

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	29 November 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell OAM, Mark Grayson, Cr Chris Quilkey and Cr Kathie Collins OAM.
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blacktown City Council on 29 November 2018, opened at 12.40pm closed at 2.45pm.

MATTER DETERMINED

2017SWC022 – Blacktown – DA-16-04461, Lot 100 DP 1233054, 30 Advance Street, 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

The Panel upholds the request to vary the maximum height of buildings standard.

The applicant's written submission has shown that compliance with the standard is unnecessary in this instance as the objectives will be met despite the non-compliance. The request also demonstrates that there are sufficient environmental planning grounds to justify the variation, particularly a more functional and interesting building design.

The Panel believes the public interest will be served by upholding the variation. The varied development will remain consistent with the objectives of the height standard and will result in development that is consistent with the zone objectives.

Overall, the Panel finds that this applicant's written request is satisfactory as it addresses all prescribed matters under Clause 4.6.

The Panel approves the application for the following reasons:

1. The proposal is development that is consistent with the R3 Medium Density Residential zone objectives.

2. The site of the proposed development is suited to the intended use. It is largely free of environmental and development constraints, is close to shops and transport services and all essential infrastructure is or will be available.
3. The proposal will increase the stock and range of housing available in the locality, thus contributing to improved housing choice and affordability.
4. The proposal satisfies most applicable standards and guidelines. A variation to the ILP is sought. The Panel believes this variation will enable an improved development layout including better road and stormwater services, and thus the Panel supports the variation requested. The Panel also supports the variation to setbacks prescribed in the DCP noting that the proposed setbacks satisfy relevant provisions of the ADG.
5. The proposal involves removal of 91 trees. This loss will be compensated for by new landscaping and the Panel notes the result will satisfy relevant provisions of the Growth Centres SEPP meaning the outcome will be satisfactory.
6. The Panel has carefully considered the issues raised by objectors. The Panel believes the issues concerned have been addressed in modifications to the application and recommended conditions and, as such, the Panel considers that none of the issues raised now warrant refusal of the application.
7. Overall, the Panel believes that approval of this application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following changes –

Condition 6.5.1(a) is amended to read as follows –

- 6.5.1 The following plan amendments shall be included on or addressed by any Construction Certificate relating to the approved development:
- (a) All balconies and window openings on the façades of Buildings A, B, C, D, E, and F which are in the vicinity of adjoining properties along Advance Street of the north-western façade of Buildings B, and C are required to be treated as follows:
 - Balcony balustrades are to be either treated with translucent glazing or are to be constructed of masonry materials.
 - At least 1 privacy screen is to be installed on the outer side of all balconies which prevents occupants of the apartment **looking out over and into adjoining properties.**
 - All bedroom windows are to have a sill height of at least 1.4 metres.

Condition is 2.10.3 is amended is read as follows –

The developer is to maintain the temporary detention basin ~~(s)~~ and it is ~~(they are)~~ not to be removed, nor the positive covenants lifted, until the downstream regional Council detention basin is completed.

Condition 9.10.4. – first paragraph is deleted as follows - ~~Bio-retention basins to be designed in accordance with “Stormwater Biofiltration Systems. Adoption Guidelines. Planning, design and~~






~~implementation. Version 1 June 2009. Facility for Advancing Water Bio-filtration”, as a lined, standard biofiltration system and:~~

Condition is 16.11.7 is amended is read as follows –

A certificate from a Registered Engineer (NER) must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council’s DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. In this regard, the following surveys and Certificates shall be provided:

