

<b>DATE OF DETERMINATION</b>	21 December 2017
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor, Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds
<b>APOLOGY</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on Thursday 21 December 2017 opened at 2.30pm and closed at 4.20pm.

#### **MATTER DETERMINED**

Panel Ref – 2017SWC062 - LGA – Cumberland, DA-52/2017, Address – 13-19 Mary Street, Auburn  
(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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Auburn LEP 2010; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979.

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

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings 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 variation; and
  - iv. compliance with the standard 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.




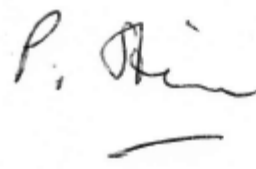
For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

2. 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 good access to services and amenities.
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, 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.

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

#### CONDITIONS

The development application was approved via deferred commencement subject to the conditions in the Council Assessment Report with additional condition requiring details of any shade structures proposed for the roof are to be incorporated into the roof area and must be provided on plans prior to construction certificate.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell
 Lindsay Fletcher	 Paul Stein

Paul Moulds

Paul Moulds

### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2017SWC062 - LGA – Cumberland, DA-52/2017
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling houses and construction of 12 storey mixed use development comprising 105 residential units, 2 commercial tenancies over 4 levels of basement parking.
3	STREET ADDRESS	13-19 Mary Street, Auburn
4	APPLICANT/OWNER	Zhinar Architects P/L
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value >\$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>• State Environmental Planning Policy (State and Regional Development) 2011</li><li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li><li>• State Environmental Planning Policy No. 55 – Remediation of Land</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>• Auburn Local Environmental Plan 2010</li><li>• Auburn Development Control Plan 2010</li><li>• Auburn Development Contributions Plan 2007</li></ul></li><li>• Planning agreements: Nil</li><li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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 with recommended conditions and Clause 4.6 Variation.</li><li>• Written submissions during public exhibition: 0</li><li>• Verbal submissions at the public meeting:</li></ul>

		<ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Kerry Stanton</li> <li>○ On behalf of the applicant – Jeremy Swan</li> <li>○ On behalf of Council – Karl Okorn</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>● Site Inspection – 21 December 2017</li> <li>● Final Briefing Meeting – 21 December 2017 from 1.30 pm to 2.00pm</li> <li>● Public Meeting – 21 December 2017</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor, Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds</li> <li>○ <u>Council assessment staff</u>: Karl Okorn</li> </ul>
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Submitted with report