

DATE OF DETERMINATION	23 April 2025
DATE OF PANEL DECISION	22 April 2025
PANEL MEMBERS	David Ryan (Chair), Natasha Harras, Steve Murray, Glenn Elmore
APOLOGIES	None
DECLARATIONS OF INTEREST	Abigail Goldberg declared a conflict of interest having previously worked with the applicant.

Papers circulated electronically on 9 April 2025.

MATTER DETERMINED

PPSSCC-590 – Cumberland - DA2024/0200 – 54-68 Hampstead Road, Auburn – Stage 2 - Demolition of existing structures including removal of trees and construction of a seven storey mixed use development comprising specialised retail, office, childcare, food and drink premise over 3 levels of basement parking associated with the section 4.22 approved Concept DA2020/0310.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented in Schedule 1.

Application to vary a development standard:

The panel notes the applicant's contention that a Clause 4.6 variation request is not strictly required for this staged application associated with a Concept Consent, but has nonetheless submitted a request for due caution. Following consideration of the written request from the applicant, made under cl 4.6 (3) of the Cumberland Local Environmental Plan 2021 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (Height of Building) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

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 uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report which are summarised below:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP Planning Systems 2021, SEPP Industry and Employment 2021, SEPP Resilience and Hazards 2021, SEPP Transport and Infrastructure 2021, SEPP Biodiversity and Conservation 2021, SEPP Sustainable Buildings 2022, Cumberland Local Environmental Plan 2021 and Cumberland DCP and is considered to be satisfactory subject to conditions.

The proposed development is appropriately located within the E3 Productivity Support under the relevant provisions of the Cumberland LEP. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of Council's report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties. For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.





This DA is the 2nd Staged DA for this site, and the panel is satisfied that the application is consistent with the Concept Consent.

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 no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 David Ryan (Chair)	 Natasha Harras
 Steve Murray	 Glenn Elmore

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-590 – Cumberland - DA2024/0200
2	PROPOSED DEVELOPMENT	Stage 2 - Demolition of existing structures including removal of trees and construction of a seven storey mixed use development comprising specialised retail, office, childcare, food and drink premise over 3 levels of basement parking associated with the section 4.22 approved Concept DA2020/0310.
3	STREET ADDRESS	54-68 Hampstead Road AUBURN Lots 11-17 in DP 2867 and Lots D & E in DP 26290
4	APPLICANT/OWNER	Applicant: Pacific Planning Pty Limited Owner: Raad Property Acquisition No 65 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 (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 Cumberland Local Infrastructure Contributions Plan 2020 Cumberland Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Cumberland Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 31 March 2025 Clause 4.6 variation request: Height of Building Written submissions during public exhibition: 0
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report