

# MINUTES OF THE SYDNEY WEST REGIONAL PANEL MEETING HELD AT AUBURN CITY COUNCIL ON THURSDAY 21 OCTOBER 2010 AT 5:00 PM

## PANEL PRESENT:

Janet Thomson	Chairperson
Bruce McDonald	Panel Member
Stuart McDonald	Panel Member
Hicham Zraika	Panel Member
Ned Attie	Panel Member

<b>Apology</b>	Paul Mitchell	Panel Member
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## COUNCIL STAFF IN ATTENDANCE

Mark Brisby	Director Planning Environment
Glenn Francis	Development Assessment Manager
Steven Griffiths	Senior Town Planner
Cirila Cajigal	Minute Taker

## Crown Representatives Present

Doug Sneedan	Consultant
Tracey Johnson	Consultant
Grant Greene-Smith	Energy Australia

1. The meeting commenced at 5:15pm
2. **Declarations of Interest** – None
3. **Business Items**

### **ITEM 1 - JRPP 2010SYW018 – Auburn Council DA No. 64/2010 - Crown Carter Street, 13 Cater Street, Lidcombe**

#### **3.1 Amended Plan**

Crown (Energy Australia) requested that the Panel consider an amended plan they submitted to Council two days before the meeting.

Panel declined Crown (Energy Australia) request. The Panel cannot make a recommendation on a plan that it has not seen. The plan has to be assessed by the Council. It is up to the applicant to continue negotiations with Council on their proposed changes which were not covered in the original plan.

Panel advised Crown (Energy Australia) that if they do not wish the Panel to consider their Plan, their application has to go to the Minister of Planning.

Panel advised that, at this meeting, it will determine the original plan.

Agreement was reached that changes in the new plan will be considered by Council by way of a Section 96 application by applicant.

### **3.2 Approved Conditions**

The following Council Conditions, objected to by Crown, were supported by the Panel:

4, 29, 61, 83, 84, 89, 93 and 96

Condition 1 relating to an amended plan provided to Council by Crown, being illegible was objected to by Council. Crown agreed to provide A1 size drawing for the meeting.

Council stated it will issue to Crown conditions that will be approved by the panel. Further minor modifications can be dealt with by s96.

Crown (Energy Australia) stated that if it were to accept the conditions as they currently are, variations will be sought by s96 and will engage into discussions with Council about four or five issues separately.

Crown (Energy Australia) agreed to s96 process.

### **3.3 s94 Calculation Methodology**

Crown disputed the s94 method of calculation by Council. It believes it to be incorrect and refuses to pay costs until Council is able to show that calculations are correct.

Council advised that the nexus and methodology is in the Section 94 Contributions Plan that has been endorsed by Council and is operational. Should there be any confusion as to the mechanics of the Section 94 Contributions Plan Council could arrange for the Section 94 planner to go through it with Energy Australia.

Panel clarified that footpath and additional works proposed by Energy Australia are not identified in the Section 94 Contributions Plan and would not be considered as works in kind. Panel advised that it was usual practice for developments to provide footpath and additional works to facilitate a development.

Council advised that if Crown didn't agree with the contribution amount then the development would be required to be referred to the Crown mediation unit of the Department of Planning.

Crown agreed to pay Section 94 contribution provided they could lodge a minor amendment to deal with some issues identified in the draft conditions.

Panel advised that the development application would be recommended for approval subject to condition changes that will be noted and that the Crown was encouraged to lodge a modification with the Council for their consideration on the minor issues.

## **4. Public Submissions - None**

## 5. Business Item Recommendations

**JRPP 2010SYW018 – Auburn Council DA No. 64/2010 - Crown Carter Street, 13 Cater Street, Lidcombe**

### Recommendations with the conditions to be changed and how

Condition No.	Recommended Changes
1	Condition unchanged. Submission of new plan to form part of a Section 96
4	Condition unchanged. Crown acceptance subject to amended
29	Condition unchanged
32	To be removed
35	To be amended to state: “Despite the above the use of a specialist service vehicle, having dimensions <b>in the order</b> of 23 metre (length) by up to 4.35 metres (width), is permitted for up to 120 times per year subject to obtaining the relevant further approvals for each movement from the NSW Roads and Traffic Authority and providing Council with <b>prior notice</b> .”
56	To be removed
58	To be removed
60	To be re-written to say: “Prior to commencement of any excavation work on Council roads or footpaths, the applicant shall pay for all restoration costs. The area of <b>restoration is limited to the immediate areas where works are undertaken</b> and shall be determined on site between the applicant or its contractor and Council's Contracts and Maintenance Engineer.”
61	Condition unchanged. Submission of gate details to form part of a Section 96.
63	The condition will be re-worded to read: “New pedestrian footpaths in accordance with Council's standards and specifications (to be obtained) are to be provided for the entirety of the Uhrig Road frontages of the subject site. All associated costs are to be borne by the applicant.”
70	To be removed
78	To be removed
83	Condition unchanged. Submission of amended hours to form part of a Section 96
84	Condition unchanged. Submission of amended signage to form

	part of a Section 96
89	Condition unchanged. Submission of amended storage details to form part of a Section 96
93	Condition unchanged. Submission of amended storage details to form part of a Section 96
96	Condition unchanged. Submission of amended fencing details to form part of a Section 96
99	To be deleted

**Moved**, by Bruce McDonald that conditions as detailed be approved by panel and that applicant submit s96 application addressing conditions unresolved with Council.

Motion seconded by Stuart McDonald

**MOTION CARRIED**

The meeting concluded at 5:40pm

Endorsed by

Janet Thomson  
Chair, Sydney West Region Planning Panel  
03 November 2010