



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY WEST CENTRAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday, 3 August 2017
<b>PANEL MEMBERS</b>	Edward Blakely (Chair), Lindsay Fletcher, Julie Savet Ward, Kathie Collins and Chris Quilkey
<b>APOLOGIES</b>	Mary-Lynne Taylor and Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Blacktown City Council on 3 August 2017, opened at 5:55 pm and closed at 6:20 pm.

**MATTER DETERMINED**

2016SYW040 – Blacktown – JRPP-16-02969 AT Proposed Lot 12B and 13D within the subdivision of Lots 12 and 13 DP 31797, 34-38 Pelican Road, Schofields (AS DESCRIBED IN SCHEDULE 1)

**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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel approved the application for the following reasons:

1. It meets all of the standards of the Environmental Planning & Assessment Act 1979 Section 79C and related provisions.
2. It will add substantially to housing supply in an area already designated for housing and community development.
3. The proposal complies with Floor Space Ratio controls for the site and suits the conditions of State Environmental Planning Policy No 55 – Remediation of Land.
4. There are deviations in height, but they do not cause adverse impacts on neighbouring properties or the public domain. The applicant has agreed to incorporate the sections of the buildings that exceed the height control into architectural roof features and this has been addressed within the additional conditions.
5. The applicant has made improvements in façade and related architectural issues.
6. Finally, the proposal is in the community and public interest.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1.1.2 to be deleted due to duplication.
- A new condition 3.8.1 to be added:

### **Construction Environmental Management Plan**

Prior to the release of a Construction Certificate, an appropriately qualified person is to prepare a comprehensive Environmental Management Plan (EMP). The EMP is to be submitted to Council for separate approval.

The operational measures at a minimum should include the following:

- a) Proposed schedule of works
- b) Proposed hours of work
- c) Noise and vibration controls
- d) Salinity Management Plan
- e) Erosion and Sedimentation Control Plan
- f) Hazardous building materials survey
- g) Procedures for validation of important fill material and the proposed means of disposing overburden
- h) Waste and materials re-use on-site
- i) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- j) Proposed means of controlling of any activity that could potentially cause a pollution incident as defined by the Protection of the Environmental Operations Act 1997.
- k) Dust (air quality) management strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.

and the current condition 3.8.1 and 3.8.2 to be renumbered.

- A new condition to be added:

### **Condition 4.1: Necessary Plan amendments**

Condition 4.1.1: All rooftop plant and equipment are to be treated to become an architectural feature as defined by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The details of these roof features are to be submitted to Council's city architect for separate approval prior to the release of a construction certificate.

and the conditions after to be renumbered.

- Condition 4.1.1: figures to be updated to reflect current CPI
- Condition 4.2.1: the word "validate" to be replaced with "certify" and the last two sentences to be deleted.
- Condition 4.5.1: The words "The developer must" to be added to the start of the condition.
- A new condition 4.7.1 to be added:

A detailed landscape plan is to be submitted which reflects the concept landscape plan and is to include a detail for tree and landscape species.

and the conditions after to be renumbered.

- Condition 4.7.1: the words “of a high quality” to be replaced with “durable, fit for purpose”
- Conditions 8.12 and 8.12.1 to be swapped in order with Condition 8.13 and 8.13.1 so that Aboriginal Heritage is referenced before European heritage.
- Condition 10.7.6: the word “should” to be replaced with “shall”.
- Condition 10.10.1: the quotation marks on either side of the word “total” to be removed.
- Numbering of the condition for the Emergency Evacuation Plan (currently 10.11 and 10.12.1) to be renumbered for order
- Condition 11.3.1: reference to “Allawah Street” to be changed to “proposed Road No 6”.
- Condition 11.10.1: add the words “by the full time Building Manager” to the end of the condition

PANEL MEMBERS	
	Lindsay Fletcher
Edward Blakely (Chair)	
	Chris Quilkey
Julie Savet Ward	
	
Kathie Collins	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2016SYW040 – Blacktown – JRPP-16-02969
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	2 x residential flat buildings
<b>3</b>	<b>STREET ADDRESS</b>	Proposed Lot 12B and 13D within the subdivision of Lots 12 and 13 DP 31797, 34-38 Pelican Road, Schofields
<b>4</b>	<b>APPLICANT/OWNER</b>	Universal Property Group Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development over \$20 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Blacktown City Council Grown Centre Precincts Development Control Plan 2010</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 17 July 2017</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Graeme Allen</li> </ul> </li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection by Chris Quilkey on 1 August 2017</li> <li>• Site inspection by Julie Savet Ward and Chris Quilkey on 3 August 2017</li> <li>• Site inspection by Lindsay Fletcher on 3 August 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 3 August 2017, 5:00 pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Edward Blakely (Chair), Lindsay Fletcher, Julie Savet Ward, Kathie Collins and Chris Quilkey</li> <li>○ <u>Council assessment staff</u>: Judith Portelli, Melissa Parnis and Nadeem Shaike</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report