

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-237

Development application

DA number	SPP-21-00003	Date of lodgement	29 March 2021
Applicant	Leith Group Developments Pty Ltd C/- Mecone NSW Pty Ltd		
Owner	Tobana Pty Ltd		
Proposed development	<p>1) A Concept approval under clause 4.22 of the Environmental Planning and Assessment Act 1979 for a mixed -use shop top housing development consisting of 5 tower forms each of 20 stories with commercial tenancies and 1 club at the aground level and associated basement car parking.</p> <p>2) A detailed approval under clause 2.6 of Blacktown Local Environmental Plan 2015 for Subdivision of the site into two Torrens title allotments to enable development over 2 stages</p>		
Street address	55-57 North Parade, Mount Druitt		
Notification period	28 April to 28 May 2021	Number of submissions	3

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Capital investment value (CIV) over \$30 million (DA has CIV of \$339,456,588 million).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 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 No. 65 – Design quality of Residential Apartment Development Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015
Report prepared by	Sami Ahangari
Report date	December 2021
Recommendation	Approve, subject to conditions listed in attachment 13.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Draft Mount Druitt DCP
- 5 The applicant's response to issues raised at the Panel briefing meeting
- 6 Massing of buildings illustrated through 3D modelling

- 7 Detailed information about proposal and DA submission material
- 8 Development application plans and Interim Plan of Management
- 9 Assessment against planning controls
- 10 Issues raised by the public
- 11 Applicant's Clause 4.6 variation submission
- 12 Council's assessment of Clause 4.6 variation
- 13 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
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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?	Yes
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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?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	Not applicable
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Conditions

Have draft conditions been provided to the applicant for comment?	TBC
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Contents

1	Executive summary	4
2	Location	5
3	Site description	6
4	Background.....	6
5	The proposal.....	6
6	Assessment against planning controls	8
7	Issues raised by the public	9
8	Key issues	9
9	External referrals	116
10	Internal referrals.....	16
11	Conclusion	17
12	Recommendation.....	17

1 Executive summary

- 1.1 In September 2021 the Panel received a briefing in relation to this application. Additional information and / or amendments to the application have since been provided by the applicant to address the Panel's earlier observations.
- 1.2 The context of the site and the planning framework that is applicable, are relevant to the assessment of this application, in particular:
 - Councils long term aspirations for the Mt Druitt CBD
 - The revised height limits flowing from the recent rezoning of the land
 - The history of the subject application, having been lodged subsequent to the rezoning of the area, but prior to the development and notification of the draft Development Control Plan
- 1.3 The ongoing evolution of the Apartment Design Guidelines are also relevant to the assessment of this application. Future Detailed Development Applications will need to comply with the guidelines in place at the time of the lodgement of the applications.
- 1.4 The flood prone nature of the site, as evidenced by the floor levels of the adjoining court house is a relevant consideration. Future detailed flood modelling including a survey and analysis of the of the surrounding stormwater drainage network, will determine:
 - the specific flood planning level for the site
 - the on-site detention applicable to the development of the site
 - the need for any enhancement of the surrounding drainage network arising from the proposed development.
- 1.5 As a consequence, easements are proposed in relation to the subdivision of the site. This will ensure that the most effective stormwater and on-site detention arrangements can be provided across the site, as subsequent Detailed Development Applications are lodged.
- 1.6 As with flooding, other matters will also have to be addressed in the context of the entire site.
 - Traffic and transport arrangements will need to be fully integrated across the entire site, over the future stages of the development. The Transport for NSW request for SIDRA modelling in respect of nearby intersections will have to be completed in association with future Detailed Development Applications. It will only be at this point in time that the full yield and mix of the development will be known and the associated traffic modelling can be completed with confidence.

The access points have been reviewed by Councils Traffic Section and the primary vehicle access points to and from the proposed development are by way of the side streets.
 - Public domain, its design, construction and maintenance will be fully integrated across the entire site. A masterplan will be provided in association with the lodgement of the first subsequent Detailed Development Application for the site.
- 1.7 The proposal seeks detailed approval for Torrens Title subdivision of the site into two Torrens Title allotments to enable development over 2 stages. Drainage and access conditions are proposed, accompanied by a Plan of Management for the operation of the existing hotel. This will ensure that the proposed 2 lot subdivision will facilitate the proposal and the ongoing operation of the hotel
- 1.8 The applicant has offered to enter into a Voluntary Planning Agreement prior to the submission of any future Detailed Development Application. The matters proposed to be incorporated into the future Voluntary Planning Agreement include:

- Building setbacks to the eastern, western and northern boundaries to allow for future road widening, which may be identified within a future Mount Druitt CBD DCP
 - North south and east west through site links to connect existing public open space areas surrounding the site
 - A nominated % of affordable housing
 - An area which allows opportunity for deep soil planting
 - An area within the ground floor of one of the podiums for use as a community space
- Not all of these matters require a Voluntary Planning Agreement to ensure their realisation and compliance.

