

Supplementary report to the Sydney Central City Planning Panel

Panel reference: 2017SWC068

Development application

DA number	SPP-17-00007	Date of lodgement	27 March 2017
Applicant	The Wickwood Property Group Pty Ltd		
Owner	R, M, E and M Haddad		
Proposed development	Construction of 2 x 8 storey residential flat buildings comprising 163 apartments, 229 car parking spaces in 2 basement levels and associated civil and landscaping works		
Street address	Proposed Lot 1 in subdivision of Lot 74 DP208203 59 Cudgegong Road, Rouse Hill		
Notification period	23 July to 6 August 2018	Number of submissions	1 (in support)

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million (DA has CIV of \$44,633,296 incl GST)
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 Blacktown City Council Growth Centre Precincts Development Control Plan 2018
Original report date	18 March 2019
Panel meeting date and deferral	The Panel met on 24 April 2019 and deferred determination to enable the provision of further details itemised in the Council assessment report, including the submission of architectural and landscape plans.
This report date	7 August 2019
Report prepared by	Bertha Gunawan
Recommendation	Approval subject to the conditions listed in attachment 2.

Attachments

1. Applicant's amended architectural and landscape plans
2. Draft conditions of consent (as amended)
3. Extract from the original report
4. A summary of the applicant's amendments in compliance with the Panel's issues

Checklist

Summary of section 4.15 matters

Have recommendations in relation to relevant section 4.15 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 (section 7.24)? Yes

Conditions

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

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1 Executive summary

- 1.1 This supplementary report is the second report on this proposal. This report considers additional information submitted by the applicant in response to the Panel's deferral of the development application on 24 April 2019.
- 1.2 The key issues that need to be considered by the Panel relate to the matters raised in its deferral and these are covered in Section 3 of this report.
- 1.3 Assessment of the amended plans and documentation against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.4 The application is therefore satisfactory when evaluated against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 2.

2 Previous Panel consideration of DA

- 2.1 The Sydney Central City Planning Panel met on 24 April 2019 to consider this development application and it made the following decision:

'The Panel agreed to defer the application to enable the applicant to provide amended plans that:

 - Provide increased deep soil landscaped area;
 - Improves the privacy and increases the separation between apartment balconies where they are not compliant with the ADG;
 - Provide compliant solar access for not less than 70% of the apartments.

When this information has been received, the Panel may determine the matter electronically, unless it considers another public determination meeting is required.'
- 2.2 An extract of the original summary report is at attachment 3.
- 2.3 The applicant has since submitted:
 - amended landscape plans which demonstrate provision of additional deep soil areas
 - amended architectural plans which demonstrate increased building and balcony separation
 - shadow diagrams, solar and cross ventilation diagrams and also solar study, which demonstrate compliance with the ADG requirement, that a minimum of 70% of the total units receive 2 hours of sunlight between 9 am and 3 pm in mid-winter.
- 2.4 The applicant's new and amended plans are at attachment 1 and a summary of all of the applicant's changes in response to the Panel's issues is at attachment 4.

3 Assessment of applicant's revised plans

3.1 The proposal now provides increased deep soil landscaped area

- 3.1.1 The site adjoins a parcel of land on the north-eastern side (in between the frontage to Cudgong Road) that is affected by existing overhead electrical power lines. In the original submission, the applicant provided the majority of deep soil area within this electricity easement. Whilst Council does not have any objection to the use of this area for deep soil planting up to 3 m high in accordance with Transgrid requirements, the Panel were concerned that this area was not suitable or allowed by Transgrid to be used as a deep soil planting area. The applicant has since

obtained an email from Transgrid confirming this area can be planted with selected deep soil species to a maximum height of 3 m and this is now reflected with planting of trees / shrubs to 3 m height in the amended landscape plan.

- 3.1.2 The Apartment Design Guide (ADG) requires that a minimum deep soil area of 851 m² (15% of the site area) must be provided on the site. The applicant is required to demonstrate provision for deep soil area within the proposed development and not solely rely on deep soil within the electrical easement area.
- 3.1.3 A minor increase to deep soil areas is shown in the revised basement level plans. An additional 60 m² (having the minimum 6 m x 6 m dimensions) is provided in conjunction with an additional 24 m² (not compliant with the minimum 6 m x 6 m dimensions) on the north-western and south-western corners of the site.
- 3.1.4 The revised landscape plans provide further clarification to the site's capability in providing larger canopy trees around the site's perimeter as well as to the common open space areas.
- 3.1.5 Together with the deep soil area in the electricity easement, the proposed deep soil area that is compliant with the minimum 6 m x 6 m dimensions is now 1,102.5 m² (986.5 m² of which is in the easement area). In addition, the proposed deep soil area non-compliant with the 6 m x 6 m dimensions is 414 m². Therefore, the proposed deep soil area outside the electricity easement and capable of retaining large canopy trees is 530 m².
- 3.1.6 Although the ADG numerical requirement is met, the majority of the deep soil area is still provided within the electricity easement. The amended plans have nevertheless demonstrated increased deep soil area as directed by the Panel, and also have demonstrated the provision of many large canopy trees to be provided throughout the site.
- 3.1.7 To ensure that the site will maintain the proposed canopy trees, it is recommended that a consent condition be imposed so that all the landscaping works are maintained for a minimum period of 2 years following the issue of the final Occupation Certificate. This will ensure that after completion of the development the new mature plantings in this area are carefully tended to and watered regularly to enable them to establish a solid root system and any dead plants are replaced during this period. It is expected that after 2 years of intensive watering, fertilising and mulching the area can revert back to maintenance as required by the Total Maintenance Plan for the development. A condition requiring the engagement of a landscape maintenance company is to be imposed on the consent as a pre occupation certificate condition.
- 3.1.8 Based on the above assessment, the proposed deep soil area for the proposal is now considered satisfactory.

