

DATE OF DETERMINATION	31 January 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Kathie Collins and Chris Quilkey
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blacktown City Council on Thursday, 31 January 2019, opened 1.00pm and closed at 1.18pm.

MATTER DETERMINED

Panel Ref – 2018CCIO24 – LGA – Blacktown – MOD-18-00467 to SPP 16-4463 at Lot 211 DP 208203, 41 Terry Road, Rouse Hill (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.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

1. The Panel is satisfied that the modified development is substantially the same as that originally approved.
2. As the modified development is substantially the same, its environmental impacts will not be materially different to the originally approved development and are therefore acceptable.
3. The modifications will result in an apartment mix that is more responsive to market demand and this will be socially beneficial.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendments to following Conditions –

Condition 3.9.1 to read as follows –

The DA plans are to be reviewed to ensure that they comply with the recommendations provided in the Crime Prevention Through Environmental Design (CPTED) Report prepared by Rothe Lowman Property Pty Ltd and dated December 2016. Any necessary amendments are to be complied with prior to the issue of any Building Construction Certificate.

Condition 4.1.1 is amended in MOD-18-00467 as follows:

4.1 Section 7.11 (formerly 94) Contributions

- 4.1.1 The following monetary contributions pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent (as modified in MOD-18-00467). They WILL BE INDEXED from the date of this consent (as modified in MOD-18-00467) to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant C.P.
Stormwater Quantity Second Ponds Creek	\$ 724,553.00	22
Stormwater Quality Second Ponds Creek	\$ 198,201.00	22
Traffic Management	\$ 499,057.00	22
Open Space	\$ 6,081,040.00	22
Community Facilities	\$ 38,443.00	22
E2 Conservation Zone	\$ 188,023.00	22

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

These contributions are based upon the following parameters as specified in the Contributions Plan.

Number of intended dwellings/apartments: 332 apartments

Total Developable Area: 2.128 hectares

Total Stormwater Quality Developable Area: 0.532 hectares

Additional Population: 620.7 persons

Copies of the following relevant Contributions Plan(s) may be inspected/purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

S.94 CP No. 22 Area 20 Precinct.

The Section 7.11 Contribution(s) have been based on the total developable area, total stormwater quality developable area, and/or the additional population nominated. Should the final plan of survey indicate any change in the total developable area and total

stormwater quality developable area, or should amendments change the potential additional population, the information for this Section 7.11 Contribution(s) will be adjusted accordingly.

Condition 4.2.1 – Council to add the current reference.

Condition 6.3.1 last sentence is amended to read as follows –

Upon completion of inspections/assessments including a Phase 2 salinity assessment to further assess any potential for soil salinity and an appropriately qualified geotechnical engineer shall prepare a validation report.

Condition 7.5.6 to read as follows –

Construct half width road with a minimum 4.5 metres width of pavement for the full road frontage of the development. These construction works include drainage, kerb and gutter, footpath and turfing, service adjustments and any other ancillary work necessary to make this construction effective.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018CCI024 – LGA – Blacktown – MOD-18-00467 to SPP 16-4463
2	PROPOSED DEVELOPMENT	Modify the approved part 4 and part 5 storey residential flat building including the reconfiguration of the basement levels, building servicing and apartment layouts; convert some apartments from single storey to 2 storey apartments, relocate communal open space to Building A, add roof terraces, delete the neighbourhood shop and amend the landscape design plans.
3	STREET ADDRESS	Lot 211 DP 208203, 41 Terry Road, Rouse Hill

4	APPLICANT/OWNER	Applicant – Sutherland & Associates Planning Pty Ltd Owner – Denvell Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Major modification lodged under section 4.55(2) for a Development Application previously approved by the Panel
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ 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 (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Draft environmental planning instruments: Nil • Development control plans: ○ Central City District Plan 2018 ○ Blacktown City Council Growth Centre Precincts 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	• Council assessment report: 15 January 2019 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: ○ In support – Nil ○ In objection – Nil

		○ Council assessment Officer – Holly Palmer and Judith Portelli ○ On behalf of the applicant – Aaron Sutherland and Ben Pomroy
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	● Final briefing to discuss council's recommendation, 31 January 2019, time 12.30pm to 1.00pm. ● Attendees: ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Peter Brennan, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Holly Palmer and Judith Portelli
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached 7 to the council assessment report