

DATE OF DETERMINATION	10 July 2025
DATE OF PANEL DECISION	10 July 2025
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	None
DECLARATIONS OF INTEREST	Council's nominated representatives Moninder Singh & Dorothy Del Villar were conflicted as the application involved acquisition of Council owned land.

Papers circulated electronically on 1 July 2025.

MATTER DETERMINED

PPSSCC-570 – Blacktown – DA-24-00435 - 2 Ayla Street, 40 Reis Street and closed part of Boundary Road, Tallawong - Consolidation of land, construction of a 5-storey residential apartment building containing build-to-rent residential apartments, basement car parking, a childcare centre at ground level, external landscaping, roof-level common open space, public domain and strata subdivision.

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.

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 below:

- *the applicant's Clause 4.6 variation request to exceed the 16 m height limit control by 2.6 m does not satisfy the requirement of Clause 4.6(3).*
- *the development is not permissible on the portion of the site that is zoned SP2 infrastructure*
- *the proposal fails to comply with key elements of the Apartment Design Guide and Blacktown City Council Growth Centre Precincts Development Control Plan including side and rear setbacks, building separation, communal and public open space, deep soil zones and apartment mix*
- *the design of the residential waste storage room is inadequate and will result in operational waste management issues*
- *the proposal fails to provide adequate water quality design which requires amended stormwater plans and an amended MUSIC model*
- *insufficient information has been provided by the applicant pursuant to Clause 36 of the Environmental Planning and Assessment Regulation 2021 to enable a complete assessment of the proposed development in relation to planning, architectural design, drainage and waste management.*
- *the proposal represents an overdevelopment of the site and is not in the public interest.*

CONDITIONS

Not applicable.

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	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-570 – Blacktown – DA-24-00435
2	PROPOSED DEVELOPMENT	Consolidation of land, construction of a 5-storey residential apartment building containing build-to-rent residential apartments, basement car parking, a childcare centre at ground level, external landscaping, roof-level common open space, public domain and strata subdivision
3	STREET ADDRESS	2 Ayla Street, 40 Reis Street and closed part of Boundary Road, Tallawong
4	APPLICANT/OWNER	Michael Stokes
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts – Central River City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2010 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: 06 June 2025 Clause 4.6 variation request: Height of Building Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation 10 July 2025: <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray <u>Council assessment staff</u>: Jared Spies, Judith Portelli, Sami Anghari <u>Applicant representatives</u>: Victor Alcamí, Michael Stokes <u>Planning Panels</u>: Sharon Edwards, Tim Mahoney
9	COUNCIL RECOMMENDATION	Refusal

