

DATE OF DETERMINATION	6 December 2022
DATE OF PANEL DECISION	1 December 2022
DATE OF PANEL MEETING	1 December 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Chris Quilkey, Moninder Singh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 November 2022.

MATTER DETERMINED

PPSSCC-303 – Blacktown - SPP-21-00011 - 11, 15, 17 Second Avenue, Blacktown - Mixed-use development approved under JRPP-16-03305 comprising 1 additional basement level (taking carparking from 359 spaces to 428); reconfiguration of floorplates, 3 additional storeys (from 18 to 21), increasing the number of apartments from 227 to 324, façade changes and an additional elevator (from 2 to 3)

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.

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), that has demonstrated that:

- compliance with cl. 4.3 of the BLEP 2015 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl. 4.6(3) of the BLEP 2015; and
- the development is in the public interest because it is consistent with the objectives of cl. cl. 4.3 of the BLEP 2015 and the objectives for development in the B4 Mixed Use zone; and
- 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

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report, noting that the proposal is consistent with amendments to the BLEP 2015 subsequent to the original consent for the site which increase allowable building heights on the site.

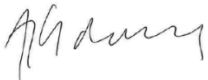



CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered a written submission made during public exhibition. The panel notes that issues of concern related to the impact and implications of the proposed development on the property, Nos. 11-17 Second Ave, which is Stage 2 of the original development consent.

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-303 – Blacktown - SPP-21-00011
2	PROPOSED DEVELOPMENT	Mixed-use development approved under JRPP-16-03305 comprising 1 additional basement level (taking carparking from 359 spaces to 428); reconfiguration of floorplates, 3 additional storeys (from 18 to 21), increasing the number of apartments from 227 to 324, façade changes and an additional elevator (from 2 to 3)
3	STREET ADDRESS	11, 15, 17 Second Avenue, Blacktown
4	APPLICANT/OWNER	Applicant – Landmark Group Australia Pty Ltd Owner – Better Buildings Pty Ltd
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"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development Blacktown Local Environmental Plan 2015 Blacktown Local Strategic Planning Statement 2020 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 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: 17 November 2022 Clause 4.6 subclauses 4.6(3) and (4) to BLEP 2015 variation to the height of building development standard Written submissions during public exhibition: 1 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: 24 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Chris Quilkey <u>Council assessment staff</u>: Judith Portelli, Alan Middlemiss, Luma Araim Final briefing to discuss council's recommendation: 1 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Moninder Singh, Chris Quilkey <u>Council assessment staff</u>: Judith Portelli, Alan Middlemiss

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report