

DATE OF DETERMINATION	28 May 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Susan Budd, Kathie Collins and Chris Quilkey
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	Nil

Public meeting held by public teleconference on 28 May 2020, opened at 12:08pm and closed at 1:15pm.

MATTER DETERMINED

2017SWC095 - Blacktown – SPP-17-00013, 172 Tallawong Road, Rouse Hill, Subdivision into 2 superlots and public roads, construction of 2 x 4 storey residential flat buildings and 2 x 3 storey residential flat buildings, containing a total of 82 apartments with basement car parking for 118 cars and associated civil and landscaping works (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, that has demonstrated that:

- a) compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R3 Medium Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was **unanimous**.

REASONS FOR THE DECISION

1. The proposal results in an acceptable scale of development for the site and generally complies with the relevant provisions of the applicable planning controls.
2. The request made under Clause 4.6 of SEPP 2006 Appendix 12 to vary the maximum height of buildings development standard is well founded. Strict compliance with the development standard

is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation to the development standard.

3. The proposed development does not create unreasonable environmental impacts to existing or future potential adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.

CONDITIONS

The development application was approved subject to conditions listed in Council assessment report Attachment 10 with administrative amendments to Condition 3.2.1 and Condition 20.9.1 as below:

3.2.1 Prior to any earthworks Construction Certificate being issued ~~and in the event that there is still water in the dam~~, a dam dewatering plan is required to be submitted and must be approved by Council's Natural Areas team. This plan must be prepared by a suitably qualified and experienced Ecologist. The plan must identify which species are likely to occur within the dam, include a targeted survey for relevant species and how displaced fauna will be managed during the dewatering process.






20.9.1 ~~Should Council provide a waste service to this site,~~ The elected strata manager must sign Council's 'Onsite Waste Collection Agreement Form' (attached) before collections can occur onsite.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern in written submissions included:

- Privacy impacts from the proposed rooftop communal space;
- The proposed breach in building height and excessive residential density.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. There were no speakers other than the Applicant's representative at the public meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Susan Budd
 Chris Quilkey	 Kathie Collins
 David Ryan	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2017SWC095 - Blacktown – SPP-17-00013
2	PROPOSED DEVELOPMENT	Subdivision into 2 superlots and public roads, construction of 2 x 4 storey residential flat buildings and 2 x 3 storey residential flat buildings, containing a total of 82 apartments with basement car parking for 118 cars and associated civil and landscaping works
3	STREET ADDRESS	172 Tallawong Road, Rouse Hill
4	APPLICANT/OWNER	Applicant – North Western Group Pty Ltd Owner – A L Galea
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
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 (BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepan River ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ○ Blacktown Local Strategic Planning Statement 2020 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Council Growth Centre Precincts Development Control Plan 2018 ○ Central District Plan 2018 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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: 6 May 2020 • Draft conditions – recommended changes to conditions of consent after submission to Panel – 27 May 2020 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Bertha Gunawan and Judith Portelli ○ On behalf of the applicant – Nirmal Patel
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. Cllr Quilkey undertook his site inspection on 26 May 2020. • Final briefing to discuss council’s recommendation, 28 May 2020, 10.30am (teleconference) Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Susan Budd, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Bertha Gunawan and Judith Portelli
9	COUNCIL RECOMMENDATION	Approval subject to conditions listed in attachment 10.
10	DRAFT CONDITIONS	Attachment 10