

DATE OF DETERMINATION	Wednesday, 14 March 2018
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Stuart McDonald, Chris Quilkey and Kathie Collins
APOLOGIES	None
DECLARATIONS OF INTEREST	None (<i>must include reason for declaration and whether the member participated or not</i>)

Electronic meeting held between 5 March 2018 and 14 March 2018.

MATTER DETERMINED

2016SYW086 – Blacktown – JRPP-15-02107 AT 38 Cudgegong Rd, 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 inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The application for 295 apartments contained within 4 x 8 storey apartment buildings, basement car parking associated stormwater and landscaping works and new pedestrian pathway and stairs to provide a pedestrian link to Cudgegong Road, is ideally located in close proximity to transport services in the form of the new railway station and train service as well as general services within the planned local centre and will also provide a range of apartment sizes to meet the needs of the growing local population.
2. The application is consistent with the development concept that established the overall land subdivision, the subject development lot and road layout.
3. The site, subject to the required remediation works, is considered suitable for the residential land use.
4. The application is consistent with relevant environmental planning instruments including the Growth Centres SEPP, SEPP 65 and the Apartment Design Guide, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP 55 Remediation of Land and SREP 20 – Hawkesbury – Nepean River, as well as the Draft Central City District Plan 2017.
5. The application is permissible in the R3 zone, satisfies the zone objectives, as well as being compliant with the maximum floor space ratio and building height standards.
6. Notification requirements were complied with and there are no objections requiring consideration.
7. The retention of 12 mature eucalypt trees on the southern boundary, together with deep soil zones, will significantly contribute to social amenity and urban heat minimisation.
8. The one departure from the BCC Growth Centres DCP 2016 relates to the applicant agreeing to the Council's request to increase a road width from the DCP required 16m to a preferred 18m in order to accommodate an additional lane of kerbside parking, with the resultant decreased building setback of 5m rather than the DCP required 6m. Given the resultant preferred road and parking arrangement, the variation to the building setback control is justified in the circumstances.

9. The proposal will not result in any unacceptable environmental impacts on the surrounding road network or on the adjoining and surrounding properties and, subject to the imposition of the recommended conditions, will result in an acceptable development outcome.
10. Given the above reasons, approval of the application 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:

- Add condition:

2 GENERAL

2.1 Scope of Consent

2.1.1 *The attached plan is added as an approved plan in the table*

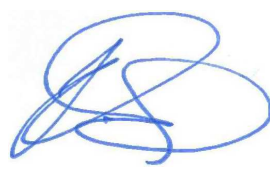
2.1.2 The existing trees indicated for retention on the approved plan titled 'Plan showing extent of zone for existing trees to be retained' prepared by Zhinar Architects and dated 9 March 2018, are to be retained and protected against damage.

- Add condition:

9 DURING CONSTRUCTION (GENERAL)

9.6 Protection of Existing Trees

9.6.1 The existing trees indicated for retention on the approved plan titled 'Plan showing extent of zone for existing trees to be retained' prepared by Zhinar Architects and dated 9 March 2018, are to be retained and protected against damage.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Paul Mitchell OAM
 Stuart McDonald	 Chris Quilkey
 Kathie Collins OAM	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW086 – Blacktown – JRPP-15-02107
2	PROPOSED DEVELOPMENT	Four residential flat buildings, stormwater drainage works, landscaping and a pedestrian link
3	STREET ADDRESS	38 Cudgegong Road, Rouse Hill
4	APPLICANT OWNER	Zhinar Architects Southern Han Rouse Hill Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Regional Environment Plan No 20 – Hawkesbury-Nepean River - State Environment Planning Policy (State and Regional Development) 2011 - State Environment Planning Policy (Infrastructure) 2007 - State Environment Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environment Planning Policy No 55 – Remediation of Land - State Environment Planning Policy No 65 – Design Quality of Residential Apartment Development - State Environment Planning Policy (Sydney Region Growth Centres) 2006 - Draft environmental planning instruments: - Draft Central City District Plan 2017 - Development control plans: - Blacktown City Council Growth Centre Precincts Development Control Plan Y2016 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	- Council assessment report: 28 February 2017 - Written submissions during public exhibition: nil - Council responses to Panel queries dated 9 March 2018
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection by Chris Quilkey and Kathie Collins on 8 March 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report