

DATE OF DETERMINATION	Monday, 3 April 2017
PANEL MEMBERS	Paul Mitchell (Chair), Stuart McDonald, John Griffin and Chris Quilkey
APOLOGIES	Edward Blakely, Mary-Lynne Taylor and Kathie Collins OAM
DECLARATIONS OF INTEREST	None

Electronic meeting held between 24 March 2017 and 3 April 2017.

MATTER DETERMINED

2015SYW217 – Blacktown City Council – JRPP-15-2533 AT 16 Second Ave, Blacktown (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6 and the material listed at item 7 in Schedule 1.

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*. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development is permissible on the site and is consistent with the objectives of the zone to integrate suitable business, office, residential, retail and other development in accessible locations close to public transport.
2. The proposed development is generally compliant with the relevant standards and instruments, including the Section 79C requirements, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Blacktown Local Environmental Plan 2015 (BLEP 2015) (with the exception of building height and floor space ratio) and Blacktown Development Control Plan 2015.
3. The proposed development is consistent with the overarching priorities outlined in the Draft West Central District Plan.
4. The proposed development is consistent with the objectives of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and satisfactorily achieves the 9 design quality principles listed under Schedule 1 to SEPP 65. It also satisfies the requirements of the Apartment Design Guide except for building separation, and this variation is acceptable as it is consistent with other approved buildings in the area.
5. The Panel has considered the applicant's Clause 4.6 variation request. The Panel notes that the height variation is mainly to accommodate the lift over run and the floor space ratio variation does not produce an unacceptable bulk and scale due to set backs and variation to the street scape. The variations are in keeping in with other existing or approved development in the area and are appropriate on this corner lot site. The Panel therefore considers that compliance with the standard would be unreasonable and unnecessary in this case. The Panel has considered the applicant's Clause 4.6 variation request, and considers that it is well written, demonstrates sufficient environmental planning grounds for the variation and satisfies the requirements of Clause 4.6 of BLEP 2015.
6. With the proposed conditions of consent imposed, the proposed development will not have any unacceptable impacts, including traffic, wind, acoustic, privacy, stormwater and site contamination impacts.

7. The development is in the public interest as it provides availability and diversity of housing in close proximity to Blacktown Railway Station, Blacktown shopping centre and public open space.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- In clause 2.1.1 replace "relates to" with "is to be carried out in accordance with".
- In clause 3.9 and 8.11, add: "(aggressive soils are defined as soils that have the potential to damage foundations.)"

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stuart McDonald
 John Griffin	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW217 – Blacktown City Council – JRPP-15-2533
2	PROPOSED DEVELOPMENT	Shop top housing
3	STREET ADDRESS	16 Second Ave, Blacktown
4	APPLICANT OWNER	R and K Wilson R and K Wilson
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015 • Clause 4.6 variation request by applicant • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 23 March 2017
8	MEETINGS BY THE PANEL	• Electronic discussion between 24 March 2017 and 3 April 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report