

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018CCI025

Development Application

DA number	MOD-18-00505	Date of lodgement	27 September 2018
Applicant	Good Luck Plaza (Blacktown) Pty Ltd		
Owner	Ausunion First Group Pty Ltd		
Proposed development	Section 4.55(2) modification to an approved mixed use development including the addition of a new supermarket, an additional basement level for parking and reconfigurations of the Level 1 retail area.		
Street address	1 Zoe Place, Mount Druitt		
Notification period	30 October to 13 November 2018	Number of submissions	nil

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Major Modification Application lodged under section 4.55(2) for an application previously approved by the Panel under JRPP-14-02628
Relevant section 4.15(1)(a) matters	- Environmental Planning and Assessment Act 1979 - State Environmental Planning Policy (State and Regional Development) 2011 - Central City District Plan 2018 - Blacktown Local Environmental Plan 2015 - Blacktown Development Control Plan 2015
Report prepared by	Bertha Gunawan
Report date	12 August 2019
Recommendation	Approval, subject to the conditions listed in attachment 7.

Attachments

- 1 Location map
- 2 Aerial image as of 21 May 2019
- 3 Zoning extract
- 4 Detailed information about proposal and Applicant's variation to development standards
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all 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 The original DA for this site was approved by the Joint Regional Planning Panel in 2015 for the demolition of a single storey shopping complex and construction of a 9 storey mixed-use complex comprising 15 retail/commercial tenancies with a GFA of 2,449 m², 268 residential units in 3 separate building elements, and 3 levels of parking accommodating 468 vehicles.
- 1.2 The Applicant for the proposed modification is seeking to use the approved parking area behind the retail/commercial tenancies for a supermarket and therefore proposes an additional basement level for parking. An office mezzanine level associated with the supermarket is also proposed as well as a reconfigured Level 1 retail area.
- 1.3 The key issues that need to be considered by the Panel in respect of this application relate to the different key planning controls used between the original approval and the current Modification Application.
- 1.4 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.5 The application is therefore considered satisfactory when evaluated against section 4.55 of the *Environmental Planning and Assessment Act 1979*.
- 1.6 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 7.

2 Location

- 2.1 The site is located at 1 Zoe Place (at the corner of Mount Street), Mount Druitt and is within the established commercial area of the Mount Druitt Town Centre. This site is situated on the northern side of Zoe Place between Mount Street and Luxford Road and has a western elevation to Mount Street.
- 2.2 The location of the site is shown at attachment 1.
- 2.3 The site is surrounded by commercial businesses with associated car parking facilities. Mount Druitt Hospital is located further to the east beyond the Luxford Court Shopping Centre and the Shopsmart Outlet Centre.
- 2.4 Public recreation areas and the Mount Druitt Swimming Centre are located to the south and south-west, and community uses and educational facilities uses are further afield. The site is also located close to the Westfield Mount Druitt shopping centre and bus/rail interchange.
- 2.5 Adjoining the site to the north is a take away food outlet on the corner of Zoe Place and Luxford Road with vehicular entry/exit driveways via Zoe Place. Also adjoining to the north and located on the corner of Luxford Road and Mount Street are Lots 1 to 4 in DP 285600 containing a retail tyre outlet and other automobile related retail uses. Vehicular access to Lots 1 to 4 is via the westbound Luxford Road deceleration lane and entry-only driveway with the exit being via either 1 of 2 right-of-carriageways over the subject site to Zoe Place (via the southbound or eastbound driveways).
- 2.6 The site has vehicular access to Zoe Place, and via Mount Street and Luxford Road. It also has access to the regional road network along Carlisle Avenue to the Great Western Highway and M4 and M7 motorways.

3 Site description

- 3.1 The property address is known as 1 Zoe Place, Mount Druitt and is legally described as Lot 1 in DP 883859.

- 3.2 It has a total site area of 6,525 m² with a frontage of 215.6 m to Zoe Place and 23.3 m to Mount Street.
- 3.3 The site is currently under construction for the mixed use building approved under JRPP-14-02628, as detailed in section 4 of this report.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned B4 Mixed Use under *Blacktown Local Environmental Plan 2015*. The approved development is defined as a 'mixed use development' which is permissible in the zone.
- 4.2 The zoning plan for the site and surrounds is at attachment 3.
- 4.3 On 20 August 2015, deferred commencement consent was issued on the site under JRPP-14-02628, for the construction of a 9 storey mixed use retail/commercial tenancies, residential buildings, and associated car parking as follows:
 - 15 ground floor retail/commercial tenancy units (GFA: 2,449 m²)
 - 268 residential units distributed within 3 towers on levels 2 to 10 (Building A is the eastern tower, Building B is the central tower and Building C is the western tower) made up of 8 x 1 bedroom, 255 x 2 bedroom and 5 x 3 bedroom units
 - 479 off street car parking spaces located on the ground floor and within 3 basement parking levels
 - Commercial and residential waste storage and collection and loading facilities.
- 4.4 The deferred commencement condition, shown below, was satisfied and the consent was activated on 21 December 2015.

