

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Auburn City Council** on **Wednesday 17 February 2016 at 12.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Stuart McDonald, Bruce McDonald, Gary Sheils and Julie Walsh

Apologies: Nil

Declarations of Interest: Nil

Determination and Statement of Reasons

2016SYW031 – Auburn City Council - DA-150/2014/C, Section 96(2) modification application to convert the previously approved undercover communal space of kid's playground area and gym to commercial space (a condition of consent requires that some of this area is retained for resident use), and combine previously approved 3 commercial units to 1 unit, Lot 614 DP 1187933, 6-14 Park Road, Auburn.

Date of determination: 17 February 2016

Decision:

The panel unanimously determined to refuse 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 as addressed in the Council Assessment Report, the material listed at item 7 the matters presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.






Reasons for the panel decision:

1. The proposal exceeds the Floor Space Ratio development standard of Auburn LEP 2010 and the applicant has failed to provide adequate justification for the departure from the development standard.
2. The loss of valuable communal space will result in diminished amenity for future residents by the loss of community facilities and on-site recreation facilities specifically provided in the approved application which increased the number of dwellings from 98 to 184.
3. The remaining communal space is poorly distributed and functionally deficient.
4. In view of reasons 1-3 above the Panel considers the proposed development is not a suitable use of the site and approval of the proposal is not in the public interest.

Conditions: N/A

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SCHEDULE 1

1	JRPP Reference – 2016SYW031, LGA – Auburn City Council, DA/150/2014/C
2	Proposed development: 2016SYW031 – Auburn City Council - DA-150/2014/C, Section 96(2) modification application to convert the previously approved undercover communal space of kid’s playground area and gym to commercial space (a condition of consent requires that some of this area is retained for resident use), and combine previously approved 3 commercial units to 1 unit.
3	Street address: Lot 614 DP 1187933, 6-14 Park Road, Auburn.
4	Applicant/Owner: Applicant – Zhinar Architects, Owner – Apartments of Park Pty Ltd
5	Type of Regional development: Section 96(2) application
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Quality of Residential Flat Building Design ○ SEPP (BASIX) 2004 ○ SEPP (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 Control Plan 2010 ○ Auburn Development Contributions Plan 2007 • Planning agreements: VPA for construction of laneway and transfer of and (93F) • 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	<p>Material considered by the panel: Council assessment report with draft recommended conditions and written submissions. Addendum Council Report</p> <p>Verbal submissions at the public meeting:</p> <ul style="list-style-type: none"> • David Workman from Knight Frank Town Planning
8	Meetings and site inspections by the panel: 17 February 2016 – Final briefing meeting.
9	Council recommendation: Approval
10	Conditions: N/A