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Policies, Cumberland Local Environmental Plan 2021 and Cumberland DCP 2021 and is considered to be satisfactory subject to conditions.*

*The proposed development is appropriately located within the E1 Local Centre zone under the relevant provisions of the Cumberland Local Environmental Plan 2021, however variations in relation to the height of building and floor space ratio development standards under the Cumberland Local Environmental Plan 2021 and departures from the ceiling height requirements, rear setback, height, garden area and wall height provisions of Council's Cumberland Development Control Plan 2021 are sought.*

*Having regard to the assessment of the proposal from a merit perspective, the panel is satisfied that the development has been satisfactorily designed, retains and adequately protects the heritage item on the site and provides for acceptable levels of amenity for future occupants. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.*



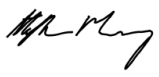
*For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.*

#### **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 
Steve Murray 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-517 – Cumberland – DA2023/0753
2	PROPOSED DEVELOPMENT	Demolition of an existing structures, retention of existing heritage dwelling (item 78) and construction of a three (3) storey mixed-use development comprising 2 commercial tenancies for a medical centre and retail space at ground floor level and a 120 place centre based childcare centre on the first and second floor level, including basement parking, landscaping, associated site and infrastructure works and lot consolidation.
3	STREET ADDRESS	58 Railway Parade, Granville
4	APPLICANT/OWNER	Applicant: The Planning Hub Owner: Hawes and Swan Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 (Biodiversity and Conservation) 2021.</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>State Environmental Planning Policy (Industry and Employment) 2021.</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>State Environmental Planning Policy (Precincts Central River City) 2021</li> <li>State Environmental Planning Policy (Planning System) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Cumberland Local Environmental Plan 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Cumberland Development Control Plan 2021</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 3 October 2024</li> <li>Clause 4.6 variation requests: Floor Space Ratio and Height of Buildings</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report