"Formal written owners consent is to be provided to Council which demonstrates agreement from all of the adjoining landowners to the north, which benefit from the existing right of carriageway (ROW) which is located at the south-western portion of the subject site, to amend this existing ROW to restrict the ROW to a height of at least 4.5 metres as measured from the finished ground level approved in this Development Application, and to permit cantilevered building elements above this nominated height of at least 4.5 metres. Evidence of this agreement is to be detailed on the deposited plan of the subject site and is to be submitted to Council."
- 4.5 On 3 July 2017, a Modification Application (MOD-17-00036) was approved for:
 - construction of the development in 3 stages:
 - Building B (Stage 1)
 - Building A (Stage 2)
 - Building C (Stage 3).
 - amendment of Level 1 to allow for garage truck movement
 - deletion of 2 apartments on Level 2 to allow for Right of Way clearance
 - amendment of the basement car parking design to avoid the need to relocate a sewer main and to facilitate the staging of development
 - minor modification in relation to the construction certificate for the development
 - slight amendments to the bedroom mix (as shown in 4.8 below)
 - amendments to the external finishes and colours.

4.6 The above modifications increased car parking provision from 479 under the original JRPP approval to 492.

4.7 The amendment the bedroom mix is shown in the table below.

Building	1 bedroom units		2 bedroom units		3 bedroom units		Total units	
	JRPP approval	Approved MOD	JRPP approval	Approved MOD	JRPP approval	Approved MOD	JRPP approval	Approved MOD
A	7	7	86	86	2	2	95	95
B	0	0	118	116	0	2	118	118
C	1	1	51	49	3	3	55	53
Total	8	8	255	251	5	7	268	266

4.8 The related construction certificate for the approved works, specifically for the bulk excavation, shoring and piling works, was issued on 5 February 2019 by Dix Gardner Group Pty Ltd.

5 The proposal

- 5.1 The current Modification Application was lodged by Good Luck Plaza (Blacktown) Pty Ltd on 4 October 2018.
- 5.2 The application seeks to remove the approved car parking area on Level 1 and to reconfigure the approved retail tenancies to add 1 more shop and to make them smaller so as to fit in a new supermarket in behind them. An office mezzanine level associated with the supermarket is also proposed along with an additional basement level for car parking.
- 5.3 Further details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the Modification Application against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (State and Regional Development) 2011
 - Central City District Plan 2018
 - Blacktown Local Environmental Plan 2015
 - Blacktown Development Control Plan 2015.

7 Key issues

7.1 Different key planning controls used between the original approval and the current Modification Application

- 7.1.1 The original DA approved by the Joint Regional Planning Panel in 2015 was subject to different environmental planning instruments and development control plan.
- 7.1.2 The original DA was assessed under BLEP 1988 and BDCP 2006 as it was lodged on 24 December 2014 predating the commencement of BLEP 2015 (on 7 July 2015) and BDCP 2015 (on 15 July 2015).

7.1.3 The key changes between 2014 and 2018 are shown in the table below:

Category	2014: Lodgement of original DA	2018: Lodgement of this Modification Application
Zoning	3(a) General Business under Blacktown LEP 1988 Permissible with consent	B4 Mixed Use under Blacktown LEP 2015 Permissible with consent
Height of building control	None in BLEP 1988 Approved: 32 m (10 storeys)	32 m Proposed: 33 m (10 storeys as visible from the ground level)
Floor space ratio control	None in BLEP 1988 Approved: 4:1	3:1 Proposed: 4.12:1

7.1.4 The Modification Application does not change the number of storeys of the approved building. Despite the current LEP's 32 m height limit and a maximum FSR of 3:1, the Applicant is entitled to rely on the approval as granted at the time and to submit a Modification Application.

7.1.5 Whilst the original approval already exceeded the current FSR control, the proposed external outlook of the building will remain similar because the additional floor space is within the confinement of the approved car parking area. In this regard, the enclosing walls remain the same as previously approved, therefore there is no perceived additional bulk and scale to the proposed supermarket and associated office mezzanine level.

7.1.6 Furthermore, the proposed additional building height will not be discernible from the streetscape.

7.1.7 As the current proposal is lodged under section 4.55 of the *Environmental Planning and Assessment Act 1979*, a Clause 4.6 justification for the proposed additional building height and FSR is not required. The Applicant has provided adequate justification for the proposed variations which is found at attachment 4.

7.1.8 The proposed modified development will maintain the approved building footprint and envelope. A similar bulk and scale to the approved development will be achieved whilst retaining the commercial component, which is considered satisfactory.

7.1.9 The proposed variations to the building height and FSR are therefore acceptable.

8 Issues raised by the public

8.1 The proposed development was notified to adjoining and nearby property owners and occupiers in the locality between 30 October and 13 November 2018.

8.2 No submissions were received.

9 External referrals

9.1 The scope of the development to be modified did not necessitate any referral to an external authority.

10 Internal referrals

10.1 The Modification Application was referred to the following internal sections of Council for comment:

Section	Comments
Development Engineer	Satisfactory
Waste	Satisfactory subject to additional conditions relating to the new supermarket and proposed revised waste area and disposal services.
Building	Satisfactory
Traffic	Satisfactory
Environmental Health	Satisfactory subject to an additional condition requiring a revised acoustic report to include the acoustic assessment of the proposed supermarket and its loading and waste operations.

11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be substantially the same development as approved previously. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

12 Recommendation

- 1 Approve the Modification Application subject to the conditions listed in attachment 7.
- 2 Council officers notify the Applicant of the panel's decision.



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