

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018CCI027 DA

Development application

DA number	SPP-18-01553	Date of lodgement	29 November 2018
Applicant	Blacktown City Council's Property Section		
Owners	Blacktown City Council. Note: 93 Main Street, Blacktown, Lot 1 DP 202276 was compulsorily acquired by Council on 9 August 2019. 87 Main Street, Blacktown, Lot 4A DP 11349) was purchased by agreement by Council and settled in January 2019.		
Proposed development	The Warrick Lane Precinct in Blacktown consisting of construction of a new public plaza over a basement public car park, 1 x single storey and 1 x 4 storey mixed use building on the western and eastern side of the plaza respectively, a new pocket park, reconstruction of Warrick Lane and new streets, urban streetscape works and augmentation of services and infrastructure.		
Street address	Multiple properties comprising the 'Warrick Lane Precinct' on Main Street and Warrick Lane, Blacktown (see section 3 below).		
Notification period	14 to 29 January 2019	Number of submissions	1

Assessment

Panel criteria Schedule 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> A Council related development with a capital investment value (CIV) over \$5 million (DA has CIV of \$61 million).
Relevant section 4.15(1)(a) matters	<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 (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy No. 55 – Remediation of Land Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018 Clause 92 of Environmental Planning and Assessment Regulation 2000 Current Planning Proposals
Report prepared by	Planning Ingenuity, Independent Planner
Report date	10 April 2019
Recommendation	Approve, subject to conditions listed in attachment 9.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls
- 7 Examples of other public domains

- 8 Issues raised by the public
- 9 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)? Not applicable

Conditions

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

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
 - Departure from Council's Engineering Guide for Development 2005
 - Vehicular access and parking arrangements during construction
 - Reclassification as 'operational land'
 - No on-site stormwater detention is provided on site.
 - RMS deferred commencement condition and advisory issues raised.
 - Matters raised in the public submission which are considered in detail in Section 8 of this report. The objection is not considered sufficient to warrant the refusal of the Development Application.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 1.4 Assessment of the application has also been undertaken in line with Clause 7 of *State Environmental Planning Policy No. 55 (Remediation of Land)* and we are satisfied that the site can be made suitable for development and use for recreational areas, commercial premises and roads, subject to conditions.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 9.

2 Location

- 2.1 The site is located within the Southern Precinct of the Blacktown Central Business District. The site is also within Precinct 1 (Main Street Mall) and Precinct 4 (Warrick Lane). The locality comprises a mix of residential, recreational, retail, commercial, medical land uses and community facilities.
- 2.2 The site is located to the south of the T1 Western and T5 Richmond railway line, to the north of Main Street and to the south-west of the Warrick Lane public car park which contains 330 public parking spaces and access via Warrick Lane, Main Street and Sunnyholt Road. The Blacktown Railway station is a distance of 270 m to the north-west of the site.
- 2.3 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The site consists of multiple properties, including Lot 25 DP11349 79D Main Street 'Harry House Walkway', Lot 3 DP11349 81 Main Street, Lot 3A DP11349 83 Main Street, Lot 4 DP11349 85 Main Street, Lot 4A DP11349 87 Main Street, Lot 5 DP11349 89 Main Street, Lot 5A DP11349 91 Main Street, Lot 1 DP202276 93 Main Street, Lot 2 DP202276 95 Main Street, Lot 3 DP202276 97 Main Street, Part of Lot 2 DP210346 Warrick Lane, Part of Lot 100 DP730054 4 Sunnyholt Road, Lot 101 DP730054 Sunnyholt Road, Part of Lot 1 DP228132 4 Sunnyholt Road, Lot 1 DP810070 Warrick Lane, Public Road on Warrick Lane and Road Main Street.
- 3.2 The amalgamation of these properties results in a development site which is irregular in shape, in particular due to improvements to the road network, services and infrastructure.

