

DATE OF DETERMINATION	24 August 2023
DATE OF PANEL DECISION	23 August 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Chris Quilkey, Moninder Singh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 August 2023.

MATTER DETERMINED

PPSSCC-443 – Blacktown – MOD-22-00316 – 55 Newtown Road, Blacktown - S4.55(2) modification application to modify the basement car parking levels, amend internal layouts of all levels of the building, increase the overall building height, increase the overall floor area of the building, reduce the rooftop communal open space area, reduce number of car spaces from 112 spaces to 103 spaces and changes to the apartment mix.

PANEL CONSIDERATION AND DECISION

The panel considered the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

In their consideration of the proposed modification, the panel noted:

- Concerns regarding large storage rooms being used as habitable rooms are proposed to be addressed through restrictions on the strata plan
- A minor 0.15m variation to the front setback controls enables better amenity outcomes for residents as balconies are able to be enlarged.
- Council’s assessment report refers to the additional building height being required (in part) to “meet the minimum floor to ceiling heights of 3.1 m within all the apartments over 6 levels”. The Panel noted that this appears to be an error as they are unaware of any such “requirement”. The Panel assumed it was instead a reference to the 3.1 m **floor to floor** height guideline in the ADG. The Panel noted that the error did not affect the assessment or outcomes of the development.

Modification application

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 panel determined to approve the application for the reasons outlined in the council assessment report, replicated as follows:

The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

The proposed modifications will have minimal environmental impact and will serve the same purpose as the development as it was originally approved. The resultant proposal will be a safer development that complies with the Building Code of Australia (Section 4.15(b) of the Environmental Planning and Assessment Act 1979).

The site remains suitable for the development. (Section 4.15(c) of the Environmental Planning and Assessment Act 1979).

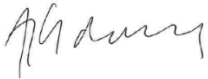

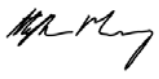


The development is considered to be substantially the same development as approved, with the minor increase in height not being noticeable. Therefore, the development is in line with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-443 – Blacktown – MOD-22-00316
2	PROPOSED DEVELOPMENT	S4.55(2) modification application to modify the basement car parking levels, amend internal layouts of all levels of the building, increase the overall building height, increase the overall floor area of the building, reduce the rooftop communal open space area, reduce number of car spaces from 112 spaces to 103 spaces and changes to the apartment mix.
3	STREET ADDRESS	55 Newtown Road, Blacktown
4	APPLICANT/OWNER	Applicant: The Trustee for JLL Development Unit Trust /DFP Planning Owner: The Trustee for JLL Development Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning & Assessment Act 1979. 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. 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 2021</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: 12 July 2023 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 18 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Chris Quilkey <u>Council assessment staff</u>: Jared Spies, Sami Ahangari <u>Applicant representatives</u>: Christie Evenhuis, Jay Lin, York Xue, Jeffrey Chan, Masaki Sato
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report