

DATE OF DETERMINATION	22 February 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on 22 February 2018, opened at 4:00 pm and closed at 4:50 pm.

MATTER DETERMINED

2016SYW217 – Blacktown – DA-16-03716 AT Lot 7 Section J DP 193074, 215 Grange Ave, 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:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 SEPP (Sydney Region Growth Centres) 2006; and
- (b) 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:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of SEPP (Sydney Region Growth Centres) 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 SEPP development standard is in the public interest.






2. Residential flat buildings are permissible under R3 Medium Density Residential zone and satisfy the zone objectives outlined under SEPP (Sydney Region Growth Centres) 2006.
3. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Blacktown local government area in a location with good access to services and amenities.

4. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, SEPP (Sydney Region Growth Centres) 2006, Sydney Regional Environmental Plan No.20 (Hawkesbury – Nepean River) and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
5. 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.
6. The proposed development is consistent with the desired future character of the area.
7. 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.
8. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
9. In consideration of conclusions 1-8 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 with the following amendments:

- The addition of Condition 6.7.1 (d) to read as follows:
Additional 8 large and 16 medium trees are to be planted around the perimeter of each building or in the communal open space areas of Building A & B.
- Condition 13.6.5: delete the word 'regularly'.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW217 – Blacktown – DA-16-03716
2	PROPOSED DEVELOPMENT	Demolition of existing structures, subdivision to create 3 superlots and 1 road lot, construction of new local roads, construction of 3 x four to five storey residential flat buildings with basement car parking and services

3	STREET ADDRESS	Lot 7 Section J DP 193074, 215 Grange Ave, Marsden Park
4	APPLICANT/OWNER	Design Cubicle Pty Ltd (applicant), John and Anna Borg (owners) Hanna (John) Ibrahim (purchaser)
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 (Sydney Region Growth Centres) 2006 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (and Apartment Design Guide) State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River Draft environmental planning instruments: Draft Central City District Plan Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Development Control Plan 2016 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: 29 November 2017 Clause 4.6 variation request Written submissions during public exhibition: one (1) Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – John Ibrahim
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing meeting to discuss council's recommendation, 22 February 2018, 3:10 pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins <u>Council assessment staff</u>: Judith Portelli, Jared Spies, Holly Palmer, Matt Sales
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report