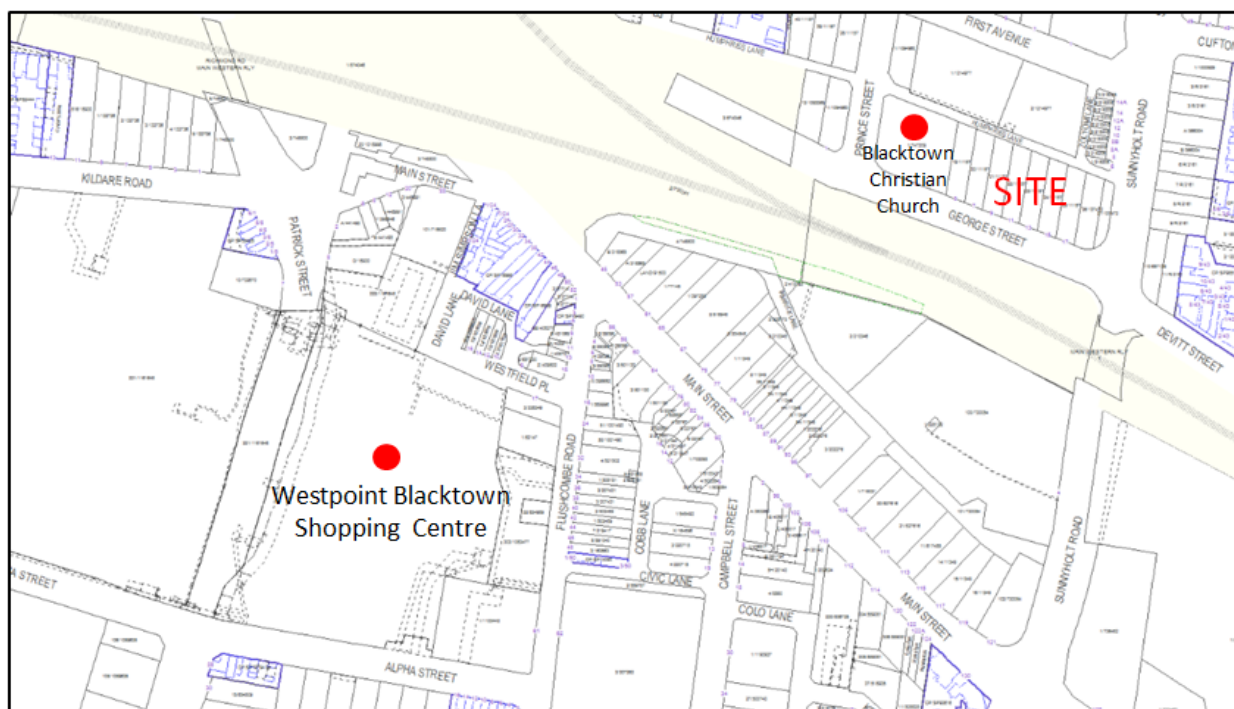


Summary of residents' concerns and Council response

1 Location of submitters



Key: ● = Submitter

2 Consideration of issues raised

Issues raised by the Blacktown Christian Church (adjoining site)	Planning comment/response
Separation distances for the 6 th to 15 th storeys are not consistent with the Apartment Design Guide and as the site is a greenfield site and capable of complying with the controls. Compromising the western setbacks is unwarranted and a poor design outcome.	This is not a greenfield site, it is an infill development site in the CBD of Blacktown. The issue of the building separation is discussed in the report and is considered suitable as the applicant has complied with the ADG objectives. The western setback issues are addressed by blank walls and a zero lot line for the 4 storey podium and then 6 m and greater above these levels. The City Architect has carefully checked the plans and design of the proposal and is satisfied it meets the design excellence Clause 7.7 in BLEP 2015.
Blacktown Christian Church has not agreed to the removal of tree number 3 as noted on the plans and as such the current basement structure will force the removal of the tree and therefore cannot be approved in its current form.	The proposal has been amended to retain and protect the existing tree located on Blacktown Christian Church's property, to ensure the rooting system and canopy are not disturbed, by way of stepping in of the corner of the building.
No views of the sun seem to have been provided and no acknowledged future	The applicant has provided a sun analysis diagram that has been checked by the City Architect and is accurate. This shows that by 10

