

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	1 October 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Vivienne Albin
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Stephen Clements declared a conflict of interest and did not participate in the Panel's determination. Stephen is Director of Planning at Council, and his participation would be considered a perceived conflict of interest.</p> <p>Mike Ryan declared a conflict of interest and did not participate in the meeting for this item. Some years ago, Mike was engaged on contract by Council to undertake an assessment of an earlier planning proposal involving this site.</p>

Public meeting held via Microsoft Teams on 1 October 2020, opened at 9.45am and closed at 11.15am.

#### MATTER DETERMINED

PPSSEC-7 – Strathfield – DA2019/143 - 11-13 and 15-17 Columbia Lane (Lot 5 DP 261926 and Lot 4 in DP 261926) (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 after the meeting to deliberate on the matter and formulate a resolution.

#### 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 has considered the Council officer's report and the submissions received and is satisfied the development when assessed against the statutory planning framework for the site should be approved subject to the Recommended Conditions in the report as amended by the Panel below. In particular, with the benefit of discussion, the Panel is satisfied that the Deferred Commencement Conditions become either Operational Conditions, or where appropriate deleted.
- The Panel recognises that the development has been amended to address concerns raised by the Council in its assessment and the Design Review Panel. Furthermore, the Panel is satisfied that the separation distance with other high-rise developments in the vicinity are significantly greater than the ADG requirement and whilst there are still overshadowing impacts this has now been adequately mitigated in the circumstances.
- The Panel notes the applicant's commitment to dedicating 5% of the 'uplift' to the Council in perpetuity for affordable housing.
- The Panel raised concerns about the need to ensure the development has regard to the electricity substation in the event it may not be decommissioned and as such an amended acoustic report is required, to detail attenuation measures in accordance with appropriate standards.

## CONDITIONS

The development application is approved subject to the Recommended Conditions in the Council's assessment report as amended by the Panel shown below:




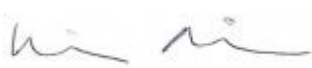
- **Delete Condition 1.**
- Insert a new Condition requiring a lift speed of 2.5m per second.
- Insert new Operational Conditions to give effect to those parts of the deleted Deferred Commencement Condition 1 (f), (g), (h), (j), (k), (m) and (n) to be satisfied prior to the issuing of the Construction Certificate.
- Amend Condition 17 to require that the loading waste collection area is to be a shared facility for residents which can be used through a booking system to be run by the body corporate. The provision for carshare spaces remains. The provision with respect to the Nipper Street extension is deleted.
- Insert a new Condition providing that the applicant will furnish to the satisfaction of the General Manager Planning and Environment at Strathfield Council, an amended acoustic assessment, properly taking into account the impact of the humming noise from the electricity substation and any attenuation required to meet the requirements of the Noise Act and Regulations. This report and the details of any required attenuation measures is to be submitted prior to the issue of a Construction Certificate. Conditions 17, 49 and 107 are amended accordingly.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and the additional written submission, received 1 October 2020. The Panel notes that issues of concern included:

- Inadequate traffic investigations
- Proposed height and density are out of character
- Overshadowing
- Poor acoustic attenuation measures considering surrounding noise sources (Ausgrid substation, train line, Parramatta Road)
- Insufficient contribution to green space, active transport and amenity improvements
- Inadequate affordable housing contribution

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that in considering these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Vivienne Albin

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-7 – Strathfield – DA2019/143
2	PROPOSED DEVELOPMENT	Site preparation works including demolition, remediation works and excavation and construction of a mixed use development at the site incorporating one (1) 26 storey tower and one (1) 25 storey tower, an eight (8) storey podium and basement car parking (381 car bays). The development would include 360 residential units, two (2) retail tenancies, three (3) live-work suites, several communal open space areas and extension of Nipper Street.
3	STREET ADDRESS	11-13 and 15-17 Columbia Lane (Lot 5 DP 261926 and Lot 4 in DP 261926)
4	APPLICANT/OWNER	JQZ Four Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Strathfield Local Environmental Plan (SLEP) 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005)</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 22 September 2020 <ul style="list-style-type: none"> <li>Written submissions during public exhibition: Forty seven (47) written submissions received during the first notification period (17 September – 8 October), all objections. Following design changes, the application was re-notified (7 – 28 August) to members of the public who had made submissions during the original notification period. An additional four written submissions were received.</li> </ul> </li> <li>Additional written submission received 1 October 2020</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Joseph Gillies, Stephen Clements</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ On behalf of the applicant – Samantha Wilson, Oscar Stanish, Jeremy Hung, Michael Lee, Najah Ishac</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 14 May 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Vivienne Albin</li> <li>○ <u>Council assessment staff</u>: Kandace Lindeberg, Joseph Gillies</li> </ul> </li> <li>• Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 1 October 2020</li> <li>• Final briefing to discuss council's recommendation, 1 October 2020, 8.30am Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Vivienne Albin,</li> <li><u>Council staff</u>: Joseph Gillies, Kandace Lindeberg, Stephen Clements</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report and amended as above