

DATE OF DETERMINATION	2 April 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Paul Moulds, Paul Stein and Lindsay Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 25 March 2019 and 2 April 2019.

MATTER DETERMINED

Panel Ref Number – 2018SWC018 – LGA – Cumberland – DA525/2017 at 2, 4 & 6 Kerrs, Road and 46 Joseph Street, Lidcombe – Description - Demolition of existing structures and construction of a 10 storey mixed use development comprising 72 apartments with ground floor retail over four levels of basement car parking (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 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 of Auburn LEP 2010; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979;

for the reasons set out below.

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 submission adequately addresses 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 variation is 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.

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 adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP 65 (Design Quality of Residential Apartment development) and Auburn LEP 2010.
3. The proposal adequately satisfies the applicable provisions and objectives of Auburn DCP 2010 and the NSW Apartment Design Guide (ADG). The minor variations from the ADG identified in the report are considered acceptable in the circumstances.

4. 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 existing or future adjacent premises and the operation of the local road system.
5. In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

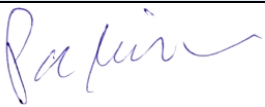


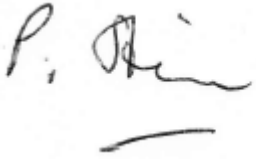

The decision was unanimous.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref Number – 2018SWC018 – LGA – Cumberland – DA525/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 10 storey mixed use development comprising 72 apartments with ground floor retail over four levels of basement car parking
3	STREET ADDRESS	2, 4 & 6 Kerrs, Road and 46 Joseph Street, Lidcombe
4	APPLICANT/OWNER	Applicant – Moma Architects Owners – Kerrs Developments Pty Ltd / H & K Energetic Investment Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy ((infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State 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: 13 March 2019 • Written submissions during public exhibition: 0

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Papers were circulated electronically between 25 March 2019 to 2 April 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report