- 3.3 The site slopes by up to 7m from the south-east to the north-west. The land also slopes downwards to the north towards the railway corridor.
- 3.4 The site consists of multiple attached two storey retail premises, existing roads and laneways and public parking areas. There are existing street trees along the Main Street frontage. Existing trees are also interspersed throughout the public car parking area.
- 3.5 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 In 2017 a Concept Master Plan was prepared by Cox Architects on behalf of Council, which provided a framework for development on the Warrick Lane Precinct that achieved the overall vision and design excellence objectives and provided potential for development of highest and best use for the site, consistent with achieving a significant public benefit. In September 2017 Council resolved to proceed to prepare a development application for the subdivision and development of the enabling infrastructure based on the Concept Master Plan. Extracts from the Concept Master Plan are at attachment 1.
- 4.2 The site is part zoned RE1 (Public Recreation) and part zoned B4 (Mixed Use) under Blacktown Local Environmental Plan (LEP) 2015. Commercial premises and roads are permissible with consent in the B4 (Mixed Use) zone. Restaurants or cafés and recreation areas are permitted on that part of the site zoned RE1 (Public Recreation).
- 4.3 The zoning plan for the site and surrounds is at attachment 3.
- 4.4 The proposed car park is permissible following the gazettal on 28 February 2019 of a planning proposal (PP_2017_BLACK_001_02) which amends the Blacktown LEP 2015 to include a “car park” as an additional permitted use to 81-97 Main Street, Blacktown (being land within the RE1 (Public Recreation) Zone) under Schedule 1 of the Blacktown LEP 2015.
- 4.5 On 22 November 2018 the Blacktown Local Planning Panel approved DA-18-01957 for demolition of the commercial buildings at 81 to 97 Main Street, Blacktown.
- 4.6 On 30 January 2019, the Blacktown Local Planning Panel approved DA-18-02386 for the demolition of the Goshin-Ryu Karate building located to the north-west of the works proposed in the subject application. Demolition of the building is required so that the site can be prepared for future development of the Warrick Lane Precinct.
- 4.7 On 31 January 2019, a briefing meeting was held with the Sydney Planning Panel. The outcome of the briefing meeting is as follows:

Key issues discussed and matters to be considered in the Council assessment report:
 - Departures from Council’s Engineering Guide for Development 2005.
 - Loss of vehicular access and public parking spaces during construction.
 - Rezoning to include car park - in time for DA determination?
 - Applicant to provide more information on engineering information.
 - Interim car parking arrangements.
 - The Panel wishes council to consider the engagement of independent town planner to assess applications for Council DAs or development on Council owned land in accordance with existing custom of other city councils.
- 4.8 The recommendations of the Panel were included in the assessment of this application.
- 4.9 On 13 March 2019, Council’s Planning, Development, Historical and Assets Committee considered Council’s Strategic Planning section’s post-exhibition report for another Planning Proposal (reference PP_2018_BLACK_007_00) which seeks to reclassify 1 property the subject of this development application (Lot 5A DP 11349, 91 Main Street,

Blacktown) from community land to operational land. The recommendation of this Committee was to support reclassification of the land. This recommendation will be submitted to the Ordinary Committee on 27 March 2019 in which Councillors will deliberate on the matter to make a final decision.

- 4.10 All land subject to the development application is classified as 'operational land' under the Local Government Act 1993, except for 91 Main Street which is classified as 'community land'. Council has progressed a Planning Proposal to tidy up this anomaly, which has been adopted by Council and forwarded to the NSW Department of Planning and Industry to be made. This is not an issue for determination of the DA as the adopted Council Plan of Management for General Community Use Land allows the proposed uses to which 91 Main Street will be put despite the community land classification, namely car park, open space and roads. Therefore the designation of this site for community use land is not an impediment.

5 The proposal

- 5.1 The development application has been lodged by Council's Property Section.
- 5.2 The applicant's proposal is for the construction of a new public plaza over a basement public car park, 1 x single storey and 1 x 4 storey mixed use building on the western and eastern side of the plaza respectively, a new pocket park, reconstruction of Warrick Lane and new streets, urban streetscape works and augmentation of services and infrastructure.
- 5.3 Other details about the proposal are at attachment 4, including design, traffic, access, parking, civil engineering, infrastructure, noise and vibration management during construction, noise and vibration impacts from traffic and rail sources, safety and security, landscaping treatment to the Plaza, waste management and collection. A copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the development application against relevant section 4.15(1)(a) matters is at attachment 6.

7 Key issues

7.1 Departure from Council's Engineering Guide for Development 2005

- 7.1.1 Given the nature of the development it is necessary for there to be some departures from Council's standard requirements of the Engineering Guide for Development. The scheme is nonetheless compliant with the objectives of the Engineering Guide and utilises 'best practice' designs for public spaces.
- 7.1.2 The proposal satisfies the objectives of Council's requirements for road widths (carriageways and footpaths) and traffic lanes based on the Engineering Guide. However, the following departures from Council's typical design standards are proposed:
- Some public paving areas have 'cobblestone' effect (being Granite Setts). The Applicant has confirmed that the paving will conform with the relevant Australian Standards and be DDA compliant.
 - The stormwater drainage at the south-western portion of the site consists of a slot grated drain instead of a standard 'vdrain'. The slot grated drain is designed to withstand traffic loads, is slip resistant and heel proof.

