

## **SYDNEY WEST JOINT 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 Mr T Khattar.

JRPP Ref: 2014SYW070 – Council Ref: DA287/2011/A

#### **A. Background**

##### ***JRPP meeting***

Sydney West Joint Regional Planning Panel was held on 17 July 2014 at the Auburn Council at 5.00pm.

##### **Panel Members present:**

Paul Mitchell  
Bruce McDonald  
Kara Krason  
Hicham Zraika  
Ned Attie

##### **Council staff in attendance:**

Karl Okorn  
Michael Lawani  
Glenn Francis  
Rajan Rajarajan

**Apologies:** Mary-Lynne Taylor

**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 17 July 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***
- ***SREP (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***

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

1. The modification application dated 7 March 2014.
2. Council's Assessment Report with conditions on the modification application received 8 July 2014.

There were no submissions made at the meeting.

The Panel has carefully considered 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 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 amendment development will not generate impacts differing from those of the approved building.



JRPP Member (Acting Chair)  
Paul Mitchell



JRPP Member  
Kara Krason



JRPP Member  
Bruce McDonald



JRPP Member  
Hicham Zarika



JRPP Member  
Ned Attie