

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	29 August 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell (OAM), Mark Grayson, Cr Chris Quilkey and Kathie Collins (OAM)
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Bowman Hall, Blacktown City on 29 August 2018, opened at 1.00pm closed at 2.10pm.

MATTER DETERMINED

2016SWC007 – Blacktown – DA-16-04459, 26 Second Avenue, Blacktown (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

1. The Panel upholds the variation to the height of buildings development standard in clause 4.3 of the Blacktown Local Environmental Plan 2015 using clause 4.6 for the following reasons:
 - The written request is well founded;
 - Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the height breach;
 - The breach will enable access to rooftop communal open space, thus providing sufficient environmental planning grounds to justify the variation. The breach will enable development that is consistent with relevant zone objectives and this is in the public interest.
 - The Panel considers that the request is satisfactory and supports the variation.


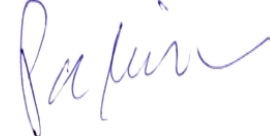



The Panel approves the application for the reasons listed below and subject to the updated conditions of consent at attachment 3 of the Council's planning report:

2. The proposal will not unreasonably compromise the development potential of adjoining sites, including the Department of Housing site to the east.

3. The proposal will add to the stock and range of housing available in the area and in so doing will contribute to improved housing affordably.
4. The site is centrally located, has all necessary services and facilities and is appropriately zoned. As such, the site is suitable for the proposed development.
5. The requested clause 4.6 variation is satisfactory.
6. In consideration of reasons 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in council assessment report.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell OAM
 Mark Grayson	 Kathie Collins OAM
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SWC007 – Blacktown – DA-16-04459
2	PROPOSED DEVELOPMENT	Construction of a 22 storey mixed use development comprising retail and commercial space, 90 residential units, 103 car parking spaces within 5 basement levels, drainage works and associated landscaping.
3	STREET ADDRESS	26 Second Avenue, Blacktown
4	APPLICANT/OWNER	Applicant – Merhis Blacktown Pty Ltd Owner – Better Buildings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan No. 20 Hawkesbury

		<p>Nepean River</p> <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 (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ Blacktown LEP 2015 ○ Central City District Plan 2018 ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ○ Blacktown Development Control Plan 2015 ● Planning agreements: Nil ● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil ● Coastal zone management plan: Nil ● 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	<ul style="list-style-type: none"> ● Council assessment report: August 2018 ● Written submissions during public exhibition: 1 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Dale Swan, Ben Haynes and Frank Sator.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection, Final Briefing and Public Meeting – 24 May 2018 ● Final briefing to discuss council’s recommendation, 29 August 2018 – 12.00pm to 12.30pm. ● Attendees: <u>Panel members:</u> Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Mark Grayson, Cr Chris Quilkey and Kathie Collins

		<u>Council assessment staff:</u> Judith Portelli and Holly Palmer
9	COUNCIL RECOMMENDATION	Deferred commencement consent
10	DRAFT CONDITIONS	Attached to Council Assessment Report