

DATE OF DETERMINATION	Tuesday, 1 May 2018
PANEL MEMBERS	Paul Mitchell (Chair), Stuart McDonald, Lindsay Fletcher, Chris Quilkey and Kathie Collins
APOLOGIES	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Electronic meeting held between 23 April 2018 and 1 May 2018.

MATTER DETERMINED

2016SYW191 – Blacktown City Council - JRPP-16-03335 AT 33 Hamilton Street, Riverstone (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 uphold the Clause 4.6 variation request and approve the development application as described in Schedule 1 pursuant to section 4.16 (previously 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 Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of the Sydney Region Growth Centres SEPP 2006 and considers that:
 - i. the applicant's submission adequately addresses the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation; and
 - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.
2. A place of worship is permissible under R2 Low Density Residential zone and satisfies the zone objectives outlined under the Sydney Region Growth Centres SEPP 2006.
3. The proposal generally complies with all applicable legislative and planning instrument requirements and to the extent that it does not, the variations are acceptable, in particular, building height.
4. Notification requirements were complied with and there are no objections received.

5. The development has been designed to be compatible with existing and future surrounding residential land uses. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and stormwater management have been satisfactorily addressed, so that the proposed development will not result in unfavourable social, economic or environmental impacts.
6. The proposed development satisfies relevant provisions of section 4.15 (previously section 79C) of the *Environmental Planning and Assessment Act 1979* and will assist in providing facilities and services which will meet the social, community and spiritual needs of the surrounding community and will contribute significantly to the local amenity.
7. In consideration of conclusions 1-7 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 the Council Assessment Report.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW191 – Blacktown City Council - JRPP-16-03335
2	PROPOSED DEVELOPMENT	Place of public worship
3	STREET ADDRESS	33 Hamilton Street, Riverstone
4	APPLICANT/OWNER	Donald Cant Watts Corke (NSW) Pty Ltd Anglican Church Property Trust Diocese of Sydney
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 (Infrastructure) 2007 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River State Environmental Planning Policy No 55 – Remediation of Land Central City District Plan 2018 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2018 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: 16 March 2018 Written submissions during public exhibition: nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Electronic discussion between 23 April 2018 and 1 May 2018 Lindsay Fletcher inspected the site on 27 April 2018 Chris Quilkey inspected the site on 28 April 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report