

DATE OF DETERMINATION	21 December 2017
PANEL MEMBERS	Mary-Lynne Taylor, Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds
APOLOGY	None
DECLARATIONS OF INTEREST	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 – 2017SWC063 - LGA – Cumberland, DA-32/2017, Address – Lot 1 DP 194169, Lot 1 DP 742938 and Lot 40 Sec 7 DP 982836, 18-22 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 majority (M L Taylor, P Stein, P Moulds and P Mitchell) determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Auburn LEP 2010;
- (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.


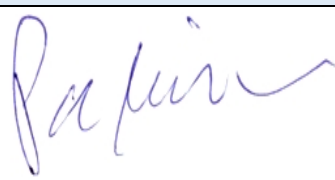

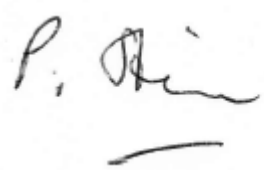
The decision was 4:1. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.


Mr L Fletcher dissented from the above decision and would prefer to defer the application for the following reason –

- To clarify through a further report whether the setback of the proposed building complies with the apartment design guide requirements for building setbacks at a zoned interface and if not the impact on such non-compliance on amenity and development potential of the adjoining property in Park Road.

CONDITIONS

The development application was approved via deferred commencement subject to the conditions in the Council Assessment Report.

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

Lindsay Fletcher	Paul Stein
 Paul Moulds	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC063 - LGA – Cumberland, DA-32/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures and the construction of a 12 storey mixed use apartment building containing a three storey basement car park and a ground floor comprising three commercial/retail tenancies.
3	STREET ADDRESS	Lot 1 DP 194169, Lot 1 DP 742938 and Lot 40 Sec 7 DP 982836, 18-22 Mary Street, Auburn
4	APPLICANT/OWNER	Applicant – Urban Link Pty Ltd Owner – Lanzaid Mary Commercial P/L
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value >\$20million.
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 (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Auburn Local Environmental Plan 2010 Auburn Development Control Plan 2010 Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: 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 with recommended conditions and written submissions. • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Kerryn Stanton ○ On behalf of the applicant – Tony Jreige, Jeremy Swan ○ On behalf of Council – Karl Okorn
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection – 21 December 2017 • Final Briefing Meeting – 21 December 2017 from 2.00pm to 2.30pm • Public Meeting – 21 December 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor, Paul Mitchell, Lindsay Fletcher, Paul Stein and Paul Moulds ○ <u>Council assessment staff</u>: Karl Okorn
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Submitted with report