

**DETERMINATION AND STATEMENT OF REASONS**  
**SYDNEY CENTRAL CITY PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	24 November 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Kathie Collins and Chris Quilkey
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Papers circulated electronically on 10 November 2020.

**MATTER DETERMINED**

2017SWC146 - SPP-17-00041 – Blacktown - 95 Cudgegong Road, Rouse Hill, Construction of 2 residential flat buildings in stages, comprising 208 apartments, associated new public roads, stormwater drainage works, landscaping and a temporary access road through the part of the site zoned RE1 Public Recreation (as described in Schedule 1).

**PANEL CONSIDERATION AND DECISION**

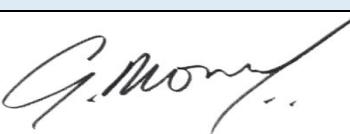
The Panel considered: the matters listed at item 6, the material listed at item 7 and 8 in Schedule 1.

The Panel determined to refuse the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the Council Assessment Report, and in Council's "*SPP Supplementary Table – applicant's response to grounds for refusal and Council response*", dated 20 November 2020.

The decision was **unanimous**.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that there were no written submissions made during the public exhibition.

<b>PANEL MEMBERS</b>	
	
Abigail Goldberg (Chair)	Gabrielle Morrish
	
David Ryan	Kathie Collins
	
Chris Quilkey	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2017SWC146 - SPP-17-00041 – Blacktown
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Construction of 2 residential flat buildings in stages, comprising 208 apartments, associated new public roads, stormwater drainage works, landscaping and a temporary access road through the part of the site zoned RE1 Public Recreation
<b>3</b>	<b>STREET ADDRESS</b>	95 Cudgegong Road, Rouse Hill
<b>4</b>	<b>APPLICANT/OWNER</b>	Bing Wei Pty Limited
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Capital investment value (CIV) over \$30 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy No. 19 – Bushland in Urban Areas</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• Blacktown Local Strategic Planning Statement 2020</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Blacktown City Council Growth Centre Precincts Development Control Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: [Nil]</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report: 6 November 2020.</li> <li>• Applicant's Clause 4.6 variation request.</li> <li>• SWA Group response dated 16 November 2020 on behalf of the applicant as the nominated architect for the DA submission, 95 Cudgegong Road, Rouse Hill.</li> <li>• Council's SPP Supplementary Table – applicant's response to grounds for refusal and Council response: 20 November 2020.</li> </ul>

		<ul style="list-style-type: none"> <li>Written submissions during public exhibition: 0</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspections individually., <ul style="list-style-type: none"> <li>Clr Chris Quilkey noted that he conducted a site inspection on 17 November 2020.</li> </ul> </li> <li>Papers circulated electronically on 10 November 2020.</li> <li>Briefing to discuss council's recommendation, 17 November 2020, 4.30pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Kathie Collins and Chris Quilkey</li> <li><u>Council assessment staff</u>: Luma Araim and Judith Portelli</li> </ul> </li> <li><u>Points discussed were</u> – <ul style="list-style-type: none"> <li>Background to and history of the application noting that the site is currently isolated from other development</li> <li>Current status of the application, including critical information that remains outstanding</li> <li>Issues raised by the applicant in their correspondence of the meeting date were discussed item by item.</li> <li>The Panel requested a written response from Council to the applicant's correspondence, including a review of whether deferred commencement by means of conditions of consent could be made possible.</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A