



## RECORD OF DEFERRAL

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	26 September 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Mark Grayson and Susan Budd
<b>APOLOGIES</b>	Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	Cr Chris Quilkey and Cr Kathie Collins advised that they attended a presentation to Blacktown City Council about this project by the Executive Director of the Homicide Victims Support Group. Blacktown City Council holds a 50 year lease over the proposed development site and is funding the site drainage works. Accordingly while he has no personal or financial interest in the proposed development, under the Revised Sydney Central Planning Panel Code of Conduct they have no option but to declare a conflict of interest and withdraw from consideration of the application.

Public meeting held at Blacktown City Council on 26 September 2018, opened at 3.12pm closed at 5.21pm.

#### MATTER DETERMINED

2017SWC025 – Blacktown – DA-16-04468, Reserve 770 Kareela Street, Doonside (Corner of Doonside Road and Eastern Road) (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.


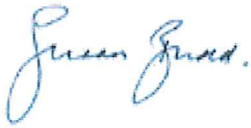

#### PANEL DECISION

The Panel will defer the application. The Panel requires various amendments and additional information as follows:

1. Relocation of the outdoor exercise area in the North West corner away from the residential areas.
2. The waste storage area on the North West boundary to be moved to an area not close to the residences; the bins to be of domestic size only and to be collected on street.
3. Lighting plan proposal to be submitted with lux report.
4. On-site detention to be placed on site in accordance with the requirements of Council engineers.
5. A barrier to be placed so as to contain overnight parking area.

6. A sign designed for the front of the site showing an emergency telephone number.
7. Landscaping plan to be redesigned to accommodate the council drainage swale at the North West boundary and to show all gates.
8. The Plan of Management to be completed to the satisfaction of the Council's Manager Community Services, and to include the details required by Council in its assessment report and in condition 15.10. All details of all security measures, the details of the 24 hour caretaker, hours of operation, car park management and day to day arrangements of the office and the children must be provided.
9. Upon receipt of this information and a further report from Council, the panel will hold another public determination meeting.

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

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Susan Budd
 Mark Grayson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC025 – Blacktown – DA-16-04468
2	PROPOSED DEVELOPMENT	Construction of a community support centre for children of homicide victims ('Grace's Place')
3	STREET ADDRESS	Reserve 770 Kareela Street, Doonside (Corner of Doonside Road and Eastern Road)
4	APPLICANT/OWNER	Applicant – Idraft Group Pty Ltd Owner – Western Sydney Parklands Trust
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$5million – Council interest as Council has a lease over the land.
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> </ul> </li> </ul>



		<ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Western Sydney Parklands) 2009</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>● Draft environmental planning instruments: Nil</li> <li>● Development control plans: Nil</li> <li>● Planning agreements: Nil</li> <li>● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: September 2018</li> <li>● Written submissions during public exhibition: 10</li> <li>● Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Michael Hill, Barry Townson and Fay Errey</li> <li>○ On behalf of the applicant – Martha Jabour and Michael Trinh</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>● Site Inspection - 26 September 2018</li> <li>● Final briefing to discuss council's recommendation, 26 September 2018 – 2.00pm to 3.10pm.</li> <li>● Public Meeting - 26 September 2018</li> <li>● Attendees:  <u>Panel members:</u> Mary-Lynne Taylor (Acting Chair), Mark Grayson and Susan Budd  <u>Council assessment staff:</u> Judith Portelli, Bertha Gunawan, Carol Ashworth, Lee Toscan and John Molteno. </li> </ul>
9	COUNCIL RECOMMENDATION	Deferred commencement consent
10	DRAFT CONDITIONS	Attached to Council Assessment Report

# Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC025

## Development application

<b>DA number</b>	SPP-16-04468	<b>Date of lodgement</b>	23 December 2016
<b>Applicant</b>	Idraft Group Pty Ltd		
<b>Owner</b>	Western Sydney Parklands Trust		
<b>Proposed development</b>	Construction of a community support centre for children of homicide victims ('Grace's Place')		
<b>Street address</b>	Reserve 770 Kareela Street, Doonside (corner of Doonside Road and Eastern Road)		
<b>Notification period</b>	11 July – 10 August 2018	<b>Number of submissions</b>	10 individual submissions

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>CIV&gt;\$5M – Council interest as Council has a lease over the land</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 55 (Remediation of Land)</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)</li> </ul>
<b>Report prepared by</b>	Bertha Gunawan
<b>Report date</b>	10 September 2018
<b>Recommendation</b>	Approve subject to deferred commencement conditions listed in attachment 8.

## Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public and location of submitters
- 8 Draft conditions of consent

## Checklist

### Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report? Yes

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? No

### Conditions

Have draft conditions been provided to the applicant for comment? Yes



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## **1 Executive summary**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- provision of a drainage channel and associated civil works
  - finished floor levels to be revised based on the site levels as provided by Council's Drainage Engineer
  - contamination and remediation works
  - inadequate Plan of Management
  - public submissions
  - hours of operation.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent, particularly relating to hours of operation.
- 1.3 The application is assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to a deferred commencement consent, including the recommended conditions listed in attachment 8.

## **2 Location**

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- 2.1 The site is a reserve in Doonside which is located adjacent to the intersection of Doonside Road to the east and Eastern Road to the south.
- 2.2 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The site is legally described as Lot 301 DP 793236, or Reserve 770 Kareela Street, Doonside. The proposal is only over a small part of the Reserve on the corner of Doonside Road and Eastern Road, and is physically separated from the main portion of the Reserve.
- 3.2 An aerial image of the site and surrounding area is at attachment 2.
- 3.3 The part of the site to be developed has a frontage of 67.377 m to Doonside Road, with a site depth of 88.613 m to the north-western boundary and a developable area of 6,686 m<sup>2</sup>.
- 3.4 The site has natural fall of approximately 4 m from the south-eastern boundary to the north-western boundary.

