

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 26 July 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kevin Gillies
APOLOGIES	Kathie Collins
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on 26 July 2018, opened at 2:40 pm and closed at 3:50 pm.

MATTER DETERMINED

2017SWC014 – Blacktown - DA 16-04467 at 14 Schofields 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 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 SEPP (Sydney Region Growth Centres) 2006; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*;

for the following reasons:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of SEPP (Sydney Region Growth Centres) 2006 and considers that:
 - i. the applicant's submission adequately addresses the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation including particularly that the redistribution of building heights is offset by reduced building heights in other parts of the site that are more sensitive and also that the benefits of amalgamated basement levels (which in part contribute to some of the height variations) will have the resulting benefit that communal open space will remain level and therefore have improved functionality and increased disabled access for the benefit of future residents; and
 - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties, will result in a better design outcome and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the SEPP development standard is in the public interest.

2. Residential flat buildings are permissible under R3 Medium Density Residential zone and satisfies the zone objectives outlined under SEPP (Sydney Region Growth Centres) 2006.
3. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Blacktown local government area in a location with good access to services and amenities.
4. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, SEPP (Sydney Region Growth Centres) 2006, Sydney Regional Environmental Plan No.20 (Hawkesbury – Nepean River) and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide as well as the Central City District Plan.
5. The proposal generally complies with all applicable legislative and planning instrument requirements and to the extent that it does not, the variations are acceptable, in particular, minor variations to the building height and building street setbacks.
6. The proposed development is consistent with the desired future character of the area and is compatible with the surrounding properties.
7. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and stormwater management have been satisfactorily addressed, so that the proposed development will not result in unfavourable social, economic or environmental impacts.
8. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
9. The Panel has considered the submissions received during the two exhibition periods and considers that the concerns raised can either be adequately addressed by conditions of consent or do not warrant refusal of the application.
10. In consideration of conclusions 1-9 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.

- 6.2.1 to be changed to read as follows:

Construction Certificate Requirements

6.2 A Registered Surveyor must submit a report to the Principal Certifying Authority certifying at each stage that the levels for the works listed below (a-e) are consistent with the Construction Certificate. This is to occur prior to any works on the next stage progressing.






- a. Lowest level of the basement excavation
- b. Slab levels of the basement
- c. Ground floor level slab
- d. Driveways
- e. Drainage pits relative to the road drainage connection point.

Copies of the certification reports referred to above must be submitted to the Manager, Building and Engineering Assessment at each stage.

- Condition 12.16 to be added:

Prior to the issue of occupation certificate, the applicant is to submit a verification report for buildings N1, N2, C1 and C2 prepared by a suitably qualified consultant to verify that the units in these buildings will be below the EMF limits required by the standards set out in the National

Health and Medical Research Council Interim Guidelines (RHS30 1989) and also below the limits of the International Commission on Non-Ionising Radiation Protection Guidelines 2010.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Paul Mitchell OAM
 Lindsay Fletcher	 Chris Quilkey
 Kevin Gillies	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC014 – Blacktown - DA 16-04467
2	PROPOSED DEVELOPMENT	17 residential flat buildings in 6 stages
3	STREET ADDRESS	14 Schofields Road SCHOFIELDS
4	APPLICANT OWNER	Toplace JKN Station Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Building Sustainability Index: BASIX) 2004 ○ 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 (Sydney Region Growth Centres) 2006 ○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River ○ Central City District Plan 2018 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Council Growth Centre Precincts Development Control 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

		<ul style="list-style-type: none"> 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: 12 July 2018 Written submissions during public exhibition: First exhibition period - 9 individual submissions; Second exhibition period – 6 individual submissions, 1 petition with 7 signatures and 6 pro forma letters Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – Larissa Brennan and Nick Krikis
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection on 26 July 2018 Final briefing meeting to discuss council's recommendation, 26 July 2018, 12:30 pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kevin Gillies <u>Council assessment staff</u>: Holly Palmer, Robert Peterson and Judy Portelli
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended conditions supplied by Blacktown City Council on 26 July 2018