

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Auburn City Council** on **Thursday 5 March 2015 at 5.00 pm**

Panel Members: Bruce McDonald (Acting Chair), Lindsay Fletcher, Kara Krason, Cr Ned Attie and Cr Hicham Zraika

**Apologies:** None

**Declarations of Interest:** None

## Determination and Statement of Reasons

2013SYW108 – Auburn City Council - DA-368/2013, Construction of a mixed use development comprising 2 x 14 storey buildings containing a total of 220 residential units & 10 retail tenancies, "Village Square" and through site link over part 3, part 4 levels of basement car parking with associated provision of landscaping & site services, 93-105 Auburn Road & 18 Harrow Road, Auburn.

**Date of determination:** 5 March 2015

### Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

### Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings (including the applicant's legal advice) and the matters observed at site inspections listed at item 8 in Schedule 1.

### Standard Variation

Having considered the applicant's request to vary the development standard Clause 4.3 Height of Buildings contained in Auburn LEP 2010 the Panel considers that compliance with the standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the standard as:

1. The proposed development is consistent with the objectives of the standard and the objectives of the B4 mixed use zone applying to the subject site.
2. The design employed will result in appropriate form and scale of development that will be:
  - Compatible with the planned future context of the site;
  - An appropriate form for the prominent Auburn Town Centre site due to the less dominating presentation to Harrow Road and more vertical form which results from increased building height;
  - The design employed facilitates provision of on-site public assembly spaces and street linkages by reducing the building footprint.

### Reasons for the panel decision:

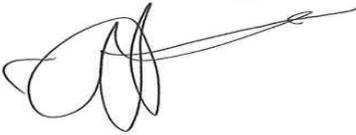
1. The proposed development will add to the supply and choice of housing in the Central West Subregion and Auburn local government area in a location taking advantage of the services amenity and facilities offered by Auburn Town Centre.
2. The proposed development will assist to consolidate the subregional Town Centre role of Auburn.
3. The proposed development is an appropriate design response to this prominent site within Auburn Town Centre consistent with the planned context of the locality in which it is placed.
4. The proposed development adequately satisfies the objectives and provisions of relevant State Environmental Planning Policies including SEPP 65 and associated Residential Flat Design Code.
5. The proposal adequately satisfies the objectives and provisions of Auburn LEP 2010 and Auburn Development Central Plan 2010 noting that variation to the LEP height controls is considered acceptable.
6. The proposal will have no unacceptable impacts on the built and natural environments including the local traffic network and the amenity of the nearby school, adjoining church and nearby residential development and will provide publically accessible on site assembly space and pedestrian street links.
7. Having regard to conclusions 1-6 above the proposed development is considered to constitute a suitable use of the site subject to the conditions imposed is in the public interest.

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

**Decision:** The development application was approved subject to the conditions in the Council Assessment Report with amendments to Condition 4, Condition 5, Condition 6 and Condition 71.

In regard to condition 6 notwithstanding the advice and concerns of Council Officers that it would be contrary to Council's VPA policy the Panel, in order to facilitate early commencement of construction, agrees to amend condition 6 by altering the introductory paragraph to read "Prior to the issue of a construction certificate involving works above ground level (existing)", the owner of the land shall enter into a Section 93F planning agreement for:

**Panel members:**

 <b>Bruce McDonald (Acting Chair)</b>	 <b>Kara Krason</b>	 <b>Lindsay Fletcher</b>
 <b>Ned Attie</b>	 <b>Hicham Zraika</b>	

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

## SCHEDULE 1

1	<b>JRPP Reference – 2013SYW108, LGA – Auburn City Council, DA/368/2013</b>
2	<b>Proposed development:</b> Construction of a mixed use development comprising 2 x 14 storey buildings containing a total of 220 residential units & 10 retail tenancies, "Village Square" and through site link over part 3, part 4 levels of basement car parking with associated provision of landscaping & site services.
3	<b>Street address:</b> 93-105 Auburn Road & 18 Harrow Road, Auburn.
4	<b>Applicant/Owner: Applicant – Broadview Group Pty Ltd C/-SJB Planning, Owner – E K Nominees Pty Limited</b>
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<p><b>Relevant mandatory considerations</b></p> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy 65 – Residential Flat Buildings</li> <li>○ State Environmental Planning Policy – BASIX 2004</li> <li>○ State Regional Environmental Policy (Sydney Harbour Catchment) 2005</li> <li>○ Auburn Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Auburn Development Control Plan 2010</li> <li>○ Auburn Development Contributions Plan 2007</li> </ul> </li> <li>• Planning agreements: The applicant has offered a draft voluntary planning agreement.</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </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 EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b> Council assessment report and written submissions considered at the panel meeting on 17 July 2014, 11 December 2014 and 5 March 2015.</p> <p>The development application was considered by the Panel on 17 July 2014 when the Panel resolved to defer consideration of the application invited resubmission of a revised application consistent with the current design approach which compiles with the height standard or is acceptable under clause 4.6 of the LEP.</p> <p>The application was considered by the Panel on 11 December 2014. At the meeting the applicant proposed a reduction in the width of the Harrow Road Tower by deleting a unit from each floor of the tower element and submitted a concept plan for the Panel's consideration.</p> <p>Having considered the amended application, the points raised in the address to the Panel by the Applicants professional advisers and the further modified development concept plan presented in conjunction with that address, the Panel unanimously determined to defer determination of the application to allow:</p> <ul style="list-style-type: none"> <li>• Submission of a further amendment to the application based on the design set out in the modified concept plan presented on behalf of the Applicant, but modified to achieve the narrowed tower addressing Harrow Road by deleting a 1 bedroom apartment from each floor of the central vertical element of that tower in order to preserve more 2 bedroom units and maintain the architectural treatment of the northern façade;</li> <li>• Submission of an adjusted Clause 4.6 development standard variation request reflecting this further design amendment.</li> </ul> <p>Further the Panel has determined that the Council assessment report is to include the following:</p> <ul style="list-style-type: none"> <li>• A copy of the Applicants development standard variation request;</li> <li>• Details of the position relating to the Voluntary Planning Agreement referred to by the Applicants representative in addressing the Panel, including a summary of the VPA content and the current status of the VPA including Council's formal resolved position in response to the VPA;</li> <li>• Given the delays in determining this application, without prejudice suggested conditions of consent in the event the assessment results in a recommendation for refusal.</li> </ul>

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

	<p>In taking its decision the Panel observed that the design concept now developed for the site (incorporating the modification narrowing the Harrow Road tower) is significantly more suited to the subject site than are the currently approved application and the proposal considered previously by the Panel at its meeting of the 17th July 2014.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Mrs Gillian Guy on behalf of P&amp;C Association</li> <li>• Frank Sartor</li> <li>• Stewart Dean - Marchese and Partners Architect</li> </ul>
8	<p><b>Meetings and site inspections by the panel:</b>            30 January 2014 - Briefing Meeting;            17 July 2014 - Site Inspection &amp; Final Briefing meeting;            11 December 2014 – Final Briefing Meeting;            5 March 2015 – Final Briefing Meeting.</p>
9	<p><b>Council recommendation:</b> Approval</p>
10	<p><b>Conditions:</b> Attached to council assessment report</p>