

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	14 September 2023
<b>DATE OF PANEL DECISION</b>	14 September 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray, David Ryan, Glenn Elmore, Ola Hamed
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 12 September 2023.

#### MATTER DETERMINED

PPSSCC-431 – Cumberland – DA2022/0790 at 2 and 2A Joyner Street, Westmead – Demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works.

#### 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.

#### 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 approve the application for the reasons outlined in the council assessment report, summarised below:

*The proposed development is appropriately located within the E3 Productivity Support land use zone under the relevant provisions of the Cumberland Local Environmental Plan (CLEP) 2021. The proposal is generally consistent with all statutory and non-statutory controls applying to the development.*

*Having regard to the assessment of the proposal from a merit perspective, Council is satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future users. Hence the development generally satisfies the objectives of the planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.*

*The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.*

#### CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment to Condition 63:






- 63. DACCZ04 - Sewer mains  
Any change to the existing Sydney Water sewer mains shall be submitted to and approved by Sydney Water.

A copy of the approval from Sydney Water is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the approval from Sydney Water shall be submitted to Council.

(Reason: To comply with Sydney Water requirements.)

#### 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	 Glenn Elmore
 Ola Hamed	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-431 – Cumberland – DA2022/0790
2	PROPOSED DEVELOPMENT	Demolition of existing structures, amalgamation of two (2) lots, construction of a six (6) storey mixed use development comprising of three (3) ground floor business/office tenancies, a multi-level centre based child care facility for 152 children with associated business identification signage over 3 levels of basement car parking for 47 vehicles with vehicular access from Joyner Street and associated landscaping and site works.
3	STREET ADDRESS	2 and 2A Joyner Street, Westmead
4	APPLICANT/OWNER	Mr Tony Harb (Applicant) / Mr Tony Harb, Mr John Harb and Mrs Sonia Harb (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>◦ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>◦ State Environmental Planning Policy (Planning System) 2021</li> <li>◦ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>◦ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>◦ State Environmental Planning Policy (Transport and Infrastructure) 2021 / Child Care Planning Guideline 2021</li> <li>◦ Cumberland Local Environmental Plan 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Cumberland Development Control Plan 2021</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 11 August 2023</li> <li>• Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 13 April 2023 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan, Glenn Elmore</li> <li>◦ <u>Council assessment staff</u>: Shaylin Moodliar, Michael Lawani, Esra Calim</li> <li>◦ <u>Applicant</u>: Jonathon Wood</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 7 September 2023 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan, Glenn Elmore, Ola Hamed</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Shaylin Moodliar, Michael Lawani, Esra Calim, Rashika Rani</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report