

DATE OF DETERMINATION	26 March 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Kathie Collins and Chris Quilkey
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	Nil

Public meeting held by public teleconference on 26 March 2020, opened at 1.00pm and closed at 1.52pm.

MATTER DETERMINED

2019CCI035 - Blacktown – SPP-19-00002, Lots 1101 and 1102 DP 1191303, Elara Boulevard, Marsden Park - Two lot boundary adjustment subdivision and construction of a Local Town Centre with a childcare centre, medical centre, supermarket, dining and retail spaces, 24 hour gymnasium and associated car parking, drainage and landscaping on proposed lot 1 and a community centre with ancillary parking on proposed lot 2 (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 approve 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 report, noting:

- The site is considered suitable for the proposed development.
- The proposal will provide the Marsden Park Estate with much needed social and economic infrastructure to service the needs of the growing population.
- The proposal results in an appropriate scale of development for the site and satisfactorily complies with the relevant provisions of the applicable planning controls.
- Further consideration is required regarding truck movements to minimise the impact on local residents. Relevant conditions have been amended to this end.
- Noting that this application is for a Town Centre, further expert consideration is required regarding prevention of crime by the application of robust CPTED principles, particularly with regard to landscaping, lighting, building edges and security. A condition has been added to this effect.
- The loading dock, including waste storage facilities, is to be enclosed to manage amenity impacts including noise and odour.
- Parking provision, including parking for community facilities, is regarded as adequate.

- The proposal is in the public interest.

CONDITIONS

The development application was approved subject to conditions listed in Council assessment report Attachment 7, with changes to Conditions 8.1.5, 9.1.5 and 15.2.2.1 to address truck movements, and the addition of Condition 4.2.3 to address crime prevention requirements.

Insert Condition 4.2.3

A revised detailed CPTED report prepared by a suitably qualified social planning consultant to address key aspects of the design namely lighting, landscaping, security and building edges. This report is to be submitted to Council's Team Leader Social Planning for approval. The recommendations of the approved report are to be incorporated into the relevant Building Construction Certificate drawings and implemented prior to the issue of the relevant Building Occupation Certificate.

Revised condition 8.1.5 by revising the wording of the first sentence to read:

"A single vehicle/plant access to the land shall be provided off Elara Boulevard to minimise ground disturbance and transport of the soil onto any public place.

Revised condition 9.1.5 by revising the wording of the first sentence:

"A single vehicle/plant access to the land off Elara Boulevard shall be maintained to minimise ground disturbance and transport of soil onto any public place."

Add an additional condition 15.2.2.1 the words:



2 trucks are not to use Harvest Street at any one time. This is to be carefully managed through the timing of trucks in the applicant's operational plan of management




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Amenity impacts of the loading dock;
- Potential reduction of resident parking due to truck movements;
- Inadequacy of current retail facilities close to but outside the precinct;
- Maintenance of the planned retail hierarchy;
- Consistency with design controls;
- Sub-station impacts;
- Multi-purpose hall uses and potential impacts,
- Supermarket security and trolley enforcement;
- Details of operating hours;
- Loading dock location and potential impacts;
- Waste management and compactor location.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed addressing the issues raised in the council assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Roberta Ryan

 Chris Quilkey	 Kathie Collins
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO35 - Blacktown – SPP-19-00002
2	PROPOSED DEVELOPMENT	Two lot boundary adjustment subdivision and construction of a Local Town Centre with a childcare centre, medical centre, supermarket, dining and retail spaces, 24 hour gymnasium and associated car parking, drainage and landscaping on proposed lot 1 and a community centre with ancillary parking on proposed lot 2
3	STREET ADDRESS	Lots 1101 and 1102 DP 1191303, Elara Boulevard, Marsden Park
4	APPLICANT/OWNER	Applicant – Stockland Development Pty Ltd c/- GLN Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30 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 No. 55- Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2018 Central 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

		<p>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: 11 March 2020 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In objection – Lisa Baker ○ In support – Adam Lidberry ○ Council assessment officers – Kelly Coyne and Judith Portelli ○ On behalf of the applicant – Tom Piovesan (GLN Planning), Mike Milligan (Stockland)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. • Final briefing to discuss council's recommendation, 26 March 2020, 12.00pm (teleconference) Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan (teleconference), Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Kelly Coyne and Judith Portelli
9	COUNCIL RECOMMENDATION	Approval subject to conditions listed in attachment 7.
10	DRAFT CONDITIONS	Attachment 7