

DATE OF DETERMINATION	Thursday, 14 June 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Paul Mitchell, Paul Stein and Paul Moulds
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Cumberland Council Chambers on 14 June 2018, opened at 12:15 am and closed at 1:00 pm.

MATTER DETERMINED

2014SYW024 – Cumberland – DA-24/2014 AT 13 - 21 John Street, LIDCOMBE (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.





REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

In the absence of Council's owners' consent to the development application, the Panel has no jurisdiction to entertain the application. Accordingly, the application is refused.

CONDITIONS

Not applicable

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell OAM
 Paul Stein AM	 Paul Moulds AM

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2014SYW024 – Cumberland – DA-24/2014
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of 2 buildings, one 11 storeys and the other 10 storeys including a 2,300 m2 supermarket located at the ground floor, 103 residential apartments and basement car parking for 240 cars, including replacement public car parking.
3	STREET ADDRESS	13 - 21 John Street, LIDCOMBE
4	APPLICANT/OWNER	Sydney Constructions & Developments Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Council related 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 No 55 – Remediation of Land State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Auburn Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Auburn Development Control Plan 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 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: 14 June 2018 Written submissions during public exhibition: 9 (nine) Verbal submissions at the public meeting on 23 June 2016: <ul style="list-style-type: none"> Public – Cathy McDowell and Wenging Cai On behalf of the applicant – Pavlo Doroch and Mohamed Eldardiry Supplementary Council Assessment Report provided by 17 January 2017 Verbal submissions at the public meeting on 25 January 2017: <ul style="list-style-type: none"> On behalf of the applicant – David Robertson Supplementary Council Assessment Report received on 29 May 2018 Verbal submissions at the public meeting on 14 June 2018: <ul style="list-style-type: none"> Object – Aaron Wang
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection, briefing meeting and public determination meeting on 23 June 2016

		<ul style="list-style-type: none"> • Briefing meeting and public determination meeting on 25 January 2017 • Final briefing meeting to discuss council's recommendation, 14 June 2018, 11:15 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Paul Mitchell, Susan Budd, Paul Stein and Paul Moulds ○ <u>Council assessment staff</u>: Belinda Lennox, Nicole Lennon, Michael Lawani and Karl Okorn
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable