

SYDNEY CENTRAL CITY PLANNING PANEL – PPSSCC-59

TO: Sydney Central City Planning Panel (SCCPP) – Submitted for Electronic Determination
SUBJECT: 2, 4 & 6 Kerrs Road, and 46 Joseph Road, Lidcombe
FILE No: M2017/525/A

Application lodged	10 September 2019						
Applicant	Fuse Management Pty Ltd						
Owners	Kerrs Rd Developments Pty Ltd / H & K Energetic Investment Pty Ltd						
Application No.	M2017/525/A						
Description of Land	2, 4 & 6 Kerrs Road, and 46 Joseph Street, Lidcombe						
Proposed Development	Section 4.55(2) application for alterations and additions to an approved mixed use development including additional basement car parking level and reconfiguration of lift cores, stair wells and ground floor pedestrian ramp.						
Site Area	1,194.5m ²						
Zoning	B4 Mixed Use						
Disclosure of political donations and gifts	Nil disclosure						
Heritage	<p>The subject site is not heritage listed, nor is it located within a heritage conservation area.</p> <p>The subject site is located within the vicinity of 2 heritage items:</p> <ul style="list-style-type: none"> • 35-47 Joseph Street, Lidcombe – <i>Fenton House</i>; and • Wellington Park (corner of James Street and Joseph Street, Lidcombe), <i>Lidcombe War Memorial Statue</i>. 						
Principal Development Standards	<table> <tr> <td><u>Floor Space Ratio</u></td><td><u>Height of Buildings</u></td></tr> <tr> <td>Permissible: 5:1</td><td>Permissible: 32m</td></tr> <tr> <td>Proposed: 5:1</td><td>Approved: 32.6m (No change)</td></tr> </table>	<u>Floor Space Ratio</u>	<u>Height of Buildings</u>	Permissible: 5:1	Permissible: 32m	Proposed: 5:1	Approved: 32.6m (No change)
<u>Floor Space Ratio</u>	<u>Height of Buildings</u>						
Permissible: 5:1	Permissible: 32m						
Proposed: 5:1	Approved: 32.6m (No change)						
Issues	Nil						



Figure 1 – Perspective from Joseph Street, looking West (Source: MoMa Architects, 2019)

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1.0 SUMMARY

Council is in receipt of Section 4.55(2) application M2017/525/A from Fuse Management Pty Ltd seeking approval for *alterations and additions to an approved mixed use development including additional basement car parking level and reconfiguration of lift cores, stair wells and ground floor pedestrian ramp* at 2, 4 & 6 Kerrs Road, and 46 Joseph Street, Lidcombe. The application Architectural Plans are provided as **Attachment 1** to this report.

The application was publicly notified for a period of 14 days from 24 September 2019 to 8 October 2019. In response, no submissions were received.

The site is affected by flooding, and is listed within the medium and low flood risk regions associated with Haslems Creek and Lower Duck River. Council's Development Engineer has confirmed that the proposed changes do not impact upon the flood mitigation measures approved under DA-525/2017.

On 2 April 2019, Development Application DA-525/2017 was considered by the Sydney Central City Planning Panel (SCCPP) for *demolition of existing structures and construction of ten storey mixed use development comprising 72 apartments with ground floor retail and four level basement car parking*. Subsequently, the SCCPP upheld the request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 of the Auburn Local Environmental Plan 2010 (ALEP), and approved the development subject to the Council's conditions, which included a deferred commencement condition related to the submission of a flood report.

On 30 July 2019, the deferred commencement condition related to the submission of a flood report was satisfied, and an operational consent letter was issued.

The proposal is consistent with the aims and objectives of 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 (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Sydney Environmental Plan (Sydney Harbour Catchment) 2005, Auburn Local Environmental Plan 2010 (ALEP), Draft State Environmental Planning Policy (Environment), and Auburn Development Control Plan 2010 (ADCP).

No variations are sought via the subject modification application.

The Development Application was referred for comments externally to AusGrid, and internally to Council's Development Engineer, to which the application is supported.

The subject proposal does not involve significant changes to the approved built form, and the proposal is substantially the same development as the approved development and satisfies the relevant provisions of the Environmental Planning and Assessment Act, 1979.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

The application is being reported to the Sydney Central City Planning Panel (SCCPP) for determination, as the application is a Section 4.55(2) application, and at the time of lodgement of the original development application, DA-525/2017, the development constituted 'Regional Development' within the meaning of State Environmental Planning Policy (State and Regional

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Development) 2011, as the development exceeded the \$20 million threshold with a Capital Investment Value (CIV) of \$23,414,219.

In light of the above, it is recommended that the Sydney Central City Planning Panel **Approve** the Section 4.55(2) application, subject to the Draft Notice of Determination provided at **Attachment 2** to this report.

2.0 SUBJECT SITE AND SURROUNDING AREA

The subject site is known as 2, 4 & 6 Kerrs Road, and 46 Joseph Street, Lidcombe, and is legally described as Lots A and B, DP 326128, and Lots 18 and 19, Section 2, DP 3424. The site is irregularly shaped, and has a frontage of 44.543 metres to Kerrs Road, a frontage of 45.379 metres to Joseph Street, and a frontage of 19.954 metres to Armstrong Lane. The total site area is 1,194.7sqm, and is illustrated in **Figure 2** below:

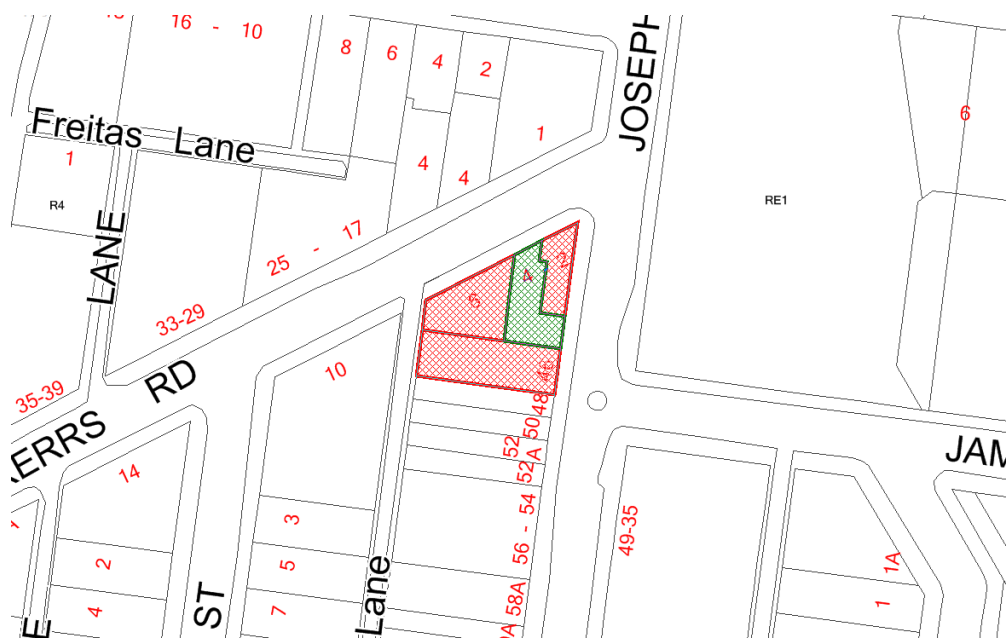


Figure 2 - Location Map (Source: Cumberland Council, 2020)

The subject site has recently been demolished, with works commencing on the subject site under DA-525/2017. No existing trees or vegetation are present on the subject site.

The surrounding locality is characterised as follows:

- **North** 1 Kerrs Road and 2, 4, 6 & 8 Vaughan Street, Lidcombe – Vacant Land, with approval for construction of a 10 storey mixed use development.
- **East** 0 Joseph Street, Lidcombe – Remembrance Park.
- **South** 46, 48, 50, 52A, 52 Joseph Street, Lidcombe – 1 and 2 storey commercial buildings.
- **West** 17 – 25 Kerrs Road, Lidcombe – 8 storey mixed use development.
8 - 12 Kerrs Road, Lidcombe – 9 storey mixed use development.

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The topography of the site is maintained to a 0.8% gradient, with a 0.44 metre fall from North-East to South-West. The site is affected by flooding, and is listed within the medium and low flood risk regions associated with Haslems Creek and Lower Duck River.

The site is zoned B4 Mixed Use, pursuant to the Auburn Local Environmental Plan (ALEP) 2010, as shown in **Figure 3** below:

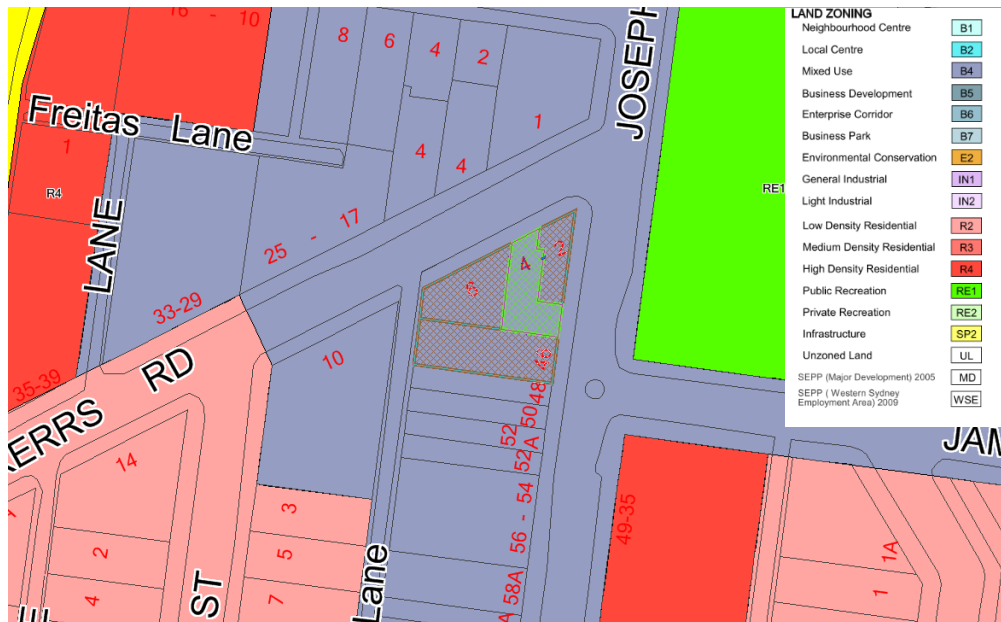


Figure 3 – Zoning Map (Source: Cumberland Council, 2020)

The subject site is situated to the south of Kerrs Road, East of Joseph Street, and West of Armstrong Lane. **Figure 4** below illustrates an aerial perspective of the site and the general surroundings.



Figure 4 – Aerial Photo with NearMap Insert (Source: Cumberland Council and NearMap, 2020)

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The subject site is located within the vicinity of 2 heritage items, which are as follows:-

- 35-47 Joseph Street, Lidcombe – *Fenton House*; and
- Wellington Park (corner of James Street and Joseph Street, Lidcombe), *Lidcombe War Memorial Statue*.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

Development Application DA-525/2017 was approved for *demolition of existing structures and construction of ten storey mixed use development comprising 72 apartments with ground floor retail and four level basement car parking.*

The changes sought via the subject Section 4.55(2) Application include *alterations and additions to an approved mixed use development including additional basement car parking level and reconfiguration of lift cores, stair wells and ground floor pedestrian ramp.*

Specific details of the proposed changes as identified within the submitted Statement of Environmental Effects prepared by Think Planners, dated 13 August 2019, are reproduced below:

Basement Level:

An increase in the total number of basement levels from four to five, with the introduction of an additional basement level below Basement Level 4, which will result in an increase to the overall car parking spaces from:

A total of 85 car parking spaces with the following breakdown:

- 66 x residential car parking spaces, including 9 accessible spaces.
- 12 x residential visitor car parking spaces, including 5 accessible spaces.
- 7 x commercial car parking spaces, including 2 accessible spaces.
- 2 x van loading bays within Basement Level 1.

To, a total of 99 car parking spaces with the following breakdown:

- 78 x residential car parking spaces, including 8 accessible spaces.
- 15 x residential visitor car parking spaces.
- 6 x commercial car parking including, 1 accessible space.
- 2 x van loading bays within Basement Level 1.

Ground Floor:

Minor modification and redesign to the graded pedestrian ramp at the ground floor.