- 1.9 The applicant intends to continue to operate the existing hotel/club on proposed Lot 1 of the subdivision during stage 1 of the development of the southern portion of the site being lot 2 of the subdivision. In this regard the applicant has developed a Plan of Management - based on the current level of patronage, to outline how it is proposed to deal with the associated matters of hours of operation, car parking, loading, access and egress, to ensure that they can be contained on proposed Lot 1.

City Architect comments:

- 1.10 The revised suite of documentation provided in respect of the application has been further reviewed by the City Architect. The City Architect has requested the the inclusion of conditions and/or other provisions to ensure that the future Detailed Development Applications are compliant with the detail and intent of this Concept Application. Based on this situation, the City Architect has endorsed the subject application.
- 1.11 The subject application has also been assessed against the relevant provisions of the draft Development Control Plan, currently on exhibition. Whilst the current application was lodged prior to the development and exhibition of the Draft Development Control Plan, it demonstrates compliance with most elements of the Draft Development Control Plan.
- 1.12 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.13 The application is therefore satisfactory when evaluated against Section 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979.
- 1.14 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 13

2 Location

- 2.1 The site is situated in a prominent location within the established area of the Mount Druitt CBD, to the north of Mount Druitt Train Station, on the northern side of North Parade.
- 2.2 The site is bounded by two no through roads along its western and eastern boundaries (Jirrang Close to the west and Cleeve Close to the east). The site has 2 frontages to Pascoe Walkway along the north east and north west boundaries of the site.
- 2.3 The character of the area surrounding the site is low rise. The site is surrounded by a range of commercial community service, public open space and car parking uses, in particular:
- to the north of the site, there is a public recreation area and the Mount Druitt Library
 - to the north east of the site, there is a medical centre with associated on grade car-parking

- to the east of the site and on the opposite side of Jirrang Close, there is an on-grade car park and a Centrelink Family & Community Services office building is located further to the east. The Mount Druitt Court House is located to the south east of the site and on the opposite side of Jirrang Close.
- To the west of the site there are several two storey commercial buildings (Dawson mall) on the opposite side of Cleeve Close. The Westfield Mount Druitt shopping centre is located further to the west.

2.4 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The subject development site comprises of 2 allotments legally described as Lots 10 and 11 in DP 561274, 55-57 North Parade Mount Druitt.
- 3.2 The site has a total area of 1.3ha with a primary street frontage of 97 m along its southern boundary with North Parade.
- 3.3 The site is currently occupied by the Vegas Hotel, located at the northern end of the site with an associated at grade car park is located on the remainder (southern portion) of the site. An existing two-storey commercial building is located on the south-west corner of the site. The existing structures on the site will need to be demolished under a separate application prior to the future development of the site.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

4 Background

4.1 History of current Planning Controls

- 4.1.1 The site is now zoned B4 Mixed Use under Blacktown Local Environmental Plan 2015 (BLEP) The proposed mixed-use development is permissible in the zone with development consent.
- 4.1.2 The zoning plan for the site and surrounds is at attachment 3.
- 4.1.3 The current land use zones are the culmination of almost a decade of work by Council, to facilitate the re-invigoration of the Mount Druitt CBD.
- 4.1.4 In 2012, Council adopted a masterplan for Mount Druitt.
- 4.1.5 This masterplan informed the planning controls (zonings and heights) when Blacktown LEP 1988 was replaced with the Standard Instrument Blacktown LEP in July 2015.
- 4.1.6 On 21 October 2015, Council resolved to support the creation of the Mount Druitt CBD as strong mixed-use centre, activated by substantial residential populations.
- 4.1.7 Subsequently, Architectural consultants (Bates Smart) and economic consultants (JLL) were engaged to prepare reports that reviewed existing land use zones, the height of buildings and floor space ratio controls in the CBD. The overall objective was to ensure that the revised controls aligned with market conditions and supported opportunities for growth.
- 4.1.8 In 2016, on this basis of the above studies, Council resolved to prepare the Planning Proposal to review the zones and heights in the Mount Druitt CBD. The planning proposal recommended rezoning the subject site from B3 Commercial Core to B4 Mixed Use and to increase the height controls from 40 m to 64 m.
- 4.1.9 The Planning proposal was approved by the NSW Government in May 2020.