3.2 The amended plans improve privacy and increase the separation between apartment balconies where they are not compliant with the ADG

- 3.2.1 The ADG requires a minimum 12 m building separation between balconies up to 4 storeys, and a minimum of 18 m for the part above 4 storeys.
- 3.2.2 The amended plans illustrate a reduction in the total number of dwelling units from 170 units to 163, together with some internal reconfigurations to some units, and additional building treatments to improve general amenity between units. The majority of changes are to the southern units and a few northern units on the upper levels, as detailed below, and shown in red on the plans at attachment 1.
- 3.2.3 On levels 2 to 4, a 9.5 m separation was initially proposed between balconies on the southern units between buildings A and B. The revised plans now demonstrate

13.5 m separation by deleting 1 unit on each level together with further internal reconfigurations to the remaining units.

- 3.2.4 On levels 5 to 8, a 12 m separation was initially proposed between balconies on the northern units between buildings A and B. The revised plans now demonstrate 13.5 m separation by converting 1 bedroom units into studio units.
- 3.2.5 Also, on levels 5 to 8, a 9.5 m separation was initially proposed between balconies on the southern units between buildings A and B. The revised plans now demonstrate 13.5 m separation by deleting 1 unit on each level together with further internal reconfigurations to the remaining units.
- 3.2.6 The amended proposal is considered to be an improved outcome which reduces potential overlooking and noise and privacy impacts between the units. The proposed amendments are considered satisfactory.
- 3.2.7 A total of 163 residential units are now proposed in comparison to the original 170. A revised bedroom mix is proposed as follows:
 - Studio: 4 units (2.5%) (previously none)
 - 1 bedroom: 24 units (14.7%) (previously 35)
 - 2 bedroom: 111 units (68.1%) (previously the same at 111)
 - 3 bedroom: 24 units (14.7%) (previously the same at 24)

3.3 The amended proposal provides compliant solar access for not less than 70% of the apartments

- 3.3.1 Increases in building separations, the reduced total number of units as well as balcony and internal reconfigurations, have contributed to improve the proposed solar access into the units.
- 3.3.2 A total of 121 units or 74.3% will receive a minimum of 2 hours of sunlight in mid-winter between 9 am and 3 pm, in comparison 116 units (68.2%) as assessed previously. The applicant has provided detailed shadow impacts diagrams and a solar study at attachment 1.
- 3.3.3 It should be noted that there will be a total of 17 units (10.4%) that will receive no sunlight, this is acceptable as it is within the maximum 15% as allowed by the ADG.
- 3.3.4 The proposed amendments have now addressed the ADG solar access requirements.

3.4 Other matters considered in assessing the revised proposal

- 3.4.1 Car parking. The amended proposal requires a total of 183 car parking spaces (including 33 visitor spaces) to be provided on the site. The applicant is providing a total of 229 spaces (including 36 visitor spaces), which complies with the ADG requirement with 46 surplus spaces.
- 3.4.2 Bicycle spaces. The amended proposed requires 54 bicycle spaces to be provided to comply with the Blacktown Growth Centres DCP. The applicant is providing a total of 60 bicycle spaces on site in the basement levels.
- 3.4.3 Cross ventilation. A minimum of 60% of the units shall be cross ventilated. The applicant has demonstrated on the plans at attachment 1 that a total of 120 units (73.6%) are cross ventilated, therefore compliant with the ADG.

4 Conclusion

- 4.1 The proposed development has been satisfactorily amended in response to the Panel's deferral issues. 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 of consent.
- 4.2 Conditions of consent have been updated to reflect the amended plans for approval.
- 4.3 The application in its amended form is supported and recommended for approval.

5 Recommendation

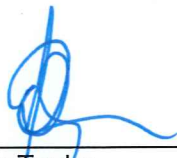
- 1 Approve development application SPP-17-00007 subject to the amended conditions at attachment 2.
- 2 Council officers notify the applicant and the submitters of the Panel's decision.



Bertha Gunawan
Assistant Coordinator Planning Assessment



Judith Portelli
Manager Development Assessment



Trevor Taylor
Acting Director Planning and Development