

<b>DATE OF DETERMINATION</b>	Thursday, 27 October 2016
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Bruce McDonald and Paul Mitchell
<b>APOLOGIES</b>	Gary Shiels and Paul Stein
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council offices in Auburn on Thursday, 27 October 2016, opened at 11:00 am and closed at 11:15 am.

#### **MATTER DETERMINED**

**2016SYW141 – Cumberland (Auburn LEP) – DA-265/2016** AT 62-64 Cross St, Guildford (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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

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*. The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing including affordable housing within the Metropolitan West Central Subregion and Cumberland Council in a location with access to transport services including the metropolitan rail services available from Guildford Rail Station and for access to the services and amenities available within Guildford Town centre.
2. The Panel has considered the applicant's request to vary the development standards contained in Clause 4.3 (height) Parramatta LEP 2011 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that planned in the locality. The variation will have the environmental planning benefit of facilitating the accommodation of the FSR bonus available under the SEPP (Affordable Rental Housing) 2009 and access to rooftop communal space. The Panel finds the written variation request to be well founded
3. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State Environmental Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 – Remediation of Land and SEPP 65 – Design Quality Residential Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of Parramatta LEP 2011 and Parramatta DCP 2011
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjoining and nearby

residential premises and the adjacent child care centre, the operation of the local road system or the significance of nearby heritage items.

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.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.




Add the following condition:

Construction Management Plan

A construction management plan shall be prepared and submitted to Council for approval prior to the issue of any construction certificate.

The management plan shall include details of proposed measures to ensure the construction phase of development does not impact on the operation of the adjoining long-day child care centre, and as it relates to the drop-off and pick-up zone of the facility.

*Reason: to ensure the construction phase of the development does not adversely impact on the operation and safety of the users of the adjoining long-day care centre.*

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Paul Mitchell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW141 – Cumberland (Auburn LEP)– DA-265/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, lot consolidation and construction of a 4 storey residential flat building consisting of 31 units and basement carpark – affordable housing
3	STREET ADDRESS	62-64 Cross St, Guildford
4	APPLICANT OWNER	Australian Consulting Architects Pty Ltd Mr B Hekeik and Mrs R L Hekeik
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report dated 13 October 2016</li> <li>• Written submissions during public exhibition: two</li> <li>• Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>○ Objector – Amil Lacevic</li> <li>○ On behalf of the applicant – Joe Abboud</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing meeting on 17 August 2016</li> <li>• Site visit on 27 October 2016</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report