

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 12 November 2024 |
| DATE OF PANEL DECISION | 11 November 2024 |
| DATE OF PANEL BRIEFING | 7 November 2024 |
| PANEL MEMBERS | Steve Murray (Chair), David Ryan, Judith Clark |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | Abigail Godberg declared a conflict of interest as I am an independent member on the audit and risk committee (ARC) for the agency. Glenn Elmore declared a conflict of interest as I have previously taken part in the approval of a Planning Proposal to rezone the land. |

Papers circulated electronically on 31 October 2024.

MATTER DETERMINED

PPSSCC-615 – Cumberland – DA2023/0566 – 80 Betty Cuthbert Drive, Lidcombe - Subdivision of existing lot into 3 Torrens Title lots.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

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 approve the application for the reasons outlined in the council assessment report, replicated as follows:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, Cumberland Local Environmental Plan 2021 and Cumberland DCP and is considered to be satisfactory subject to the conditions contained in Attachment 1.

The proposed development is appropriately located within the R3 Medium Density Residential and SP2 Infrastructure under the relevant provisions of the Cumberland LEP 2021. The proposal is consistent with all statutory and non-statutory controls applying to the development.

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 with the following amendments.

It is noted that agreement was not achieved between Council and the Applicant with respect to Council's recommended Condition 7, which states:

7. DASCZ03 - Creation of Restriction on the use of Land related to access to Public Road

Prior to the issue of a Land subdivision certificate, a Restriction on the Use of Land shall be created against the title of proposed lots 2 and 3 to restrict access only via Joseph Street.

In this regard, the terms of restriction shall be obtained from council. Cumberland City Council shall be named as the authority having power to vary, modify or release the restriction. The Restriction on the use shall be incorporated in the subdivision plan to the satisfaction of council and the registration with the NSW Land Registry Services (LRS) shall be eventuated together with the registration of the subdivision plan.




(Reason: To ensure the compliance of the requirement of the planning proposal)

The Panel considered the positions of both the Applicant and Council on the above and determined that Condition 7 should be deleted. In coming to this decision, the Panel formed an opinion that the matter of access to proposed lots 2 and 3 is better considered at any subsequent development application/planning approval stage. If applications are submitted for development of the special use and medium density zones, access arrangements and/or restrictions will be able to be assessed based on actual traffic generation rates.

The Panel was provided with written evidence that the Applicant (being a Crown body) agreed to the imposition of all other conditions set out in emails provided by Council and the applicant, received by the Panel on 7/11/2024.

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 | |
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|  Steve Murray (Chair) |  David Ryan |
|  Judith Clark | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-615 – Cumberland – DA2023/0566 |
| 2 | PROPOSED DEVELOPMENT | Subdivision of existing lot into 3 Torrens Title lots. |
| 3 | STREET ADDRESS | 80 Betty Cuthbert Drive, Lidcombe |
| 4 | APPLICANT/OWNER | Applicant: Urbis/Property and Development NSW Owner: Property NSW |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Crown development referred under section 4.33 of the EP&A Act |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Cumberland Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cumberland Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 30 October 2024 Written submissions during public exhibition: 0 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 7 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Steve Murray (Chair), David Ryan, Judith Clark <u>Council assessment staff</u>: Haroula Michael, Michael Lawani, Jai Shanker, Esra Calim, Daniel Cavallo <u>Applicant representatives</u>: Brigitte Bradley, Alaine Roff, Sara Bennetts |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |