

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

2014SYW158 – Auburn City Council - DA-347/2014, Alterations and additions to approved 8 storey mixed use development including an additional 4 storeys to allow for a total of 155 residential units, over 3 basement car parking levels with associated landscaping and site infrastructure works, strata subdivision and a Voluntary Planning Agreement for construction and dedication of laneway, 2-8 Vaughan Street & 1 Kerr's Road, 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 2:2 on this matter. The Chair exercised his casting vote and declined to support the requested variation to clause 4.3 of ALEP 2010 for the following reasons:

- 1) The variations to the standard are not justified in the circumstances of this case as the resulting development would be inconsistent with the height and scale of adjoining buildings and the planned character of the locality.
- 2) The proposal would also be inconsistent with the objectives of standards applying to the B4 zone which seek to ensure that development intensity reflects its locality.
- 3) Disagreement with the applicant's proposition that the proposed buildings are of slim design.
- 4) Insufficient separation from the adjoining buildings noting non compliances with the RFDC's building separation guidelines.

Reasons for the panel decision:




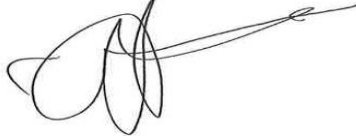
The Panel decided to approve the amended proposal as recommended in the Council's assessment report and subject to the deferred commencement conditions given therein for the following reasons:

- 1) The proposed development will add to the supply and choice of housing within the Central West Metropolitan Subregion and the Auburn local government area in a location with ready access to metropolitan transport services and the amenity and services offered by Lidcombe Town Centre and will add to the commercial capacity of the Centre.
- 2) The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 Design Quality of Residential Flat Developments and associated Residential Flat Design Code, SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
- 3) The proposal, upon satisfaction of the deferred commencement conditions, adequately satisfies the provisions and objectives of Auburn LEP 2010 and Auburn DCP 2010.
- 4) The scale, architectural treatment and landscape treatment, adopted for the proposal will upon amendment as required by deferred commencement condition (a) be consistent with the character of anticipated residential development in the locality.
- 5) The proposed development, upon satisfaction of the deferred commencement conditions, will have no more significant adverse impacts on the natural or built environments including the amenity of nearby established dwellings, and the performance of the local road network than the application earlier approved on this site.
- 6) In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

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Condition: 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 – 2014SYW158, LGA – Auburn City Council, DA/347/2014
2	Proposed development: Alterations and additions to approved 8 storey mixed use development including an additional 4 storeys to allow for a total of 155 residential units, over 3 basement car parking levels with associated landscaping and site infrastructure works, strata subdivision and a Voluntary Planning Agreement for construction and dedication of laneway.
3	Street address: 2-8 Vaughan Street & 1 Kerr's Road, Lidcombe.
4	Applicant/Owner: Mr Tony Khattar
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, Appendix B, Copy of contamination report and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Adam Byrnes • Joseph Karam
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