- 4.1.10 The changes to the planning controls within Blacktown Local Environmental Plan 2015 have resulted in an increase in the level of enquiries and development applications in the Mount Druitt CBD.
- 4.1.11 On 29 March 2021, the subject Concept Development Application was lodged with Council.
- 4.1.12 On 27 October 2021 Council resolved to introduce complimentary Development Control Plan provisions to provide greater clarity and direction to future applicants, in order to realise Councils long term objectives for Mt Druitt. (Refer attachment 4 of this report). The controls are currently on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and Regulation 2000. The exhibition periods runs from 1 December 2021 till 14 January 2022.
- 4.1.13 The key features of the draft Development Control Plan relate to:
- Architectural design controls such as: setbacks, building separation, podium heights and setbacks above podiums, building depth, bulk and length, floor to ceiling heights, facade designs, roof form.
 - Amenity and accessibility controls such as: connectivity, active street frontages, awnings, solar access and overshadowing, safety and security, signage, car parking, landscaping.

Given that the subject concept proposal was lodged in advance to the new draft Development Control Plan, some discretion has been applied in respect of the strict application of all aspects of the draft Development Control Plan.

4.2 Briefing the Panel

- 4.2.1 On 29 September 2021, the Sydney Central City Planning Panel was briefed on this proposal. The Panel's Record of Briefing listed the key issues discussed and matters to be addressed by the applicant as follows:
- Subdivision of the site
 - Access and circulation, including street width requirements
 - Parking, which should take into account commuter parking behaviour
 - Stormwater management and drainage
 - Response to the desired future character and future town centre context
 - Landscaping concept, including areas of deep soil and tree planting
 - Urban design matters, including:
 - Concept proposal for private and public open spaces and linkages between them and the local context
 - Configuration of built form, including
 - Massing of buildings illustrated through 3D modelling
 - Variety of towers proposed
 - Building design including podium to tower ratios
 - Interface of building with the street as well as private domain
 - Proposed architectural character/s
 - Indicative floor plans such that future compliance with the ADG can be ensured.

- 4.2.2 The applicant's detailed response to these issues are summarised at attachment 5 to this report.

5 The proposal

- 5.1 The Development Application has been lodged by Mecone NSW Pty Ltd on behalf of Leith Group Developments Pty Ltd.
- 5.2 The applicant seeks approval for a concept DA submitted under clause 4.22 of the Environmental Planning and Assessment Act 1979 for a mixed -use shop top housing development consisting of 5 tower forms each of 20 stories, with commercial tenancies and 1 club at the aground level plus associated basement car parking.
- 5.3 The proposal also seeks Detailed Development Approval for the Torrens Title subdivision of the site into two allotments. This will allow for the development of the site to proceed in stages. It is proposed that the redevelopment of southern area of the site will proceed as stage 1 on Lot 2, whilst at the same time facilitating the retention of the existing Vegas Hotel on the northern part of the site, being Lot 1.
- 5.4 Other details about the proposal are at attachment 6, and a copy of the development plans is at attachment 7.

6 Assessment against planning controls

- 6.1 A full assessment of the Development 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
 - 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 No. 65 – Design quality of Residential Apartment Development
 - Central City District Plan 2018
 - Blacktown Local Strategic Planning Statement 2020
 - Blacktown Local Environmental Plan 2015
 - Blacktown Development Control Plan 2015

7 Issues raised by the public

- 7.1 The DA was exhibited from 28 April to 28 May 2021. Notification letters were sent to adjoining and nearby landowners/residents, including those located on the southern side of the railway line. A sign was erected on the site. All the relevant DA documentation and plans were also made available for viewing on Council's website at <https://www.blacktown.nsw.gov.au/Plan-build/Development-Applications-on-Exhibition> during the notification period.
- 7.2 We received 3 submissions.
- 7.3 The issues raised by the residents relate to traffic generation, increases in populations and lack of services, character, overshadowing, privacy and building height. A summary of each issue and our response is at attachment 10.

