



10 December 2021

Blacktown City Council

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SPP-21-00003 – 55-57 North Parade, Mount Druitt

This letter has been prepared by Mecone NSW on behalf of Leith Development (the proponent) to Blacktown City Council (Council) in relation to a mixed use concept development application (SPP-21-00003) at 55-57 North Parade, Mount Druitt (the site).

This letter provides a response to the issues raised by the Sydney Central City Planning Panel (SCCPP) on 29 November 2021.

This letter should be read in conjunction with the following reports and plans submitted under separate cover.

- Amended architectural plans prepared by MAI
- Traffic statement prepared by Stantec
- Contamination statement prepared by Alliance Geotechnical
- Flooding statement prepared by ACOR
- Interim Plan of Management prepared by Mecone

The project team have been working constructively on all issues raised by both the SCCPP and Council to ensure the concept application addresses the relevant environmental, social and economic issues prescribed under Section 4.15 of the *Environmental Planning and Assessment Act* (the Act).

Furthermore, we refer to clause 50(1)(b) and (c) under the *Environmental Planning and Assessment Regulation 2000* (the Regulations) in relation to deferring assessment of certain aspects of the development to a later stage.

70A Information to be included in concept development applications

Despite clause 50(1)(b) and (c), the information required to be provided in a concept development application in respect of the various stages of the development may, with the approval of the consent authority, be deferred to a subsequent development application.

50 How must a development application be made?

(cf clause 46A of EP&A Regulation 1994)

(1) A development application must—

- (a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and*
- (b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and*

- (c) be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and
- (d) be lodged on the NSW planning portal.

(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.

(1AB) The statement by the qualified designer must—

- (a) verify that he or she designed, or directed the design, of the development, and
- (b) provide an explanation that verifies how the development—
 - (i) addresses how the design quality principles are achieved, and
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

It is at the discretion of Council that such deferral of assessment is appropriate in the circumstances. Based on the information submitted to Council through the course of the assessment, it has been demonstrated that the proposed building envelopes and spatial elements of the proposal can be accommodated on site, and that the cumulative impacts of the development have been appropriately considered.

It is anticipated conditions of consent will be implemented into the concept approval that will require certain matters to be specifically addressed in subsequent applications, consistent with Regulations.

1. Subdivision of the site

As part of the application, the proposal seeks subdivision of the site into two Torrens title allotments. The subdivision layout has been arranged in a manner that is consistent with the future staging of the development, as provided in **Figure 1** below.



Figure 1 – Subdivision plan (left) and staging plan (right)

It is important to note no physical works are associated with the application, despite subdivision being proposed.

The facilitating subdivision associated with the concept application will not affect the operation of the Vegas Hotel. The subdivision subject of the concept application is paper in nature and will ensure that the Vegas Hotel and associated car parking will continue to remain fully accessible until such time as a subsequent application is approved for physical works.

In this regard, the concept application and associated subdivision does not materially impact the existing function of the site.

The applicant will ensure a lease is executed across the proposed lot fronting North Parade, to ensure the 121 car parking spaces required by the 2006 Vegas Hotel consent remain accessible to the Vegas Hotel, notwithstanding the facilitating subdivision.

It is intended that a s4.55 application to modify the existing consent will be lodged and determined prior to or concurrently with the first detailed DA on the site.

Until a modification is approved, the Vegas Hotel will continue to benefit from at least 121 car parking spaces, as per the 2006 development consent (DA-06-2275).

2. Access and circulation, including street width requirements

Following discussions with Council, the concept envelope has been amended to accommodate capacity for additional road widening to assist with the delivery of an improved traffic and public domain outcome along the eastern, western, and northern boundaries of the site.

The setbacks proposed by Council's City Architect are provided as follows:

- 4.2m setback along the northern boundary (Jirrang Close side)
- 3m setback along Cleeve Close
- 3m setback along Jirrang Close.

A comparison of the originally submitted concept envelopes and the revised envelopes is presented in **Figure 2**.

