

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Electronic Meeting – Tuesday 26 July 2016

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, 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: 26 July 2016

Decision:

The Panel unanimously approve the development application as described in Schedule 1 pursuant to section 80 of the Environmental Planning and Assessment Act 1979.

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.

Reasons for Panel Decision:

1. The Panel considers the proposal as modified is substantially the same development as the development for which consent was original granted.
2. The proposal as modified continues to adequately satisfy the relevant State and local planning instruments.
3. The proposal as modified will have no significant additional impacts on the natural or built environment than that originally approved.
4. In consideration of conclusions 1-3 above the Panel considers the amended proposal remains a suitable use of the site and approval of the proposal is in the public interest.

Conditions: The development application is approved subject to the conditions in the council assessment report of JRPP meeting on 21 July 2016.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 Gary Shiels	 Brian McDonald	

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SCHEDULE 1

1	JRPP Reference – 2016SYW125, LGA – Cumberland Council, DA189/2015
2	Proposed development: 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	Street address: 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	Applicant/Owner: NSW Auburn Turkish Islamic Cultural Centre Inc
5	Type of Regional development: CIV over \$20 million S96(2)
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy 55 – Remediation of Land ○ SEPP (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SREP (Sydney Harbour Catchment) 2005 ○ Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Control Plan 2010 ○ Auburn Development Contributions Plan 2007 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	<p>Material considered by the panel: Original Council assessment report with recommended conditions.</p> <p>At the meeting on 21 July 2016, 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.</p> <p>Mr Mitchell dissented from the deferral of this application and believes that there has been sufficient evidence provided to justify the waiving of the S94 contribution. Mr Mitchell believes the application merits approval.</p> <p>On the same day 21 July 2016, the application for the S96 application DA-189/2015/b which was considered by the Panel, the applicant has withdrawn the S94 component of the modification proposal. Cumberland Council has advised they would support the electronic determination of this matter, noting that the application was recommended for approval (excluding S94) and was not subject to any public submissions or objections.</p>
8	<p>Meetings and site inspections by the panel: 21 July 2016 – Site Inspection and Final briefing meeting.</p>

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9	Council recommendation: Approval
10	Conditions: Attached to council assessment report