7.4 The objections are considered to not warrant refusal of the development application.

8 Key issues

8.1 The Panel previously considered the proposal at a briefing on 29 September 2021 - Please refer to section 4.14 above. As outlined, the applicants reviewed the panel's comments. They also provided additional information and / or amendments to the application, to address the feedback provided by the Panel.

8.2 Mt Druitt CBD Revitalisation

- 8.2.1 As outlined earlier in the report, in October 2015 Council embarked upon a program to facilitate the revitalisation of Mount Druitt CBD as strong mixed-use centre, activated by substantial residential populations. Subsequent architectural and economic studies informed a suite of draft controls that both aligned with prevailing market conditions and supported opportunities for residential growth and an associated increase in pedestrian movements.
- 8.2.2 The resulting Planning Proposal rezoned land B3 Commercial Core to B4 Mixed Use and increased the height controls from 40 m to 64 m. The Planning Proposal was ultimately approved by the NSW Government in May 2020.
- 8.2.3 The current application is generally consistent with the new land use zone and height controls. Likewise, although it was lodged prior to the development of the DCP currently on exhibition, it is consistent with many elements of the draft DCP, in particular:
- 8.2.4 Road Widening - although not in place at the time of lodgement the current proposal incorporates amendments that provide for road widening along the sites eastern, northern and western frontages.
- Height limits - Currently based on the existing natural ground level, the proposed building envelopes exceed the maximum permitted building height by a maximum of 2.53 m. This is considered acceptable in this instance as it is for the lift overrun and staircase to access the rooftop communal open space.
 - The variation on each building relates to lift overrun elements only. These are situated centrally on the rooftops of each building and provide residential access to communal open space areas of the buildings.
 - The applicant has submitted a Clause 4.6 request to justify that compliance with the height development standard is unreasonable and unnecessary in this instance. A copy of the request is at attachment 11.
 - It is noted that the proposed buildings have no full habitable floor level that protrudes above the 64 m height control, but rather point encroachments for the lift and stair overruns that provide access to the rooftop communal open space areas on top of the buildings. It is also considered that the portions of the structures that exceed the height limit do not result in excessive bulk and scale and do not result in significant adverse shadow and amenity impacts on any residential properties.
 - Consistent with the preceding point, the City Architect has suggested that the detailed design of the future towers may warrant consideration of roof top shading and wind protection elements, that could double as features to differentiate the buildings. Any approval of the current applicant should allow for the consideration of such design features in any future applications.

- Our assessment of the adequacy of the request to vary the development standard is at attachment 12 and identifies that there are sufficient environmental planning grounds to justify varying the development standard. It concludes that the Clause 4.6 variation request is reasonable and well founded in this particular circumstance and is recommended for support to allow flexibility in the application of the development standard.

8.3 Aspects of the current proposal that are not consistent with the draft DCP relate to:

- Podium height. A single storey podium is proposed and was an element in the original design lodged prior to the preparation of the current Draft Development Control Plan. The podium treatment is consistent with podiums provided for within other major town centres such as the Rouse Hill Town Centre. Whilst the current design would not preclude an increase in the height of the podiums, in the current market conditions, single storey podiums seem more commercially realistic in the current evolving Mt Druitt market.
- Setback above Podium: At the time the original application was lodged, Council had no controls in place to secure road widening along the sites Jirrang Close and Cleeve Close frontages. The widening was seen as a critical element in creating a ground level pedestrian friendly environment. Ultimately the applicants agreed to provide road widening of up to 4.2m. The outcome was an enhancement of the pedestrian environment with increased separation between motor vehicles and pedestrians and an increase in the provision of street trees around the base of the development. In a similar vein, Council staff worked with the applicant to develop the currently proposed regime of building setbacks.
- Floor to ceiling height. The applicant has aspirations to pursue a reduction in the distance between floor and ceiling slabs within the proposed towers. Council staff have reservations about likelihood of this being achieved and still ensuring adequate ceiling heights and compliance with building regulations and overall height controls. However, as it's a concept approval, Council staff are prepared to allow the applicant to test this objective, on the understanding the overall height limit will not be breached at any time in the future.
- Solar access (for public space). The applicant and staff have been in ongoing discussions regarding public domain, including solar access. To this end a condition is proposed requiring the lodgement of a public domain masterplan in association with the lodgement of the first subsequent Detailed Development Application for the site. The masterplan will ensure that public domain design, construction and maintenance is fully integrated across the entire site.
- Deep soil zone. The applicant and staff have been in ongoing discussions regarding public domain, including deep soil zones. Concept plans have been prepared identifying the location of two deep soil zones. A condition is proposed requiring the lodgement of a public domain masterplan in association with the lodgement of the first subsequent Detailed Development Application for the site. The masterplan will ensure that public domain design, construction and maintenance is fully integrated across the entire site.

