

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 27 June 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Lindsay Fletcher, Abigail Goldberg, Kathie Collins and Chris Quilkey
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	None

Public meeting held at Blacktown City Council on 27 June 2018, opened at 11:45 am and closed at 2:35 pm.

MATTER DETERMINED

2017SWC134 – Blacktown City Council – SPP-17-00010 AT 56 Cudgegong Road 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing within the Central City district and Blacktown City local government area in a suitable location.
2. The Panel has considered the applicant's request to vary the development standard contained in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Clause 4.3 relating to height of buildings.

The development as proposed will provide increased solar access to the buildings and to the communal open space and the non-compliances will therefore result in an improved planning outcome. The applicant has offered a Voluntary Planning Agreement restricting maximum building height on the site, to provide certainty that there will be no further increase of the height, massing and density on the site. The proposal provides for the 'redistribution of building mass' creating an offset which will result in an improved Precinct outcome. The Panel requires that the Voluntary Planning Agreement be registered on the title of the subject land.

The Panel considers compliance with the standard would be unreasonable and unnecessary in the circumstances of this case, and will not result in development inconsistent with this locality and the development as designed remains consistent with the underlying intent of the standard and the objectives of the zone. The Panel is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and that the proposed development will be in the public interest because it is consistent with the objectives of the

building height control and the objectives for development within the zone in which the development is proposed to be carried out.

3. Except for the departure from the building height standard noted above, the proposed development adequately satisfies standards and objectives of the relevant State Environmental Planning Policies.
4. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments, including amenity of adjacent and nearby residential premises or the operation of the local road system.
5. In consideration of conclusions 1-4 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 with the following amendments:

- 3.1.1 Any Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.
- 3.1.2 An Occupation Certificate shall not be issued until such time as a Subdivision Certificate has been issued for the parent subdivision approved under DA-17-02743 including but not limited to adequate road and drainage works required under DA-17-02743.

The construction of the roads and associated drainage as required by DA-17-02741 dated 9 February 2018 issued by Blacktown City Council shall be required prior to any construction certificate being issued for building structure under this development consent. In respect of works completed under DA-17-02741, the following shall also be required for the relevant stage:

(i) Comprehensive inspection compliance certificates(s) to be issued for all engineering works

(ii) A Works-As-Executed (WAE) plan signed by a Register Engineer (NER) or a Registered Surveyor must be submitted to Council when the engineering works are completed, including all points of interactions for the proposed subdivisions, being at No. 60 Cudgegong Road and No. 38 Cudgegong Road.

(iii) The submission to Council of Compliance Certificates (s) and Construction Inspection Reports.

- 3.1.3 Prior to the release of any construction certificate for building drainage works, the applicant is to provide certification that the building drainage works will be consistent with the road and drainage levels approved by the construction certificate issued for the construction of the roads and drainage works approved by Development Consent No. DA-17-02741. This certification shall be submitted to the Manager, Building and Engineering Assessment.

12 During Construction (Engineering)

12.3 Levels

12.3.1 [keep original]






12.3.2 A Registered Surveyor must submit a report to the Principal Certifying Authority certifying at each stage that the levels for the following works are consistent with the Construction Certificate prior to the works proceeding beyond that stage:

- (a) lowest level of the basement excavation
- (b) slab levels of the basement
- (c) driveways
- (d) ground floor level slab

(e) drainage pits relative to the road drainage connection point.

12.3.3 Copies of the certification reports referred to in Condition 12.3.2 must be submitted to the Manager, Building and Engineering Assessment at each stage.

Condition 3.2.1 – the reference to ‘construction certificate’ should be changed to a reference to ‘occupation certificate’.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Lindsay Fletcher
 Abigail Goldberg	 Kathie Collins OAM
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC134 – Blacktown City Council – SPP-17-00010
2	PROPOSED DEVELOPMENT	8 residential flat buildings and 2 townhouse buildings
3	STREET ADDRESS	56 Cudgegong Road Rouse Hill
4	APPLICANT OWNER	Michael Bugden M Metro Award Rouse Hill Pty Ltd and CDMA Australia 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 Central City District Plan 2018 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>: Regulation 92 Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • 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: 18 June 2018 • Written submissions during public exhibition: none • Applicant submission dated 25 June 2018 • Council briefing note dated 26 June 2018 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Simon Wilkes and Michael Stokes
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 27 June 2018 • Final briefing meeting to discuss council's recommendation, 27 June 2018, 11:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Lindsay Fletcher, Abigail Goldberg, Kathie Collins and Chris Quilkey ○ <u>Council assessment staff</u>: Judy Portelli, Luma Araim, Holly Palmer, David Yee, Jen Rodger and Shakeeb Mustaq
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report