Issues raised by the Blacktown Christian Church (adjoining site)	Planning comment/response
development envelope for the Blacktown Christian Church site has been shown. Given the SEE states that both solar and cross ventilation are 70% and 60% exactly, we note that given the possible future envelope on the Blacktown Christian Church site, this would lead to a non-compliance. Because of the lack of detail specifically with the solar access, our concern is that there are more solar non-compliances and given this is a greenfield site, there is no reason for not complying and providing the correct information.	am on 21 June, being the winter solstice, the Blacktown Christian Church site will still enjoy full solar access. The applicant states that their early concept analysis of the proposal considered the orientation of the western tower, which has been rotated anti-clockwise to minimise overshadowing to the adjacent site. The applicant's plans also demonstrate that the proposed development achieves 70.5% solar access for apartments. The development envelope for the Christian Church is not an isolated site as it has dimensions of at least 30 m x 30 m, and so no concept plan is required.
The cross-ventilation diagrams are also vague, and we would argue that several units noted as cross ventilated in fact are not and given the compliance is currently noted as 60%, we believe this should be reviewed and further details provided.	This is already discussed in detail in the Assessment report and is satisfactory as it complies with the ADG.
In summary, the current design compromises future development potential and the current submission fails to comply the EPA Act with regard to document detail.	The proposal will not impact on the development potential of the Blacktown Christian Church site any more than is permitted by the controls.

Issues raised by Westpoint Blacktown Shopping Centre	Planning comment/response
QIC is concerned that a comprehensive analysis has not been appropriately carried out of the application to ensure that these tenancies can be successfully occupied upon completion of the development. It requests that the proponent carry out a retail impact assessment to ascertain if the development can accommodate this quantum of commercial gross floor area and to ensure that it will not undermine existing retail uses within the Blacktown CBD. The applicant should submit a retail impact assessment. Quantum of Commercial Floor Space:	The application is accompanied by a Retail and Economic Impact Assessment prepared by Hill PDA that provides the following response: "The site is part of the Blacktown CBD and the impacts on individual traders in the CBD are a matter of competition between traders in the same centre. It is not a relevant matter for consideration when determining a Development Application. Nevertheless, the net increase in trade, expected to be around \$16 m per annum, is insignificant compared to almost \$700 m total retail sales in the Blacktown CBD. This represents less than 2.4%." The proposal comprises 1 supermarket (being the existing supermarket of 'Good Luck Plaza' that is to be relocated from First Avenue to this site by the applicant), 12 retail/commercial premises and 1 child care centre. Given the substantial residential population being introduced by this application, in culmination with surrounding developments in the CBD and general locality, the addition of jobs and services generated by this proposal is in the public benefit.