- Pram ramps are not required in most crossing locations as the kerb returns in many locations are proposed to be generally flush with the road pavement. Crossing points will be indicated with material changes.
- Reduced footpath widths in places. For example along the south-eastern boundary of the Pocket Park, the 1.2m footway width is proposed to be retained as per the current arrangement. A reduced footway width of 2.5m is proposed on the southern side of Warrick Lane, which is balanced by an increased width for the footway adjoining the plaza. The existing 1.2m footway width in front of the Main Street properties is retained.
- There are a small number of departures from standard road widths. However, the proposal is consistent with Austroad requirements.
- A 'kerb less' street design to the main Plaza area offers flexibility in future use of the area for events. The interaction between pedestrians and vehicles is managed by bollards, planter boxes, seating, surface treatments to act as a visual and tactile cue for users, a 'cobblestone' pavement and traffic management measures including signposting for a 40km/h speed limit.

7.1.3 The above specifications are installed in public spaces across Sydney and proposed in this instance to create a pedestrian friendly area which is aesthetically pleasing. They also act as traffic calming measures by providing different material finishes for shared use areas.

7.1.4 Examples from locations across NSW showing public space finishes and treatments are provided at attachment 7. They are provided to give a general idea of the design approach taken and nature of finish proposed, but are not exact representations of the proposed public space. Nonetheless, it is considered that the examples shown allow for a good understanding of the style of space proposed and that high quality treatments and finishes, which comply with relevant codes and safety standards, but which would not be compliant with Blacktown's Engineering Guidelines are capable of being delivered.

7.1.5 Although these are departures from Blacktown's Engineering Guide they are nonetheless DDA and Austroad compliant and are considered 'best practice' for public spaces. Given the high quality of the scheme and that it is consistent with the objectives of Council's Engineering Design Guide 2005 the departures are considered to be acceptable in this instance.

7.1.6 As Council will be the future owner, Council's Director City Assets has confirmed that the above departures from the Engineering Guide are accepted and will be maintained accordingly.

7.2 The existing vehicular access and public parking arrangements are affected during construction

7.2.1 The proposal replaces the existing 330 public car parking spaces with 473 basement public car parking spaces. The Applicant has advised that a Construction Management Plan is being prepared which will provide measures to maximise the number of available public parking spaces during the construction period of about 18 months by providing alternative car parking layouts. The Construction Management Plan will also provide suitably located accessible parking spaces, way finding signage for pedestrian access to the existing shops on Main Street, provision of waste collection and delivery vehicles and access to the rear of the Main Street properties and managing construction vehicles

7.2.2 It has been confirmed by the applicant that access to Harry House Walkway for rubbish pickup and goods deliveries will be maintained for the duration of the works. Vehicular access to Warrick Lane for the purpose of deliveries servicing the

rear of Main Street properties is also intended to be maintained for the duration of the works.

7.3 Rezoning to allow Car park as a permissible use

- 7.3.1 In order to allow for the use and operation of the site as a car park, a planning proposal was progressed by Council. The LEP was required to be amended to permit a car park as an additional permitted use (Schedule 1).
- 7.3.2 In regard to amending the LEP to permit car parking as a permissible use, Planning Proposal reference PP_2018_BLACK_002_00 was submitted on 24 September 2018 for Gateway determination and proposed to amend the Blacktown LEP as follows:

Schedule 1 Additional permitted uses

Insert after clause 9:

10 Use of certain land at 81–97 Main Street, Blacktown

(1) This clause applies to land at 81–97 Main Street, Blacktown, being Lots 25 and 3–5A, DP 11349 and Lots 1–3, DP 202276.

(2) Development for the purpose of a car park is permitted with development consent.

- 7.3.3 This planning proposal was gazetted on 28 February 2019. A car park, as proposed, is now a permissible use on the site (under Schedule 1 of the LEP).

