

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

for decision under the *Environmental Planning and Assessment Act 1979 (NSW)*

The Sydney West Joint Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979 (NSW)*(the Act) to:

Grant consent to the development application subject to conditions

Demolition of existing dwellings and construction of 7 storey residential flat building comprising 94 units with 3 levels of basement parking for 114 vehicles including landscaping & civil works. 32-40 Kerr Parade, Auburn (Pt Lot 19 DP 3854, Pt Lot 19 DP 3854, Lot 1 DP 505016, Lot 2 DP 505016, Lot 14 DP 56637)

Council Reference: DA-406/2013 - JRPP Reference: (2014SYW019)

Applicant: Zhinar Architects

The proposed development is classified as regional development as it has a Capital Investment Value of more than \$20 million.

A. Background

1. JRPP meeting

Sydney West Joint Planning Panel meeting was held on 24 April 2014 at Auburn Council, 10.30am.

Panel Members present:

Mary-Lynne Taylor – Chair
Paul Mitchell
Bruce McDonald
Mayor Hicham Zraika
Councillor Ned Attie

Council staff in attendance:

Karl Okorn
Michael Lawani

Apologies: None

Declarations of Interest: None

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Auburn Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

A **briefing meeting** was held with council on 30 January 2014.

A **site visit** was undertaken by all members of the panel on 24 April 2014.

A **final briefing meeting** was held with council on 24 April 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

s79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- ***State Environmental Planning Policy No.55 – Remediation of Land***
- ***State Environmental Planning Policy (BASIX)***
- ***State Environmental Planning Policy Number 65 - Design Quality of Residential Flat Development***
- ***Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***
- ***Auburn Local Environmental Plan 2010***

(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Not applicable

(iii) any relevant development control plan

- ***Auburn Development Control Plan 2010 Local Centres (DCP)***

- ***Auburn DCP 2010 Residential Flat Buildings***
- ***Parking, Access & Mobility, Stormwater Drainage and Waste DCP***
- ***Section 94 Contributions Plan***

The Panel was provided with two submissions made in accordance with the Act or the regulations, both objected to the proposal. In making the decision, the Panel considered the submissions.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received on 11 April 2014.
2. Applicant's Statement of Environmental Effects, and Site architectural plans.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 24 April 2014:

1. There were no submissions for or against at the meeting.

The Panel has carefully considered the material referred to in Section B.

C. Findings on material questions of fact

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B.

(b) Development control plan. The Panel has considered the Auburn Development Control Plan 2010 referred to in Section B above.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the **natural** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **natural** environment on page 123 of Council's Assessment Report.

(d) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the **built** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **built** environment on page 123 of Council's Assessment Report.

(e) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development on page 123 of Council's Assessment Report.

(f) Suitability of site. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(g) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 [As this was a Councillor owned site the assessment was carried out by an independent consultant planner].

The proposal is permissible with consent in the B4 zoning. The Residential Flat Building has been designed to incorporate active ground floor usage in the future in accordance with Council's stated intentions. The building has been designed to meet the RFDC requirements for residential flat living. The site is suitable for such a development and sufficiently compliant with residential controls and will provide appropriate amenity for incoming residents.

It is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the development is approved subject to the Council's proposed conditions of consent.

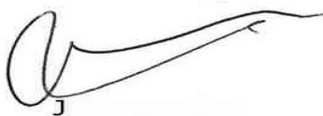


JRPP member (chair)
Mary-Lynne Taylor



JRPP member
Paul Mitchell

JRPP member
Bruce McDonald



JRPP member
Hicham Zarika



JRPP member
Ned Attie