

2nd 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, 221 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
Previous report dates	Original report: 18 March 2019 1 st Supplementary report: 7 August 2019
Panel deferral	The Panel met on 20 September 2019 and deferred determination of the application until the Applicant provided amended plans that demonstrate reduction in car parking spaces to improve deep soil landscape area.
This report date	22 October 2019
Report prepared by	Bertha Gunawan
Recommendation	Approval subject to the conditions listed in attachment 2.

Attachments

1. Applicant's amended plans
2. Draft conditions of consent (as further amended)
3. First Supplementary report to the Panel (relevant extracts)
4. Summary of the Applicant's response to the Panel's issues
5. Council's request to the Applicant and the Applicant's response

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 third report to the Panel on this proposal. This report considers further information submitted by the Applicant in response to the Panel's 2nd deferral of the Development Application on 20 September 2019.
- 1.2 The key issues that remain to be considered by the Panel relate to the matters raised in the Panel's 2nd 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 have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.4 The application is therefore assessed as 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 Panel considered the recommendation in Council's 1st Supplementary report to grant consent to the proposed development as amended, for the reasons outlined in the original Assessment report and subject to the revised conditions.
- 2.2 The Panel made the following comment, which was relayed to the Applicant:

'The Panel is concerned that the proposal now provides 46 car spaces in excess of the Council's requirements and yet remains deficient in deep soil landscaped area. The Panel thought that there must be scope to reduce the size of the basement and thereby increase the extent of deep soil landscaping, particularly between the buildings. The Panel accepts that the revised application provides an improved outcome and goes a long way towards addressing the deficiencies identified at its meeting of 24 April 2019. However, the Panel would like the staff to investigate and discuss options with the Applicant to improve deep soil landscape area by reducing the number of car parking spaces given the site's access to new transport infrastructure'.
- 2.3 A copy of the 1st Supplementary report is at attachment 3.
- 2.4 The Applicant has since submitted:
 - amended architectural plans that demonstrate the provision of 59 m² of additional deep soil area by way of deleting 8 car parking spaces
 - a response to the Panel's deferral reason.
- 2.5 Our response to the Applicant on these amended plans included a request for greater additional deep soil area and a further reduction in car parking spaces.
- 2.6 The Applicant responded to confirm that it does not wish to amend the plans further. Our request to the Applicant and the Applicant's response are at attachment 5.
- 2.7 The Applicant's amended plans are at attachment 1 and a summary of the Applicant's response to the Panel is at attachment 4.

3 Assessment of Applicant's revised plans

3.1 The proposal provides increased deep soil landscaped area

- 3.1.1 The Apartment Design Guide (ADG) requires that a minimum deep soil area of 851 m² (15% of 5,674 m² site area including the easement area) 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 electricity easement area.

- 3.1.2 A further minor increase (59 m² or 1%) to deep soil area has been provided in the middle and southern parts of the site as shown in the amended basement level plans.
- 3.1.3 Together with the deep soil area in the electricity easement, the proposed deep soil area that is compliant with the minimum 6 metre x 6 metre dimensions is now 1,161 m² or 20.5% of the site area (986 m² or 17.4% of the site area is in the easement area, whereas 175 m² or 3.1% is outside the easement).
- 3.1.4 In addition, the proposed deep soil area non-compliant with the 6 metre x 6 metre dimensions is 414 m². Therefore, the proposed deep soil area outside the electricity easement and capable of containing large canopy trees is 589 m² or 12.5% of the site area.
- 3.1.5 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 further 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.
- 3.1.6 As reiterated in the 1st Supplementary report, 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 be 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.
- 3.1.7 Based on the above assessment, the proposed deep soil area for the proposal is considered satisfactory to Council officers.

3.2 Car parking provision considered in assessing the 2nd amended proposal

- 3.2.1 The 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 221 spaces (including 36 visitor spaces), which complies with the ADG requirement, with 38 surplus spaces (comprising 3 surplus visitor spaces and 35 surplus residential spaces).
- 3.2.2 The Panel's concern for the surplus car spaces is acknowledged given the newly opened Tallawong Railway Station. The site's proximity to the station, however, also exposes street parking around the site to be utilised by station commuters. Therefore, the surplus on-site parking is likely to reduce on-street parking congestion by future tenants in the development.
- 3.2.3 It is recommended that the total proposed 221 car parking spaces be allocated to all the 163 residential units each owning a car space, and for the 24 x 3 bedroom units each to be provided with an additional car space. This leaves a total of 34 visitor spaces to be provided on the site to comply with the minimum required 33 visitor spaces. This requirement would be enforced in the consent conditions.

4 Conclusion


- 4.1 In our opinion, 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 recommended by us for approval.
- 4.3 The application in its amended form is supported by us and is recommended for approval.
- 4.4 If the Panel is still not satisfied with the Applicant's response, we recommend that the DA be refused by the Panel so that the Applicant has a means to seek redress in an appeal to the NSW Land and Environment Court. Without a determination by the Panel, the Applicant is unable to refer the DA to the Court under the deemed refusal provisions as these have expired.

5 Recommendation

- 1 Approve 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.


per Bertha Gunawan
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