

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	19 November 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Kathie Collins and Chris Quilkey
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 9 November 2020.

MATTER DETERMINED

PPSSCC-29 - SPP-19-00008 - Blacktown – 5-19 George Street, Blacktown, Integrated development application for staged construction of a part 15/part 16 storey shop top housing development being 56m high, comprising 227 residential apartments, 7 basement parking levels, a supermarket, 13 retail tenancies, a child care facility, landscaping and public domain treatments (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 8 in Schedule 1.

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 Panel notes in relation to the reasons stated in the report that the Panel does have a concern with the extent of south facing units that do not receive winter sun but on balance considered that whilst this outcome was not ideal, it was considered acceptable given the site orientation, oblique views offered to these units by the angled form and design of the towers, that the proposal did comply with the ADG in relation to solar access otherwise and that the tower layouts did maximise north facing and corner units.

The decision was **unanimous**.

CONDITIONS

The development application was approved as a deferred commencement consent subject to the conditions listed in Council's attachment 8.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern in written submissions included:

- Development failing to comply with the Apartment Design Guide with regard to building separation, solar access and cross ventilation;
- Impact on an existing tree on the adjoining site, the suitability of the quantum of floor space proposed, suitability of the zoning of the site and the suitability of providing a child care facility on the site.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Gabrielle Morrish
 David Ryan	 Kathie Collins
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-29 - SPP-19-00008 - Blacktown
2	PROPOSED DEVELOPMENT	Integrated development application for staged construction of a part 15/part 16 storey shop top housing development being 56m high, comprising 227 residential apartments, 7 basement parking levels, a supermarket, 13 retail tenancies, a child care facility, landscaping and public domain treatments
3	STREET ADDRESS	5-19 George Street, Blacktown
4	APPLICANT/OWNER	Applicant – Good Luck Plaza Owner – Good Luck Plaza (Blacktown) Pty Ltd and Good Luck Blacktown Centre Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value (CIV) over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017 - 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 - Blacktown Local Environmental Plan 2015 - Draft environmental planning instruments: Nil - Development control plans:

		• Blacktown Development Control Plan 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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	• Council assessment report: 19 October 2020 • Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspections individually., Chris Quilkey declaring that he conducted site inspection on 17 November 2020. • Papers circulated electronically on 9 November 2020. • Briefing to discuss council's recommendation, 17 November 2020, 4.00pm. Attendees: • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Kathie Collins and Chris Quilkey • <u>Council assessment staff</u>: Luma Araim and Judith Portelli • <u>Points discussed were</u> – • Background to the application and that Council considers the application represents an appropriate type of development under the controls and will set an appropriate precedent for the centre • The degree of non - compliance with the Apartment Design Guide solar access requirements in relation to the proposed number of south facing apartment. Council elaborated on the constraints created by the site orientation and tower configuration. • Council noted that the proposal has maximized the number of north facing apartments that can be achieved based on the current design concept. It was noted that the south facing units will receive a small amount of equinox sunlight but will not receive sunlight in midwinter. Council considers that the applicant has sought to compensate for the lack of sunlight by angling the towers to provide CBD views and that these units will also benefit from excellent separation to any further development in the future. • Council supports the noncompliance given the site is located within a dense urban setting and that the proposal does satisfy the ADG requirement for solar access to a minimum of 70% of the units for a minimum 2 hours between 9am and 3pm in midwinter. • The panel noted that maximizing the number of units receiving sunlight is very important. However, the Panel appreciated that the orientation of the site and the likely density of this centre will mean that it is difficult for some sites to achieve full compliance.

		• The Panel also notes that the tower design has sought to maximise solar access by using corner units in combination with north facing units along the sunny facades. The Panel also notes that the applicant could increase the size of the corner units to absorb the south facing units. However, this approach would result in less affordable apartments which are also a consideration for key worker housing within centres. • The extent of blank and inactive façades to the lane were discussed and it was noted that this was unavoidable if activation, address and pedestrian amenity along George St and Sunny Holt Road was to be maximized. Council noted the two streets, particularly George St were major pedestrian routes and should be prioritized. • Whether there were unreasonable acoustic impacts due to the external play areas associated with the childcare centre on adjacent properties and Council noted that the primary play area was intended to be towards Sunnyholt Rd. • The Panel noted that the plans show some 'snorkel' windows to some bedrooms in apartments and that this should be discouraged in future applications. • Non – compliance with ADG separation distance requirements to the upper tower on the western boundary were noted and Council stated that the lesser setback proposed to the side boundary in this application is consistent with the developing desired future character and tower to tower relationships across side boundaries. • Clarification was required on the location and provision of spaces for parent drop off for the childcare centre whether the internal arrangements are sufficient to ensure appropriate infrastructure, so roadways are not blocked and impacted. Council responded that the provision was appropriate.
9	COUNCIL RECOMMENDATION	Approval subject to conditions listed in attachment 8
10	DRAFT CONDITIONS	Submitted with Council Assessment Report - Attachment 8