

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	19 December 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Kathie Collins and Chris Quilkey
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blacktown City Council on Thursday, 19 December 2019, opened 1.20pm and closed at 2.30pm.

MATTER DETERMINED

2016SYW210 - Blacktown – DA16-03327 AT 209 Railway Terrace, Schofields (Lot 14 DP 1203330) (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

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

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy 2006 that has demonstrated that:

- a) compliance with clause 4.3 height of buildings is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the SEPP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3 height of buildings of the SEPP and the objectives for development in the B2 zone; and
- c) the concurrence of the Secretary has been assumed.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is consistent with the objectives of the B2 Local Centre zone and complies with nearly all standards and guidelines. A notable exception is compliance with the height of building's standard, but the variation is minor and justifiable for the reasons given above.
2. The site is suitable for the proposed development being largely free of physical and environmental constraints and conveniently located near Schofields train station.

3. The design of the proposal is generally appropriate for its town centre location and will contribute to the quality of the built environment once the ground floor level amendments required by deferred commencement conditions are made. It will also add an appropriate mix of retail, commercial and residential uses to the centre.
4. The proposal will have no material adverse impacts on nearby properties and the locality generally, including local infrastructure and services.
5. The proposal will provide additional and more varied housing, as well as more greater retail services.
6. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments –

Delete condition 6.2.1

New condition 6.2.1 to read as follows –

Prior to issue of any construction certificate, an Aboriginal Due Diligence Report is required to be submitted to the satisfaction of Council's Heritage Advisor.

Mr P Mitchell dissented from the above condition.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Kathie Collins
 Paul Mitchell	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW210 - Blacktown – DA16-03327
2	PROPOSED DEVELOPMENT	Demolition and subdivision, construction of 5 shop top housing buildings with 8 retail units and supermarket at ground and part first floor level and 229 residential units, basement car parking for 767 vehicles, public roads and private laneways, via an amended application.
3	STREET ADDRESS	209 Railway Terrace, Schofields (Lot 14 DP 1203330)
4	APPLICANT/OWNER	Applicant – Statewide Planning Pty Ltd Owner – Schofields Linx Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River ○ 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 ○ Rural Fires Act 1997 ○ Water Management Act 2000 ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Draft environmental planning instruments: Nil • Development control plans: ○ Blacktown City Council Growth Centre Precincts Development Control Plan 2018 ○ Central City District Plan 2018 • 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: 7 November 2019 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Ruth Bennett ○ On behalf of the applicant – Chantelle Fortune
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site Inspection: 19 December 2019 ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Ruth Bennett and Shakeeb Mushtaq • Final briefing to discuss council's recommendation, 19 December 2019, time 12.15pm. • Attendees: ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Ruth Bennett and Shakeeb Mushtaq
9	COUNCIL RECOMMENDATION	Approval as a deferred commencement consent, subject to conditions listed in attachment 9
10	DRAFT CONDITIONS	Submitted with council report