8.4 Apartment Design Guidelines

- 8.4.1 Once the exhibition period has concluded, the draft DCP will become a more relevant consideration in the assessment of future detailed Development Applications.
- 8.4.2 The design of the future towers will also be guided by the Apartment Design Guidelines. The guidelines have evolved over time and a further refinement is imminent. As such all future Detailed Development Applications will need to

comply with the version of the guidelines in place at the time of their lodgement with Council.

8.5 Flooding, Detention and Stormwater

- 8.5.1 The objectives of Clause 7.1 of the Blacktown Local Environmental Plan (BLEP) 2015 are to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment. This clause applies to land identified at or below the flood planning level.
- 8.5.2 Councils engineering section has undertaken a review of the ground contours around the site and have identified a number of areas within the site and its locality with the potential flooding impacts
- 8.5.3 A review of contours of the local area in North Parade indicates a trapped low point at the intersection of Jirrang Close and North Parade (i.e the south eastern of the site). This suggests that the drainage will behave as a detention basin and the extent of ponding may enter the site and potentially impact on floor levels (in particular on Building B) and driveway access to the basement. . However, there is a general lack of contemporary data regarding the design and capacity of the surrounding stormwater network.
- 8.5.4 In addition, there is a relatively large catchment to the north of the site that drains in part through the Mt Druitt area and down through Cleeve Close (the western boundary of the site) as likely overland flows, that which may also impact on Buildings E, D and C.
- 8.5.5 Therefore, a flood study to assess the extent of the surface/overland flows and ponding impacts is required to determine the flood levels across the site and subsequently the finished floor levels of the buildings need to be above the designated flood level for this area. The assessment will also need to consider what the impact on the neighbouring properties if any flood storage currently on the site is lost as a result of the development.
- 8.5.6 The applicant has therefore proposed that conditions be imposed on the consent that requires the detailed flood study and flood planning level, prior to the lodgement of any future Detailed Development Application for the site.
- 8.5.7 Note however, if the flood study identifies a need to increase the ground floor finished floor level, then any units that exceed the height plane will have to be deleted in the future Detailed Development Applications.
- 8.5.8 Future detailed flood modelling including a survey and analysis of the of the surrounding stormwater drainage network, will determine:
 - the specific flood planning level for the site
 - the on-site detention applicable to the development of the site
 - the need for any enhancement of the surrounding drainage network arising from the proposed development.

As a consequence, easements are proposed to benefit and burden both proposed lots 1 and 2 in relation to the subdivision of the site to ensure that the most effective stormwater and on-site detention arrangements can be provided across the site.

- 8.5.9 In this regard, our engineering section has agreed to the applicant's response to impose a condition of consent on the Concept DA to ensure any detailed analysis undertaken as part of a subsequent detailed DA, noting that no built form is proposed for this Concept DA, only the establishment of development envelopes

and a two lot facilitating subdivision. This condition requires each and every lot to be burdened with a Restriction to User that states that no further development may occur on the lot burdened until a development application is lodged with Blacktown City Council that includes an analysis of flood impacts on this site in the context of its catchment and surrounding drainage and stormwater infrastructure, all to Council's engineering section requirements.

- 8.5.10 In addition to the above and to address any potential future impact on the building height, the above restriction states that the result of the flood study cannot increase the height of the building beyond the maximum RL approved in the concept DA for each building.

8.6 Traffic and Car Parking

- 8.6.1 As with flooding, detention and stormwater management:

- Traffic and transport arrangements will need to be fully integrated across the entire site and over the future stages of the development

- 8.6.2 TfNSW had reviewed the submitted application and provided the following comments for Council's consideration:

- TfNSW has requested the applicant to demonstrate that the adjacent intersections can accommodate the traffic generated by this development. In this regard SIDRA modelling should be provided showing nearby intersections, particularly the signalised intersection of Mount Street and North Parade including base and future scenarios, with and without development.
- TfNSW has requested the access points be consolidated to minimise conflict with pedestrians and cyclists along the roads and recommended that all vehicle access to the proposed development is via the side streets due to current heavy vehicle traffic on North Parade.

