

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	18 December 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Noni Ruker, Kathie Collins and Moninder Singh
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by public teleconference on 16 December 2020, opened at 10.00am and closed at 11:00am.

#### MATTER DETERMINED

2019CCI009 – Blacktown - SPP-18-01555, 12 Sunnyholt Road, Kings Langley, an Integrated Development including tree removal, construction of 2 x 5 storey residential flat buildings with 178 residential apartments over 2 levels of basement car parking (as described in Schedule 1).

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

#### Application to vary a development standard:

Following consideration of a written request from the applicant made under cl 4.6 of the Blacktown Local Environmental Plan 2015 (BLEP 2015), that has asserted that:

- a) compliance with cl. 4.3 of BLEP 2015 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standards

The Panel is satisfied that:

- a) The applicant's written request adequately addresses the matters required to be addressed under cl 4.6;
- b) The development is in the public interest because it is consistent with the objectives of cl. 4.3 BLEP 2015; and
- c) The development meets the height objectives of the zone and provides a positive development outcome for the following reasons:
  - The proposed areas that exceed the height limit do not result in excessive bulk and scale and do not create unreasonable environmental impacts on the surrounding area with regard to overshadowing, solar access, amenity or privacy impacts.
  - The breach will enable access to rooftop communal open space, as it provides for the increased height of the lift overrun to enable access to the communal roof terrace.
  - The majority of the departure is located in a portion of the site where the topography falls due to the natural ground level of the existing creek running through the development site, which is to be realigned. The height exceedance is also a direct result of a specific design response to the flood affectation of the site and the need to ensure that the finished floor levels of both buildings are at a suitable height above the 1 in 100 year freeboard and is in the public's best interest.
  - This is a unique site and there are sufficient planning grounds to justify the proposed variation to the height considering the site constraints.
  - The request is satisfactory and the height variations are supported.

**Panel decision:**

The Panel determined to **approve** the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

**REASONS FOR THE DECISION**

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

- The site is suitable for the proposed development
- The requested Clause 4.6 variation is acceptable
- The proposal is in the public interest.

The Panel is satisfied that:

- Issues of privacy and amenity for surrounding residents have been addressed
- Concerns related to traffic, access and parking provision have been resolved
- Flood management requirements have been adequately addressed
- The proposed development is generally consistent the objectives for development within the zone.

**CONDITIONS**

The development application was approved subject to the deferred commencement conditions listed in Council Assessment Report Attachment 10 with amended conditions as detailed in Council's Memo to the Panel of 15 December 2020, being deferred commencement conditions:

- 1.1.3 related to cantilevered planter boxes to be provided to overhang the riparian zone to address the transition of the ground floor of the building and the riparian zone
- 1.1.4 related to the landscape plan and combination of mature trees, fast growing trees
- 5.5.1 related to access / parking and clarification of accessible parking provision.






**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that there were 71 written submissions received during the public exhibition, one written submission received subsequent to the public exhibition, and two verbal submissions at the public meeting. These submissions addressed issues of:

- The left-in and left-out turn from Vardys Road
- Pedestrian access from Vardys Road
- Inadequate car parking on site
- Increased traffic in the local community
- Roof access compromising privacy
- Development not in keeping with the character of the area
- The site being flood prone and its impacts on sporting fields
- Safety concerns and potential for increased crime in the area
- Scale and quality of development
- Noise and privacy impacts
- Impact on local services
- Failure to comply with the commitments at the rezoning stage
- Site suitability for the development
- Tree planting, landscaping of the area
- Inadequate infrastructure in the local area
- Impact on property prices.

The Panel has carefully considered the issues raised by objectors and believes that where possible they are addressed by the deferred commencement and other conditions recommended by Council. The Panel

believes the issues do not warrant refusal of the application, which is generally compliant with the site zoning.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Moninder Singh	 Kathie Collins
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCI009 – Blacktown - SPP-18-01555
2	PROPOSED DEVELOPMENT	An Integrated Development including tree removal, construction of 2 x 5 storey residential flat buildings with 178 residential apartments over 2 levels of basement car parking
3	STREET ADDRESS	12 Sunnyholt Road, Kings Langley
4	APPLICANT/OWNER	Tilrox Pty Ltd C/- Design Cubicle Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30 million
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 (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and Apartment Design Guide (ADG)</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Blacktown Local Environmental Plan 2015</li> <li>• Blacktown Local Strategic Planning Statement 2020</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Blacktown Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> </ul>

		<ul style="list-style-type: none"> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Council assessment report: November 2020</li> <li>Applicant's clause 4.6 request and Council's Assessment of Clause 4.6 request.</li> <li>Council Memo dated 15 December 2020 in response to the matters raised in the Panel briefing held on 9 December 2020, including amended conditions.</li> <li>Written submissions during public exhibition: 71</li> <li>Written submission received subsequent to the public exhibition: letter of objection from Mark Taylor MP, dated 10 December 2020</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – Nil</li> <li>In objection – Claire Keipert on behalf of Kings Langley action group, Melinda Taylor</li> <li>On behalf of the applicant – Farah Georges</li> <li>Council's Manager Development Assessment and assessment officers – Judith Portelli, Shakeeb Mushtaq and Sami Ahangari</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>Final briefing to discuss council's recommendation, 16 December 2020, 9.30am (teleconference) Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, , Kathie Collins and Moninder Singh</li> <li><u>Council assessment staff</u>: Sami Ahangari and Shakeeb Mushtaq</li> </ul> </li> </ul> <p><u>Points discussed:</u></p> <ul style="list-style-type: none"> <li>Objections that relate to the provision of infrastructure in the local area rather than the proposal related to the site in particular.</li> <li>No evidence to suggest pressure of local infrastructure, for example neither RMS nor Council's traffic officers consider there to be traffic congestion.</li> <li>Proposal complies with site specific zoning (R4), noting that this is an isolated site that was the subject of a Planning Proposal rezoning.</li> <li>City Architect's response to Panel queries regarding the interface of the building's ground floor and community open space, as well as the design of the creek.</li> </ul>

9	COUNCIL RECOMMENDATION	Approval subject to deferred commencement consent listed in attachment 9.
10	DRAFT CONDITIONS	Listed in attachment 9.