

SYDNEY WESTJOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

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

The Sydney West Joint Regional Planning Panel (JRPP) provides the following Statement of Reasons for its decision under section 96(2) of the Environmental Planning and Assessment Act 1979 (EPA&Act) to modify a development consent subject to conditions in response to an application made Zhinar Architects Pty Ltd.

JRPP Ref: 2014SYW031 – Council Ref: DA16/2013

A. Background

JRPP meeting

Sydney West Joint Regional Planning Panel was held on 24 April 2014 at the Auburn Council at 4.30pm.

Panel Members present:

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

Council staff in attendance:

Karl Okorn
Michael Lawani

Apologies:

There were none

Declarations of Interest:

None made.

JRPP as consent authority

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

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 EPA Act).

The relevant environmental planning instrument in this application is the State Environment Planning Policy (State and Regional Development) 2011(SEPP). The following provisions of the SEPP are presently relevant:

- Part 4, clause 21 b) council consent functions exercised by regional panels.

Procedural background

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:

Environmental Planning and Assessment Act 1979

s.79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- ***State Environmental Planning Policy Number 65 - Design Quality of Residential Flat Building***
- ***State Environmental Planning Policy No. 55 – Remediation of Land***
- ***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

- ***Development Control Plan 2010 Local Centres (DCP)***
- ***Development Control Plan 2010 Residential Flat Buildings***
- ***Section 94 Plan***

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

1. The modification application dated 11 February 2014.
2. Council's Assessment Report on the modification application received 11 April 2014.
3. Statement of Environmental Effects prepared by Planning Ingenuity Pty Ltd.

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

1. Submissions addressing the Panel against the modification application:

- Xias Wen Gu

The objector sought the payment of compensation for loss of sunlight and the Council report assessed there was no loss of sunlight from the application.

2. Submissions addressing the Panel in favour the modification application:

- The architect and the applicant attended and offered to answer any questions from the panel and expressed their agreement with the conditions of consent.

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

C. Findings on material questions of fact

(a) Satisfaction as to substantially the same development. The Panel is satisfied that the development to which the consent as modified would relate is substantially the same development as the development for which consent was originally granted.

(b) 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.

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

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

(d) 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 of Council's Assessment Report.

(e) 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 of Council's Assessment Report.

(f) 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 of Council's Assessment Report.

(g) 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.

(h) 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

In light of the Panel's findings in Section C, the Panel grants consent to the development application, subject to the conditions recommended by Council in its Assessment Report.

The panel notes the section 96 (2) application is substantially the same development as previously approved.

The objection submitted by the adjoining owner, for unsatisfactory sun loss, was not substantiated.

The reconfiguration of the basement will provide improved parking and manoeuvring, reduction of the height of the ground floor improves the overall height of the building by reducing it, and the manner of provision of landscape area remains satisfactory and access to the basement car parking is improved.



JRPP member (chair)
Mary-Lynne Taylor



JRPP member
Paul Mitchell



JRPP member
Bruce McDonald



JRPP member
Hicham Zarika



JRPP member
Ned Attie