8.7 Traffic Generation

- 8.7.1 Council initiated and exhibited a Planning Proposal to increase the height limits from 40 m to 64 m. The objective was to stimulate the revitalisation of Mount Druitt CBD as strong mixed-use centre, activated by substantial residential populations and increased pedestrian movements.

- 8.7.2 The State Government approved the Planning Proposal and changed the Land Use Zones and Height Limits to reflect Council's objectives.

- 8.7.3 We now have a concept DA to progress the development of this site as a mixed-use shop top housing development – adjacent to Mt Druitt Railway Station.

- 8.7.4 At this stage, due to the uncertainty associated with:

- flooding and the likely future ground floor flood planning level
- the version and scope of the Apartment Design Guidelines that will be applicable at the time of lodgement of future Detailed Development Applications

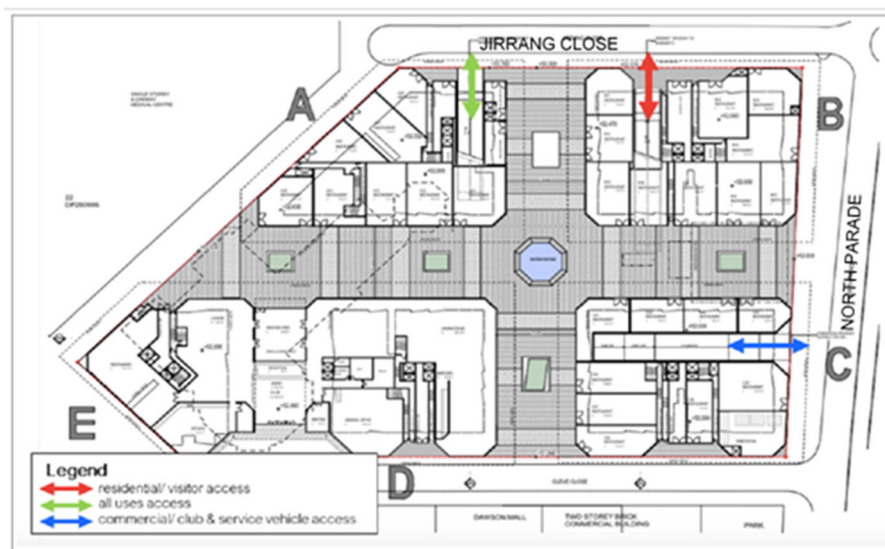
It is difficult to calculate the likely future car parking numbers and traffic movements that can be attributed to the development.

- 8.7.5 It is therefore proposed that as Detailed Development Applications will be required in the future, when the towers are proposed to be constructed, the SIDRA Analysis of the nearby intersections be required to be submitted at the lodgement of the first detailed application.

- 8.7.6 At this time, more precise details of the nature and scope of development proposed of the entire site will be known. This will in turn support the provision of more accurate SIDRA Analysis and detailed traffic modelling, based on the specific scope of works proposed across the entire site. It will also inform if any measures are required to be implemented at any intersections in the vicinity of the site.

8.8 Access

- 8.8.1 The concept proposes a total of 3 vehicle crossovers to provide access to all onsite basement parking and loading areas. It includes one access ramp on North Parade along the southern boundary and 2 separate access ramps on Jirrang Close along the eastern boundary. Separate pedestrian entries are also proposed for each residential tower along the eastern and western boundaries of the site. The proposed access ramp on North Parade along the southern boundary has a 4.5m height clearance for heavy vehicles access the site.



Proposed vehicle access points to the site

- 8.8.2 The development has been referred to TFNSW and it is requested the access points be consolidated to minimise conflict with pedestrians and cyclists along the roads. TFNSW recommended that all vehicle access to the proposed development is via the side streets due to current heavy vehicle traffic on North Parade
- 8.8.3 Our Traffic section has reviewed the application and the comments from TFNSW advised that the available traffic data in (2015) shows North Parade carries 8000 vehicles per day with only 3% of them being heavy vehicles. It is also noted that Jirrang Close (to the east of the site) has a 6m wide carriageway of and therefore it is not considered suitable for heavy vehicle access. The access ramp for heavy vehicle on North Parade is proposed in left in/left out arrangement only and it is considered satisfactory by our Traffic section.
- 8.8.4 These will be supported by easements for access and pedestrian linkages and will burden and benefit both Lots 1 and 2 in the subdivision to ensure all cross access rights are maintained and protected across both lots in perpetuity.