Issues raised by Westpoint Blacktown Shopping Centre	Planning comment/response
We request that the proponent nominate the specific areas for retail uses to be shown on the plans to ensure the areas align with those stated in the Traffic Impact Assessment. The quantum of retail uses appears to be quite substantial in the context of the location of the site, particularly with respect to the proposed supermarket. The site is located in close proximity to Westpoint Blacktown which accommodates 3 major supermarket tenants.	The proposal offers a mixture of compatible land uses in close proximity to public transport, which is consistent with the objectives of this B4 Mixed Use zoning. The retail component of the proposed development is permissible in this zone and there is no limit to the amount of ground floor retail provided in the Northern Precinct. There is no request for the applicant to nominate the end users of the retail space at this time. However, upon any leasing arrangements a DA for the use will be required separately. This will be conditioned in the consent.
Suitability of the zoning: The underlying B4 Mixed Use zone which applies to a large proportion of the Blacktown CBD can only support residential development if developed in the form of shop top housing, given that residential flat buildings are not permitted in the B4 Mixed Use zone. This effectively means that all residential uses need to be carried out in the form of shop top housing which by definition requires the ground floor of the development to be dedicated to retail or business premises, even if there is a shortfall of market demand to support the proposed commercial uses. QIC is concerned that in order to unlock residential uses on B4 zoned sites in the CBD, landowners are obliged to provide commercial uses. This could lead to vacant ground floor tenancies or undesirable commercial uses if not appropriately justified prior to development. To enable a vibrancy of land uses, as foreshadowed by the Blacktown CBD Planning Proposal, Council should consider mandating residential flat buildings in certain parts of the CBD.	In the B4 Mixed Use zone shop top housing is permissible with ground floor shops and first floor commercial and child care uses. The applicant's response is as follows: "The question in nature appears to be focused more broadly on the balance between residential and commercial uses in Blacktown CBD in respect to the forthcoming CBD Planning Proposal and is not specific to the subject application. Any concern in regard to suitability of the zoning is a matter for Council's Strategic Planning Team when seeking to amend the planning controls in the subject area. Nonetheless, the proposed uses are permissible within the B4 Mixed Use Zone and, more importantly, are entirely consistent with the zone objectives including the provision of a mixture of compatible land uses and integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport and encourage walking and cycling. In addition, the proposal conforms to the controls stipulated in Clause 7.12 of BLEP 2015, which requires sites zoned B4 Mixed Use to have ground and first floors be used for a purpose other than residential accommodation." This site is located at the south-eastern corner of the CBD's Northern Precinct and is bounded by a major intersection along Sunnyholt Road, a shared pedestrian and cycle path, roads, the North-West Bus Transitway, Hunter Pipeline and the rail corridor (and associated transmission lines). Given the intensity of activities and services at the ground plane, it is not appropriate to provide residential apartments at the ground and lower levels of the development. The proposed commercial uses at the lower levels are appropriate to service the transitioning needs of the development and locality and are permissible (and required) under BLEP 2015.
Site Suitability of Child Care Centre:	A child care centre is a permissible use in the zone. The applicant's response is as follows:

Issues raised by Westpoint Blacktown Shopping Centre	Planning comment/response
The proposed development includes a child care centre on the Level 1 Podium. According to the Statement of Environmental Effects prepared by Mecone, the child care centre will accommodate 80 children and 12 staff comprising a total gross floor area of 1,127 m² of internal area and 681 m² of external outdoor play area. While the proposed child care centre meets the numerical requirement for outdoor play area as required by the National Regulations, QIC is concerned that the functionality and geometry of the outdoor play area will not provide for a suitable environment to promote a stimulating outdoor play area that will harness the motor skills of children. The area is largely covered by the overhang of the residential component above and only a small proportion of the outdoor play area is open to the sky. It also appears that the space is not unencumbered and that a large proportion of the outdoor play area is a thoroughfare along the northern boundary. QIC requests that Council staff consider the design quality of the child care centre and best practice guidelines in meeting statutory requirements.	"The proposed child care centre has been amended to provide enhanced outdoor play amenity for a future fitout to more accurately meet the outdoor play area requirements under the Child Care Planning Guidelines. We further note the child care centre has been reviewed in the Social Impact Assessment prepared by Cred Consulting which regards the proposal as well-considered in the context of an increasingly dense CBD environment. In particular, Cred Consulting states that: <i>'The child care centre provides ample indoor space and general design allows for indoor and outdoor play and supervision and fits all considerations in the National Quality Framework Assessment Checklist.</i> <i>The design has given consideration to sight lines of the children's outdoor play areas from overhanging residential balconies, providing visual privacy screens for the apartments above which allows the space to feel more open whilst affording sufficient levels of privacy for the child care centre and residents as per the sight lines.'</i> In this regard, we consider the amended child care design to be appropriate within the CBD setting. We note the application is seeking approval for the shell of the child care centre only, with a detailed fit out to be subject to a future DA." In response to our request for additional information, the applicant submitted amended plans on 19 March 2020 providing further details regarding the child care centre. The amended submission also included a detailed assessment against State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the National Quality Framework and Child Care Planning Guideline August 2017, NSW Department of Planning, Industry and Environment. The applicant has demonstrated that the statutory requirements are satisfied. It is also noted that this application only seeks approval for the land use of the northern part of Level 1 as a Centre-based Child Care Facility. Separate consent is required for the fitout and occupation of the facility, which is addressed in conditions of consent. This ensures the satisfactory design and use of the Child Care Facility.