

Supplementary report to the Sydney Central City Planning Panel

Panel reference: 2019CC1030

Development application

DA number	DA-18-00567	Date of lodgement	29 March 2018
Applicant	Creative Planning Solutions Pty Ltd		
Owner	Aboriginal Housing Office		
Proposed development	Seniors housing development comprising 4 dwellings, car parking and landscaping		
Street address	30 Frank Street, Mount Druitt		
Notification period	2 to 16 May 2018	Number of submissions	1 letter and a petition with 21 signatures

Assessment

Panel criteria Section 4.33(1)(a) of the EP&A Act 1979	• Crown Development
Relevant section 4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Blacktown Local Environmental Plan (BLEP) 2015 • Blacktown Development Control Plan (BDCP) 2015
Original report date	15 May 2019
Panel meeting date and deferral	Panel meeting held on 30 May 2019. The Panel deferred the determination of the application so that a draft set of conditions could be prepared by Council and submitted to the applicant for its agreement. The matter is to then be reported back to the Panel for determination. The draft conditions shall include a condition requiring the preparation of amended plans, including removal of the ramp, adjustment of finished levels and a revised landscape plan to replace the loss of trees.
This report date	14 June 2019
Report prepared by	Sara Smith
Recommendation	Approve, subject to the conditions listed in attachment 2.

Attachments

1. Applicant's amended plans
2. Draft conditions of consent
3. Original report

Checklist

Summary of section 4.15 matters

Have 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? Not applicable

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 This supplementary report is the second report on this proposal. This report provides conditions of consent in response to the Panel's deferral of the Development Application on 30 May 2019.
- 1.2 The key issues that need to be considered by the Panel relate to the matters raised in its deferral and these are covered in Section 3 of this report. We believe that the applicant has satisfactorily addressed the matters raised by the Panel.
- 1.3 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 2.

2 Previous Panel consideration of DA

- 2.1 The Sydney Central City Planning Panel met on 30 May 2019 to consider this Development Application and it made the following decision:

"The Panel is minded to approve the application subject to provision of amended plans including a revised landscaping plan showing how lost trees will be replaced and providing for continuous planting along the street frontage by removing the currently proposed ramp and showing associated finished level adjustments.

The Panel's reasons are as follows:

1. The public interest is served by timely provision of special needs housing and this factor distinguishes the present application from those for other forms of residential development in terms of any precedent.
2. Seniors housing is permissible under R2 Low Density Residential zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 2015.
3. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Blacktown local government area in a location with good access to services and amenities.
4. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP (BASIX) 2004 and SEPP (Housing for Seniors or People with a Disability) 2004.
5. The proposal generally complies with Blacktown Local Environmental Plan 2015 and Blacktown Development Control Plan 2015 and to the extent that it does not, the variations are acceptable.
6. The proposed development is consistent with the desired future character of the area and is compatible with the surrounding properties.
7. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management, have been satisfactorily addressed, so that the proposed development will not result in unfavourable social, economic or environmental impacts.
8. Whilst the proposed stormwater management arrangement is not in accordance with Council's DCP, the Panel is satisfied that the alternative arrangement proposed will operate satisfactorily and not impose any significant burden on Council for its future maintenance. The Panel notes the difficulty of obtaining the easement through downstream properties in circumstances where all those properties have objected to the proposal.

9. The proposed development, subject to conditions imposed, will have no unacceptable adverse impacts on the natural or built environment including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
10. In consideration of conclusions 1-9 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

The Panel deferred its determination of the matter until a draft set of conditions have been prepared by Council and submitted to the applicant for their agreement. The matter is to then be reported back to the Panel for determination. The draft conditions shall include a condition requiring the preparation of amended plans including removal of the ramp, adjustment of finished levels and a revised landscape plan to replace the loss of trees."

2.2 A copy of the original report is at attachment 3.

3 Assessment of applicant's revised plans

3.1 Amended plans

- 3.1.1 The applicant submitted amended plans to address the matters raised in the Panel's determination. These are at attachment 1.
- 3.1.2 The changes to the plans include partial deletion of the pedestrian access ramp, increased deep soil zone and additional planting of trees.

3.2 Access ramp

- 3.2.1 The applicant has amended the plans to partially delete the pedestrian access ramp; Full deletion of the ramp cannot be accommodated as the ramp is required to provide disabled access to the site in accordance with the access requirements of the Seniors Living SEPP. The ramp is now provided from the south-western corner of the site, providing pedestrian access through the site linking to the driveway.
- 3.2.2 The modifications are considered acceptable and provide suitable pedestrian access to the site and improve the amount of landscaped area.

3.3 Deep soil zone

- 3.3.1 The Seniors Living SEPP requires 15% of the site to be provided as a deep soil zone with minimum dimensions of 3 metres. The revised plans demonstrate a combined deep soil area of 109 sqm or 11%, which remains as a non-compliance. Whilst this is a reduction from the original plans, this directly results from areas less than 3 metres in depth being excluded from the calculations. In the event that areas less than 3 metres were included as deep soil zones, the area provided exceeds 15%, being 267 sqm or 26%.
- 3.3.2 No objection is raised to the minor variation of the deep soil zone requirement.

3.4 Planting of trees

- 3.4.1 A revised landscaping plan has been submitted which demonstrates that an additional 3 trees will be provided on site to compensate for the loss of the 2 existing trees at the rear of the site.
- 3.4.2 The landscaping plan is considered satisfactory and will provide an appropriate landscaping solution for the site.

9. The proposed development, subject to conditions imposed, will have no unacceptable adverse impacts on the natural or built environment including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
10. In consideration of conclusions 1-9 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

The Panel deferred its determination of the matter until a draft set of conditions have been prepared by Council and submitted to the applicant for their agreement. The matter is to then be reported back to the Panel for determination. The draft conditions shall include a condition requiring the preparation of amended plans including removal of the ramp, adjustment of finished levels and a revised landscape plan to replace the loss of trees."

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3.5 Conditions of consent

- 3.5.1 Draft conditions of consent have been prepared and the conditions were forwarded to the applicant for its consideration. The applicant has now responded to the list of conditions and provided its concurrence to the conditions.

4 Conclusion

- 4.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory as it has complied with the issues of concern raised by the Panel.

5 Recommendation

- 1 Approve the Development Application subject to the conditions listed in attachment 2.
- 2 Council officers notify the applicant and head petitioner of the Panel's decision.



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