

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	15 November 2023
DATE OF PANEL DECISION	15 November 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Steve Murray, David Ryan, Moninder Singh, Chris Quilkey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 November 2023.

MATTER DETERMINED

PPSSCC-408 – Blacktown – SPP-22-00009 – 60 Pelican Road, Schofields - Subdivision into 2 super lots with construction of 2 public roads and 7 x 5-storey residential flat buildings (308 apartments), associated easement car parking for 457 cars, with civil works and landscaping, over 3 stages.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters 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 the Blacktown Local Environmental Plan 2015 (LEP), that has demonstrated that:

- compliance with Clause 4.3 of Appendix 7 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 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 Clause 4.3 of Appendix 7 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; 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*.

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, replicated as follows:

- The proposal results in an acceptable scale of development for the site and generally complies with the relevant provisions of the applicable planning controls [Section 4.15 (c) of the *Environmental Planning and Assessment Act 1979*].
- The request made under Clause 4.6 of the State Environmental Planning Policy (Precincts - Central River City) 2021 to vary the maximum height of buildings development standard is well founded.

Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation to the development standard [Section 4.15 (c) of the Environmental Planning and Assessment Act 1979].

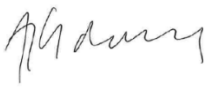




- c. The proposed development will not create an adverse environmental impact on existing or future potential adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts [Section 4.15 (b) of the Environmental Planning and Assessment Act 1979].
- d. The proposal is in the public interest as it will provide additional housing to meet the growing demand for residential developments in the area (Section 4.15(e) of the Environmental Planning and Assessment Act 1979).

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
David Ryan 	Moninder Singh 
Chris Quilkey 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-408 – Blacktown – SPP-22-00009
2	PROPOSED DEVELOPMENT	Subdivision into 2 super lots with construction of 2 public roads and 7 x 5-storey residential flat buildings (308 apartments), associated easement car parking for 457 cars, with civil works and landscaping, over 3 stages.
3	STREET ADDRESS	60 Pelican Road, Schofields
4	APPLICANT/OWNER	Applicant: Aland/Pelican 88 Development Pty Ltd Owner: Pelican 88 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"> State 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 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: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 4 October 2023 Clause 4.6 variation request: Building Height Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 23 February 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair) <u>Council assessment staff</u>: Bertha Gunawan, Alan Middlemiss <u>Applicant representatives</u>: Michael Ferraro, Ryan Lane, Anas Rahal, Jonathon Wood, Joel El Sabbagh, Erik Koivistik
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

