

DATE OF DETERMINATION	15 November 2021
DATE OF PANEL DECISION	15 November 2021
DATE OF PANEL MEETING	11 November 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Noni Ruker and Ned Attie
APOLOGIES	Eddy Sarkis
DECLARATIONS OF INTEREST	None

Papers circulated electronically 28 October 2021.

MATTER DETERMINED

PPSSCC-283 – DA2021/0435 - Cumberland – 80 Betty Cuthbert Drive Lidcombe, being Lot 74 in DP 1141724, Construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the Council assessment report with amendment to Condition 13 by the addition of clause d), which requires landscaping to be planted adjacent to the retaining wall on the northern boundary of the carpark so that the retaining wall is screened insofar as possible. The Panel notes that there is an underground pipeline in this location which should not be interfered with.

Condition 13 to be amended by the addition of clause d). The condition to read as follows –

DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- Car park 3 shall be fully roofed to provide deep terraces off the ground floor apartments that face the south which includes extensive landscape planters to enhance the landscape screen planting along the southern boundary of the site adjacent to the residential properties.
- The plans shall show adequate fencing (Preferably timber lapped and capped and not colourbond or steel material material) between the terraces for added privacy to a height of 1.8 metres.
- The additional landscaping shall be consistent with the approved landscaping plans and include native tree and shrub species.

- d) The approved landscaping shall be modified along the northern boundary of the development site adjacent to Carpark Number 1 and car spaces 11 to 25 showing landscaping with ground covering or screening up to the height of the approved boundary fence along the northern side of the site.

The planting shall be chosen so that the vegetation does not exceed a height of two (2) metres and the roots of such planting shall not interfere with the underground pipeline system.

The additional screening is to be dense enough to fully screen the retaining wall.

(Reason: To confirm and clarify the terms of Council's approval)

CONDITIONS





The development application was approved subject to the conditions in the Council assessment report, as amended.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 3 written submissions made during the public exhibition. The Panel notes that issues of concern in the written submissions included:

- Development will overwhelm an already narrow residential street.
- There should be additional open space and greenery within the development.
- The vehicle entry point onto Betty Cuthbert Drive is unsatisfactory.
- Inadequate sewer to service the building.
- Open space and landscaping.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and through conditions.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 David Ryan	 Ned Attie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-283 – DA2021/0435 - Cumberland
2	PROPOSED DEVELOPMENT	Construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal
3	STREET ADDRESS	80 Betty Cuthbert Drive Lidcombe being Lot 74 in DP 1141724
4	APPLICANT/OWNER	Multiple Sclerosis Limited (MSL)

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 (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP 2011) • State Environmental Planning Policy No 64 - Advertising and Signage • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) • Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Draft Cumberland Local Environmental Plan (Draft CLEP) • 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: 26 October 2021 • Council addendum report: 9 November 2021 • Attachments boundary of site – survey plans • Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<p>Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspections individually.</p> <ul style="list-style-type: none"> • Kick off briefing: 14 September 2021 <ul style="list-style-type: none"> • Panel members: Abigail Goldberg (Chair) • Council assessment staff: Jai Shankar, Michael Lawani, Harley Pearman, Esra Calim and Sarah Hussein • Panel briefing: 14 October 2021 <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, Ned Attie and Eddy Sarkis • <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Harley

		<p>Pearman, Esra Calim and Sarah Hussei</p> <ul style="list-style-type: none"> • Papers including final Council assessment report circulated electronically on 28 October 2021. • Final briefing to discuss Council's recommendation: 11 November 2021 <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, and Ned Attie • <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Harley Pearman, Esra Calim and Sarah Hussein
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report