



DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 23 December 2020 |
| PANEL MEMBERS | Gabrielle Morrish (Acting Chair), David Ryan, Ken McBryde, Kathie Collins and Moninder Singh |
| APOLOGIES | Abigail Goldberg |
| DECLARATIONS OF INTEREST | Nil |

Papers circulated electronically on 2 December 2020.

MATTER DETERMINED

2017SWC038 – Blacktown – SPP – 17 – 00004, 47-67 Rooty Hill Road North, Rooty Hill, Subdivision into 2 Torrens title lots, extension of Premier Lane and dedication of road, widening, demolition of existing structures, construction of 2 x 4 storey shop top housing buildings comprising 69 residential units and 13 retail suites over 2 levels of basement car parking, plant and storage area and associated landscaping and drainage works (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 (3) of the Blacktown Local Environmental Plan 2015 ('BLEP 2015'), that has demonstrated that:

- a) compliance with cl. 4.3(2) (height of buildings development standard) of BLEP 2015 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the BLEP 2015; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3(1) (Height of buildings development standard) of the BLEP 2015 and the zone objectives for development in the B2 Local Centre zone pursuant to Cl 2.3 of the BLEP 2015; and
- c) the concurrence of the Secretary has been assumed.

PANEL DECISION

The Panel determined to **approve** the development application pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979* as a deferred commencement consent for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

CONDITIONS

The development application was approved subject to the conditions listed in Council's Assessment Report at Attachment 10 with the following new condition to read as follows -

A prior to construction certificate condition, a new condition can be inserted as follows:

Condition 5.2: Aesthetics/Landscaping

Condition 5.2.4: 'Prior to issue of any construction certificate, the specification from a specialist concrete paint finishes supplier, including product warranty information, is to be provided to the satisfaction of the

Principal Certifying Authority to ensure that the product meets the Building Code of Australia requirements for longevity and durability and has at least a 25 year life warranty.'

CONSIDERATION OF COMMUNITY VIEWS

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

- Parking, pedestrian (school students) safety on the local road network and tree removal.

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

| PANEL MEMBERS | |
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| Gabrielle Morrish (Acting Chair) | Ken McBryde |
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| Moninder Singh | Kathie Collins |
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| David Ryan | |

SCHEDULE 1

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| 1 | PANEL REF – LGA – DA NO. | 2017SWC038 – Blacktown – SPP – 17 – 00004 |
| 2 | PROPOSED DEVELOPMENT | Subdivision into 2 Torrens title lots, extension of Premier Lane and dedication of road, widening, demolition of existing structures, construction of 2 x 4 storey shop top housing buildings comprising 69 residential units and 13 retail suites over 2 levels of basement car parking, plant and storage area and associated landscaping and drainage works |
| 3 | STREET ADDRESS | 47-67 Rooty Hill Road North, Rooty Hill |
| 4 | APPLICANT/OWNER | Applicant – Meditech Corp Pty Ltd Owner - Meditech Corp Pty Ltd and Blacktown City Council |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Capital Investment Value over \$20 million (lodged before 1 March 2018) |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none">• Environmental planning instruments:• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (Infrastructure) 2007• State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and Apartment Design Guide (ADG)• State Environmental Planning Policy No. 55 – Remediation of Land• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River |

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| | | <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • Blacktown Local Environmental Plan 2015 • Central City District Plan 2018 • Blacktown Local Strategic Planning Statement 2020 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown Development Control Plan 2015 • 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 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 | <ul style="list-style-type: none"> • Council assessment report: November 2020 • Applicant's clause 4.6 request and Council's Assessment of Clause 4.6 request. • Written submissions during public exhibition: 1 |
| 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. • Papers circulated electronically on 2 December 2020. |
| 9 | COUNCIL RECOMMENDATION | Approval subject to conditions listed in attachment 10. |
| 10 | DRAFT CONDITIONS | Listed in attachment 10. |