

DATE OF DEFERRAL	Tuesday, 31 July 2018
PANEL MEMBERS	Stuart McDonald (Chair), Clare Brown and Gabrielle Morrish
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Cumberland Council, Tuesday 31 July 2018, opened at 1.42pm and closed at 2.27pm.

MATTER DEFERRED

2015SYW068 – Cumberland – DA110/2015 AT Lot 8 Main Avenue, Lidcombe

VERBAL SUBMISSIONS



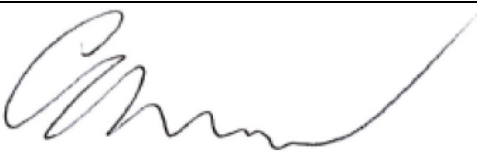
On behalf of the applicant – Matthew van Rijswijk and Richard Lancaster SC

REASONS FOR DEFERRAL

1. The Panel resolved to defer the matter to request independent legal opinion from Senior Counsel regarding permissibility pursuant to the provisions of Clause 5.10 of the Auburn LEP 2010. The opinion is to consider the Applicant's and the Council's respective legal opinion, in providing opinion to the Panel.
2. In the event that advice sought in item 1 above confirms that the building is a heritage item and the development is permissible under Clause 5.10 of the LEP, the applicant be invited to submit amended plans that:
 - a) Increase the separation distance between Building 72 and Building 73 and Building A, and Building 74 and Building B, to improve the aural and visual privacy between all buildings as well as spatial qualities between buildings;
 - b) Relocate the balconies of the southern units A2.4 and above B2.1 and above to improve the separation and privacy of balconies between these units; and
 - c) Redesign the termination of the tops of Buildings A and B to achieve a more sympathetic response to the heritage buildings.
3. The Panel requests that the legal advice to be provided as soon as possible.
4. In the event that the advice is positive in confirming permissibility then the applicant is requested to submit amended drawings within a further 21 days to the Council and Heritage Office.
5. Following comments from the Heritage Office the Council provide a further report to the Panel, which may be able to be considered electronically.

6. In the event that the advice to the Panel is negative regarding permissibility, then the matter is to be determined electronically.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Stuart McDonald (Acting Chair)	 Clare Brown
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW068 – Cumberland - DA110/2015
2	PROPOSED DEVELOPMENT	Adaptive re-use of the former Nurses Quarters into 8 dwellings, including refurbishment and demolition of various minor works, construction of 2 x 3 storey residential flat buildings containing a total of 24 dwellings, basement & at-grade car parking, strata subdivision, site reshaping & benching, tree removal and associated landscaping, civil works and provision of site services (Stage 82) – Integrated Development (Heritage Act, 1977).
3	STREET ADDRESS	Lot 8, DP 270668, Lot 8 Main Avenue, Lidcombe
4	APPLICANT/OWNER	Australand Property Group (now known as Frasers Property Australia)
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20million lodged before 1 March 2018
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 Flat Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (BASIX) 2007 State Regional Environmental Plan (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 Control Plan 2010

		<ul style="list-style-type: none"> • Auburn Development Contributions Plan 2007 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: Section 92 of the EP&A Regulation • 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 – March 2017 • Council addendum report – July 2018 • The applicant's legal opinion prepared by Richard Lancaster SC dated 27 July 2018 • The Council's further legal advice dated 31 July 2018 • Written submissions during public exhibition: 1
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection, Final Briefing Meeting and Public Meeting – 16 March 2017 • Final Briefing Meeting – 31 July 2018 from 1.00pm to 1.45pm • Public Meeting – 31 July 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stuart McDonald (Chair), Clare Brown and Gabrielle Morrish ○ <u>Council assessment staff</u>: Karl Okorn and Bernadette Barry
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A