

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	18 December 2017
PANEL MEMBERS	Paul Mitchell (Chair), Lindsay Fletcher, Kathie Collins, Chris Quilkey
APOLOGIES	Edward Blakely, Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Electronic meeting held between 2 November 2017 and 18 December 2017.

MATTER DETERMINED

2016SYW118 – Blacktpwn - DAJRP-16-03311 (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:

- Uphold the Clause 4.6 Variation to the height control; and
- Approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel deferred the determination of the application at a public meeting on 19 October 2017 to allow the applicant to submit a detailed site investigation report addressing the requirements of Clause 7 of SEPP 55. The Panel have reviewed the report and are satisfied.

The Panel approves the application for the following reasons:

1. A request to vary the building height standard has been submitted. The Panel considers it well founded and warrants approval. Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the breach. The breach will enable access to roof top communal open space, thus providing sufficient environmental planning grounds to justify the variation. The breach will enable development that is consistent with relevant zone objectives and thus is in the public interest. Overall, the Panel considers the written request to be satisfactory and approves the subject variation.
2. The proposal will add to the availability and range of housing in the area, and thereby contribute to improved housing affordability.
3. The proposal satisfies most applicable development standards and guidelines, and when departures occur they are either inconsequential or addressed by conditions.
4. The proposal will have no material adverse impacts on the natural or built environments. The Panel notes that the setback of the new building where it adjoins Lot 39 is of sufficient width to provide an appropriate transition to the adjoining lower scale development.

In consideration of the conclusions 1-4 above, 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 conditions in the Council Assessment Report, with the following amendments:

Replace Condition 3.4.1, as follows:

'The Applicant is to prepare a Remediation Action Plan (RAP) in accordance with the recommendations of the Detailed Site Investigation prepared by Aargus, Document No. ES7021/2 dated 18 October 2017. The RAP is to specify all works needed to make the site suitable for residential use.'

Replace Condition 4.1.9, as follows:

'The recommendations relevant to health and safety during demolition in the Detailed Site Investigation prepared by Aargus, Document No. ES7021/2, dated 18 October 2016, are to be adhered to.'

Replace Condition 5.4.1, as follows:

'The recommendations dealing with pre-construction and construction stage planning activities given in the Detailed Site Investigation, dated 18 October 2017, are to be adhered to.'

Amend Condition 5.9.1

Amend the reference to the certifying authority to read 'qualified designer (registered architect)'.

Replace 5.15.1

'The residential habitable rooms are to have a minimum floor to ceiling height of 2.7m, except where service bulkheads are present in habitable spaces and these bulkheads may intrude from the ceiling to a maximum of 300mm.'

Replace Condition 5.7

The approval is subject to the replacement of Condition 5.7 as outlined by the correspondence from Council dated 15 December 2017, as follows:

5.7 Section 94 Contributions

- 5.7.1 The following monetary contributions under Section 94 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below are as at the date of this consent. They WILL BE INDEXED from the date of this consent to the date of payment. Payment of the indexed amounts must be made prior to the issue of a Construction Certificate (for building works) either by Council or any accredited certifier, whichever occurs first.

PLEASE NOTE: Payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted. However, payments by credit card or EFTPOS over \$10,000.00 are levied a 3% surcharge on the whole amount and cannot be split between different credit or EFTPOS cards.

Contribution Item	Amount	Relevant CP
Stormwater Quantity Eastern Creek	\$2,235,205	20
Stormwater Quality Eastern Creek.	\$95,388	20

Traffic Management	\$647,811	20
Open Space	\$8,335,858	20
Community Facilities	\$112,599	20
E2 Conservation Zone	\$359,131	20

These contributions are based upon the following parameters as specified in the Contributions Plan.

No. of intended dwellings / apartments:	650 apartments
Total Developable Area:	3.4530 hectares
Total Stormwater Quality Developable Area:	0.8633 hectares
Total Additional Population:	1,141 persons

These contributions are permitted to be paid in stages as identified in Condition 2.2 above. Payment must be made prior to the issue of a Construction Certificate (for building works) for each relevant stage. The payment of staged contributions is based upon the following parameters:

Stage 1A

No. of intended dwellings / apartments:	119
Total Developable Area:	0.7141 hectares
Stormwater Quality Developable Area:	0.1785 hectares
Additional Population:	219.5 persons

Stage 1B

No. of intended dwellings / apartments:	137
Total Developable Area:	0.5418 hectares
Stormwater Quality Developable Area:	0.1355 hectares
Additional Population:	234 persons

Stage 2

No. of intended dwellings / apartments:	138
Total Developable Area:	0.8079 hectares
Stormwater Quality Developable Area:	0.2020 hectares
Additional Population:	231.4 persons

Stage 3

No. of intended dwellings / apartments:	256
Total Developable Area:	1.1869 hectares
Stormwater Quality Developable Area:	0.2967 hectares
Additional Population:	456.1 persons

The contribution(s) will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (Sydney Housing) or Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan(s) may be inspected / purchased from Council's Customer Information Centre. Alternatively, Contributions Plans may be downloaded from Council's website:

Section 94 CP No. 20 Riverstone and Alex Avenue Precincts

The Section 94 Contribution(s) have been based on the total developable area, total stormwater quality developable area, and/or the additional population nominated. Should the final plan of survey indicate any change in the total developable area and total stormwater quality developable area, or should amendments change the potential additional population, the information for this Section 94 Contribution(s) will be adjusted accordingly.'

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Lindsay Fletcher
 Kathie Collins	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW118 – Blacktown – DAJRPP-16-0331
2	PROPOSED DEVELOPMENT	9 x Residential Flat Buildings and 2 stage subdivision into 5 lots and roads
3	STREET ADDRESS	23-27 Schofields Road Schofields
4	APPLICANT OWNER	Homebush One Pty Ltd J Cremona, S Cremona, D Gauci, M Gauci and E M Skinner
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No.55 – Remediation of Land - State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development - State Environmental Planning Policy (Building Sustainability Index: BASIX) - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (Deemed SEPP) - Draft environmental planning instruments: Draft West Central District Plan (Greater Sydney Commission) - Development control plans: - Blacktown City Council Growth Centre Precincts Development Control Plan 2014 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	- Council assessment report: 4 October 2017 - Council supplementary report: 2 November 2017 - Applicant's Detailed Site Investigation by Aargus dated 18 October 2017. - Council supplementary report S94 Contributions: 15 December 2017 - Clause 4.6 Variation request - Written submissions during public exhibition: 1 - Verbal submissions at the public meeting 19 October 2017: - On behalf of the applicant – Murray Donaldson, Duncan Reed
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing meeting and Panel discussion 18 December 2017 - Lindsay Fletcher site inspection: 14 December 2017 - Site inspection: 19 October 2017 - Briefing meeting: 8 February 2017, 19 October 2017 - Public determination meeting: 19 October 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report