

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Auburn City Council** on **Thursday 13 August 2015 at 3.30 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Councillor Ned Attie and Councillor Hicham Zraika

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW159 – Auburn City Council – DA341/2014, Construction of part 7 and part 10 storey mixed use building containing 85 residential apartments and 1 retail premises over 2 levels of basement parking including drainage and landscaping works, Lot 1 DP 214652, Lot 2 DP 933385, Lot 2 DP 214652, Lot 3 DP 933385, 35-37 Rawson Street and 4A-6 Dartbrook Road, Auburn.

Date of determination: 13 August 2015

Decision:

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

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.



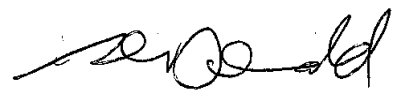
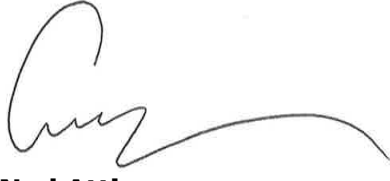
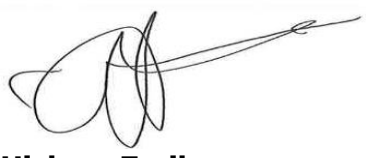
Reasons for Panel Decision:

1. The proposed facility will add to the supply and choice of housing within the Central West Metropolitan Subregion and the Auburn local government area in a location planned for this purpose with access to metropolitan transport services and the amenity of the services provided by Auburn Town Centre.
2. The Panel resolved, as requested by the applicant, to vary the height of building development standard contained in clause 4.3 of Auburn LEP 2010 as, in the circumstances of this case, the variation will achieve a better planning outcome by distributing some floor space from the north of the site to the south, and in so doing has achieved a built form transition to the lower scale R4 zoned land to the north on the opposite side of the holiday lane.
3. As the applicant has not submitted a Clause 4.6 variation request for the breach of the floor space standard in ALEP the Panel would not otherwise have been able to approve the application but the applicant has agreed to relocate the waste areas on the ground floor in order to secure compliance with the floor space ratio standards and the Panel will impose a deferred commencement condition requiring plans to be submitted to achieve this outcome.
4. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 Design Quality of Residential Flat Development and the associated Residential Flat Design Code, SEPP 55 Remediation of Land SEPP (Infrastructure) 2007.
5. The proposal adequately satisfies the provisions and objectives of Auburn LEP 2010 and DCP 2010.
6. The proposed development will have no unacceptable adverse impacts on the local built and natural environments including the local road network, the amenity of the adjoining residential neighbours because of the compliance generally with the LEP, DCP and residential flat design code particularly where separation distances have been provided as required between the existing residents and the neighbouring properties to meet amenity concerns.
7. Generally the conditions proposed in the council town planning report will be applied, subject to additional deferred commencement conditions and with some other amendments as set out below.
8. Subject to the proposed deferred commencement conditions, and some other amendments, which were agreed by the applicant, the Panel found this application to be satisfactory, the proposed development is a suitable use of the site and approval is in the public interest.

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Conditions: The development application was approved subject to the conditions in the Council Assessment Report including deferred commencement conditions and additional Condition 139 and Condition 140 agreed by the applicant and there will need to be an adjustment to the Section 94 contribution sought in Condition 138 as a result of compliance with the deferred commencement condition.

Panel members:

 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Stuart McDonald
 Ned Attie	 Hicham Zraika	

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SCHEDULE 1

1	JRPP Reference – 2014SYW159, LGA – Auburn City Council, DA/341/2014
2	Proposed development: Construction of part 7 and part 10 storey mixed use building containing 85 residential apartments and 1 retail premises over 2 levels of basement parking including drainage and landscaping works.
3	Street address: Lot 1 DP 214652, Lot 2 DP 933385, Lot 2 DP 214652, Lot 3 DP 933385, 35-37 Rawson Street and 4A-6 Dartbrook Road, Auburn.
4	Applicant/Owner: Applicant: D R Design (NSW) P/L, Owner – Mr M Ozturk and Mrs K Ozturk and Mr H Ozturcu and Mrs M Ozturcu and Mrs S Basagac and Est Late C Basagac.
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"> ○ SEPP (State and Regional Development) 2001 ○ 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 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 • 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 recommended conditions of consent and written submissions. Verbal submissions at the meeting: <ul style="list-style-type: none"> • Fanzhi Meng • Kathleen McDowell Urban Planner and Urban Designer on behalf of the applicant.
8	Meetings and site inspections by the panel: 13 August 2015 - Site Inspection & Final Briefing meeting.
9	Council recommendation: Deferred commencement approval
10	Conditions: Attached to council assessment report