



DATE OF DETERMINATION	Thursday 13 December 2018
PANEL MEMBERS	Paul Mitchell (Acting Chair), Paul Stein, Paul Moulds, Mark Grayson and Susan Budd
APOLOGIES	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Public meeting held at Cumberland Council on 13 December 2018, opened at 4.38pm and closed at 4.54pm.

MATTER DEFERRED

2017SWC144 – Cumberland – DA-503/2017 AT 2 Mark Street, 1A Marsden Street, 1 and 3 Marsden 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 of the *Environmental Planning and Assessment Act 1979*.

The Panel upholds the applicant's request to vary the height of buildings standard in ALEP 2010. The applicant's written request has demonstrated that compliance with the height standard is unnecessary in this instance as the objectives of the standard will be met despite the non-compliance. The request also provides sufficient environmental planning grounds to justify the variation being a more functional building design that will provide better facilities for future occupants.

The Panel believes that approval of the variation request will be in the public interest because the variation is consistent with the objectives of the standard and it will facilitate development that is consistent with the zone objectives.

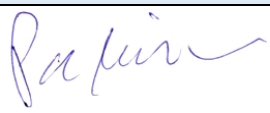

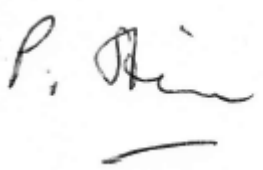


REASONS FOR THE DECISION

1. The proposal provides an appropriate density of development in the Lidcombe town centre and will increase the number and range of dwellings available, thus improving housing choice and affordability.
2. The proposal is consistent with the zone objectives and suitable development for the site.
3. The proposal's impacts on neighbours and the surrounding area will be acceptable. The Panel has carefully considered the shadowing effects on nearby buildings and notes that while some loss of sunlight will occur relevant ADG provisions will still be satisfied.
4. For the reasons listed above approval of the proposal is orderly development and therefore in the public interest.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in council assessment report.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Susan Budd
 Paul Stein	 Paul Moulds
 Mark Grayson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC144 – Cumberland – DA-503/2017
2	PROPOSED DEVELOPMENT	Demolition of the existing structures, tree removal and construction of a ten storey mixed use development comprising three ground floor commercial tenancies and 149 residential units over four levels of basement car parking
3	STREET ADDRESS	Lot 7 to 12 in DP846 being – 2 Mark Street, 1A Marsden Street, 1 and 3 Marsden Street, Lidcombe
4	APPLICANT OWNER	Zhinar Architects Marque Eight Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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

		<p>Residential Apartment Development and associated Apartment Design Guide</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney 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 ● Planning agreements: Nil ● 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 – 28 November 2018 ● Council assessment report – October 2018 ● Council assessment report – 14 August 2018 ● Council assessment report: 31 May 2018 ● Written submissions during public exhibition: Nil ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Email submission dated 12 December 2018 by Ms Heather Cooper <ul style="list-style-type: none"> ○ On behalf of the applicant – Jeremy Swan, Mairead Hawes and Andre Mulder ● On behalf of Council – Karl Okorn
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection – 14 June 2018 ● Public Meeting - 14 June 2018 ● Panel Meeting – 30 August 2018

		<ul style="list-style-type: none"> • Public Meeting – 17 October 2018 • Public Meeting – 13 December 2018 • Final briefing meeting to discuss council’s recommendation, 13 December 2018, 3.45pm to 4.30pm. <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Paul Stein, Paul Moulds and Susan Budd ○ <u>Council assessment staff</u>: Sohail Faridy and Karl Okorn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report