

Blacktown Local Planning Panel

DETERMINATION AND STATEMENT OF REASONS

DATE OF DETERMINATION	7 October 2022
PANEL MEMBERS	Sue Francis, Chair Stuart McDonald, Expert Vince Hardy, Expert Allan Shearan, Community Representative
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil
APPLICANT/OWNER	Applicant – Manor House Design Australia Pty Ltd Owner – Doodha Enterprise Pty Ltd
MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report • Written submissions during public exhibition – Nil • Verbal submissions at public meetings: <ul style="list-style-type: none"> ○ 2 Applicant – Sam Tadros, Greg Patch ○ 3 Council officers – Samuel Vance, Shakeeb Mushtaq, Christo Aitken
MEETINGS, BRIEFING AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Site inspections have been suspended due to COVID-19. Panel members asked to undertake site inspection individually. • Private Panel briefing: 7 October 2022 at 9.00 am • Attendees: <ul style="list-style-type: none"> ○ Panel members: Sue Francis, Stuart McDonald, Vince Hardy, Allan Shearan ○ Council officers: Samuel Vance, Shakeeb Mushtaq, Christo Aitken

Public meeting held virtually on 7 October 2022, opened at 10.01 am and closed at 10.21 am.

MATTER DETERMINED

DA-21-01973 at 122 Regent Street, Riverstone for Demolition works of outbuilding and alterations and additions to the existing heritage item to use it as a childcare centre for 50 child spaces, a new separate activity room, associated car parking for 17 vehicles; tree removal, earthworks, construction of a retaining wall and acoustic fencing, civil works and landscaping.

PANEL CONSIDERATION AND DECISION

The Panel considered the assessment report on the matter, the material presented at the Panel meeting and the matters observed at the site inspection.

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

The decision was unanimous

REASONS FOR THE DECISION

The Panel refused the Development Application for the following reasons:

1. The proposal is inconsistent with one of the aims of Blacktown Local Environmental Plan 2015, which is to conserve and enhance Blacktown's built, natural and cultural heritage. The proposal also represents an overdevelopment of the site and is inconsistent with an objective of the R2 - Low Density Residential zone, which is to enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood. [Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979]
2. The proposal is inconsistent with Blacktown Development Control Plan 2015 and has failed to appropriately take into consideration and address the existing heritage item, including the impact of the proposal and its ancillary requirements e.g. Parking, shade structures, play equipment and acoustic fencing and the like on the curtilage of the heritage item and its visual impact from both Regent Street and McCulloch Street. [Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979]
3. The likely impacts of the development are considered unsatisfactory, as the proposal is likely to have adverse environmental, built form, and social impacts due to the impact of the proposal on an item of heritage significance, and will diminish the heritage significance of the site. [Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979]
4. Insufficient and inadequate information has been submitted to allow for an assessment of the application in terms of engineering and drainage matters. The Transport and Infrastructure SEPP 2021 requires consideration of potential contamination of the site. In the absence of this information the consent authority cannot be satisfied as to the appropriateness of the site for the proposed use. It is accepted that matters relating to drainage may have been able to have been resolved by condition. The likely impacts of the development and the suitability of the site for development is therefore unable to be determined and hence the site is not suitable for the proposal. [Section 4.15 (1)(b)(c)(e) of the Act].

CONSIDERATION OF COMMUNITY VIEWS

A submission was received from The Riverstone Historical Society raising concerns of the proposed impact on the heritage item.

PANEL MEMBERS	REFERENCE NUMBER
Sue Francis, Chair	D22/519359
Vincent Hardy, Expert	D22/519356
Stuart McDonald, Expert	D22/519371
Allan Shearan, Community representative	D22/519368