

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	6 April 2017
PANEL MEMBERS	Paul Mitchell (Chair), Stuart McDonald, Lindsay Fletcher, Chris Quilkey and Kathie Collins
APOLOGIES	Edward Blakely and Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Electronic meeting held between 28 March 2017 and 6 April 2017.

MATTER DETERMINED

2016SYW030 – Blacktown – JRPP-15-02703 AT 103 Schofields Road Rouse Hill (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 matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve (deferred commencement) the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was 4:1 in favour, against the decision was Lindsay Fletcher.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development is permissible under the R3 and SP2 zonings and satisfies the zone objectives of the Growth Centres SEPP.
2. The proposed development substantially complies with all statutory and planning instrument requirements and development standards and to the extent that it does not, the variations are acceptable. It addresses the main requirements of the Growth Centres Precincts DCP 2010 and is satisfactory with respect to siting and design, bulk and scale, privacy, amenity, overshadowing, access, traffic impacts, parking, stormwater drainage and site contamination. It is also consistent with the overarching priorities of the Draft West Central District Plan and the objectives of SEPP 65 (including the 9 design quality principles listed under Schedule 1 to the SEPP).
3. The Panel has considered the applicant's request to vary the development standard contained in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 relating to height of buildings and is satisfied that the request is well-written, demonstrates sufficient planning grounds for the variation and has adequately addressed the matters required to be demonstrated. The Panel considers compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation results in a better building design and planning outcome, will not result in development inconsistent with this locality and the development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.
4. Notification and referral requirements were complied with and no objections requiring consideration were received.
5. The proposed development complies with section 79C of the *Environmental Planning and Assessment Act 1979*. It is in the public interest as it provides quality housing stock and a range of housing diversity within the Area 20 Precinct Plan close to public transport and shopping centre facilities.

Lindsay Fletcher agreed with points 1 and 4 above, but disagreed with the majority decision and voted to defer the application to request a better founded Clause 4.6 variation request, for the following reason:






Mr Fletcher was not satisfied that the Clause 4.6 variation request demonstrated that there were sufficient environmental planning grounds particular to the site and proposed development to justify contravening the development standard. Mr Fletcher inspected the site and is of the opinion that the site is a greenfield site, little or no different to similarly zoned land on each side of the subject property. Mr Fletcher is of the opinion that the environmental benefits of the proposal outlined in the applicant's submission are not particular to this site or this development and indeed would apply to any such development on any land in this R3 zone.

For this reason, Mr Fletcher was not satisfied that the applicant's submission has adequately discharged their obligation to demonstrate that there are sufficient environmental planning grounds to justify this contravention.

In the absence of that justification, the consent authority cannot grant consent.

CONDITIONS

The development application was approved (deferred commencement) subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Lindsay Fletcher
 Stuart McDonald	 Chris Quilkey
 Kathie Collins	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW030 – Blacktown – JRPP-15-02703
2	PROPOSED DEVELOPMENT	Demolition, tree removal, road construction, temporary access superlot subdivision and construction of 6 x residential flat buildings
3	STREET ADDRESS	Lot 8 DP 1190434 103 Schofields Road, Rouse Hill
4	APPLICANT	Chosen Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million

6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • 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 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Blacktown City Council Growth Centre Precincts Development Control Plan 2010 • 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	<ul style="list-style-type: none"> • Council assessment report: 27 March 2017
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Electronic discussion between 28 March 2017 and 6 April 2017 • Site inspection by Lindsay Fletcher on 30 March 2017
9	COUNCIL RECOMMENDATION	Approval (deferred commencement)
10	DRAFT CONDITIONS	Attached to the council assessment report