8.9 Public Domain

- 8.9.1 Public domain, its design, construction and maintenance must be fully integrated across the entire site. To ensure consistency in the style and quality of the future public domain, a masterplan will be required in association with the lodgement of

the first subsequent Detailed Development Application for the site. The masterplan will ensure that public domain design, construction and maintenance:

- is fully integrated across the future development footprint
- is co-ordinated with the future look and feel of the broader Mt Druitt CBD public domain.

8.10 Torrens Title Subdivision

8.10.1 The proposal seeks detailed approval for Torrens title subdivision of the site into two Torrens title allotments to enable development over 2 stages. A Plan of Management has been prepared, based on current levels of activity within the existing hotel and gaming facility. The proposed Plan of Management recommends a range of protocols to guide:

- Hours of operation
- Car parking
- Loading and servicing
- Access and egress during the course of the subdivision and initial stages of the development of the site.
- Easements are also proposed across both lots to accommodate all eventualities in relation to flooding, detention and stormwater management

This will ensure that the hotel can operate within the confines of Lot 1 of the subdivision, with no adverse impact on Lot 2 which will contain Stage 1 of the future development.

A condition is also recommended on the consent that requires a minimum of 121 unpaid car parking spaces to be available for the use of staff and patrons of the existing Vegas Hotel at all time of its operations. This will necessitate the lease of 71 car parking spaces on Lot 2 for the use of the existing Vegas Hotel on Lot 1 following the subdivision of the land into two lots.

8.11 Voluntary Planning Agreement

8.11.1 The applicant has offered to enter into a Voluntary Planning Agreement prior to the submission of any future Detailed Development Application. The matters proposed to be incorporated into the future Voluntary Planning Agreement include:

- Building setbacks to the eastern, western and northern boundaries to allow for future road widening, which may be identified within a future Mount Druitt CBD DCP
- North south and east west through site links to connect existing public open space areas surrounding the site
- A nominated % of affordable housing
- An area which allows opportunity for deep soil planting
- An area within the ground floor of one of the podiums for use as a community space

8.12 City Architect comments

8.12.1 The application has been the subject of ongoing review by the City Architect, since its original lodgement in March 2021. In response to the current suite of documents, the City Architect has requested consideration of the following matters be included in the assessment of the current and all future applications, namely:

- In relation to materials and the design of the towers
 - the buildings should be of similar detail and materiality yet have individualised expression, similar to the comparable images submitted with the application
 - the quantum of glass in the tower facades should be limited
 - consider developing roof-top shading and wind protection elements as features that differentiate the tower structures
- In relation to landscaping and public domain
 - incorporate two deep soil plant zones within the east - west through site link
 - ensure that a contiguous ground plane is provided within both east-west and north-south through site links, with full accessibility and consistency of design and materials
 - flood design levels need to be incorporated within the design and show how they work with the landscape design and building access
 - a design for the public spaces within the project to be submitted with the first Detailed Development Application lodged including paving, public furniture, planting etc
- In relation to building and amenity
 - full compliance with the version of the Apartment Design Guide in place at the time of lodgement of the Detailed Development Applications
 - sunlight access and cross ventilation to living spaces will need to meet the prevailing Apartment Design Guide requirements
- In relation to yield and mix
 - this is not determined or approved as part of the Concept Development Application – the future Detailed Development Applications will be the vehicle that determines and approves the yield and mix
- In relation to impacts on neighbours
 - The submitted shadow diagram indicate that the proposed development will not have unreasonable overshadowing impact to properties to the south of the rail line. These properties will still receive adequate solar access during the day at mid-winter (21 June)
- In relation to building podiums and setbacks
 - the scale and massing of the concept plan for the podium and residential buildings are considered suitable in the context
 - variations to the building separations and setbacks are considered acceptable
 - the revised indicative floor plans demonstrate that compliance can be achieved with the Apartment Design Guide controls in the course of preparing future Detailed Development Applications. However, the apartment mix and yield will not be approved under this Concept Application and will be subject to the future Detailed Development Applications.
 - the proposal responds to Councils desired future character and the context of Mount Druitt CBD

8.12.2 Draft conditions have been developed in response to these comments so as to ensure that future Detailed Development Applications are consistent with the detail and intent of this Concept Application. On this basis, the City Architect has endorsed the subject application.