Service:

Redesign and relocation of the service area, including lobby area & location of the mailbox, lift cores and stairwells at the ground floor, and redesign and relocation of the lift cores and stairwells for the remaining levels. The modification will also result in increasing the size of the loading zone.

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4.0 APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 13 August 2019, and was received by Council on 10 September 2019 in support of the application.

5.0 CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken an inspection of the subject site, and has been in contact with the Applicant throughout the assessment process.

6.0 INTERNAL REFERRALS

Development Engineer

The application was referred to Council's Development Engineer for comments, who has advised that the proposed development is supportable on the grounds of traffic, parking, loading, stormwater and flooding, subject to conditions, which have been imposed within the draft Notice of Determination provided as **Attachment 2** to this report.

7.0 EXTERNAL REFERRALS

AusGrid

The application was referred to AusGrid for comments, who have advised that the existing conditions of consent stand, and that the proposed development is supported.

8.0 PLANNING COMMENTS

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP & A Act)

A consent authority may, on application being made by the Applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Requirement	Comment
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development as proposed to be modified is substantially the same as the development for which consent was originally granted.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The application was referred to AusGrid for comments, with respect to conditions imposed under DA-525/2017, who has advised that the existing conditions of consent stand, and that proposed development is supported.

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<p>(c) it has notified the application in accordance with:</p> <ul style="list-style-type: none"> (i) The regulations, if the regulations so require, or (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and 	<p>The application was publicly notified in accordance with the Auburn Development Control Plan 2010 (ADCP) for a period of 14 days from 24 September 2019 to 8 October 2019.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>No submissions were received in response to the notification of the subject application.</p>
<p>(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</p>	<p>The provisions of the applicable EPIs are discussed elsewhere in this report.</p> <p>The provisions of the applicable DCP are discussed elsewhere in this report.</p> <p>There are no planning agreements or draft planning agreements related to this application.</p> <p>There are no relevant matters referred to in the regulations.</p> <p>The likely impacts of the development as proposed to be modified are considered satisfactory.</p> <p>The site is considered to be suitable for the development as proposed to be modified.</p> <p>No submissions were received in response to the notification period, as noted above.</p> <p>Approval of the subject application is not contrary to the public interest.</p>
<p>(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</p>	<p>Noted.</p>

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Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

The provisions of any Environmental Planning Instruments (EP & A Act s4.15 (1)(a)(i))

The following Environmental Planning Instruments are relevant to the assessment of the subject modification application:

(a) State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed in Schedule 4A of the Environmental Planning and Assessment Act, 1979 is defined as 'Regional Development' within the meaning of State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. Such applications require a referral to the Sydney Central City Planning Panel for determination.

The application is being reported to the Sydney Central City Planning Panel (SCCPP) for determination, as the application is a Section 4.55(2) application, and at the time of lodgement of the original development application, DA-525/2017, the development constituted 'Regional Development' within the meaning of State Environmental Planning Policy (State and Regional Development) 2011, as the development exceeded the \$20 million threshold with a Capital Investment Value (CIV) of \$23,414,219.

(b) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The requirement at Clause 7 of SEPP 55 for the consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development, was considered under the original application. The proposed modifications do not raise any new concerns regarding site contamination.

(c) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the assessment of the subject application, as it includes a residential flat building that is 3 storeys or more in height, and contains more than 4 dwellings. The development application has been accompanied by a Design Verification Statement from a Registered Architect.

SEPP 65 outlines 9 Design Quality Principles, which are addressed as follows:

