

Report to Sydney Central City Planning Panel

Panel reference	2016SYW086
DA number	JRPP-15-02107
Proposed development	Four residential flat buildings, stormwater drainage works, landscaping and a pedestrian link
Street address	38 Cudgegong Road, Rouse Hill
Applicant	Zhinar Architects
Owners	Southern Han Rouse Hill Pty Ltd
Date of DA lodgement	22 September 2015
Number of submissions	Nil
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$67.3 million)
All relevant s4.15(1)(a) matters	• Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Blacktown City Council Growth Centre Precincts Development Control Plan 2016 • Draft Central City District Plan 2017
Report prepared by	Blacktown City Council
Report date	28 February 2018
Recommendation	Approval subject to conditions by electronic determination

Summary of s4.15 evaluation

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.11)? Yes

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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ATTACHMENTS

- Attachment 1 – Location map
- Attachment 2 – Aerial image
- Attachment 3 – Zoning extract
- Attachment 4 – Subdivision plans
- Attachment 5 – Detailed information about proposal and DA submission material
- Attachment 6 – Development application plans
- Attachment 7 – Assessment against planning controls
- Attachment 8 – Draft conditions of consent

1 Executive summary

- 1.1 This report considers a development proposal for 4 residential flat buildings at 38 Cudgegong Road, Rouse Hill.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The key issue that needs to be considered by the Panel in respect of this application is:
 - a. Setbacks (Section 7.1) - The Growth Centres DCP requires a minimum building setback of 6 m where adjoining a 16 m wide public road. This 16 m road width allows only 2 travel lanes and 1 lane of parking. At our request, the Applicant has increased the road width from 16 m to 18 m, so that 2 lanes of parking can be achieved. Although this application pre-dated the DCP changes that Council made so as to enforce the 18 m width, the Applicant was willing to provide the increased 18 m road width. As a concession to the Applicant for their acceptance of the wider public roads, the reduced front building setback to the public road of 5 m is considered reasonable in these circumstances.
- 1.4 The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

- 1.5 This report recommends that the Panel approve the application, subject to the recommended conditions.

2 Location

- 2.1 The site is located within the suburb of Rouse Hill. The site is within the Area 20 Precinct 'Cudgegong Road Station' within the North West Growth Centre as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The site is to the north of the Sydney Metro Northwest. The future Cudgegong Local Centre and Cudgegong Road Railway Station are to the west on the opposite side of Cudgegong Road. The location of the site is shown in **attachments 1 and 2**.
- 2.2 The majority of the site and the land to the north is zoned R3 Medium Density Residential with a permitted building height of 26 m. The eastern part of the site and adjoining sites form the Second Ponds Creek riparian and drainage corridor and is zoned RE1 Public Recreation and SP2 Infrastructure - Drainage and is subject to future Council acquisition. The land immediately to the west on the opposite side of Cudgegong Road is zoned B2 Local Centre with a permitted building height of 26 m. The zoning of the site and surrounds is shown in **attachment 3**.

3 Site description

- 3.1 The 2.05 hectare site is generally rectangular in shape and is currently registered as Lot 119 DP 208203. The portion of the site which is zoned for residential purposes slopes up to 9.3 m from the north-west corner of the site to the east.
- 3.2 The site has road frontage to Cudgegong Road. However, vehicular access is not available via Cudgegong Road due to current works to raise and upgrade Cudgegong Road over the Sydney Metro Northwest. These works will result in the level of Cudgegong Road being approximately 3.5 m above the level of the subject site, with retaining structures along the site's western boundary. As a result, vehicular access to the site will be available only via the properties to the north.
- 3.3 The western portion of the site accommodates an existing dwelling, a gravel driveway, shed structures and trees. The central portion of the site is vacant and grassed. The eastern portion of the site is heavily treed, contains a dam and forms part of Second Ponds Creek.
- 3.4 The site contains a 123 kV high voltage overhead power line located at the western portion of the site, with an easement with a width of 20.4 m to 32.9 m associated with Endeavour Energy's nearby Rouse Hill Switching Station at 83 Schofields Road, Rouse Hill (at the corner of Cudgegong Road). There is also a low voltage overhead service conductor and associated power poles on the site, taking supply from low voltage overhead power lines on the opposite side of Cudgegong Road.
- 3.5 An aerial image of the site and surrounding area is at **attachment 2**.

4 Background

- 4.1 On 21 October 2011, the site was rezoned to R3 Medium Density Residential, RE1 Public Recreation and SP2 Infrastructure (Drainage) under the Growth Centres SEPP. The zoning plan for the site and surrounds is at **attachment 3**.
- 4.2 On 22 September 2015 this DA was lodged. It was not appropriate to approve this DA previously as the transport corridor to the south of the site caused Cudgegong Road to be raised and replaced at a level that is significantly higher than the subject site. Therefore

the site did not have a point of vehicular access via Cudgegong Road or via any other boundary.

