

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	13 December 2018
PANEL MEMBERS	Paul Mitchell (OAM) (Acting Chair), Kathie Collins, Chris Quilkey and Mark Grayson
APOLOGIES	Nil
DECLARATION OF INTEREST	Mary-Lynne Taylor advised that the owner of the land is a company which she believes is owned by persons who are known to her and she will not participate in consideration of this application.

Public meeting held at Blacktown City Council on 13 December 2018, opened at 11.36am closed at 12.54pm.

MATTER DETERMINED

2017SWC152 – Blacktown – DA-17-00042, Lot 141 DP 879706, 142 Sunnyholt Road, Blacktown (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 upholds the applicant's request to vary the height of buildings standard in BLEP 2015. The applicant's written request has demonstrated that compliance with the height standard is unnecessary in this instance as the objectives of the standard will be met despite the non-compliance. The request also provides sufficient environmental planning grounds to justify the variation being a more functional building design that will provide better facilities for future occupants.

The Panel believes that approval of the variation request will be in the public interest because the variation is consistent with the objectives of the standard and it will facilitate development that is consistent with the zone objectives.

Overall, the Panel finds that the applicant's written variation request is satisfactory as it properly addresses all matters prescribed in clause 4.3(3).

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

The Panel approves the application for the following reasons:

1. The proposal will provide a valuable facility that will support the day to day needs of workers in the industrial zone and is compatible with relevant B7 zone objectives.

2. The proposal is located on the periphery of a zone that is largely occupied by industrial facilities. The Panel is satisfied that the proposal and its neighbouring uses can co-exist without compromising each other. The proposal has a main road frontage, its own entrance and will incorporate noise insulation measures. Overall, the Panel believes the site is suitable for the intended use.
3. The proposal will have no adverse effects on nearby neighbouring residents or industrial facilities.
4. The proposal is well designed and complies with nearly all applicable standards and guidelines and any departures are inconsequential.
5. The proposal will provide additional employment and economic diversification and so is socially beneficial.
6. For the preceding reasons the Panel believes that 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 changes –

A new condition is added to read as follows:

- Appropriate signage is to be installed and line marking undertaken including painting on the carpark exit ramp from the hotel indicating ‘beware of heavy trucks’ so as to maximise safety for both hotel patrons leaving the development and trucks entering the shared right of way.

Condition 8.1.1 (first part) is amended to read as follows –

All areas potentially contaminated shall be remediated. Upon completion of the remediation an appropriately qualified and accredited geoscientist who is recognised by the EPA shall prepare a validation report.





Condition 8.1.3 – the criteria for the sleeping areas during the day has been changed to 35dB(A) and the following is added to the condition –

EPA sleep disturbance criteria (as specified in the industrial noise policy) during both day and night.

Condition 13.5.1 – the following is added –

The certification is to include testing taking into account typical, and peak noise emissions experienced by traffic and industrial operations in the locality.

The decision was unanimous.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Kathie Collins
 Mark Grayson	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC152 – Blacktown – DA-17-00042
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 9 storey hotel and associated restaurant, offices, conference rooms and car parking
3	STREET ADDRESS	Lot 141 DP 879706, 142 Sunnyholt Road, Blacktown
4	APPLICANT/OWNER	Applicant – Sino Australia Golden Rich Owner – L & J Rose Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20million
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 No 55 – Remediation of Land Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown Development Control Plan 2015 Central City District Plan 2018 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 of Environmental Planning and Assessment Regulation 2000 Coastal zone management plan: Nil The likely impacts of the development, including environmental

		<p>impacts on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> • 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: 29 November 2018 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Jordan Rogers ○ On behalf of the applicant – Peter Israel, Viet Dang, Graeme Hastie and William Dou
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Public Meeting – 13 December 2018 • Final briefing to discuss council's recommendation, 13 December 2018 – 10.00am to 10.30 am. • Attendees: <u>Panel members:</u> Paul Mitchell (Acting Chair), Mark Grayson, Kathie Collins and Chris Quilkey <u>Council assessment staff:</u> Judith Portelli and Holly Palmer
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council Assessment Report