- An aerial count of the proposed staging would suggest the proposal maintains approximately 48 -50 car parking spaces exclusively for the Vegas Hotel site. Whilst representing a reduction in existing site parking, the site has been predominantly used as a paid commercial car park, with little vehicle usage directed at the Vegas Hotel.
- Furthermore, since consent was granted for the operation of a paid commercial car park, usage of the car park has declined, with many visitors opting to park in adjoining car parks.
- An aerial mapping analysis undertaken via Nearmaps over three periods from 2020 to 2021 indicates, roughly 28 – 50 vehicles use the car park, which suggest the existing 238 spaces is well beyond what is required to service the venue.
- Furthermore, a number of cars are identified in the aerial survey relate to Headspace Mount Druitt Commercial building in the south western corner of the site, which is securely gated and provides 10 parking spaces. A future detailed DA associated with Stage A would propose the demolition of this building and therefore any demand associated with this use would be removed.
- It was further advised from Vegas Hotel management that approximately 30 vehicles are used directly for Vegas Hotel usage, with the remainder using the commercial car park and the south western building. It was advised patrons park in the Westfield Shopping Centre and walk to the venue, rather than parking in the paid car park.
- The usage of car parking based on Vegas Hotel management would be consistent with the parking numbers identified in the aerial survey.

For the reasons above, the reduction in parking, that would occur as a result of a Stage A future application would have a negligible impact on existing operations of the Vegas Hotel and overall commuter car parking.

Additional strategies could be considered in future applications (subject to separate merit assessment) including:

- A future modification application for the reduction of existing on-site parking and minor site alterations of the Vegas Hotel in parallel with the lodgement of a detailed DA for Stage A.
- An additional option to manage any future overflow parking would be an allowance of car parking within the basement of Stage A to be temporarily provided to users of the Vegas Hotel, this would offset any potential loss of parking experienced by the venue. This would be considered in a future application.

4. Stormwater management and drainage

We understand Council have raised concerns relating to local flooding identified by Council from constrictions in the drainage system in North Parade.

A flood statement has been prepared by Northrop, which notes the drainage issues do not appear insurmountable and should be addressed in subsequent detailed

development applications, as no physical works are proposed as part of this concept application. Further work in subsequent applications will need to include:

- Further survey data.
- Creation of a commuter model to assess the current local flood behaviour in the 1% AEP (Annual Exceedance Probability) critical storms.
- If this modelling indicates any issues, then a range of possible solutions will need to be modelled including:
 - Enlarging the pipeline drainage under the railway line.
 - Providing more inlet capacity into the drainage system.
 - Raising the finished floor levels of the proposed buildings.
 - Raising the entry levels to the basements.
 - Providing a levee to protect the building from adverse flood levels.

In this regard, the flooding context does not preclude the approval of the concept approval, which seeks no physical works. Detailed flooding matters will need to be further interrogated in subsequent applications.

We further understand that Council will be imposing a condition of consent for this concept DA which will require a public domain masterplan for the entire site to be including with the first detailed DA to ensure flood planning levels are incorporated and the levels changes necessary are managed across the site.

5. Response to the desired future character and future town centre context

As Council have yet to exhibit a DCP for Mount Druitt CBD, the Bates Smart urban design study that supported the Planning Proposal has been relied upon to assess desired future character of the CBD. Massing diagrams have been submitted to Council which have considered the proposed development within the desired future character context identified by Bates Smart.

Detailed design with regard to the relationship between the proposed development and the public domain will need to be ongoing and subject to future detailed DAs as Council have not yet exhibited any plans which depict the proposed road widening or public domain improvements, that will be developed within the evolving Mount Druitt CBD.

It is anticipated that by the time detailed DAs are lodged, Council will have had opportunity to develop a public domain masterplan in relation to the proposed road widening and adjoining reserve. Future detailed DAs will be able to respond to the anticipated public domain design to ensure the development specifically addresses the town centre context.

