

Summary of submitter’s concerns and Council response

1. Location of submitters



A - Owner of H/N 91 Rouse Road, Rouse Hill.

B - Urbis on behalf of the owners of H/N 44 & H/N 56 Cudgegong Road, Rouse Hill.

2. Consideration of issues raised

Issue	Planning comment/response
<p>Significant stress and financial hardship is being experienced as it has been difficult obtain tenants to rent the property at H/N 91 Rouse Road due to noise and air pollution caused by construction activities.</p>	<p>Stress and financial considerations unfortunately are not matters that we can assess on planning grounds.</p> <p>This is an area undergoing transition from a rural area to a high density residential area. Construction hours permitted by NSW Environment Protection Authority are 7.00am to 6.00pm, Mondays to Fridays: 7.00am to 1pm, Saturdays; but no work on Sundays or public holidays and this will be imposed as a condition of consent.</p> <p>It is recommended that conditions of consent are imposed on any consent issued requiring the Applicant to prepare and adhere to a Construction and Environmental</p>

Management Plan (as required by Clause 3.3 of the Blacktown City Council Growth Centre Precincts Development Control Plan 2018). The purpose of this Plan is to ensure that the Applicant is responsible for ensuring that the construction of new buildings and other works is done in an environmentally responsible manner. Conditions are also recommended to ensure that the appropriate noise construction periods and levels are appropriately adhered to, and appropriate dust management measures are implemented at all times.

The proposal is consistent with the intended redevelopment of the subject site, as directed by State Environmental Planning Policy (Growth Centre Precincts) 2006, the Cudgegong Road (Area 20) Precinct Plan and the Stage 1 Concept Plan approval (JRPP-15-01543). It is also noted that the works the subject of this application are over 65 metres from the dwelling at H/N 91 Rouse Road. Therefore, this submission does not warrant the refusal of this application.

The Applicant has indicated that to construct the new road along the eastern boundary of the site shared with H/N 91 Rouse Road they will be building a 150 metre to 200 metre retaining wall along the boundary, new fencing above and a sediment control fence on the objector's property at H/N 91 Rouse Road for the duration of works. There has been little consultation from the Applicant and no financial compensation.

As indicated in the aerial image above, the extent of the works the subject of this application that adjoin H/N 91 Rouse Road has a length of approximately 78 metres. This relates to the new public road 'Roland Street.'

The application indicates that the proposed road level for Roland Street is Relative Level (RL) is RL 51.90 to RL 52.00.

The applicant has recently constructed these works, with the roads and associated minor retaining structures wholly within the subject site. The boundary fencing has also been erected by the applicant, as shown in the aerial photo below.



The resulting change in levels is considered to be appropriate between the submitter's property and the subject site.

We recommend the conditions of consent are imposed requiring any future works (if required) along this shared boundary and replacement fencing to be at the full cost of the developer.

	<p>With regard to sediment control fencing and associated measures to protect the property at H/N 91 Rouse Road from construction impacts the result of this development, we recommend conditions are imposed requiring all measures to be within the subject boundary only, and clear of the property at H/N 91 Rouse Road.</p>
<p>The property at H/N91 Rouse Road comprises land zoned RE1 Public Recreation which is to be acquired by Blacktown City Council. The delay in the acquisition of this property is causing significant financial and emotional stress.</p>	<p>The acquisition of land in H/N 91 Rouse Road is not related to the assessment of this application, and is not a planning consideration.</p> <p>All land acquisition matters are dealt with by Council's property section and Council's Section 94 Finance Committee is considering the acquisition of H/N 91 Rouse Road at the upcoming Section 94 Finance Committee meeting in August 2018.</p>
<p>Additional information is required to enable better consideration of the shadow impact upon the adjoining property to the south and its future development at H/N 56 Cudgegong Road. The architectural plans submitted only illustrate the shadows cast the development within the subject site, without considering their impacts to the property to the south.</p>	<p>In response to this objection, the Applicant submitted updated shadow diagrams which were forwarded to this submitter on 4 May 2018 which demonstrated that the provision of solar access afforded to H/N 56 Cudgegong Road is satisfactory.</p> <p>No response was received from this submitter.</p> <p>The provision of solar access afforded to H/N 56 Cudgegong Road has been considered in SPP-17-00010 which is currently recommended for approval for the consideration of the Sydney Planning Panel. The provision of solar access to the residential flat buildings in SPP-17-00010 is satisfactory to provide an appropriate level of amenity to its future occupants.</p> <p>No objection is raised to the overshadowing impacts generated by this subject application.</p>

Moreover, we consider the concerns raised in the public submissions to be resolved through the careful design of this proposal and to be capable of being managed by conditions of consent. Therefore the concerns raised in the public submissions are not considered sufficient to warrant the refusal of this application.