

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Thursday 17 March 2016 at 2.30 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Dave Walker and Michael Edgar

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW124 – The Hills Shire Council, DA20/2016/JP, Demolition of existing dwellings and construction of three (3) residential flat buildings comprising 120 dwellings (7 x 1 bedroom, 100 x 2 bedroom and 13 x 3 bedroom units) with two (2) levels of basement car parking containing 239 parking spaces, Lot 23 DP 555502, Lot 211 DP 850187, Lot 37 DP 18828, Lot 36 DP 18828, Lot 35 DP 18828, Lot 2 DP 877055, Lot 27 DP 216984, Lot 28 DP 216984, Lot 212 DP 850187, Lot 26 DP 216984, Lot 22 DP 555502 – Nos. 19-23 Post Office Street, 2-8A Donald Street, 6-10 Tanderra Avenue and 10 Paul Place, Carlingford.

Date of determination: 17 March 2016

Decision:

The Panel, by a majority of 4 to 1, determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. Mr Walker dissented and determined that the application should be refused for the following reasons:

1. The application does not fully meet the minimum standards of the Apartment Design Guide for provision of solar access to the subject development.
2. The application does not meet the Council's DCP requirements in relation to apartment size.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for Panel Decision:

1. The proposed development will add to the supply of housing, including affordable and social housing within North West Metropolitan Subregion and The Hills local government area in a location with ready access to the metropolitan transport services provided at Carlingford Rail Station and the amenities and services available within Carlingford Village.
2. The Panel has considered the applicant's request to vary the development standard contained in The Hills LEP 2012 (Clause 4.3) relating to Buildings Heights and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in buildings or development inconsistent with that planned for this site and the development remains consistent with the underlying intent of the standard and objectives of the zone.
3. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 Remediation of Land, SEPP 65 (Design Quality of Residential Flat Development) and its associated Apartment Design Code and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the applicable provisions and objectives of The Hills LEP 2012 and The Hills DCP 2012. In this regard the Panel particularly notes compliance is adequately given to DCP Part D Sec 12 – Carlingford Precinct.
5. The proposed development is considered to be of appropriate scale and form adequately consistent with the character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or operation of the local road system.
7. The Panel considers that all reasonable adapts have been made to deal with the issue of isolation of property at 8 Donald Street in accordance with the Court's Planning Principle in Grech vs Auburn Council.

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8. In consideration of conclusions 1 – 7 above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions: The development application was approved subject to the recommended conditions in the Council assessment report with the following changes:

Condition 7 Tree Removal - to read as follows:

Approval is granted for the removal of trees numbered 1-55 as shown in Arboricultural assessment and impact report prepared by Horticultural Management Services dated 20 April 2015.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

Condition 8 - Deleted.

Condition 18. Compliance with the Requirements of the NSW Police to read as follows:

Compliance with the following requirements of the NSW Police – Local Area Command outlined in their letter dated 03 August 2015:-

Surveillance

- Car parking area shall be painted white to help reflect light.
- CCTV shall be installed at entry points into the car park, exit points and scattered throughout the car park including entrances to the flats and the community facilities within the site such as in the lifts, stairwells, fire doors, etc., covering the disabled parking and the motorcycle/bike parking.
- Security access shall be utilised at the entrance of the car parking area through the use of fob, remote or code access.
- Shrubs and shade trees must be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.
- 3-5 metres of cleared space is to be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Lighting and Technical Supervision

- Lighting shall meet minimum Australian Standards.
- Special attention shall be made to lighting the entry and exit points from the buildings, car park and access/exit driveways. Transition lighting is needed throughout the site to reduce vision impairment, i.e. reducing a person walking from dark to light places.

Environmental Maintenance

- Porous building surfaces shall be avoided when selecting materials for construction to minimise maintenance cost relating to graffiti vandalism.

Access Control

- Warning signs shall be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime, e.g. *'Warning, trespasser will be prosecuted'* or *'Warning, these premises are under electronic surveillance'*.
- Ensure the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism.
- All fire doors are to be alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies.
- Outer ledges capable of supporting hands/feet shall be avoided and that balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development, palings are to be placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

- Ground level units shall have upgraded security measures put in place such as doors and window being alarmed, thickened glass and sensor lights etc.
- Use of security sensor lights and a security company shall be engaged to monitor the site while construction is in progress.

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- High quality letterboxes shall comply with Australian Standards - ISO9001:2008 and shall be under CCTV surveillance to help deter letterbox mail theft.
- Signs shall be placed around the car park warning residents to watch those who come in the entry/exit door behind them. Residents are encouraged to wait until the door is fully closed behind them before continuing into the underground car park. This will help prevent potential offenders from gaining entry via the open door.
- Park smarter signage shall be installed to help educate people to not leave valuable items in their cars and to ensure they secure their vehicles.

Condition 20 Street Trees - to read as follows:

Street trees must be provided for the section of Tanderra Avenue, Post Office Street and Paul Place fronting the development site spaced between 7m and 10m apart across the frontage. The location of street trees must avoid driveways, services, drainage pits and avoid interruption of sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.






Condition 38 (i) Public Domain Plan second paragraph - to read as follows:

Works shall include new footpath paving, new kerb and gutter, cycle way, footpath verge formation, street name signs, landscape works and the undergrounding of electricity and telecommunication services along on all road frontages within Council's road reserve.

Condition 78 Provision of Electricity Services - to read as follows:

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 Dave Walker	 Michael Edgar	

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SCHEDULE 1

1	JRPP Reference – 2015SYW124, LGA – The Hills Shire Council, DA20/2016/JP
2	Proposed development: Demolition of existing dwellings and construction of three (3) residential flat buildings comprising 120 dwellings (7 x 1 bedroom, 100 x 2 bedroom and 13 x 3 bedroom units) with two (2) levels of basement car parking containing 239 parking spaces.
3	Street address: Lot 23 DP 555502, Lot 211 DP 850187, Lot 37 DP 18828, Lot 36 DP 18828, Lot 35 DP 18828, Lot 2 DP 877055, Lot 27 DP 216984, Lot 28 DP 216984, Lot 212 DP 850187, Lot 26 DP 216984, Lot 22 DP 555502 – Nos. 19-23 Post Office Street, 2-8A Donald Street, 6-10 Tanderra Avenue and 10 Paul Place, Carlingford.
4	Applicant/Owner: SWA Group
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ◦ State Environmental Planning Policy (State and Regional Development) 2011 ◦ The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ DCP 2012 Part D Section 12 – Carlingford Precinct ◦ DCP 2012 Part C Section 1 – Parking ◦ DCP 2012 Part C Section 3 – Landscaping ◦ DCP 2012 Part B Section 5 – Residential Flat Buildings • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ◦ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report, recommended conditions of consent and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Steve Wu, Alexis Cella on behalf of the applicant.
8	Meetings and site inspections by the panel: 17 March 2016 – Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval