

DATE OF DETERMINATION	Thursday 17 August 2017
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Stuart McDonald, Chris Quilkey, Kathie Collins
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council, 62 Flushcombe Road, Prospect on 17 August 2017, opened at 12:45 pm and closed at 1:00 pm.

MATTER DETERMINED

2016SYW170 – Blacktown - JRPP-16-03328 at Fulton Road, Marsden Park (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 decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:





- The proposal will provide a food and beverage facility within the growing Sydney Business Park, serving the current and future working population as well as the existing and growing resident population of the area.
- The Panel has carefully considered the comments of the NSW Police and the independent Social Impact Assessment and determined that subject to the imposition of the Conditions of Consent, including reviewing performance based conditions for effective management of security, safety, noise and patron behaviour, the proposal is an acceptable development in the location.
- The proposal is consistent with the SEPP (Sydney Growth Centres) 2006 as well as other relevant SEPPs, Blacktown City Council Growth Centre Precincts DCP 2010, and the priorities in the Draft West Central District Plan.
- Taking into account the conclusions outlined above, the Panel is of the opinion that approval of the application is in the public interest.

CONDITIONS

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

- **Modify 13.13.1.G** - A security management plan incorporating security management measures to ensure the safe operations of the premises, including provision of security guards.

- **Additional Condition 13.13.1.K** - Maintenance of a complaints register on site recording all complaints received.
- **Additional Condition 14.2.7.B** - During the 12-month trial period acoustic monitoring is to be undertaken during peak times including Friday and Saturday nights and when the function rooms are being used. The testing is to be done at least quarterly, with the final results of the monitoring to accompany any Section 96 modification application.
- **14.7.1** - change 'met' to 'installed'
- **Modify 14.7.5** – No entertainment or amplified music is to be provided within the outdoor seating area or mezzanine balconies from 10:00 pm on any night, excluding the Southern outdoor seating area which will be allowed to have amplified sound in accordance with the requirements of the acoustic reports for a trial period of 12 months. Any intents to extend this period will require a Section 96 application to be lodged three (3) months before the conclusion of the 12-month period.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Stuart McDonald
 Kathie Collins	 Chris Quilkey

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYW170 – Blacktown - JRPP-16-03328
2	PROPOSED DEVELOPMENT	Construction of a building for use as a pub and craft brewery
3	STREET ADDRESS	Fulton Road, Marsden
4	APPLICANT/OWNER	FDC Construction and Fitout Pty Ltd (Applicant) Ganian Pty Ltd (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$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 No 55 – Remediation of Land ◦ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ◦ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ◦ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Blacktown City Council Growth Centre Precincts Development Control Plan 2010 • 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: 3 August 2017 • Written submissions during public exhibition: two (2) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ On behalf of the applicant –George Smith, Peter Stait
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 7 June 2017 • Final briefing meeting to discuss council's recommendation, 17 August 2017 from 11:20 am until 12:15 am. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Stuart McDonald, Chris Quilkey, Kathie Collins ◦ <u>Council assessment staff</u>: Clarissa Stepek, Judy Portelli, Melissa Parnis, Trevor Taylor, Carol Ashworth
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report