

DATE OF DETERMINATION	24 September 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 September 2020.

MATTER DETERMINED

2018CCIO32 - Blacktown City Council - MOD-18-00331 to SPP-15-2703, 103 Schofields Road, Rouse Hill, Modify the approved 6 x 4 storey residential development to increase the developable area by 655m², increase the number of units within Stage 2 from 100 to 115, increase in height of buildings with Buildings D, E & F exceeding the height limit with part of the 4th level, feature walls, and lift overruns, by 0.2 to 1.62m, change in the unit mix, increase the basement size to provide additional parking and changes to landscaping and drainage works (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to **refuse** the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was **unanimous**.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the following reasons –

- a Insufficient information
 - Pursuant to the provisions of Section 4.16(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, no response has been received to Council's correspondence dated 18 May 2020, requesting additional information/amended plans.
- b Inconsistent with State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development
 - Pursuant to the provisions of Section 4.16(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and specific criteria of the Apartment Design Guide with respect to building separation and communal open space requirements.
 - Pursuant to the provisions of Section 4.16(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy (Sydney Region Growth Centres) 2006 with respect to Appendix 6, Clause 4.3 Height of buildings.
 - The Panel noted that the minimum required 3.1m floor-to-floor ceiling height does not appear to be proposed, or achievable, within the current building envelope.

c Inconsistent with Blacktown City Council DCP

- Pursuant to the provisions of Section 4.16(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the controls in Blacktown Development Control Plan 2015, Part J WSUD and Integrated Water Cycle Management and Council's WSUD standard drawings.

d Public interest

- Pursuant to the provisions of Section 4.16(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

e Inadequate

- Pursuant to the provisions of Section 4.15(i)(e) of the Environmental Planning and Assessment Act 1979, given that inadequate information has been submitted, approval of the application is not considered to be in the public interest

The Panel noted supplementary correspondence provided by the Applicant, dated 20 September 2020, and briefing of 24 September 2020. The Panel refutes the Applicant's assertion that Council's Assessment Report is flawed as the Panel observed that changes to the original ('mother') DA as proposed in the Modification application have a flow-on effect to the original DA, requiring aspects of this application to be revisited and reviewed.






The Panel was perturbed by the Applicant's description of additional proposed storeys as 'conceptual', and notes that this has resulted in the inclusion of a number of subterranean apartments.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during the public exhibition and note that issues of concern included:

- Potential impact due to for increased noise to the properties to the south of Schofields Road.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Ken McBryde	 Kathie Collins
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCI032 - Blacktown City Council - MOD-18-00331 to SPP-15-2703
2	PROPOSED DEVELOPMENT	Modify the approved 6 x 4 storey residential development to increase to the developable area by 655m ² , increase the number of units within Stage 2 from 100 to 115, increase in height of buildings with Buildings D, E & F exceeding the height limit with part of the 4th level, feature walls, and lift overruns, by 0.2 to 1.62m, change in the unit mix, increase the basement size to provide additional parking and changes to landscaping and drainage works
3	STREET ADDRESS	103 Schofields Road, Rouse Hill
4	APPLICANT/OWNER	Stellar Rouse Hill Pty Ltd C/O- Minto Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Major modification lodged under section 4.55(2) for a Development Application previously approved by the Panel and the modification application will contravene the height of building development standard by more than 10%.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (State and Regional Development) 2011 • 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 (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ○ Draft environmental planning instruments: Nil ○ Development control plans: <ul style="list-style-type: none"> ○ Blacktown City Council Growth Centre Precincts Development Control Plan July 2016 ○ 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: September 2020 • Applicant's response deferred commencement dated 20 September, received 21 September 2020 • Applicant's response ADG assessment dated 21 September 2020 • Applicant's letter dated 21 September 2020 to Sydney Central City Planning Panel. • Written submissions during the public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Clr Quilkey conducted a site inspection on 21 September 2020. • Briefing with Council regarding Council's recommendations, 24 September 2020, 11.30am. Attendees: <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey • <u>Council assessment staff</u>: Judith Portelli (Manager, DA assessment), Kelly Coyne (assessing planner) • <u>Points discussed included</u> – <ul style="list-style-type: none"> ○ Issues related to the original ('mother') DA as opposed to this Modification application. ○ Proposed heights of building and exceedance of height. ○ Proposed additional storeys and impact on amenity and liveability. ○ Building separation failing to meet standards. ○ Inadequacy of solar access. ○ Inadequacy of proposed floor-to-floor heights. • Applicant briefing to discuss Council's recommendations, 24 September 2020, 1.00pm. Attendees: <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde, Kathie Collins and Chris Quilkey • <u>Applicant Representatives</u>: Andrew Minto, Peter Yang, Steve Wu and Justin Holly • <u>Council assessment staff</u>: Judith Portelli (Manager, DA assessment), Kelly Coyne (assessing planner) • <u>Applicants representatives raised the following points in summary</u> – <ul style="list-style-type: none"> ○ Assessment relating to the original DA vs the Modification application. ○ Proposed height of buildings and inclusion of additional 'conceptual' levels. ○ Building separation. ○ Amenity of the development. • Meeting to discuss Council's recommendations and Applicants commentary, 24 September 2020, 1.30pm. Attendees: <ul style="list-style-type: none"> • <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde,

		<p>Kathie Collins and Chris Quilkey</p> <p>Meeting closed at 1.55pm with all panel members confirming readiness to consider and receive the report for electronic determination.</p> <ul style="list-style-type: none"> Papers circulated electronically 10 September 2020.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A