

DATE OF DETERMINATION	11 November 2022
DATE OF PANEL DECISION	10 November 2022
DATE OF PANEL MEETING	10 November 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Chris Quilkey, Moninder Singh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 4 November 2022.

MATTER DETERMINED

PPSSCC-296 - Blacktown - SPP-21-00010 - 2-6 First Avenue, Blacktown

Construction of a 25-storey shop top housing development comprising 6 levels of basement car parking, retail premises on the ground level, commercial premises on the first and second floors with 220 residential apartments above, including rooftop areas.

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 listed at item 8 in Schedule 1.

The Panel notes that the application is currently under appeal at the Land and Environment Court and that plans submitted on 26 October 2022 in the course of those proceedings have not been accepted by Council for the purposes of the assessment of the application before the Panel.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Blacktown Local Environmental Plan 2015 (BLEP 2015), the panel is **not** 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 (Height Development Standard) of the LEP and the objectives for development in the B4 – Mixed Use zone

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to refuse the application for the reasons outlined in the council assessment report.

CONDITIONS

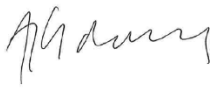



Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered two written submissions made during the public exhibition, including one letter of support. The Panel notes that issues of concern addressed:

- Construction impacts, including:
 - the availability of street parking
 - noise
 - potential soil instability from excavation works.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Chris Quilkey	 Moninder Singh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-296 - Blacktown - SPP-21-00010
2	PROPOSED DEVELOPMENT	Construction of a 25-storey shop top housing development comprising 6 levels of basement car parking, retail premises on the ground level, commercial premises on the first and second floors with 220 residential apartments above, including rooftop areas.
3	STREET ADDRESS	2-6 First Avenue, Blacktown
4	APPLICANT/OWNER	Applicant – 2-6 First Avenue Blacktown Pty Ltd Owner – Tracey Ormaechea, Jon Ormaechea, Melissa Bregenhoj, Mark Bregenhoj, Christopher Bregenhoj, Julie Brgenhoj, Farah Georges, Daniel Chia, Adonis Sarkis, Robert Chia
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Blacktown Local Environmental Plan 2015 Central City District Plan 2018 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation</i> 2021: Clause 29(1)(2) Coastal zone management plans: 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: 21 October 2022 The clause 4.6 application relates to the maximum building height requirement. Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 10 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Chris Quilkey <u>Council assessment staff</u>: Bertha Gunawan, Alan Middlemiss, Matthew Sales

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 10 November<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Chris Quilkey, Moninder Singh○ <u>Council assessment staff</u>: Bertha Gunawan, Alan Middlemiss, Judy Portelli
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable