

DATE OF DETERMINATION	23 July 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Mick Fell and Chris Van der Kley
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blue Mountains City Council, on 23 July 2018, opened at 12.15pm and closed at 12.25pm.

MATTER DETERMINED

Panel Ref – 2017SWT008 - LGA – Blue Mountains – DAX/546/2017 AT 67 Waratah Street, Katoomba (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 listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.55 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 proposed development will provide further affordable housing within the City of Blue Mountains and the Sydney Western City District.
2. The Panel has considered the Applicants requests to vary the following development standards contained within Blue Mountains LEP 2005:
 - Schedule 1, Part 4, Division 7 Katoomba Precinct VT-KA02, Cl.3.1 relating to building height.
 - Cl. 108 and 109 relating to accessibility and adaptability of dwellings.
 - Cl. 67 relating to the area of private open space to be provided.

The Panel considers that strict compliance with the standards are unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impact on nearby premises, remain consistent with the objectives and intent of the standards and will not result in development inconsistent in form and scale with that in the locality.

The panel particularly notes:



- that the building design which has been substantially modified during the proposals assessment, now achieves acceptable integration with the building forms and the landscape character of the locality in which it is placed.
 - the BCA does not require provision of accessible units in the proposed class of building.
 - the terms of consent secure disability access compliant with regularly applied adopted standards.
 - Private open space provision complies with the Apartment Design Guidelines.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 -Remediation of Land, SEPP (Infrastructure) 2007, SEPP 65- Design Quality of Residential Apartment Development and its associated Apartment Design Guide SEPP (Sydney Drinking Water Catchment) and Sydney Regional Environmental Plan No, 20 -Hawkesbury Nepean River.
 4. The proposal adequately satisfies the applicable objectives and provisions of Blue Mountains LEP 2005 Blue Mountains LEP 2015 and Blue Mountains Draft LEP 2013 and also adequately satisfies the objectives and provisions of the Better Living DCP and Blue Mountains DCP 2015
 5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the built and landscape character of the surrounding locality appreciated from surrounding sites and adjacent roads, the local ecology, the Sydney drinking water catchment or the operation of the local road system.
 6. In consideration of conclusions 1-5 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:

(A) The following is to be added to Condition 31 after subparagraph (i):

- “(j) The Construction Management Plan is to account for any relevant recommendations of the structural engineering report referred to by condition 35, and if replacement of the whole or any part of the wall proves necessary, then input from the design architect into the relevant finishes is to be included.
- (k) The Construction Management Plan is to include such measures as are recommended by the supervising arborist appointed under Condition 8 as appropriate to encourage the health of trees to be retained during construction, with attention to possible interim watering measures.

PANEL MEMBERS	
	
Justin Doyle (Chair)	Bruce McDonald
	
Nicole Gurran	Mick Fell
	
Chris Van der Kley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT008 - LGA – Blue Mountains – DAX/546/2017
2	PROPOSED DEVELOPMENT	Construction of two (2) residential flat buildings containing 26 units under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. In addition the proposal includes site works, landscaping and consolidation of three lots into one.
3	STREET ADDRESS	67 Waratah Street, Katoomba
4	APPLICANT/OWNER	The Trustees of the Society of St Vincent de Paul (NSW)
5	TYPE OF REGIONAL DEVELOPMENT	Affordable housing 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 No 1 – Development Standards (SEPP No. 1) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

		<ul style="list-style-type: none"> ○ State Environmental Planning Policy 20: Hawkesbury-Nepean River ○ Local Environmental Plan 2005 & Draft Environmental Plan 2013 ○ Local Environmental Plan 2015 ○ The Regulations ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ○ Better Living Development Control Plan ○ Development Control Plan 2015 ● 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: 9 July 2018 ● Written submissions during public exhibition: 8 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – David Melocco (Architect) and Mairead Hawes (Town Planner), Melissa Stilba and Cliff Haynes.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection – 23 July 2018 ● Final briefing meeting to discuss council's recommendation, 23 July 2018, 11.20am to 12.05pm. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Mick Fell and Chris Van der Kley ○ <u>Council assessment staff</u>: Alex Williams, Susan Jensen, Rochelle Mackey, Kim Barrett and Deb Friedewald
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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