Design Quality Principle	Comment	Yes	No	N/A
1. Context and Neighborhood Character	The subject site is zoned B4 Mixed Use pursuant to the Auburn Local Environmental Plan 2010 (ALEP), with the subject development maintained to a shop top housing development, which is permitted with consent. The shop top housing development continues to be in harmony with nearby buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Built Form and Scale	The building continues to respond with the existing landform, providing for an appropriate building scale when viewed from the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Design Quality Principle	Comment	Yes	No	N/A
3. Density	The subject site is well located with respect to existing public transport and community facilities. The design of the development does not alter the perceived density of the approved development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Sustainability	A BASIX Certificate and relevant reports have been submitted with the development application. The certificate requires sustainable development features to be installed into the development. The proposal will incorporate features relating to Environmentally Sustainable Design (ESD), inclusive of water efficient fixtures and energy saving devices.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Landscape	No changes are proposed to the approved landscape design of the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Amenity	The proposal will continue to deliver sufficient amenity to residents of the building, with the proposal achieving compliance with the Apartment Design Guide (ADG).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Safety	Suitable and secure access continues to be provided to all parts of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Housing Diversity and Social Interaction	No changes are proposed to the approved apartment mix and number of adaptable units proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Aesthetics	The proposed development has an attractive contemporary appearance, utilising building elements that provide individuality to the development, without compromising the streetscape or detracting from the appearance of existing surrounding development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pursuant to clause 28(2)(c) of SEPP 65, a consent authority must consider the provisions of the Apartment Design Guide (ADG) in the assessment of a residential flat development. The proposed development has been assessed to comply with the requirements of the ADG. A comprehensive assessment against the ADG is contained in **Attachment 3** to this report.

(d) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was lodged and endorsed as a part of the Development Application DA-525/2017. An amended BASIX Certificate has been lodged within the subject application, which indicates that the development has been designed to achieve the required water, thermal comfort and energy scores.

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The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the Development Application.

Clause 45 - Development likely to affect an electricity transmission or distribution network

The subject development occurs within 5 metres of an overhead and underground electricity power lines and the approved development also included a substation. As such, the Consent Authority is required to give written notice to an electricity supply authority. The application was referred to AusGrid for comments, who has advised that the existing conditions of consent stand, and that the proposed development is supported.

Clause 85 – Development adjacent to railway corridors

The application is not subject to clause 85 of the ISEPP, as the subject site is not located adjacent to a railway corridor.

Clause 86 – Excavation in, above, below or adjacent to rail corridors

The application is not subject to clause 86 of the ISEPP, as the proposed redevelopment of the site does not involve excavation to a depth of at least 2m below ground level (existing), on land within 25m (measured horizontally) of a rail corridor.

Clause 87 – Impact of rail noise or vibration on non-rail development

The application is not subject to clause 87 of the ISEPP, as the site is not in or adjacent to a rail corridor, and is not likely to be adversely affected by rail noise or vibration.

Clause 101 – Frontage to classified road

The application is not subject to clause 101 of the ISEPP, as the site does not have a frontage to a classified road.

Clause 102 – Impact of road noise or vibration on non-road development

The application is not subject to clause 102 of the ISEPP, as the annual average daily traffic volume of Kerrs Road and Joseph Street is less than 40,000 vehicles.

Clause 104 – Traffic generation development

The application is not subject to clause 104 of the ISEPP, as the proposal does not trigger the requirements for traffic generating developments listed in Schedule 3 of the ISEPP.

(f) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the subject site. An assessment of the proposal has revealed the proposed development complies with the requirements of the Vegetation SEPP, noting:

- The site is not located in a declared area of outstanding biodiversity value as outlined within the Biodiversity Values Map;

- The proposal does not include the removal of existing vegetation.

(g) State Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues, as no impact on the catchment is envisaged.

Note: The subject site is not identified in the relevant map as land within the 'Foreshores and Waterways Area' or 'Wetland Protection Zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the State Environmental Plan is not directly relevant to the proposed development.

(h) Auburn Local Environmental Plan 2010 (ALEP 2010)

The Auburn Local Environmental Plan 2010 (ALEP) applies to the subject site. The proposed development has been assessed to comply with the requirements of ALEP. The relevant matters to be considered under ALEP, and the applicable clauses for the proposed development, are summarised below. A comprehensive assessment against the ALEP is contained in **Attachment 4** to this report.

Permissibility

The proposed development is defined as a *shop top housing development*, and is permissible in the B4 Mixed Use zone with consent.

Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**

Heritage

The site is not heritage listed, however, is located within the vicinity of 2 heritage items, which are as follows:-

- 35-47 Joseph Street, Lidcombe – *Fenton House*; and
- Wellington Park (corner of James Street and Joseph Street, Lidcombe), *Lidcombe War Memorial Statue*.

The proposed changes are not expected to negatively impact on the surrounding heritage items.

