

DATE OF DETERMINATION	20 March 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Paul Stein and Brian McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 16 March 2018 and 20 March 2018.

MATTER DETERMINED

2016SYW226 – Cumberland – 423/2016 AT 18-24 Railway Street, Lidcombe (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 uphold the applicant's clause 4.6 requests to vary the height and FSR development standards and to approve the development application as described in Schedule 1 pursuant to section 4.16 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 within the Sydney Central City Planning District and the Cumberland local government area in a location with excellent access to services and amenities.
2. The Panel has considered the Applicant's requests to vary the development standard contained in Clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio of Auburn LEP 2010 and considers that:
 - i. the applicant's submissions adequately address the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variations; and
 - iv. compliance with the standards is unreasonable and unnecessary in the circumstances of this case as the proposed variations are acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality and provide for a better planning outcome through the provision of additional communal open space for residents.






For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

3. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 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 Auburn LEP 2010 and Auburn DCP 2010.
5. The proposed development is considered to be of appropriate scale and form, and adequately consistent with the planned character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
7. In consideration of conclusions 1-6 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 addendum Council Assessment Report.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell OAM
 Lindsay Fletcher	 Paul Stein AM
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW226 – Cumberland – 423/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a part 10 and part 11 storey mixed use development with 147 apartments and 3 levels basement car parking including a Voluntary Planning Agreement for the dedication of land to Council to widen an adjoining laneway.
3	STREET ADDRESS	18-24 Railway Street, Lidcombe
4	APPLICANT/OWNER	Applicant: Lidcombe 2 Pty Ltd Owner: Mr S Constandinou Owner: Mrs M Constandinou
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 Apartment Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011

		<ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) ○ 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: Voluntary Planning Agreement (VPA) for dedication of land to Council to widen laneway • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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: 6 February 2018 • Written submissions during public exhibition: one (1) • Letter from Addisons Lawyers on behalf of applicant dated 21 February 2018 • Verbal submissions at the public meeting on 22 February 2018: <ul style="list-style-type: none"> ○ On behalf of the applicant – Helen Macfarlane • Addendum Council assessment report received on 15 March 2018
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 22 February 2017 • Final briefing meeting to discuss council's recommendation, 22 February 2018, 11:50 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Paul Stein and Brian McDonald ○ <u>Council assessment staff</u>: Karl Okorn, Fay Ong, Michael Lawani, William Attard and Bala Sudarson • Public meeting held at Cumberland Council on 22 February 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the addendum council assessment report