

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	24 May 2018
PANEL MEMBERS	Paul Mitchell (Chair), Stuart McDonald, Lindsay Fletcher, Chris Quilkey and Kathie Collins
APOLOGIES	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on 24 May 2018, opened at 12:40 pm and closed at 1:10 pm.

MATTER DETERMINED

2016SYW182 – Blacktown City Council – JRPP-16-03334 AT 10-14 Third Ave, Blacktown (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 observations at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determines the application by granting approval for the following reasons:

1. The proposed development will add to housing availability and choice on a site that is well located with respect to public transport and retail and community facilities.
2. The proposed development is consistent with the objectives of the B4 Mixed Use zone in which it is located.
3. The design of the proposed development results in an appropriate built form, being a slender and tall tower which is compatible with the desired future character of the area.
4. The proposal breaches the building separation guidelines under the Apartment Design Guide and building setback guidelines under Blacktown Development Control Plan 2015. The smaller setbacks are acceptable in this instance because they do not cause material privacy, shadowing or noise impacts, nor have adverse urban design outcomes.
5. The proposal breaches the maximum height standard by up to 6.5m. A written request to vary this standard has been submitted. The variation will not result in adverse shadowing, privacy or urban design impacts and, as such, is compatible with the objectives of the standard and therefore compliance is unnecessary.

The variation enables development that is consistent with the zone objectives.

The variation enables use of the roof top as communal open space, and this provides sufficient planning grounds justifying the variation sought.

Overall, the request to vary the standard is satisfactory and its approval is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with four amendments which were acceptable to the applicant and the Council. The amendments are:

- Amendment to condition 6.9.2:

Existing wording to be made subsection (a). Subsection (b) to be added as follows:

“The above noise reduction criteria are to be achieved with non-fixed windows to enable the windows to be opened if the occupant so desires. It is understood that when the windows are open the noise criteria will not be met”.

- Renumbering of conditions after 14.28.11 up to Condition 15.1, to be consistent in numbering.

- Addition of new condition, to be numbered 14.28.17, to read as follows:

“A positive covenant under s88E of the Conveyancing Act 1919 is to be applied to all units in this development that advises them that the site is in a business centre and is situated adjacent to businesses that operate 24 hours a day”.

- Condition 7.1 to be amended to read as follows:

“7.1 Section 7.11 Contributions

- 7.1.1 The following monetary contributions pursuant to Section 7.11 of the Environmental Planning & Assessment Act 1979 must be paid. The amounts below apply 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.

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IMMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or EFTPOS are accepted up to \$10,000.00 only. Any payments above \$10,000.00 must be made by cheque. Payments above \$10,000.00 cannot be split between different credit or EFTPOS cards.

Contribution item	Amount	Relevant CP
i. Flood Mitigation	\$5,335	19
ii. Stormwater Quality	\$21,077	19
iii. Traffic Management – Medium to High Density	\$224,574	19
iv. Traffic Management – All residential development	\$314,205	19
v. Open Space – Medium to High Density	\$1,086,488	19
vi. Open Space – All residential development	\$300,975	19
vii. Community Facilities	\$78,717	19
viii. Local Road Construction	\$127,719	19
ix. Streetscape Facilities	\$97,018	19
x. Traffic Management – Childcare Centre Development	\$246,224	19
xi. Traffic Management – Commercial/Retail Development	\$217,231	19
CONTRIBUTION TOTAL AMOUNT	\$2,719,563	19

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

Copies of the following relevant Contributions Plan may be inspected/purchased from Council's Information Centre, or viewed/downloaded at www.blacktown.nsw.gov.au:

S.7.11 CP No. 19 – Blacktown Growth Precinct.

The Section 7.11 Contributions have been based on the potential additional population nominated below. Should the final plan of survey indicate any change to the potential additional population, the Section 7.11 Contributions will be adjusted accordingly.

Developable area: 2,380 sqm


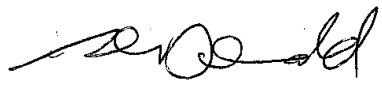

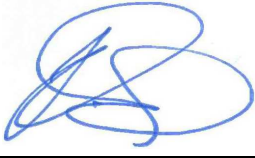

Childcare centre area: 2,036.33 sqm

Commercial/Retail area: 609 sqm

Number of Residential Units: 143 dwellings

Additional Population: 312.4 persons

Road Frontage: 54 m".

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW182 – Blacktown City Council – JRPP-16-03334
2	PROPOSED DEVELOPMENT	Demolition of existing commercial building and construction of an 18 storey shop top housing development comprising ground floor retail, first floor child care centre and 16 storeys of residential apartments with basement car parking for 230 vehicles
3	STREET ADDRESS	10-14 Third Ave, Blacktown
4	APPLICANT OWNER	5 Units Pty Ltd B Varuli
5	TYPE OF REGIONAL DEVELOPMENT	General development with a CIV of more than \$20million, lodged with Council before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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) 2004 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Draft Central City District Plan Development control plans: <ul style="list-style-type: none"> Blacktown Development Control Plan 2015 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	<ul style="list-style-type: none"> Council assessment report: 14 March 2018 Written submissions during public exhibition: one (1) Supplementary Council assessment report: 30 May 2018 Letter from Blacktown City Council dated 25 May 2018 Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – David Haskew
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection on 24 May 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report