

<b>DATE OF DETERMINATION</b>	14 February 2025
<b>DATE OF PANEL DECISION</b>	14 February 2025
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Dorothy Del Villar
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 17 January 2025.

#### **MATTER DETERMINED**

**PPSSCC-552 – Blacktown – DA-24-00388** - 60 Pelican Road, Schofields - Amending development application to SPP-22-00009 to increase the number of apartments by 76 to 384 apartments, of which 60 are proposed to be affordable housing units.

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented 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), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances because the non-compliance will apply only to certain non-habitable elements of certain buildings in the development including:
  - point encroachments for the lift overruns of Buildings A to E
  - edge of the rooftop communal open space on Building C
  - roof parapets and ceiling habitable space of certain units only in buildings B and E.
- b) there are sufficient environmental planning grounds to justify contravening the development standard for the reasons outlined above.

#### **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 noting that conditions have been amended subsequent to this report and following discussion between the panel, council and the applicant to provide greater certainty regarding the delivery of the affordable housing units as well as site infrastructure, and considering that the panel is cognisant that Community Housing Providers may prefer affordable units to be co-located to assist with facility management and social support.

#### **CONDITIONS**



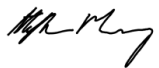


The development application was approved subject to conditions (attached) that were amended following a meeting of the panel, council and applicant on 6 February 2025. The purpose of the amendments is primarily to revise the timing of elements of the development to ensure early delivery of the affordable

housing units as well as site infrastructure. The amendments were agreed by all parties and are summarised by council as:

- The deferred commencement condition has been deleted in its entirety. The recommended consent is no longer 'deferred'
- Condition 2.1.1 is modified to include the new staging plan (Issue J, dated 6 February 2025)
- Condition 3.2.2 is added
- Conditions 3.5.1 - 3.5.3 are deleted
- As a consequence, proposed new conditions are added at 3.5.1, 3.5.2 and 3.5.3 (3.5.3.1 and 3.5.3.2)
- Condition 7.1.1 is deleted
- Condition 7.1.2 is now 7.1.1 and is modified to reflect the revised staging
- Condition 7.4.1 is reworded slightly. This relates to carparking but has no impact on the total number of spaces being provided
- Condition 12.1 is added, as a prescribed condition.
- Condition 12.1.2 has been refined with sub-clauses (b) and (c) deleted
- Condition 12.1.3 is deleted
- As a consequence, some renumbering has occurred
- Condition 3.5.3.2 relocated to new Condition 12.1.5 as it is a 'Prior to Occupation' agreed condition
- Condition 12.11.1 is slightly modified.

#### 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)	 David Ryan
 Steve Murray	 Moninder Singh
 Dorothy Del Villar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-552 – Blacktown – DA-24-00388
2	PROPOSED DEVELOPMENT	Amending development application to SPP-22-00009 to increase the number of apartments by 76 to 384 apartments, of which 60 are proposed to be affordable housing units.
3	STREET ADDRESS	60 Pelican Road, Schofields
4	APPLICANT/OWNER	Applicant/Owner: Pelican 88 Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Precincts - Central River City) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ Blacktown Local Environmental Plan 2015</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Blacktown City Council Growth Centre Precincts Development Control Plan 2010</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: 17 January 2025</li> <li>• Clause 4.6 variation request: Height of Building</li> <li>• Council memo report received: 5 February 2025</li> <li>• Written submissions during public exhibition: 0</li> <li>• Revised conditions and updated staging plan received from applicant 7 February 2025 with council agreement to these received on 11 February 2025</li> <li>• Written confirmation from both the applicant and council that the revised conditions do not result in changes to the environmental impact of the proposal: 7 February 2025 (applicant) and 11 February 2025 (council)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 6 February 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Moninder Singh, Dorothy Del Villar</li> <li>○ <u>Council assessment staff</u>: Judith Portelli, Alan Middlemiss</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Applicant representatives:</u> Michael Ferraro, Anas Rhhal, Jonathon Wood (Think Planning)</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Draft deferred commencement consent conditions listed in attachment 9 of Council's Assessment Report. Updated amended conditions and updated staging plan as agreed by all parties attached to this determination.