

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Cumberland Council** (Former Auburn City Council Chambers) on

Thursday 21 July 2016 at 5.00 pm

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Brian McDonald and Gary Shiels

Apologies: Nil

Declarations of Interest: Nil

Determination and Statement of Reasons

2016SYW126 – Cumberland Council – DA294/2014/C, Section 96(2) application to increase the number of apartments from 137 to 141, modify the car park layout, provide solar panels to the roof of the topmost apartments and modify conditions numbered 1A, 1C, 3, 5 and 71 of the initial consent, Lot 5 Sec A DP 979289, Lot 1 DP 1002517, Lot 1 DP 23590, Lot 1 DP 511612, 36-44 John Street, Lidcombe.

Date of determination: 21 July 2016

Decision:

The panel unanimously 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 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. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Reasons for the panel decision:

1. The Panel considers the proposal as modified is substantially the same development as the development for which consent was originally granted.
2. The proposal as modified continues to adequately satisfy the relevant State and local planning instruments.
3. The proposal as modified will have no significant increase in impacts on the natural or built environment including the planned future character of the locality than that originally approved. The Panel notes that the building remains generally consistent of height of Floor Space Ratio with that originally approved.
4. In consideration of conclusions 1-3 above the Panel considers the amended proposal remains a suitable use and development of the site.

Conditions: The development application was approved subject to the conditions in the council report with the following changes:

A. Amend condition no.s '3', '71' and '115' to read as follows:

3. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
1001 Site Plan L	Architecture Design Studio	L	16/12/16
1101 Basement Floor Plan 04 L	Architecture Design Studio	L	09/03/16
1102 Basement Floor Plan 03 L	Architecture Design Studio	L	09/03/16
1103 Basement Floor Plan 02 L	Architecture Design Studio	L	09/03/16

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

1104 Basement Floor Plan 01 L	Architecture Design Studio	L	09/03/16
1201 Ground Floor Plan	Architecture Design Studio	J	09/03/16
1301 First Floor Plan _Y	Architecture Design Studio	Y	16/12/15
1302 Second Floor Plan _U	Architecture Design Studio	U	16/12/15
1303 Third Floor Plan _U	Architecture Design Studio	U	16/12/15
1304 Fourth Floor Plan _S	Architecture Design Studio	S	16/12/15
1305 Fifth Floor Plan _Q	Architecture Design Studio	Q	16/12/15
1306 Sixth Floor Plan _Q	Architecture Design Studio	Q	16/12/15
1307 Seventh Floor Plan _Q	Architecture Design Studio	Q	16/12/15
1308 Eighth Floor Plan _P	Architecture Design Studio	P	16/12/15
1309 Ninth Floor Plan _P	Architecture Design Studio	P	16/12/15
1310 Tenth Floor Plan _P	Architecture Design Studio	P	16/12/15
1401 Roof Plan _J	Architecture Design Studio	J	16/12/15
1501 North and South Elevation _H	Architecture Design Studio	H	16/12/15
1502 East Elevation _H	Architecture Design Studio	H	16/12/15
1503 West Elevation _H	Architecture Design Studio	H	16/12/15

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

1504 South Elevation_D	Architecture Design Studio	D	16/12/15
1505 North Elevation_D	Architecture Design Studio	D	16/12/15
1506 East Elevation_D	Architecture Design Studio	D	16/12/15
1507 West Elevation_D	Architecture Design Studio	D	16/12/15
1508 South-East Elevations	Architecture Design Studio	C	16/12/15
1509 North-West Elevation	Architecture Design Studio	C	16/12/15
1601 Section 01_K	Architecture Design Studio	K	16/12/15
1602 Section 02_J	Architecture Design Studio	J	09/03/16
1603 Driveway Profile_E	Architecture Design Studio	E	16/12/15
1604 Driveway Ramp Section_D	Architecture Design Studio	D	16/12/15
SW-01 Basement 4 Stormwater Concept Plan	MYD Consulting Engineers	P2047	25/6/15
SW-02 Basement 3 Stormwater Concept Plan	MYD Consulting Engineers	DA	25/6/15
SW-03 Basement 2 Stormwater Concept Plan	MYD Consulting Engineers	DA	25/6/15
SW-04 Basement 1 Stormwater Concept Plan	MYD Consulting Engineers	DA	25/6/15
SW-05 Ground Floor Stormwater Concept Plan	MYD Consulting Engineers	DA	25/6/15
SW-06 Level 1 Stormwater Concept Plan	MYD Consulting Engineers	DA	25/6/15

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SW-07 Ground Floor Soil and Sedimentation Control Plan	MYD Consulting Engineers	DA	25/6/15
SW-10 OSD Tank Details	MYD Consulting Engineers	DA	25/6/15
SW-11 Typical Details	MYD Consulting Engineers	DA	25/6/15

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

[Condition '3' amended by S.96(2) modification application no. DA-294/2014/C]

71. **Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Architectural Design Studio and endorsed plan Drawing No 1101; 1102; 1103; 1104 (**Issue L**); & 1201 (**Issue I**) dated **09/03/16**, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use

[Condition '71' amended by S.96(2) modification application no. DA-294/2014/C]

115. **Section 94 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of any occupation Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

A sum of **\$805,900.29** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.



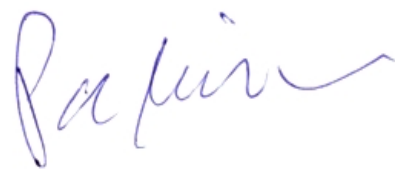


The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$198,736.90
Public Domain	\$439,544.66
Accessibility and Traffic	\$121,149.10
Administration	\$46,469.63
TOTAL	\$ 805,900.29

Reason: to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

[Condition '115' amended by S.96(2) modification application no. DA-294/2014/C]

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 Gary Shiels	 Brian McDonald	

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – 2016SYW126, LGA – Cumberland Council, DA294/2014/C
2	Proposed development: Section 96(2) application to increase the number of apartments from 137 to 141, modify the car park layout, provide solar panels to the roof of the topmost apartments and modify conditions numbered 1A, 1C, 3, 5 and 71 of the initial consent.
3	Street address: Lot 5 Sec A DP 979289, Lot 1 DP 1002517, Lot 1 DP 23590, Lot 1 DP 511612, 36-44 John Street, Lidcombe.
4	Applicant: Architecture Design Studio Owner: S.E.T. Services Pty Limited
5	Type of Regional development: S96(2) application
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy (State and Regional Development) 2011 ◦ State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development ◦ State Environmental Planning Policy 55 – Remediation of Land ◦ State Environmental Planning Policy (Infrastructure) 2007 ◦ SREP (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 • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council assessment report with recommended conditions. Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Helen Deegan, Pavlo Doroch, Scott Nash and Salim Mehajer on behalf of the applicant.
8	Meetings and site inspections by the panel: 21 July 2016 – Site Inspection and Final briefing meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report