

DATE OF DETERMINATION	16 August 2018
PANEL MEMBERS	Louise Camenzuli (Acting Chair), Paul Moulds and John Griffin
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Cumberland Council on Thursday 16 August 2018 opened at 6.04pm and closed at 7.42pm.

MATTER DETERMINED

Panel Ref – 2017SWC113 - LGA – Cumberland, DA382/2017, Address – 1A and 1B Queen 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 approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

- The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, relevant applicable State policies, Auburn LEP and Auburn DCP and is considered to be generally compliant with all applicable controls. It is noted that there are some minor variations proposed in relation to the application of the Apartment Design Guide and the Auburn DCP 2010. These variations are identified in the Council's assessment report and considered acceptable in the circumstances.
- The Panel has considered the applicant's written request under Clause 4.6 of Auburn LEP 2010 to vary the height of building development standard contained in Clause 4.3 of the Auburn LEP 2010. The Panel has determined that there are adequate planning grounds to vary the standard and in the circumstances of the case compliance with the standard would be unreasonable or unnecessary.
- It is considered that the proposed development provides for appropriate level of amenity for future residents and has sought to address impacts on the amenity of neighbouring properties.
- The development is well located to the Auburn Railway Station, the Auburn Centre and other public transport links.

- The Panel has reviewed all of the written submissions and also considered the submissions of the objectors who spoke at the meeting. Issues raised included, amongst other things, parking, traffic management, emergency service access, privacy, overshadowing, height, overdevelopment, potential crime risks, construction impacts, noise and adequacy of open space.
- The Panel considers the matters raised in these objections have been appropriately addressed in the Council’s assessment report and via design changes and proposed conditions of consent.
- The Panel also carefully considered the submission made by the NSW Police Force and determined that the matters raised have been appropriately dealt with in the Council’s assessment report. In response to the concern raised regarding ‘hot bedding and occupancy’, the Applicant offered to accept an additional consent condition relating to occupancy rates. The Panel has accepted this offer and imposed one additional consent condition to this effect. The Panel notes that this a matter that could be also be dealt with in any by-laws.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and subject to the conditions contained in the report as modified by document dated 16 August 2018, with one additional condition as follows:

New condition 159.

“Number of adults per room

- (a) No more than two adult people shall permanently occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children’s beds, cots or bassinets.
- (b) The total number of adults residing in one apartment shall not exceed twice the number of approved bedrooms.”

PANEL MEMBERS	
 Louise Camenzuli (Acting Chair)	 John Griffin
 Paul Moulds	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC113 - LGA – Cumberland, DA382/2017
2	PROPOSED DEVELOPMENT	Demolition of structures and construction of 12 residential apartment buildings, bring part 3, part 6 and part 8 storey buildings containing 595 residential apartments including basement parking, landscaping, stormwater, public domain works and subdivision – Integrated Development (Water Management Act 2000).
3	STREET ADDRESS	1A and 1B Queen Street, Auburn
4	APPLICANT/OWNER	EG Funds Management/Australian Executor Trustees (NSW) Limited
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 (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Auburn Development Control Plan 2010 • Auburn Development Contributions Plan 2007 • Planning agreements: Nil <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Regulation 2000</i>: Section 92 of the EP&A Regulation • 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 – 2 August 2018 • Written submissions during public exhibition: 57 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Graham Nathan Guy (written submission), Maha Zreik (written submission), Andrew Guy and Maryanne Denise. ○ On behalf of the applicant – Grant Flannigan, Jim Koopman,

		<p>Clare Swan, Stan Kafes, Andrew Hulse, Michael Easson and Chris Forrester</p> <ul style="list-style-type: none"> ○ On behalf of Council – Glenn Dawes, Michael Lawani, Karl Okorn and Siva Sivakumar
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection – 16 August 2018 ● Final Briefing Meeting – 16 August 2018 from 5.00pm to 6.00pm ● Public Meeting – 16 August 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Paul Moulds and John Griffin ○ <u>Council assessment staff</u>: Glenn Dawes, Michael Lawani, Karl Okorn and Siva Sivakumar
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Submitted with report