

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	19 December 2019
PANEL MEMBERS	Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Chris Quilkey and Chris Quilkey
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Blacktown City Council on Thursday, 19 December 2019, opened 1.20pm and closed at 2.30pm.

MATTER DETERMINED

2018SWC100 - Blacktown – DA18-01547 at Lot 1 & 2 DP 1241790 Macquarie 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy 2006 (SEPP), that has demonstrated that:

- a) compliance with clause 4.3 height of buildings is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the SEPP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3 height of buildings of the LEP and the objectives for development in the R3 zone; and
- c) the concurrence of the Secretary has been assumed.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is consistent with the objectives of the R3 Medium Density Residential zone, is well designed and complies with nearly all applicable standards and guidelines; an exception is the minor variation to the height of building standard which is inconsequential and justified.
2. The site is suitable for the proposed development as it is conveniently located with respect to retail, transport and other required services, and the land to be developed is largely free of physical and environmental constraints. A notable exception to the latter is the site's vegetated character

which will be lost but made acceptable by conservation of compensatory offsets elsewhere in the locality.

3. The proposal will add to the stock and range of housing available in the locality thereby improving housing choice and affordability.
4. The overall impact of the proposal will be beneficial and therefore approval is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments -

Condition 2.1.1 – subject to the following amendments to drawings/details –

DA102 Ground Floor Plan, Revision D, dated 25/10/2019

DA151 Townhouse Typology Plans – Sheet 2, Revision E, dated 25/10/2019

DA152 Townhouse Typology Plans – Sheet 3, Revision D, dated 25/10/2019

Condition 1.7.1 to read as follows –

This plan of subdivision is not to be released until public road access is provided subject to provisions of condition 5.6.8

Condition 3.13.5 to read as follows –

No construction certificate for the building works, other than basement construction, shall be issued prior to the release of the Subdivision Certificate for the Torrens title subdivision of Lot 1 in DP 1241790 into proposed Lots 11 and 12 as per Plan of Subdivision, Ref: 047-18, Sheets 1 to 3, prepared by Duncan John Sim, Revision 2

Condition 7.1(ii) to read as follows -

If applicable include detail on the proposed dam demolition and dewatering procedure including staging thereof: in addition, fauna handling techniques and dewatering procedure are to be included to ensure no spread of exotic pest species into local waterways and the rescue and relocation of any native aquatic fauna species present in the dam.

Condition 5.1.2 to read as follows –

Where this consent requires both subdivision and building works to be undertaken, no construction certificate for building works other than basement construction is to be issued until all subdivision works have been completed to the satisfaction of Council, and the Subdivision Certificate issues. This includes future public infrastructure such as roads and road drainage systems as well as any engineering infrastructure required to serve the road and road drainage system, including temporary onsite stormwater detention (OSD) and Water sensitive Urban Design (WSUD) located on privately owned land.

For temporary OSD and WSUD located on privately owned land, the registration of all associated easements/ restrictions and positive covenants of said infrastructure is required prior to any building works construction certificate being issues.

A new condition prior to issue of construction certificate (engineering) is added relating to basement to read as follows –





A work-as-executed plan signed by a Registered Engineer (NER) or a Registered Surveyor must be submitted to Council prior to issuing of any construction certificate for building works or subdivision works. The plan must confirm that the finish basement level is in accordance with the relevant construction certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition. A late submission was received. The following issues was raised:

- Impact and implications of this proposal.

The Panel considers that concerns raised by the public have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel believes that the issue raised have been resolved by design amendments or have been addressed by appropriate conditions imposed on the consent.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Kathie Collins
 Paul Mitchell	 Chris Quilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC100 - Blacktown – DA18-01547
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a multi dwelling housing development comprising 91 x 3 storey dwellings, strata subdivision and associated car parking, landscaping and drainage works.
3	STREET ADDRESS	Lot 1 & 2 DP 1241790 Macquarie Road, Rouse Hill
4	APPLICANT/OWNER	Applicant – Poly Australia c/- Mecone Owner – Cudgegong 048 Services Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value over \$30 million
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 (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 2018 ○ Central City District Plan 2018 • Planning agreements: Nil

		<ul style="list-style-type: none"> 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: 4 December 2019 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Nil Council assessment officer – Kelly Coyne and Shakeeb Mushtaq On behalf of the applicant – Adam Coburn
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 27 June 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Stuart McDonald, Paul Mitchell, Kathie Collins and Chris Quilkey <u>Council assessment staff</u>: Judith Portelli, Kelly Coyne and Alan Middlemiss Site Inspection: 19 December 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Kathie Collins and Chris Quilkey <u>Council assessment staff</u>: Kelly Coyne and Shakeeb Mushtaq Final briefing to discuss council's recommendation, 19 December 2019, time 12.20pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Paul Mitchell, Kathie Collins and Chris Quilkey <u>Council assessment staff</u>: Kelly Coyne and Shakeeb Mushtaq
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with council report