- a) An experienced irrigation specialist is to certify that all the requirements of the detailed Watering Plan have been installed as per the approved plan including the cold water supply taps to the car washes and are working correctly. Provide a signed, works-as-executed Landscape Watering Plan to Council’s WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au.
- b) A Chartered Civil Engineer registered with NER, is to certify that:
 - i) all the requirements of the approved drainage plan have been undertaken;
 - ii) the rainwater tanks have been provided as per the approved construction certificate plans collecting all of the roof area (excluding the roof top courtyard area);
 - iii) for lot 1 a rainwater tank with a minimum 20 kL storage below the overflow has been installed for unit A.
 - iv) For lot 2 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units B and C (two in total).
 - v) For lot 3 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units D, E and F (three in total).
 - vi) For lot 4 rainwater tanks each with a minimum 20 kL storage below the overflow have been installed for units G, H, J, K and L (five in total).
 - vii) the minimum detention storage of ~~1,146~~ 1,197 m³ has been provided below the 1.5 year ARI weir and a total of ~~1,738~~ 1,816 m³ has been provided below the 100 year ARI emergency overflow weir;
 - viii) all the signage and warning notices have been installed;
 - ix) the interpretative water quality sign has been correctly installed
 - x) the minimum Rocla CDS 2028 Gross Pollutant Trap (GPT) has been installed as per the manufacturer’s requirements with a 2 m working area around.
 - xi) any proprietary water quality devices have been installed for the site as per the manufacturer’s recommendations.
 - xii) a copy of the certification and the works-as-executed drainage plan has been provided to the certifier, who shall provide it to Council.
- c) Stormwater 360 is to certify for the installation of the 200 micron Enviropods and Stormfilters that:
 - I. They are installed in accordance with the Stormwater 360 standard operational guidelines and production drawings;
 - II. The number of ‘200 micron’ Enviropods shown on the approved plan have been installed;
 - III. 460mm high Stormfilter cartridges with a minimum of ~~seven~~ eight for Stormfilter tank A, ~~seven~~ twelve for Stormfilter tank B, ~~five~~ ten for Stormfilter tank C, ~~five~~ thirteen for Stormfilter tank D, ~~fifteen~~ seventeen for Stormfilter tanks E & F, ~~eighteen~~ twenty-one for Stormfilter tanks G, H & K and ~~nine~~ ten for Stormfilter tanks J & L have been installed.

- IV. Each Stormfilter tank includes a baffle extending from the tank soffit to 300 mm below the Stormfilter weir and set 250 mm upstream from the weir to retain floatables for the 460 mm cartridges.
- V. The weir lengths of Stormfilters are as per the approved plan;
- VI. Mosquito proof screens have been provided under all grated accesses into the Stormfilter tanks; and
- VII. Energy dissipater wall has been provided on the inlets to the Stormfilter chambers as per the approved plan.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC022 – Blacktown – DA-16-04461
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of 11 residential flat buildings comprising 587 apartments and associated new public roads, stormwater drainage works and landscaping.
3	STREET ADDRESS	Lot 100 DP 1233054, 30 Advance Street, Schofields
4	APPLICANT/OWNER	Applicant – Toplace Owner – JKN West Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability

		<p>Index: BASIX) 2004</p> <ul style="list-style-type: none"> ○ 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 ○ Central City District Plan 2018 <ul style="list-style-type: none"> ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Growth Centre Precincts Development Control Plan 2016 ● Planning agreements: Nil ● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ● 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: 15 November 2018 ● Written submissions during public exhibition: 8 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – <ul style="list-style-type: none"> ○ Robert Barton (Speaking on behalf of a community) ○ Robert Young ○ John Marsh ○ Praneet Marsh ○ Lenny Barbera ○ Julie Griffiths ○ On behalf of the applicant – Larissa Brennan and Nick Krikis ○ On behalf of Blacktown City Council - Judith Portelli and Holly Palmer

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection – 29 November 2018 • Public Meeting – 29 November 2018 • Final briefing to discuss council’s recommendation, 29 November 2018 – 11.30am to 12.35pm. • Attendees: <p><u>Panel members:</u> Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Mary Grayson, Cr Chris Quilkey and Kathie Collins</p> <p><u>Council assessment staff:</u> Judith Portelli, Tony Merrilees and Holly Palmer</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attachment 10 in Council Assessment Report