

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	27 February 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Susan Budd, Kathie Collins and Chris Quilkey
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blacktown City Council on 27 February 2020, opened at 2.00pm and closed at 3.00pm.

MATTER DETERMINED

2018SWC011 – Blacktown – SPP-17-00051, Lot 8 Section 7 DP 193074, 217 Grange Avenue, Marsden Park, Demolition of existing structures, subdivision to create 3 development lots and 1 lot for roads, construction of new public roads, 3 residential flat buildings consisting of 132 apartments, 223 basement car parking spaces and associated drainage works and landscaping (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.

Development application

The Panel determined to refuse 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 Panel generally agreed with the recommendations and balance of considerations in Council's assessment report, noting that:






- The proposal is inconsistent with the objects in Clause 1.3 of the Environmental Planning and Assessment Act 1979, in that it fails to promote the orderly and economic use and development of land and fails to promote good design and amenity of the built environment.
- The proposal is inconsistent with the aims of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in that it fails to provide for the orderly and economic provision of infrastructure to and from the site.
- The proposed development is considered to result in unfavourable outcomes for site access, parking, streetscape and design, bulk and scale, overshadowing, noise, privacy, waste management, tree and vegetation preservation and stormwater management (Section 4.15(1)(b) of the Act).
- The proposed development is inconsistent with the road layout in the Indicative Layout Plan for the Marsden Park Precinct, as required by Roads and Maritime Services under SEPP (Infrastructure) 2007, because the proposal comprises an additional half-width road that will result in a road network that will be incomplete and development will not occur in a coordinated manner. The proposed roads will result in staggered streets that are in close

proximity to each other and unnecessarily bisect street blocks (Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* ('the Act')).

- e. The proposal fails to satisfy the minimum subdivision lot size development standard for RFB developments with regard to Block C under the Growth Centres SEPP and has not been accompanied by a Clause 4.6 request to vary this development standard (Section 4.15(1)(a)(i) of the Act).
- f. The proposal fails to satisfy Appendix 12 *Blacktown Growth Centres Precinct Plan 2013* regarding the objectives of the R3 Medium Density Residential zoning of the land. The proposal also fails to satisfy Clause 5.9 regarding the preservation of trees (Section 4.15(1)(a)(i) of the Act).
- g. The proposal is inconsistent with the design quality principles of SEPP No. 65 - Design Quality of Residential Apartment Development and specific criteria of the Apartment Design Guide, and does not justify its failure to meet these criteria (Section 4.15(1)(a)(i) of the Act).
- h. The proposal is unsatisfactory with regard to the controls in the *Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2018* regarding road layout and design, management of stormwater, retention of trees, suitable subdivision layout and connectivity, water sensitive urban design (WSUD) measures, solar access for the sites to the south, sustainable plant species, setbacks, building separation and impact on the amenity of future redevelopment of adjoining sites (Section 4.15 (1)(a)(iii) of the Act).
- i. The application is considered unacceptable in that the proposed development fails to comply with the development standard for height of buildings under SEPP (Sydney Region Growth Centres) 2006 and the scale of the proposed buildings and their rooftop structures is excessive. The Clause 4.6 request to vary this development standard is not considered reasonable or well founded and is not supported (Section 4.15(1)(a)(i) of the Act).
- j. The development is not in the public interest because it results in a poor built form and amenity outcome and is incompatible with the desired future character of the Precinct (Section 4.15(1)(e) of the Act).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes no submissions were received during notification period. One submitter addressed the Panel during the meeting. The key points raised by the submitter related to an infrastructure deficit in the local area.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Susan Budd
 David Ryan	 Kathie Collins
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC011 – Blacktown – SPP-17-00051
2	PROPOSED DEVELOPMENT	Demolition of existing structures, subdivision to create 3 development lots and 1 lot for roads, construction of new public roads, 3 residential flat buildings consisting of 132 apartments, 223 basement car parking spaces and associated drainage works and landscaping
3	STREET ADDRESS	Lot 8 Section 7 DP 193074, 217 Grange Avenue, Marsden Park
4	APPLICANT/OWNER	Graham Developers Pty Ltd/A Constable & J Constable
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004 ○ 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 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Council Growth Centre Precincts Development Control Plan 2018 ○ Blacktown Development Control Plan 2015 ○ Central City District Plan 2018 • 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: 6 February 2020 • Applicant's Clause 4.6 written request

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Christine Scott on behalf of Marsden Park and Elara Action Group. ○ Council assessment officer – Holly Palmer and Judith Portelli ○ On behalf of the applicant – Michael Gheorghiu, Simon Ochudzawa and Suresh Kumar
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 27 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Susan Budd, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Holly Palmer and Judith Portelli • Final briefing to discuss council's recommendation, 27 February 2020, 12.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Susan Budd, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Holly Palmer and Judith Portelli
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A