

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 21 December 2016
PANEL MEMBERS	Ed Blakely (Chair), Paul Mitchell and Chris Quilkey
APOLOGIES	Mary-Lynne Taylor and Leo Kelly
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on Wednesday, 21 December 2016, opened at 5:45 pm and closed at 7:00 pm.

MATTER DETERMINED

2016SYW034 – Blacktown – DA-15-2411 AT Lot 102 DP 801310 Aldgate Street Prospect (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 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

REASONS FOR THE DECISION




The Panel thanked the submitters for their time. The reasons for the decision of the Panel were:

1. The Panel notes that the proposal is located on land owned by Blacktown City Council but that it has been assessed by independent planning and traffic consultants. The Panel is satisfied with the scope and rigour of the planning assessment report.
2. The proposal will add to the availability and choice of housing in the Prospect area, and provide shops to meet residents' daily needs. It will therefore be of social benefit.
3. The development site is zoned B1 Neighbourhood Centre and the proposal is permissible in the zone. It complies with applicable state and local planning instruments, and generally complies with the ADG and BDCP 2015. As such, the proposal is considered to be suitable development for the site and will not cause material adverse impacts to the natural or built environments.
4. The Panel notes that Blacktown City Council is investigating traffic flow conditions along Blacktown Road to understand opportunities for improvements, changes or mitigations. However, the Panel understands that the independent, expert advice was based on AM and PM peak period observations, and found that this development will not exacerbate the existing conditions, with the roadworks proposed.
5. The Panel notes the site is contaminated but that it can be remediated and made suitable for the proposed use. The Panel is therefore satisfied that the requirements of SEPP 55 have been met.

6. For the reasons given above (1-5) the proposal will be in the public interest.
7. The Panel endorsed an amended set of conditions that had been agreed to by both Council and the applicant, with the exception of the change to Condition 4.1.1a requested by the applicant, which the Panel does not support. The Panel's reasoning was that the amendments resulted in a better planning outcome.

CONDITIONS

The development application was approved subject to the conditions attached to the Supplementary Council Assessment Memorandum

PANEL MEMBERS	
 Ed Blakely (Chair)	 Paul Mitchell
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW034 – Blacktown – DA-15-2411
2	PROPOSED DEVELOPMENT	Construction of a part 3 and part 4 storey shop top housing development containing commercial space, 37 apartments, basement car parking and strata subdivision.
3	STREET ADDRESS	Lot 102 DP 801310 Aldgate Street Prospect
4	APPLICANT/OWNER	M Abichaawani
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 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 Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015 • 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 dated 16 November 2016 • Written submissions during public exhibition: 38 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Joanne Crosthwaite and Warren Whyte ○ On behalf of the applicant – Alfred Jury • Supplementary Council Assessment Report dated 13 December 2016
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting on 21 December 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report