

<b>DATE OF DETERMINATION</b>	Wednesday, 8 February 2017
<b>PANEL MEMBERS</b>	Edward Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell and Chris Quilkey
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Blacktown City Council on Wednesday, 8 February 2017 opened at 3:15 pm and closed at 3:30 pm.

### **MATTER DETERMINED**

**2016SYW018 – Blacktown – JRPP-15-02701** - 96 Cudgegong and 88 and 104 Rouse Roads, Rouse Hill (AS DESCRIBED IN SCHEDULE 1)

### **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 the matters observed at site inspection listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

### **REASONS FOR THE DECISION**

The Panel determines the application by granting approval for the following reasons:

1. The application complies with the provisions of the applicable Environmental Planning Instruments with one exception: building height, where there is a maximum breach of 3.4m (28%). In particular the application has been designed to enable future compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and the Apartment Design Guide, which the Panel considers to be of fundamental importance given the residential nature of the proposed development.
2. The Panel has considered the Clause 4.6 request to vary the building height standard and believes the breach will not cause any material environmental impact, the variation will still satisfy the objectives of the standard and enable development consistent with the objectives of the R3 zone in which the development is to be located and thus compliance is unnecessary in this instance. Also, there are sufficient environmental planning grounds to justify the variation, being a better building design and provision of additional new housing. The Panel is satisfied that the applicant's written request addresses the requirements of clause 4.6 (3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Accordingly, the Panel approves the requested variation to the building height standard.
3. The application will enable effective use of valuable new residential land and will meet all necessary infrastructure requirements or will contribute to their provision through financial contributions under Section 94. The proposal will be compatible with the capacity of the local road network and will foster greater use of public transport as it is within walking distance of the new Cudgegong Road train station.

4. The Panel has carefully considered all objections to the application, including that lodged on behalf of the Anglican School Corporation. The Panel believes the issues raised in the objections have either been addressed by this conditional approval or do not warrant refusal of the application.
5. The panel notes that the application is for Integrated Development because a bushfire safety authorisation is required under the Rural Fires Act 1997. The Panel is satisfied that this requirement has been met because the Rural Fire Service has provided its conditions of consent.
6. The Panel notes there are road works underway to provide appropriate access remediation of the Rouse Road causeway. The Panel urges timely completion consistent with planned occupancy of the development.
7. For the reasons given above, the proposal will be in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

Condition 2.5.1 was amended to read as follows:

The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 94EE of that Act that is in force on the date of the consent, and must obtain a certificate to that effect from the **Secretary of the Department of Planning and Environment** before a Construction Certificate is issued in relation to any part of the development to which this consent relates.

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/guage/en-US/Default.aspx>

Condition 2.6.1 was deleted





Condition 2.12.1 was amended to read as follows:

Prior to any construction on the site, the site must be **remediated** by a suitably qualified **geoscientist** as suitable for **residential development in accordance with the recommendations in** the Stage 2 Detailed Site Investigation prepared by SLR Consulting Australia Pty Ltd (Report No. 610.13644-R2 dated 17 May 2016) are to be implemented. **Following implementation of the remediation works, a suitably qualified geoscientist is to be obtained by the applicant and the geoscientist is to confirm (validate) that the site has been appropriately remediated or is to specify additional works that are required and then validate these works have been properly undertaken.**

Condition 2.13.1 was amended to read as follows:

Prior to any **future development application** on the site, an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 must be obtained. A

copy of the Aboriginal Heritage Impact Permit is to be submitted to Council for our records.

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW018 – Blacktown – JRPP-15-02701
2	PROPOSED DEVELOPMENT	Stage 1 Concept Plan for site and road layout, nine building envelopes and an area nominated for future public park.
3	STREET ADDRESS	96 Cudgegong and 88 - 104 Rouse Roads, Rouse Hill
4	APPLICANT OWNER	Sutherland Planning and Associates Pty Ltd Tian Tong (Australia) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River</li> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</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> </ul>

		<ul style="list-style-type: none"> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report dated 23 January 2017</li> <li>• Written submissions during public exhibition: two (2)</li> <li>• Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Aaron Sutherland and Dan Swaj</li> </ul> </li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTION BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site visit and briefing meeting on 8 February 2017</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report