

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Blacktown City Council** on **Wednesday 17 June 2015 at 1.00 pm**

Panel Members: Bruce McDonald (Acting Chair), Bruce Clarke and John Colvin

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW003 – Blacktown City Council, DA 14-2593, Construction of a 24 storey building to include 2 levels of commercial space with residential apartments on top. Basement car parking is also proposed, 28 Second Avenue, Blacktown.

Date of determination: 17 June 2015

Decision:

The panel determined to 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, the material listed at item 7 and the material presented at meetings (including the applicant's legal advice) and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 - Height of Buildings Blacktown LEP (CBD) 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed building is consistent with the height and scale of buildings approved and planned for the locality, the additional height and scale of buildings approved and planned for the locality, the additional height will contribute negligible loss of solar access to nearby buildings and the development remains consistent with the objectives of the standard and the applicable B4 Mixed Use Zone.
2. The Panel has considered the Applicant's request vary the development standard contained in Clause 4.4 - Floor Space Ratio Blacktown LEP (CBD) 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the additional floor space will not result in a building that is inconsistent with the scale of buildings approved and planned for this central urban locality and the development remains consistent with the objectives of the standard and the applicable B4 Mixed Use Zone.
3. The proposed facility will add to the supply and choice of housing within the Central West Metropolitan Subregion and the City of Blacktown in a location planned for this purpose with access to metropolitan transport services including Blacktown Railway Station and access to the amenities and services offered by Blacktown CBD.
4. The proposed facility will provide additional commercial services to the northern element of Blacktown Central Business District.
5. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 Design Quality of Residential Flat Development and associated Residential Flat Design Code, SEPP (Infrastructure) 2007, SEPP 55 Remediation of Land.
6. The proposal adequately satisfies the objectives and provisions of Blacktown LEP (Central Business District) 2012, is consistent with the soon to be adopted Draft Blacktown LEP 2013 and adequately satisfies the provisions of Blacktown DCP 2006.
7. The proposal is consistent with the character of anticipated mixed use development in the locality.
8. The proposed development will have no significant adverse impacts on the natural or built environments.
9. In consideration of conclusions 1-8 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

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Decision: The development application was approved subject to the conditions in the Council Assessment Report and a further condition relating to treatment of the podium façade to prevent headlight spill, exhaust fuel and noise to prevent impacting on the amenity of adjacent residential premises when constructed.

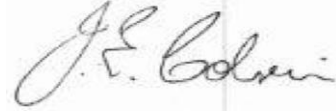
Panel members:



Bruce McDonald



Bruce Clarke



John Colvin

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SCHEDULE 1

1	JRPP Reference – 2015SYW003, LGA – Blacktown City Council, DA 14-2593
2	Proposed development: Construction of a 24 storey building to include 2 levels of commercial space with residential apartments on top. Basement car parking is also proposed.
3	Street address: 28 Second Avenue, Blacktown.
4	Applicant/Owner: Applicant – RCBS Landco Pty Ltd
5	Type of Regional development: The development application has a capital investment value of greater than \$20 million.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Blacktown Environmental Plan (Central Business District) 2012 ○ Draft SEPP 65 – Amendment No. 3 ○ Draft Blacktown Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown Development Control Plan 2006 • 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.
7	Material considered by the panel: Council assessment report with draft conditions of consent, Applicant's clause 4.6 variations, Photomontage of development, Development applications plans, Assessment of compliance with SEPP 65 design principles, Assessment of compliance with Residential Flat Design Code, Assessment of compliance with Blacktown Local Environmental Plan (Central Business District) 2012, Assessment of compliance with Blacktown Development Control Plan, Shadow Diagrams and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Krishnan Pechimuthoo • Jeff Meade • Tony Owen
8	Meetings and site inspections by the panel: 17 June 2015 - - Site Inspection & Final Briefing meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report