



DATE OF DETERMINATION	Thursday, 26 July 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kevin Gillies
APOLOGIES	Kathie Collins
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on 26 July 2018, opened at 2:40 pm and closed at 3:50 pm.

MATTER DETERMINED

2017SWC051 – Blacktown – SPP-17-00008 at 60 Cudgegong and 99-107 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 inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

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;
- (b) uphold the applicant’s request to vary Clause 4.4 Floor Space Ratio pursuant to Clause 4.6 SEPP (Sydney Region Growth Centres) 2006; and
- (c) approve the development application as described in Schedule 1 subject to the recommended conditions of consent pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979;

for the following reasons:

1. The Panel has considered the Applicant’s requests to vary the development standard contained in Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio of SEPP (Sydney Region Growth Centres) 2006 and considers that:
 - i. the applicant’s submissions adequately address 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. The development height and floor space ratio (FSR) are entirely consistent with the concept development approval for the overall project site granted by the Land & Environment Court;
 - iv. there are sufficient environmental planning grounds to justify the variation including particularly that the redistribution of building heights and floor space ratio is offset by reduced building heights and FSR in other parts of the project site that will have the resulting benefit of a greater diversity of dwelling types, reduced overshadowing of lower scale buildings and provision of a “Village Green” open space area that together provide a better urban design outcome than homogenous 5 storey residential flat buildings; and






- v. compliance with the standards is unreasonable and unnecessary in the unusual circumstances of this case as the proposed variations are acceptable from a streetscape and urban design perspective, will not generate unacceptable impacts on adjoining or nearby properties, will result in a better design outcome 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 standards is in the public interest.

2. Residential flat buildings are permissible under R3 Medium Density Residential zone and satisfies the zone objectives outlined under SEPP (Sydney Region Growth Centres) 2006.
3. The proposed development will add to the supply and choice of housing within the Sydney Central City Planning District and the Blacktown local government area in a location with excellent access to transport services and amenities.
4. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, SEPP (Sydney Region Growth Centres) 2006, Sydney Regional Environmental Plan No.20 (Hawkesbury – Nepean River) and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide and the Central City District Plan.
5. The proposed development is consistent with the desired future character of the area, the concept development approval for the overall project site granted by the Land & Environment Court and is compatible with the surrounding properties.
6. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and stormwater management have been satisfactorily addressed, so that the proposed development will not result in unfavourable social, economic or environmental impacts.
7. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby premises and the operation of the local road system.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal 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 (Chair)	 Paul Mitchell OAM
 Lindsay Fletcher	 Chris Quilkey
 Kevin Gillies	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2017SWC051 – Blacktown – SPP-17-00008
2	PROPOSED DEVELOPMENT	Staged construction of 2 residential flat buildings and associated civil works and landscaping
3	STREET ADDRESS	60 Cudgegong and 99-107 Rouse Roads, Rouse Hill
4	APPLICANT OWNER	Sutherland and Associates Planning Pty Ltd Capital Residential Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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 ○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Council Growth Centre Precincts Development Control Plan 2018 • 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	<ul style="list-style-type: none"> • Council assessment report: 3 July 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Aaron Sutherland
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting on 12 July 2017 • Site inspection on 26 July 2018 • Final briefing meeting to discuss council’s recommendation, 26 July 2018, 1:40 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Paul Mitchell, Lindsay Fletcher, Chris Quilkey and Kevin Gillies ○ <u>Council assessment staff</u>: Bertha Gunawan, Holly Palmer and Judy Portelli
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report