- 4.3 On 25 January 2017, DA-15-01552 was approved for the removal of some trees, demolition of structures and Torrens title subdivision to create 1 development lot (Lot 1), 1 residue lot for the land zoned RE1 Public Recreation and SP2 Infrastructure (Drainage), and a lot for the new public roads. The approved subdivision plan is at **attachment 4**.
- 4.4 On 14 November 2017, modification application MOD-17-00512 was lodged by the Applicant to modify the subdivision approved in DA-15-1552 to create a new separate lot (Lot 3) for a future pedestrian link at the north-eastern corner of the site to Cudgegong Road, to enable the dedication of this pedestrian link to Council. The proposed modification to the subdivision plan is at **attachment 4**.
- 4.5 On 19 December 2017, Northwest Rapid Transit (NRT) being the operations, trains and systems contractor acting on behalf of Transport for NSW, provided their design specification for the agreed upon access road that traverses the adjoining property owners to the north (44 and 56 Cudgegong Road, Rouse Hill, the subject of Development Application SPP-17-00010) and provides access to the site the subject of this DA at 38 Cudgegong Road.
- 4.6 On 9 February 2018 we approved DA-17-02741 to construct the temporary road access described above. The location of the temporary access road is shown in **attachment 2**.

5 The proposal

- 5.1 This integrated Development Application (DA) has been lodged by Zhinar Architects for the construction of 4 residential flat buildings (RFBs) at 38 Cudgegong Road, Rouse Hill.
- 5.2 The Applicant proposes to construct 4 x 8 storey residential flat buildings within Lot 1 approved in DA-15-01552, consisting of 295 apartments with 345 basement car parking spaces and waste collection, communal open space areas and associated stormwater drainage works and landscaping. The western portion of the site consists of 47 at-grade visitor car parking spaces accessed via a private driveway.
- 5.3 A new pedestrian pathway and stairs are proposed at the north-western portion of the site to provide a pedestrian link to Cudgegong Road within proposed Lot 3 for future dedication to Council, in accordance with the Area 20 Precinct Plan.
- 5.4 Refer to **attachment 5** for further details of the proposal, including floor space ratio, building height, setbacks, dwelling mix, communal open space, landscaping, design verification, traffic and parking, and acoustic matters. Refer to **attachment 6** for a copy of the development plans.

6 Assessment against planning controls

- 6.1 A full assessment of the DA against relevant planning controls is provided in **attachment 7**, including:
 - a. Environmental Planning and Assessment Act 1979
 - b. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
 - c. State Environmental Planning Policy (State and Regional Development) 2011
 - d. State Environmental Planning Policy (Infrastructure) 2007
 - e. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- f. State Environmental Planning Policy No. 55 – Remediation of Land
- g. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- h. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- i. Blacktown City Council Growth Centre Precincts Development Control Plan 2016
- j. Draft Central City District Plan 2017.

7 Key planning issues assessment

7.1 Building setbacks to public roads

- a. At the time of lodgement of the DA (22 September 2015), the DCP required a minimum building setback of 6 m adjoining a 16 m wide public road. This 16 m road width only allows 2 travel lanes and on-street parking on only 1 side of the road. At our request, the Applicant has increased the road width in this proposal from 16 m to 18 m, so that parking can easily occur on both sides of the road and still maintain 2 travel lanes.
- b. Council has since amended the DCP to require 18 m road widths where residential flat development is permissible. Although this application pre-dated the DCP changes to road widths, the Applicant was willing to provide the increased 18 m road width.
- c. As a result of this road width increase, the site area of the development has decreased. In previous identical circumstances, we have consistently granted a concession to reduce the minimum required building setback for other DAs. Therefore, we also offer a concession to this Applicant because of their acceptance of the wider roads and loss of developable area, the reduced building setback from Buildings B, C and D to the new local road to the north, of 5 m instead of 6 m, is considered acceptable in this instance.

8 Public exhibition

- 8.1 The proposed development was notified to property owners and occupiers within the locality between 18 April and 2 May 2017. The DA was also advertised in the local newspapers, including the Blacktown City Sun, and a sign was erected on the site.
- 8.2 One submission was received to this application after the notification period. This submission was received from the owners of the adjoining properties to the north (Nos. 44 and 56 Cudgegong Road, Rouse Hill) raising concern with regard to solar access and the location of the private driveway access. The submitter has since stated that they have been advised by the Applicant of this subject DA that the areas of concerns relating to solar access and driveway location have now been suitably progressed and resolved. As a result, the submission has now been formally withdrawn. Therefore, there are no submissions to this application.

9 External referrals

- 9.1 The DA was referred to the following external authorities for comment:

Section	Comments
NSW Department of Primary Industries – Water	Acceptable subject to General Terms of Approval
Sydney Trains	Acceptable subject to conditions
Endeavour Energy	Acceptable subject to conditions
Roads and Maritime Services	Acceptable subject to conditions
Sydney Water	Acceptable subject to conditions
NSW Local Police	Acceptable

10 Internal referrals

10.1 The DA was referred to the internal sections of Council and the proposal is acceptable subject to conditions.

11 Conclusion

11.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

12.1 The development application be approved by the Sydney Central City Planning Panel subject to the conditions held at attachment 8.


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