

<b>DATE OF DETERMINATION</b>	Thursday, 10 May 2018
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stuart McDonald and Julie Walsh
<b>APOLOGIES</b>	Mary-Lynne Taylor, Lindsay Fletcher, Paul Stein and Paul Moulds
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cumberland Council on 10 May 2018, opened at 11.10am and closed at 12.40pm.

#### **MATTER DETERMINED**

2017SWC103 – Cumberland Council – DA-363/2017 AT 4-14 Mark 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 approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.




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

The decision was unanimous.

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

The reasons for the decision of the Panel were:

1. The proposal will add to the availability and choice of housing on a site that is well located with respect to public transport, retail and community facilities. As such it will both contribute to improved housing affordability and promote greater use of public transport.
2. The proposal complies with most applicable standards and guidelines, and has appropriate bulk, scale and design for a town centre location. The exception is with respect to compliance with the maximum building height standard which is addressed in reason 4 below. The Panel also notes that the upper two levels of the building do not comply with the setback guidelines in the ADG but believes this is inconsequential.
3. The proposal is materially below the applicable maximum permissible FSR and this leads to much reduced impacts on neighbours and the locality generally.
4. The applicant has submitted a request to vary the maximum building height standard. The Panel believes compliance is unnecessary in this instance because no adverse impacts will arise from the variation and the objectives of the standard will still be satisfied. The variation will facilitate development which is consistent with the objectives of the zone. The variation will also enable provision of additional housing in a well-located position and with no detriment to the locality. Overall, the panel believes approval of the variation is in the public interest.

<b>PANEL MEMBERS</b>	
 Paul Mitchell OAM (Chair)	 Stuart McDonald
 Julie Walsh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC103 – Cumberland Council – DA-363/2017
2	PROPOSED DEVELOPMENT	Demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 171 residential units over five levels of basement parking
3	STREET ADDRESS	4-14 Mark Street, Lidcombe
4	APPLICANT/OWNER	Apartments on Mark P/L
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)</li> <li>Auburn Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Auburn Development Control Plan 2010</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: 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: 6 April 2018</li> <li>Written submissions during public exhibition: four (4)</li> <li>Verbal submissions at the public meeting on 14 April 2018: <ul style="list-style-type: none"> <li>Object – David Bragg and Heather Cooper</li> <li>On behalf of the applicant – Andre Mulder and Mairead Hawes</li> </ul> </li> <li>Addendum Council assessment report: 27 April 2018</li> <li>Verbal submissions at the public meeting on 14 April 2018: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – David Bragg, Dinesh Kumar, Dinesh Kumar on behalf of Heather Cooper</li> <li>On behalf of the applicant – Jeremy Swan, Andre Mulder</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection on 19 April 2018</li> <li>Public Panel meeting on 19 April 2018 with Paul Mitchell, Lindsay Fletcher, Stuart McDonald, Paul St4ein and Paul Moulds</li> <li>Final briefing meeting to discuss council's recommendation, 10 May 2018, 10.30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Stuart McDonald and Julie Walsh</li> </ul> </li> </ul>

		○ <u>Council assessment staff:</u> Karl Okorn and Michael Lawani
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report