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| <b>DATE OF DETERMINATION</b>    | 24 April 2019  |
| <b>PANEL MEMBERS</b>            | Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Kevin Gillies and Chris Quilkey |
| <b>APOLOGIES</b>                | Kathie Collins   |
| <b>DECLARATIONS OF INTEREST</b> | Nil  |

Public meeting held at Blacktown City Council on 24 April 2019, opened at 2.30pm and closed at 4.15pm.

#### **MATTER DETERMINED**

2017SWC023 – Blacktown – DA16-04460 at 42, 64 and 66 Junction 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 briefings and the matters observed 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 uphold the Clause 4.6 variation to building height and 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 applicant has lodged a written request to vary the height of buildings standard in the Growth Centres SEPP. The variation sought is up to 6.52m above the prescribed 16m standard. The Panel finds that the applicant's written request is well founded and upholds the request to vary the standard for the reasons given below:

- Slope of the land is variable, and the proposed buildings are stepped in response to this, meaning a consistent 5 storey scale and suitable skyline profile are established.
- The height breaches are mostly compensated for by lesser heights in the stepped form of the buildings, meaning breaches do not result in excessive overall bulk;
- The height breaches do not result in any material adverse impacts on neighbouring properties or the broader locality;
- Given the above the Panel believes that compliance with the standard is unnecessary in this instance;
- The written request also demonstrates there are sufficient environmental planning grounds for justifying variation of the standard in particular that it results in a suitable built form design and ready access to roof top open spaces;
- The Panel finds variation of the standard is in the public interest because it will enable development that is consistent with the R3 zone objectives and a built form that is consistent with the objectives of the height standard;
- The variation does not raise any matter of state or regional planning significance.

The Panel approves the application for the following reasons:

1. The site of the proposed development is suitable for its intended use, being close to infrastructure and services and largely free of environmental constraints.

2. The design of the proposal is satisfactory; it complies with most applicable standards and guidelines and will contribute positively to the built environment.
3. Overall the proposal will not have an adverse impact on the natural environment. While there will be a loss of a substantial number of trees, the proposal provides compensatory landscaping, which is consistent with clause 5.9 of the Growth Centres SEPP (Preservation of trees or vegetation)
4. The proposal will provide greater housing supply and choice, thus contributing to improved housing affordability which will be socially beneficial.
5. The Panel has carefully considered all issues raised in objections and finds that most issues have either been resolved by design amendments or imposition of conditions. Any unresolved issues are inconsequential and do not warrant refusal of the application.
6. Overall the Panel believes that the proposal's positive impacts far outweigh its minor negative impacts and as such concludes that its approval is in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and amended conditions received 18 April 2019 with the following amendments.

- Amendment to condition 4.8.1 to read as follows:  
*With regard to Lot 1, 154 basement car parking spaces are required to be provided on site, being 129 resident spaces and 25 visitor car parking spaces, including 2 parking spaces for persons with disabilities.*
- Amendment to condition 4.8.2 to read as follows:  
*With regard to Lot 2, 359 basement car parking spaces are required to be provided on site, being 298 resident spaces and 61 visitor car parking spaces, including 4 parking spaces for persons with disabilities.*
- Amendment to condition 4.8.3 to read as follows:  
*With regard to Lot 3, 359 basement car parking spaces are required to be provided on site, being 298 resident spaces and 61 visitor car parking spaces, including 4 parking spaces for persons with disabilities.*

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Inadequate road access and public transport;
- impacts on the local school and social communities;
- loss of amenity;
- excessive size of the development;
- adverse impacts during construction.

The Panel considers the concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS



Mary-Lynne Taylor (Acting Chair)



Paul Mitchell



Lindsay Fletcher



Kevin Gillies



Chris Quilkey

| SCHEDULE 1 |                                   |  |
|------------|-----------------------------------|--|
| 1          | PANEL REF – LGA – DA NO.          | Panel Ref – 2017SWC023 – LGA – Blacktown – DA16-04460  |
| 2          | PROPOSED DEVELOPMENT              | Demolition of existing structures, removal of all trees, construction of 8 residential flat buildings in 3 stages comprising 690 apartments and associated new public roads, stormwater drainage works and landscaping.  |
| 3          | STREET ADDRESS                    | Lots 25 and 26 DP 13137 and Lot 22 DP 850117, 42, 64 and 66 Junction Road, Schofields  |
| 4          | APPLICANT/OWNER                   | Applicant – Jencarling JW Developments Pty Ltd<br>Owner – Jencarling JW Developments Pty Ltd   |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | General development over \$20 million and lodged before 1 March 2018   |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2018</li> <li>Central City District Plan 2018</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>Coastal zone management plan: [Nil]</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>Council assessment report: <b>21 March 2019</b></li> <li>List any clause 4.6 variation requests – Attachment 7 - Applicant's Clause</li> </ul>  |

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|    |   | <p>4.6 variation, Attachment 8 - Council's assessment of Clause 4.6 request.</p> <ul style="list-style-type: none"> <li>• Written submissions during public exhibition: 8</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer - Judith Portelli, Bertha Gunawan and Holly Palmer</li> <li>○ On behalf of the applicant – Nick Krikis, Larissa Brennan</li> </ul> </li> </ul> |
| 8  | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Site inspection: 24 April 2019</li> <li>• Final briefing to discuss council's recommendation, 24 April 2019, 12.00pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Kevin Gillies and Chris Quilkey</li> <li>○ <u>Council assessment staff</u>: Judith Portelli, Bertha Gunawan and Holly Palmer</li> </ul> </li> </ul>   |
| 9  | COUNCIL RECOMMENDATION                                | Approval  |
| 10 | DRAFT CONDITIONS                                      | Attached to the council assessment report   |