

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	20 December 2021
DATE OF PANEL DECISION	16 December 2021
PANEL MEMBERS	Abigail Goldberg, Noni Ruker and David Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan noted at the meeting on 29 September 2021 that in the briefing material provided by Council, a legal precedent was mentioned in which his company had been involved. It was agreed with the Chair that this precedent was relevant but unrelated to the DA under consideration, and accordingly that a conflict of interest was not apparent. David committed to keeping the Chair updated should supplementary information indicate any changes to this position.

Papers circulated electronically on 14 December 2021.

MATTER DETERMINED

PPSSCC-237 - SPP-21-00003 - Blacktown City Council - 55-57 North Parade, Mount Druitt, 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 20 stories containing a total of 931 apartments, 22 commercial tenancies and 1 club; and a detailed approval for Subdivision of the site into two Torrens title allotments to enable development to be developed over 2 stages (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 the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under Cl 4.6 of Blacktown Local Environmental Plan 2015 (LEP), that has demonstrated that:

- compliance with Cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under Cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of Cl. 4.3 (development standard) of the LEP and the objectives for development in the B4 Mixed Use zone; and
- the concurrence of the Secretary has been assumed/provided.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended by the Panel and attached to this Determination.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three written submissions made during the public exhibition.

The Panel notes that issues of concern in the written submissions included:

- traffic and parking concerns
- overshadowing
- privacy concerns
- building height

The Panel considers that concerns raised in the submissions have been adequately addressed in the Council Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Noni Ruker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-237 - SPP-21-00003 - Blacktown City Council
2	PROPOSED DEVELOPMENT	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 20 stories containing a total of 931 apartments, 22 commercial tenancies and 1 club; and a detailed approval for Subdivision of the site into two Torrens title allotments to enable development to be developed over 2 stages.
3	STREET ADDRESS	55-57 North Parade, Mount Druitt
4	APPLICANT/OWNER	Leith Group Developments Pty Ltd C/- Mecone NSW Pty Ltd/ Tobana Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development 2011) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index BASIX) State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy No. 19 - Bushland in Urban Area Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development. Blacktown Local Environmental Plan 2015 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Mount Druitt DCP 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>: 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	<ul style="list-style-type: none"> • Council assessment report: December 2021 • Council assessment of Clause 4.6 request • Council Memo dated 13 December 2021 - Council's response to the matters raised in the Panel briefing held on 29 September 2021 for the proposed concept development at 55-57 North Parade, Mount Druitt • Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Wednesday, 29 September 2021 <ul style="list-style-type: none"> ○ Panel members: Abigail Goldberg, Noni Ruker and David Ryan Chris Quilkey and Kathie Collins ○ Council assessment staff: Peter Conroy, Director City Planning and Development, Bill Tsakalos, City Architect & Director Transformational Design, Judith Portelli, Manager Development Assessment, Chris Shannon, Manager Strategic Planning, Shakeeb Mushtaq, Coordinator Planning Assessment, Sami Ahangari, Assistant Team Leader – Projects, Matthew Sales, Senior Architect, Dennis Loether, Partner at Bartier Perry Pty Ltd (Council Legal Representative/Lawyer) • Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers circulated electronically on 14 December 2021
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended by the Panel