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Key Development Standards

The following key development standards are applicable:

Development Standard	Maximum Permitted	Proposed	Compliance
Floor Space Ratio (FSR)	5:1	5:1	Yes
Height of Buildings (HOB)	32m	32.6m No change proposed to approved height	N/A

The provisions of any Proposed Instruments (EP & A Act s4.15 (1)(a)(ii))

The following draft Environmental Planning Instruments are relevant to the assessment of the subject modification application:

(a) Draft State Environmental Planning Policy (Environment)

The Draft State Environmental Planning Policy (Environment) (Draft ESEPP) relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas.
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.
- State Environmental Planning Policy No. 50 – Canal Estate Development.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997).
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Refer to assessment above under the heading 'State Environmental Plan (Sydney Harbour Catchment) 2005'.

The provisions of any Development Control Plans (EP & A Act s4.15 (1)(a)(iii))

The following Development Control Plans are relevant to the assessment of the subject modification application:

(a) Auburn Development Control Plan 2010 (ADCP)

The Auburn Development Control Plan 2010 (ADCP) applies to the subject site. The proposed development has been assessed to comply with the provisions of the ADCP. A comprehensive assessment against the provisions of the ADCP is contained in **Attachment 5** to this report, with commentary provided below regarding the changes to the extent of residential parking proposed.

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Residential Car Parking

The proposed development seeks to increase the extent of parking provided from a total of 85 car parking spaces, to a total of 99 car parking spaces, by way of increasing the total number of basement levels from four to five.

The application has been assessed in accordance with the RMS *Guide to Traffic Generating Development* and the ADCP, to which the following breakdown is provided:

	Min. Parking Requirement	Max. Parking Requirement
RMS Guide to Traffic Generating Development	77 spaces	Not Applicable
ADCP	93 spaces	202 spaces

Noting the above, the proposed parking does not exceed the maximum permitted parking under the ADCP, and therefore, no additional area is required to be included within the calculation of GFA.

Note: The extent of parking documented within Development Consent 2017/525 under Condition 43 was documented incorrectly, with a reference to 104 car parking spaces. The subject condition has been updated to reflect the number of car parking spaces proposed via the subject application, and subsequently rectify this anomaly.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP & A Act s4.15(1)(a)(iia))

There is no planning agreement or draft planning agreement associated with the subject application.

The provisions of the Regulations (EP & A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000* (EP & A Regs).

The Likely Environmental, Social or Economic Impacts (EP & A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP & A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP & A Act s4.15 (1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the ADCP, the proposal was publicly notified for a period of 14 days from 24 September 2019 to 8 October 2019. In response, no submissions were received.

The public interest (EP & A Act s4.15(1)(e))

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

9.0 SECTION 7.11 CONTRIBUTIONS

The subject development requires the payment of contributions in accordance with Auburn Development Contributions Plan 2007. A condition was imposed on the original consent requiring the payment of contributions. The dwelling yield and unit mix is not proposed to change, and therefore, the value of the contributions do not change as a result of the proposed modifications.

10.0 DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals, and requests to initiate environmental planning instruments or development control plans.

The application and notification process did not result in any disclosure of Political Donations or Gifts.

11.0 CONCLUSION

The proposed development has been assessed against Section 4.55(2) of the EP & A Act, 1979, and the matters for consideration listed in Section 4.15 of the EP & A Act, 1979, and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest.

The proposed development is appropriately located within the B4 Mixed use zone under the provisions of the ALEP, and is consistent with the zone. The proposal also complies with all other relevant EPIs and the ADCP.

The development, as proposed to be modified, is considered to be substantially the same development as approved and modified and therefore recommended for approval, subject to conditions.

12.0 RECOMMENDATION

That Section 4.55(2) Application M2017/525/A seeking approval for *alterations and additions to an approved mixed use development including additional basement car parking level and reconfiguration of lift cores, stair wells and ground floor pedestrian ramp* at 2, 4 & 6 Kerrs Road, and 46 Joseph Street, Lidcombe, be **Approved**, subject to the conditions contained in **Attachment 2** of this report.

13.0 ATTACHMENTS

Attachment 1 – Architectural Plans

Attachment 2 – Draft Notice of Determination

Attachment 3 – SEPP 65 Apartment Design Guide Compliance Assessment

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Attachment 4 – Auburn Local Environmental Plan 2010 Compliance Assessment

Attachment 5 – Auburn Development Control Plan 2010 Compliance Assessment