

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Cumberland Council** (Former Auburn City Council Chambers) on  
**Thursday 21 July 2016 at 5.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, Brian McDonald and Gary Shiels

**Apologies:** Nil

**Declarations of Interest:** Nil

### Determination and Statement of Reasons

2016SYW125 – Cumberland Council – DA189/2015, Section 96(2) application for various modifications including internal reconfiguration of floor plan, increase in finished floor levels of Levels 1 & 2, increase in size and height of roof plant, window relocation and changes to building facade & awning, Lot C DP 374304, Lot B DP 374304, Lot 13 DP 16298, Lot 12 DP 16298, Lot A DP 374304, Lot 11 DP 16298, Lot 10 DP 16298, 9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, Auburn

**Date of determination:** 21 July 2016

#### **Decision:**



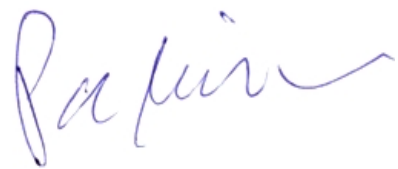


The Panel determined, by majority of 4:1 (M Taylor, Bruce McDonald, G Sheils and Brian McDonald, P Mitchell dissenting) to defer the development application as described in Schedule 1 pursuant to section 80 of the Environmental Planning and Assessment Act 1979. The Panel is uncertain of legality of the Council's position on Section 94 Contribution and will seek legal advice from the Department of Planning & Environment. Upon receiving legal advice the Panel will further consider this application by electronic determination.

Mr Mitchell dissented from the deferral of this application and believes that there has been sufficient evidence provided to justify Section 94 Contribution been waived. Mr Mitchell believes the application merits approval.

#### **Panel consideration:**

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 the matters presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **Panel members:**

 <b>Mary-Lynne Taylor</b>	 <b>Bruce McDonald</b>	 <b>Paul Mitchell</b>
 <b>Gary Shiels</b>	 <b>Brian McDonald</b>	

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## SCHEDULE 1

1	<b>JRPP Reference – 2016SYW125, LGA – Cumberland Council, DA189/2015</b>
2	<b>Proposed development:</b> Section 96(2) application for various modifications including internal reconfiguration of floor plan, increase in finished floor levels of Levels 1 & 2, increase in size and height of roof plant, window relocation and changes to building facade & awning.
3	<b>Street address:</b> Lot C DP 374304, Lot B DP 374304, Lot 13 DP 16298, Lot 12 DP 16298, Lot A DP 374304, Lot 11 DP 16298, Lot 10 DP 16298, 9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, Auburn
4	<b>Applicant/Owner:</b> NSW Auburn Turkish Islamic Cultural Centre Inc
5	<b>Type of Regional development:</b> CIV over \$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy 55 – Remediation of Land</li> <li>○ SEPP (Housing for Seniors or People with a Disability) 2004</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ SREP (Sydney Harbour Catchment) 2005</li> <li>○ Auburn Local Environmental Plan 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Auburn Development Control Plan 2010</li> <li>○ Auburn Development Contributions Plan 2007</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report with recommended conditions. <b>Verbal submissions at the public meeting:</b> <ul style="list-style-type: none"> <li>• Richard Smart</li> <li>• Abraham Hammoud</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> 21 July 2016 – Site Inspection and Final briefing meeting.
9	<b>Council recommendation:</b> Approval
10	<b>Conditions:</b> Attached to council assessment report