

RECORD OF DEFERRAL

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DEFERRAL	2 December 2024
DATE OF PANEL MEETING	28 November 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Dorothy Del Villar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 28 November 2024, opened at 11:30am and closed at 12.28pm.

MATTER DEFERRED

PPSSCC-483 – Blacktown – DA-23-00740 - 36 Garfield Road, West Richards - Integrated Development for site wide civil works comprising staged ground profiling including importation of approximately 3.9 million cubic meters of fill, vegetation removal, demolition of existing structures and ancillary works consisting of a temporary haulage road and stormwater infrastructure including drainage swales and sediment detention basins.

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings / briefings and observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until 31 March 2025 at the latest. The matter was deferred to allow for the further assessment and reporting on flooding and heritage issues associated with the development, as described under the 'Actions' heading, for the following reasons:

The Panel identified flooding impacts as a key matter in the determination of this application. Council's report has identified statutory and merit-based matters relating to this issue, however, in many instances has deferred to an advice letter received from the DPHI as having addressed and/or satisfied the particular consideration, rather than carrying out or reporting on its own assessment. The panel's understanding of the DPHI letter is that it cannot be construed as representing a detailed assessment of the application against many of the specific matters for consideration.

Consequently, the panel considers that it is not in position to be satisfied on certain 'jurisdictional' matters and merit considerations based on the assessment and information currently before it.

In addition, the Panel agreed to defer the determination of the matter until 31 March 2025 at the latest so that the applicant has time to submit the information identified as being required to satisfy Council's recommended deferred commencement conditions under the heading "heritage requirements", such that they may be assessed prior to the determination of the application, noting that heritage matters are of reasonable concern to the Panel, local community and Council.

The decision to defer the matter was unanimous.

ACTIONS



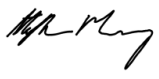


To allow for the progression of the Development Application to determination, the Panel directed that:

- a. The Department be approached in the first instance and asked to undertake a review of all matters where Council's assessment report has indicated that the relevant consideration is satisfied based on Departmental studies or advice and advise the panel whether the

Department agrees with that conclusion. This should particularly address, but not be limited to, matters where consent cannot be granted unless a particular matter is satisfied (e.g. Clause 3.27(2)(a) of Chapter 3 of the Central River City SEPP).

- b. The Department is to advise the panel within 7 days of this Record of Deferral if it is not in a position to do so at all, or within the timeframe specified in this Record. In the latter case, that it advises the panel of the time considered necessary to complete the task.
 - c. In circumstances where the Department cannot undertake the task, the Panel requests that the Department / Panel Secretariat engages on behalf of the panel, expert advice to undertake an independent review of Council's assessment report as it relates to flooding considerations associated with the development, including advice and information received from the Department. The independent expert report is to provide conclusions on all relevant statutory and merit considerations, such as to enable the panel to make a final determination on the application.
 - d. The applicant be advised to submit the information identified as being required to satisfy Council's recommended deferred commencement conditions under the heading "heritage requirements", such that they may be assessed prior to the determination of the application.
 - e. The applicant, at its discretion, may wish to consider addressing all other recommended deferred commencement conditions prior to determination.
2. The Department or independent flood expert and the Applicant shall complete/provide the required information and upload all documentation to the Planning Portal by 10 March 2025 at the latest, but ideally earlier.
 3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by within 3 weeks of the upload of the required information to the Planning Portal.
 4. When the updated assessment report is received the Panel will make a final determination on the matter.

If the outstanding information is not provided by the above dates. the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Moninder Singh 
Dorothy Del Villar 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-483 – Blacktown – DA-23-00740
2	PROPOSED DEVELOPMENT	Integrated Development for site wide civil works comprising staged ground profiling including importation of approximately 3.9 million cubic meters of fill, vegetation removal, demolition of existing structures and ancillary works consisting of a temporary haulage road and stormwater infrastructure including drainage swales and sediment detention basins.
3	STREET ADDRESS	36 Garfield Road, West Richards
4	APPLICANT/OWNER	Applicant: Sakkara/The Trustee for 81 Riverstone Parade Unit Trust Owner: Riverstone Parade Pty Ltd. ATF 81 Riverstone Parade Unit Trust
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 Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Riverstone West Precinct Development Control Plan 2009 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: 14 November 2024 Written submissions during public exhibition: 227 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Haydn Bruyn, Mario Pace, Mark Watkins, Luke Faulks, Marianne Keller Council assessment officer – Jared Spies Judith Portelli On behalf of the applicant – David Simpson, Paul Grech, Chris Thomas, Mark Santoro Total number of unique submissions received by way of objection: 215
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 31 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Chris Quilkey <u>Council assessment staff</u>: Jared Spies, Judith Portelli <u>Applicant representatives</u>: David Simpson, Paul Grech, Chris Thomas, Mark Santoro

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 28 November 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Dorothy Del Villar○ <u>Council assessment staff</u>: Jared Spies, Judith Portelli
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report