

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	25 October 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Mark Grayson, Cr Chris Quilkey and Cr Kathie Collins OAM.
<b>APOLOGY</b>	Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Blacktown City Council on 25 October 2018, opened at 12.30pm closed at 1.00pm.

**MATTER DETERMINED**

2018SWC085 – Blacktown – MOD-17-00272, Lots 89 & 90 DP 11157 at 29-31 Second Avenue, 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 material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended modified conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

**REASONS FOR THE DECISION**





1. The Panel is satisfied that the development as modified is substantially the same as that originally approved.
2. The modified proposal is an improved design compared to the original resulting in improved private open spaces as balconies for a number of units.
3. The modified proposal for a change in the mix of apartments does not result in a discernible change the building envelope.
4. The modified proposal will not have any greater impacts on neighbours and the surrounding area than the originally approved proposal.

The decision was Unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

**CONDITIONS**

The modification application was approved subject to the conditions in the Council assessment report with amendment to first sentence of Condition 4.1.1 to the read as follows –

Condition 4.1.1 – the following plan amendments shall be included on or addressed by any relevant Construction Certificate relating to the approved development.

<b>PANEL MEMBERS</b>	
 Mary-Lynne Taylor (Acting Chair)	 Chris Quilkey
 Mark Grayson	 Kathie Collins, OAM

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2018SWC085 – Blacktown – MOD-17-00272
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Modify the configuration of an approved 20 storey mixed use development by reducing the commercial floor space and converting all 12 x 3 bedroom units into 1 or 2 bedroom units, including internal and external reconfigurations.
<b>3</b>	<b>STREET ADDRESS</b>	Lots 89 & 90 DP 11157 at 29-31 Second Avenue, Blacktown
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant - Merhis Management Group Pty Ltd Owner – Nera Development Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Major modification application lodged under section 4.55(2) for a FA previously approved by the Panel
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>○ Central City District Plan 2018</li> <li>○ Blacktown Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Section 7.11 Contributions Plan No. 19</li> <li>• Development control plans:               <ul style="list-style-type: none"> <li>○ Blacktown Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> </ul>

		<ul style="list-style-type: none"> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 11 October 2018</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Steven Wisker and Ben Hayes</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Final briefing to discuss council’s recommendation, 25 October 2018 – 11.00am to 11.45am.</li> <li>• Attendees:  <u>Panel members:</u> Mary-Lynne Taylor (Acting Chair), Mark Grayson, Cr Chris Quilkey and Kathie Collins  <u>Council assessment staff:</u> Judith Portelli, Bertha Gunawan, Nadeem Shaikh and Luma Araim</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attachment 8 in Council Assessment Report