

<b>DATE OF DETERMINATION</b>	22 February 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Blacktown City Council on 22 February 2018, opened at 4:00 pm and closed at 4:50 pm.

#### **MATTER DETERMINED**

2017SWC006 –Blacktown – SPP-16-04463 AT 41 Terry 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 listed at item 8 in Schedule 1.

The Panel determined to:

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 SEPP (Sydney Region Growth Centres) 2006; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979;

for the reasons set out below.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

1. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of SEPP (Sydney Region Growth Centres) 2006 and considers that:
  - i. the applicant's submission adequately addresses the matters required under cl.4.6;
  - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
  - iii. there are sufficient environmental planning grounds to justify the variation; and
  - iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the SEPP development standard is in the public interest.






2. This application for 9 residential flat buildings at 41 Terry Road Rouse Hill is on land within Area 20 Precinct in the North West Priority growth Area in the Growth Centres SEPP and is the type of

development envisaged in this area as it is a supply of housing in close proximity to the Rouse Hill Town Centre and the Sydney Metro Northwest Station.

3. The part 4 and part 5 storey buildings (with neighbourhood shop) allow a design concept of courtyard housing and present a well designed land and garden aspect with suitable housing diversity and a complimentary landscape concept of high quality for an appropriate character and desirable streetscape.
4. The design satisfactorily meets the aims and objectives of the State and Local planning controls and there have been no local objections
5. The local controls have generally been met with satisfactory explanations for some minor breaches. The application relies upon a cl 4.6 request variation which the Panel finds to be well founded. The height control is breached in a minor way over a small proportion of the site to accommodate a sloping topography but as well designed outcome is the result with no adverse impacts on neighbouring development or streetscape.
6. Council has provided conditions of consent which are satisfactory to the applicant and the Panel agrees with the imposition of these conditions.
7. The application is suitable for the site and is in the public interest.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Paul Mitchell OAM
 Lindsay Fletcher	 Chris Quilkey
 Kathie Collins OAM	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC006 –Blacktown – SPP-16-04463
2	PROPOSED DEVELOPMENT	Subdivision, new public roads, 9 x residential flat buidings and a neighbourhood shop
3	STREET ADDRESS	41 Terry Rd, Rouse Hill
4	APPLICANT/OWNER	Sutherland and Associates Planning Pty Ltd Denvell Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 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 (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 Apartment Development</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River</li> <li>• Draft environmental planning instruments: Draft Central City District Plan</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Blacktown City Council Growth Centre Precincts Development Control Plan 2016</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 16 January 2018</li> <li>• Written submissions during public exhibition: none</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Aaron Sutherland and David Thompson</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection by Lindsay Fletcher on 1 February 2018</li> <li>• Final briefing meeting to discuss council's recommendation, 22 February 2018, 3:00 pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kathie Collins</li> <li>○ <u>Council assessment staff</u>: Judith Portelli, Holly Palmer, Jared Spies, Matt Sales</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report