Through site links provide key linkages through the site to important town centre features, including the reserve to the north and Dawson Mall to the west.

6. Landscaping concept, including areas of deep soil and planting

Ongoing discussions have been held with Council's City Architect in relation to this matter. It was generally acknowledged that the site is within a highly urbanised CBD context and under the Section 3E of the ADG, deep soil may not be achievable.

It states:

Achieving the design criteria may not be possible on some sites including where:

- *the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- *there is 100% site coverage or non-residential uses at ground floor level*

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.

As described in the SEE, the site includes a significant quantum of area at the ground plane that will be open to the public as an accessible site link with landscaping opportunities. The landscaping zones at ground are over 800m² and provide ample opportunities to provide alternative forms of plantings.

It was determined to provide landscape areas at ground that include a combination of hard landscaping, public art/sculptures, low-lying vegetation and plantings. It was considered deep soil would not be suitable in this location due to heavy wind pressure, reduced levels of direct sunlight and the nature of the space being an eat-street.

As shown on the submitted landscape plans, turf and planting areas are to have sufficient soil depths within the nominated landscape zones to provide suitable tree species to provide shade coverage and vertical relief to soften the built form.

In order to respond to the concern raised by the Panel, we have amended the proposal and submitted amended architectural drawings which identify deep soil planting opportunities that are located at the extremities of the site and will allow for deep soil to be unencumbered by the basement and located within the through site links.

As discussed with Council's City Architect, the CBD location and two through site links provided also offer opportunity for public art to complement the proposed landscaping within the public domain.

As detailed above, we understand that Council will be imposing a condition of consent for this concept DA which will require a public domain masterplan for the entire site to be including with the first detailed DA and that the public domain master plan shall be consistent with the approved application and include all land associated with the proposed lots and stages of the development.

The public domain masterplan will ensure:

- the long-term construction of publicly accessible spaces of high design merit
- the publicly accessible space works in partnership with future detailed Development Applications
- a consistent landscaping and public domain theme is achieved.

7. Urban design matters

The reference scheme has undergone significant redesign, in consultation with Council, since the Panel briefing of September 2021 and amended approval drawings have been submitted to address many of the items raised.

We note that some items will need to be addressed in any subsequent development application which proposes built form, as the reference scheme will not be approved as part of the concept DA.

Amended reference scheme drawings have addressed the proposed road widening to the north, east and west, as well as amendments to the through site links, nomination of deep soil planting locations, reorientation of some buildings and ground floor elements and reconfiguration of floor plans to ensure consistency with the aims and objectives of SEPP 65 and the ADG.

In order to ensure future built form DAs respond to the feedback of the Panel and Council's City Architect, a condition of consent will be provided with the concept DA that ensures future building design will ensure a high standard of architectural design, is achieved.

The condition will ensure that future towers offer a variety in tower forms, while also providing an overall consistency with the development.

We understand this will limit the amount of glass proposed on building facades and that each building will employ materials, colours, finishes, textures and articulation, to achieve the objective.

In response to the Panel's comment in relation to the podium we note that Mount Druitt CBD is currently unable to support a podium of four storeys, which would not be viable from a market perspective. Blacktown DCP currently requires podiums to be limited to one to two storeys with zero setbacks to site boundaries.

In consultation with Council's City Architect, we note that further design development has occurred which provides for external framework that gives the appearance of a four-storey podium but also provides a prominent tower form at the northern extent of the site, where building E provides a tower which extends to the ground. We note that the residential access for building E is now oriented to Cleeve Close and not the reserve.

In addition, amended solar access plans have been submitted which confirm that the residential dwellings located on the southern side of the railway line are not detrimentally impacted by the proposed development.

While this advice does not constitute an exhaustive list of matters, we trust it provides advice on the key issues raised by the Panel at the briefing of September 2021.

Should you wish to discuss the contents of this letter further, please do not hesitate to contact me at (02) 8667 8668 or gsedgmen@mecone.com.au.

Yours sincerely,



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