

DATE OF DETERMINATION	20 February 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay, Chris Quilkey and Kathie Collins
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Electronic meeting held between 31 January 2018 and 20 February 2018.

MATTER DETERMINED

2017SWC029 – Blacktown – JRPP-16-04457 at Lots 163 to 166 DP 12443, 55-61 Newton Road, Blacktown (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:

- (a) uphold the applicant’s request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 of Blacktown LEP 2015; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

1. The Panel has considered the Applicant’s request to vary the development standard contained in Clause 4.3 Height of Buildings of Blacktown LEP 2015 and considers that:
 - i. the applicant’s submission adequately addresses the matters required under clause 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 R4 High Density Residential zone and satisfies the zone objectives outlined under Blacktown LEP 2015.

3. The proposed development will add to the supply and choice of housing within the Sydney West Central 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, 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 and is compatible with the surrounding properties.
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

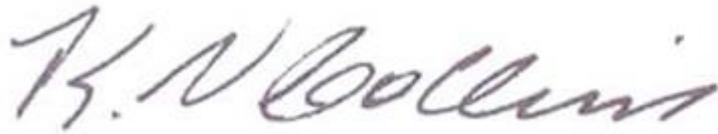
The development application was approved subject to the conditions in the Council Assessment Report with a new condition 6.3.3.

New Condition 6.3.3 to read as follows –

Prior to Construction Certificate (Planning)

- a. 3 significant trees being the Lilly Pilly and two fruit trees, shall be transplanted in accordance with the plan and letter of confirmation prepared by Site Image Landscape Architects and dated 13 February 2018, with such works being carried out or supervised by a suitably qualified arborist and/or landscape architect. The landscape plans shall be modified accordingly to depict both the existing location and new proposed location for the 3 trees.
- b. A tree bond of \$3000 being \$1000 per tree is to be paid to Council. This bond is to ensure that the health and vigour of the Lilly Pilly and two fruit trees to be transplanted, as per the plan and letter prepared by Site Image Landscape Architects, are conserved during and after works on the site and that all measures available to the applicant are undertaken to ensure this occurs. This bond will be released 3 months after issue of the occupation certificate to enable any defects resulting in the death of any trees, due to poor

construction or tree transplanting practices, to become evident and thereby enabling Council to retain the bond or part thereof, and use the bond to embellish any public reserves in the vicinity. The bond will be refunded provided that the relocated trees are in good health with a high probability of survival.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC029 – Blacktown – JRPP-16-04457
2	PROPOSED DEVELOPMENT	Construction of a six storey residential flat building development containing 85 apartments
3	STREET ADDRESS	Lots 163 to 166 DP 12443, 55-61 Newton Road, Blacktown
4	APPLICANT OWNER	Applicant – Bureau of Urban Architecture Owner – JLL Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 65 (Design Quality of Residential Flat 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:

		<p>BASIX) 2004</p> <ul style="list-style-type: none"> • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015 • Section 94 Contributions Plan No 19 Blacktown Growth Precinct • 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 • Written submissions during public exhibition: None
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Electronic meeting between 31 January 2018 and 20 February 2018.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report