## **4 Background**

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- 4.1 Kareela Reserve is located within the Western Sydney Parklands and is unzoned. It is bounded by the R2 Low Density Residential zone along its northern and eastern boundaries, and by the SP2 Infrastructure zone (for local road, utility (substation) and educational establishment) along its southern and eastern boundaries under Blacktown Local Environmental Plan (LEP) 2015.
- 4.2 All land within the Western Sydney Parklands is unzoned under the provisions of the WSP SEPP. Under Clause 11(2), the proposal is for a community facility and is permissible with consent.
- 4.3 The zoning plan for the site and surrounds is at attachment 3.

## **5 The proposal**

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- 5.1 The DA has been lodged by Idraft Group Pty Ltd on behalf of the Homicide Victims Support Group (HSVSG).
- 5.2 The Applicant proposes the construction of a community support centre for children of homicide victims (to be known as Grace's Place).
- 5.3 Other details about the proposal, including the applicant's Plan of Management, are at attachment 4, and a copy of the development plans is at attachment 5.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the DA against relevant planning controls is provided at attachment 6, including:
  - Environmental Planning and Assessment Act 1979
  - State Environmental Planning Policy (State and Regional Development) 2011
  - State Environmental Planning Policy (Western Sydney Parklands) 2009
  - State Environmental Planning Policy No. 55 – Remediation of Land
  - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

## **7 Key issues**

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### **7.1 Provision of a drainage channel and associated civil works**

- 7.1.1 The development requires the provision of a drainage channel to drain the site, which is to be constructed by Council. A concept stormwater plan is required to be provided by the applicant to demonstrate the development is capable of being connected to the channel based on Council's proposed site levels.
- 7.1.2 However, as the applicant's drainage information to date has been inadequate, it is considered necessary to condition the outstanding drainage matters as part of a deferred commencement consent.

### **7.2 Finished floor levels to be revised based on the site levels as provided by Council's Drainage Engineer**

- 7.2.1 Council's Drainage Engineer has assisted the applicant on drainage matters, which includes required minimum finished floor levels of the proposed buildings. These levels have not been incorporated into the current architectural plans. The applicant will be required to amend these plans as part of the deferred commencement conditions.

### **7.3 Contamination and remediation works**

- 7.3.1 The site is contaminated with asbestos and remediation works will be required. Council will be remediating the site and getting it validated by an EPA accredited site auditor, before any Construction Certificate can be issued allowing the building construction to commence.

### **7.4 Inadequate Plan of Management**

- 7.4.1 The Applicant was requested to provide a Plan of Management for the facility, however what was submitted omits key information about the operation and management of the centre. It is recommended that the plan be amended to address the preservation of amenity of the adjoining residents. The amended plan will need to include details of the following:



- Complaints policy
- Visitors policy
- Noise management plan
- Child protection policy
- Dispute resolution policy
- Car parking policy.

7.4.2 The amended plan must be provided to Council's Manager Community Services for approval prior to the issue of any Occupation Certificate for the development. This will be conditioned as part of the consent.

## **7.5 Hours of operation**

7.5.1 The proposed hours of operation are as follows:

- Counselling and support services –  
Monday to Friday: 8.30 am to 6.30 pm  
Saturday and Sunday: 9.30 am to 4 pm
- Ancillary accommodation –  
Monday to Sunday: 24/7 (no visitor to be admitted past 10 pm)  
Public Holidays: Closed

7.5.2 The proposed closing time of 6.30 pm on weekdays is considered excessive and a closing time of 5.30 pm is recommended to ensure that the general amenity of the surrounding residential properties is maintained. For the same reason, visitor admittance being 10 pm is far too late and it is recommended that visitors should cease entry by 8.30 pm. These revised hours will be included in the consent conditions.

## **8 Issues raised by the public**

- 8.1 The DA was notified to property owners and occupiers in the locality between 11 July and 10 August 2018.
- 8.2 We received 10 individual submissions.
- 8.3 The issues raised by the residents are summarised in attachment 7, which includes the Applicant's response.
- 8.4 Whilst some of the concerns raised are valid, the objections are considered to not warrant refusal of the DA as they can largely be addressed through conditions of consent.

## **9 External referrals**

9.1 The DA was referred to the following external authorities for comment:

Authority	Comments
NSW Police	Acceptable subject to conditions
Sydney Water	Acceptable subject to conditions
Department of Primary Industries - Water	Confirmed that a controlled activity approval is not required and no further assessment is required by the DPI

Authority	Comments
Endeavour Energy	Acceptable subject to conditions
Roads and Maritime Services	Confirmed that RMS does not have jurisdiction over Doonside Road and Council is the assessing authority on traffic matters

## 10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comment:

Section	Comments
Drainage and Development Engineering	Acceptable subject to deferred commencement conditions
Environmental Health	Acceptable subject to conditions
Social Planning	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
Waste	Acceptable subject to conditions
Street Trees	Acceptable subject to conditions
Section 94 Committee	Advised that a section 7.11 contribution is not required
Property	The site is suitable for the proposed development
Building	Acceptable subject to conditions

## 11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development can be satisfactorily addressed by conditions and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to a deferred commencement consent and appropriate conditions, particularly dealing with hours of operation.



## **12 Recommendation**

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- 1) Approve the DA subject to the deferred commencement consent in accordance with the conditions listed in attachment 8.
- 2) Council officers notify the Applicant and submitters of the Panel's decision.

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Bertha Gunawan  
Assistant Team Leader – Projects

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Judith Portelli  
Manager Development Assessment

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Glennys James  
Director Design and Development