

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Auburn City Council** on **Thursday 4 June 2015 at 1.30 pm**

Panel Members: Paul Mitchell (Acting Chair), Bruce McDonald, Councillor Ned Attie and Councillor Hicham Zraika

Apologies: Mary-Lynne Taylor

Declarations of Interest: Nil

Determination and Statement of Reasons

2014SYW140 – Auburn City Council - DA-294/2014, Construction of a 12 storey mixed use development comprising 153 residential units, 16 commercial units with 4 levels of basement parking and 241 car spaces, 36-44 John Street, Lidcombe.

Date of determination: 4 June 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.

Clause 4.6 Variation

The Panel was split to two on this matter. The Chair used his casting vote that to determine that the requested variations to clauses 4.3 and 4.4 of ALEP 2010 are not approved, for the following reasons:

- 1) The arguments advanced by the applicant in support of the variations were mostly generalised and not specific to the site. They could apply to the whole of the Lidcombe Town centre and similar centres elsewhere in Auburn LGA and other centres in comparable LGAs.
- 2) The Panel noted that there would be a marginal increase in overshadowing but was concerned that the impacts of this had not been examined in detail and therefore the actual impacts were uncertain.
- 3) No cogent arguments were provided by the applicant to justify the variations in relation to other purposes of the standards such as maintenance of privacy, consistency of character and preserving an appropriate intensity of development.
- 4) The design of the proposed building both internally and externally would not be materially improved by the variations sought to subject development standards.
- 5) The public interest is served by certainty and consistency in the application by the planning standards and the variations would be at odds with this.
- 6) The majority of the Panel considered that there are insufficient environmental planning grounds to grant the variations sought.

Reasons for the panel decision:

The Panel decided to approve the amended proposal as recommended in the Council's assessment report and subject to the deferred commencement conditions reasons given therein for the following reasons:

1. The approved development will add to supply and range of housing available within Auburn local government area and on a site that is suitable for residential uses.
2. The approved development satisfies relevant state environmental policies and the Residential Flat Design Code.
3. The approved development satisfies the objectives and provisions of Auburn LEP 2010 and Auburn




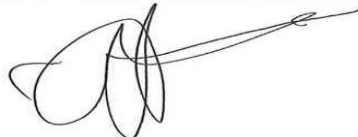
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DCP 2010.

4. The scale and design of the approved development will be consistent with the existing and anticipated character of the locality.
5. The approved development will have no material adverse impacts on the natural or built environments.
6. For the reasons above the approved development will serve the public interest.

Conditions: The development application was approved subject to the conditions in the Council Assessment Report.

Panel members:

 Paul Mitchell (Acting Chair)	 Bruce McDonald	
 Ned Attie	 Hicham Zraika	

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SCHEDULE 1

1	JRPP Reference – 2014SYW140, LGA – Auburn City Council, DA/294/2014
2	Proposed development: Construction of a 12 storey mixed use development comprising 153 residential units, 16 commercial units with 4 levels of basement parking and 241 car spaces.
3	Street address: 36-44 John Street, Lidcombe.
4	Applicant/Owner: Applicant – Sydney Project Group, Owner – Sydney Project Group Pty Ltd, S.E.T Services Pty Ltd
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy 65 – Quality of Residential Flat Building Design ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (BASIX) 2004 ○ State Regional Environmental Policy (Sydney Harbour Catchment) 2005 ○ Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Contributions Plan 2010 ○ Auburn Development Contributions Plan 2007 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report with draft recommended conditions, Copy of contamination report and written submissions.
8	Meetings and site inspections by the panel: 29 January 2015 - Briefing Meeting; 4 June 2015 - Site Inspection & Final Briefing meeting.
9	Council recommendation: Deferred commencement approval
10	Conditions: Attached to council assessment report