7.4 The proposal does not provide on-site stormwater detention measures

- 7.4.1 The on-site stormwater detention (OSD) required for the flanking buildings is to be met elsewhere in the Warrick Lane Precinct, under future development plans. A restriction on title will be imposed on existing Lot 2 DP 210346 (which is owned by Council and adjoins this site to the north) requiring the provision of the required OSD for the flanking buildings as part of any future development of this land.
- 7.4.2 The proposed development diverts the existing overland flow from the surrounding catchment via Harry House Walkway (along the north-western side of the part of the site zoned RE1 (Public Recreation)) to new culverts within the development. The proposed increase to the capacity of this system will reduce the extent of ponding in Main Street which currently occurs during the 1 in 100 year storm event.
- 7.4.3 Council's drainage officer has reviewed this approach and considers it acceptable in the circumstances. It should be noted that upon completion there will be no shortfall of appropriate stormwater detention for the entire Warrick Lane Precinct.

7.5 RMS Deferred Commencement Condition and other advisory issues raised

- 7.5.1 In correspondence from RMS dated 5 March 2019 the RMS advised that they do not object to the proposal, subject to the following deferred commencement condition:

‘The Applicant is to obtain in-principle approval from Roads and Maritime for the proposed modifications to the traffic control signals at the intersection of Main Street/Campbell Street/Western Laneway.’
- 7.5.2 This will be imposed as a deferred commencement condition (which the Applicant is aware of) and has been included as part of the draft conditions of consent in attachment 9.

7.5.3 RMS also provided advisory comments relating to layout of proposed car parking areas, swept path for long vehicles, vehicles to enter/exit site in a forward direction and to be wholly contained on site before stopping and for pedestrian safety to be considered.

7.5.4 The applicant has committed to ensuring the development is consistent with these advisory comments and has provided evidence to this effect.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 14 and 29 January 2019. The development application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 One submission was received from an adjoining property owner to the west of Harry House Walkway, at 77-79 Main Street, Blacktown.
- 8.3 The issues raised by the submitter relate to access to their site during construction. A summary of each issue and our response is in attachment 8.
- 8.4 Given the proposal ensures that access to the surrounding properties is maintained during construction, the issues raised in the objection are not considered to be sufficient to warrant refusal of the development application.

9 External referrals

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Local Police	Acceptable subject to conditions.
RMS	Acceptable subject to deferred commencement condition.
Endeavour Energy	Acceptable subject to conditions.
Sydney Trains	No response received (notified as a neighbouring property only).

10 Internal referrals

- 10.1 The development application was referred to the internal sections of Council and is considered acceptable.

Authority	Comments
Property and Civil Asset Maintenance	The Property and Civil Asset Maintenance sections, being the future owners of this development, confirm that the departures from Council's Engineering Guide for Development 2005 and Civil Works Specifications are accepted and will be maintained accordingly.
Development Services Engineering	The Development Services Engineering section supports the proposal, including the departures from Council's Engineering Guide for Development 2005 and Civil Works Specifications.
Drainage Engineering	The Drainage Engineering section supports the proposal, subject to conditions.

Authority	Comments
City Architect	The City Architect advises that the proposal is supported and it satisfies the Blacktown LEP 2015 with regard to clause 7.4 Active Street Frontages and clause 7.7 Design Excellence, and is consistent with the Warrick Lane Project Concept Master Plan and desired future character of the CBD.
Access and Traffic Management	The Access and Transport Management Services section supports the proposal from a traffic point of view, including the loading zone spaces which will need to be approved by Council through the Local Traffic Committee.
Section 7.11 Contributions	<p>The Section 7.11 Contributions section advises that the part of the site zoned RE1 (Public Recreation) is proposed to comprise 'Main Street Plaza' which is currently an open space and recreation facility item of the Section 7.11 Contributions Plan (CP) No. 19, being a local park including landscaping and other embellishment works only.</p> <p>Section 7.11 contributions are required to be paid for the part of the site containing the 2 flanking buildings.</p>
Environmental Health	The Environmental Health section advises that the proposal is acceptable, subject to conditions.
Sustainable Resources	The Sustainable Resources (waste) section advises that the proposal is acceptable, subject to conditions.
Civil and Open Space Infrastructure	The Civil and Open Space Infrastructure section advises that the proposal is acceptable.

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 have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

- 1 Approve development application SPP-18-01553 for the reasons listed below and subject to the conditions listed in attachment 9.
 - a The proposal is permissible in the RE1 Public Recreation Zone (as per Schedule 1 of the Blacktown LEP 2015) and B4 Mixed Use Zone.
 - b The development is satisfactory under the Environmental Planning and Assessment Act 1979 and under relevant statutory controls.
 - c The likely impacts of the development can be satisfactorily addressed by conditions.
 - d The proposal is considered to be in the public interest.
- 2 Council officers to notify the applicant and submitter of the Panel's decision.



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