

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	17 October 2022
DATE OF PANEL DECISION	14 October 2022
DATE OF PANEL MEETING	13 October 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Carol Vale, Moninder Singh, Chris Quilkey
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan recognised at a preceding Council Briefing that he may be perceived as having a conflict of interest as he worked on the DA for the Tallawong town centre, which is adjacent to the site under consideration. David accordingly agreed with the Chair to step out of the Panel for this matter going forward.

Papers circulated electronically on 6 October 2022.

MATTER DETERMINED

PPSSCC-309 – Blacktown – SPP-21-00013 - 34 and 42 Tallawong Road, Tallawong - Construction of 9 Residential flat buildings over 6 stages comprising 914 apartments, 2 retail premises, basement parking, landscaping works, a public plaza, associated infrastructure works, construction of internal roads and connections to service utilities.

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 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 (3) of Appendix 12 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, that has demonstrated that:

- compliance with cl. 4.3 (height of buildings) 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 SEPP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the Growth Centres SEPP and the objectives for development in the R3 Medium Density zone; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council assessment report, which include a number of deferred commencement conditions.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council assessment report, recognising that the proposal has been thoroughly assessed, with amendments undertaken by the applicant at Council's request. The Panel notes that:

- a) The requested Clause 4.6 variation is acceptable [section 4.15 (1) (a) (i) EP&A Act 1979]
- b) The site is suitable for the proposed development [section 4.15 (1) (c) EP&A Act 1979]
- c) The proposal is in the public interest [section 4.15 (1) (e) EP&A Act 1979].

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report, which include a number of deferred commencement conditions. Following the final briefing meeting, Council provided an additional operational condition to be imposed on the final conditions of consent, as noted below.

15.13 Operation of the Plaza Land





15.13.1 The land owner/s or strata owner's corporation must comply with all the obligations set out in the 34-42 Tallawong Road Rouse Hill Planning Agreement dated 14 September 2021, which is registered on the title of this land to which this consent applies. Specifically the publicly accessible plaza must be owned, managed by the land owner or strata owners corporation in perpetuity and maintained at all times in accordance with the maintenance plan approved by Council which is contained in this Planning Agreement. Note that council will not be responsible for this land.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the single written submission, received from Sydney Metro in their landownership capacity, during public exhibition period. The Panel notes that issues of concern included:

- Building separation
- Overshadowing
- Access
- Inaccurate assumptions of future development of adjoining land.

The Panel considers that concerns raised by Sydney Metro have been adequately addressed in the assessment report and satisfactorily resolved through design changes to the application.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Carol Vale 
Moninder Singh 	Chris Quilkey 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-309 – Blacktown – SPP-21-00013
2	PROPOSED DEVELOPMENT	Construction of 9 residential flat buildings over 6 stages, 9 - 10 storeys each (including lower ground and ground level) comprising a total of 911 apartments, 2 retail premises, 989 parking spaces across 2 basement levels, a publicly accessible plaza and extensive landscaping works
3	STREET ADDRESS	34-42 Tallawong Road, Tallawong
4	APPLICANT/OWNER	Applicant: Urbis Owner: CDG NO2 Pty Ltd, CDG Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts - Central River City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development Central City District Plan 2018 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2010 Planning agreements: Yes Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: N/A 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: 4 October 2022 Clause 4.6 variation request height of buildings development standard Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, <u>Council assessment staff</u>: Rachel Walker, Sara Smith Briefing: 12 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Rachel Walker, Sami Ahangari, Judith Portelli • Final briefing to discuss council's recommendation: 13 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Carol Vale, Moninder Singh, Chris Quilkey ○ <u>Council assessment staff</u>: Judith Portelli, Rachel Walker, Sami Ahangari, Dennis Bagnall, Nadeem Shaikh, Zahurul Azim , Matt Sales
9	COUNCIL RECOMMENDATION	Approval, subject to deferred commencement conditions listed in Attachment 10
10	DRAFT CONDITIONS	Attached to the Council assessment report, as amended