

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	22 December 2021
<b>DATE OF PANEL DECISION</b>	22 December 2021
<b>PANEL MEMBERS</b>	Stuart McDonald (Acting Chair), Ken McBryde and Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Abigail Goldberg (Chair), Noni Ruker, Gabrielle Morrish, Kathie Collins and Moninder Singh participated in the original development application on 23 December 2020

Papers circulated electronically on 08 December 2021.

#### MATTER DETERMINED

PPSSCC-230 - REV-21-0009 - Blacktown City Council, 105 Cudgegong Road, Rouse Hill, Review of determination of SPP-17-00016 for Integrated development proposing subdivision into 2 superlots, 1 residue lot, drainage works, temporary public road and public roads, and the construction of 4 residential flat buildings on the superlots containing 200 apartments, basement car parking, associated works demolition works and tree removal (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 listed at item 8 in Schedule 1.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under Appendix 6, Cl 4.6 (3) of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP), the Panel is not satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under Cl 4.6 (3) of the SEPP; and
- the development is in the public interest and is consistent with the objectives of Cl. 4.3 (development standard) of the SEPP and the objectives for development in the R3 zone; and
- the concurrence of the Secretary has not been assumed/provided.

It is the opinion of the Panel that it is not open to take the approach recommended by the Council, that the Clause 4.6 request will be acceptable subject to amended plans. The amended plans would have to be submitted and assessed, along with an amended Clause 4.6 written request relating to those amended plans.

#### Development application

The Panel determined to confirm the refusal of the application, pursuant to Section 8.4 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.


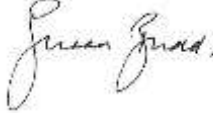

#### REASONS FOR THE DECISION

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

1. The Applicant's written request to vary the height of building development standard in Clause 4.3 under Appendix 6 – Area 20 Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is not supported as the Applicant has not justified that there are sufficient environmental planning grounds to contravene the standard, noting that the Council Assessment Report of the review application confirms that further design amendments and reductions to building heights are required. The Panel agrees with this assessment.
2. The application has failed to demonstrate that there is a safe and legal conveyance of stormwater flows from the subject development to Council's existing drainage system/legal point of discharge.

#### CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Stuart McDonald (Acting Chair)	 Susan Budd
 Ken McBryde	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-230 - REV-21-0009 - Blacktown City Council
2	PROPOSED DEVELOPMENT	Review of determination of SPP-17-00016 for Integrated development proposing subdivision into 2 superlots, 1 residue lot, drainage works, temporary public road and public roads, and the construction of 4 residential flat buildings on the superlots containing 200 apartments, basement car parking, associated works demolition works and tree removal
3	STREET ADDRESS	105 Cudgegong Road, Rouse Hill
4	APPLICANT/OWNER	K Min, Y Lee, Cdg No3 Pty Ltd / Dreamscapes Architects Pty Ltd, Darren Laybutt
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<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)</li> <li>State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>State Environmental Planning Policy No. 19 - Bushland in Urban Area</li> <li>Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River</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>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> </ul> </li> <li>Draft environmental planning instruments: <b>Nil</b></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: <b>Nil</b></li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <b>Nil</b></li> <li>Coastal zone management plan: <b>Nil</b></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</li> </ul>

		development
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: November 2021</li> <li>• Clause 4.6 to Clause 4.3 – Height of Buildings SEPP (Sydney Region Growth Centres) 2006</li> <li>• Written submissions during public exhibition: <b>Nil</b></li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Teleconference: 22 December 2021 <ul style="list-style-type: none"> <li>○ Panel members: Stuart McDonald (Acting Chair), Ken McBryde and Susan Budd</li> </ul> </li> <li>• Briefing: Wednesday, 25 August 2021 <ul style="list-style-type: none"> <li>○ Panel members: Stuart McDonald (Acting Chair), Ken McBryde, Susan Budd, Chris Quilkey and Kevin Gillies</li> <li>○ Council assessment staff: Judith Portelli, Luma Araim, Alan Middlemiss</li> </ul> </li> <li>• Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually.</li> <li>• Papers circulated electronically on 8 December 2021</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval, subject to deferred commencement consent, including conditions listed in Attachment 10
10	<b>DRAFT CONDITIONS</b>	N/A