9 External referrals

9.1 The Development Application was referred to the following external authorities for comment:

Authority	Comments
Transport for NSW (formerly Roads and Maritime Services)	<p>TfNSW have reviewed the application and provided the following comments for Council's consideration:</p> <p>"The applicant is to demonstrate that the adjacent intersections can accommodate the traffic generated by this development to the satisfaction of Council. SIDRA modelling should be provided showing nearby intersections, particularly the signalised intersection of Mount Street and North Parade. Modelling should include base and future scenarios, with and without development.</p> <p>2. North Parade currently experiences heavy vehicle traffic. It is recommended that all vehicle access to the proposed development is via the side streets.</p> <p>3. It is noted there are a number of access points to the proposed development. Please clarify if all access points lead to the same areas of basement carpark internally.</p> <p>4. It is suggested that access points be consolidated to minimise conflict with pedestrians and cyclists along the roads."</p> <p>See Section 8 above for further discussion regarding TFNSW comments</p>
Sydney Trains	Acceptable subject to conditions
Blacktown Police Area Command Police	<p>Conditions are provided with a request to allow for police to comments on any changes to the design of the development.</p> <p>It is noted that the amendments to the plans at this stage are generally related to the setback to the site boundary and no substantial amendments are proposed as this stage. Any future Detailed Development Application will be referred to NSW Police for their review and comments.</p>
Sydney Water	Acceptable subject to conditions
Civil Aviation Safety Authority (CASA)	No objection
Endeavour Energy	<p>Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the easements or electricity infrastructure on or near the site or the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.</p> <p>However, given the extent of the proposed development it appears that the existing electricity infrastructure on the site will need to be removed and augmented. On this assumption the recommendations and comments have been provided and based on the foregoing and the following recommendations and</p>

Authority	Comments
	comments Endeavour Energy has no objection to the Development Application.

10 Internal referrals

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

Section	Comments
Building	Acceptable subject to conditions.
Environmental Health	Acceptable subject to conditions.
Tree management section	Acceptable subject to conditions.
Development Engineer	Acceptable subject to conditions.
Drainage Engineer	Acceptable subject to conditions. See Section 8 above for further discussion regarding the matter.
Traffic	Council's Traffic section has reviewed the application and requested additional information regarding traffic generation of the proposed development. See Section 8 above for further discussion regarding the matter.
City Architect	Acceptable subject to conditions. Please refer to section 8 regarding City Architect comments
Social Planning	Our Social Planning section reviewed the Social Impact Study and sought additional information from the applicant. In response the applicant has proposed to enter to a VPA to address the issues raised. See Section 8 above for further discussion regarding the matter.
S7.11 Team	Condition have been provided for the applicable contribution fees of the subdivision component of the DA.
Waste	Our waste section reviewed the proposal and sought additional information from the applicant in relation to: the size and location of the waste storage area, bin travel path, collection point and loading bays, the trucks turning areas and travel path, etc. Conditions have been imposed on the consent that required the above matters to be fully addressed in the future detailed DAs.
Property	No objection

11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

- 1 Uphold the applicant's Clause 4.6 written request to vary the height of buildings development standard in Clause 4.3 of Blacktown Local Environmental Plan 2015 as the proposal still meets the height objectives of the zone and provides a positive development outcome, for the following reasons:
 - a The proposed areas that exceed the height limit do not result in excessive bulk and scale and do not create unreasonable environmental impacts on the surrounding area with regard to overshadowing, solar access, amenity or privacy impacts.
 - b The breach will enable access to rooftop communal open space, as it provides for the increased height of the lift overrun to enable access to the communal roof terrace.
 - c The request is satisfactory and the height variations are supported.
- 2 Development Application SPP-21-00003 for the reasons listed below, and subject to the conditions listed in attachment 13.
 - a The proposal is in public interest [section 4.15 (1) (e) EP&A Act 1979].
 - b The site is suitable for the proposed development [section 4.15 (1) (c) EP&A Act 1979].
 - c The requested Clause 4.6 variation is acceptable [section 4.15 (1) (a) (i) EP&A Act 1979].



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