



18 December 2014

The Secretary
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Madam,

SUBMISSION IN RESPONSE TO PUBLIC EXHIBITION OF PROPOSED CHANGES TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRE 60 CUDGEGONG AND 99-107 ROUSE ROAD, ROUSE HILL)

We thank you for the opportunity to comment on the review of *State Environmental Planning Policy (Sydney Region Growth Centre) 2006 – Area 20*. This submission has been prepared by JBA Urban Development Services on behalf of Capital Corporation Pty Ltd, who own 60 Cudgegong Road and 99-107 Rouse Road, Rouse Hill (The Site).

This submission outlines JBA's response to the exhibited amendments, having particular regard to the abovementioned site. Our submission demonstrates that the proposed height control will not deliver the density or the variety of built form outcomes envisaged by the SEPP for the site. This is based both on concept testing as well as drawing upon our experience with the SEPP and its objectives. These comments are also based on our understanding of the current patterns of development within the Blacktown LGA and north-west sector generally, an understanding of the current market demand for residential development types, and within the context of the broader objectives of a Plan for Growing Sydney, released on 14 December 2014, the former draft Metropolitan Strategy for Sydney to 2031 and the North West Rail Link Corridor Strategy 2013.

1.0 EXECUTIVE SUMMARY

Amendments to the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 have been proposed to address a number of changes that have occurred to the area since finalisation of the SEPP in October 2011. These include:

- Finalisation of the corridor alignment for the NWRL through Area 20, including the design of Cudgegong Road Station and Town Centre;
- NSW Government's decision to remove Sydney Water as the responsible acquisition authority in response to proposed zoning changes to the land along Second Ponds Creek and currently zoned for SP2 Trunk Drainage; and,
- The overall objective for transit oriented development and a focus on increasing density closer to the Cudgegong Railway Station and the Local Centre and the replacement of zoned industrial land with B4 Mixed Use and R3 Medium Density Residential Zones.

In respect of the subject site, the proposed amendments to the instrument (proposed SEPP) result in changes to the current height limit proposing to increase the maximum height from 12m to 16m. This submission focuses on the impacts of the proposed changes specific to the site.

2.0 THE SITE

The site is located at 60 Cudgegong and 99 and 107 Rouse Roads, Rouse Hill, within the Blacktown Local Government Area, approximately 2kms to the north-west of the Rouse Hill Town Centre.

The site is located within the North West Growth Centre, which is an area released for urban development for approximately 70,000 new dwellings over the next 25 years. The North West Growth Centre is comprised of 16 'Precincts' that are being progressively rezoned for urban development. Area 20 forms one of the 16 Precincts and is located immediately to the north-west of the Rouse Hill Town Centre, bounded by Windsor Road and Schofields Road. Area 20 is within close proximity to the Rouse Hill Town Centre, a Major Centre in the Plan for Growing Sydney, and is serviced by the North West Rail Link, which includes a new Railway Station at Cudgegong to be located approximately 600m south of the site.

The site's locational context is shown at **Figure 1**.

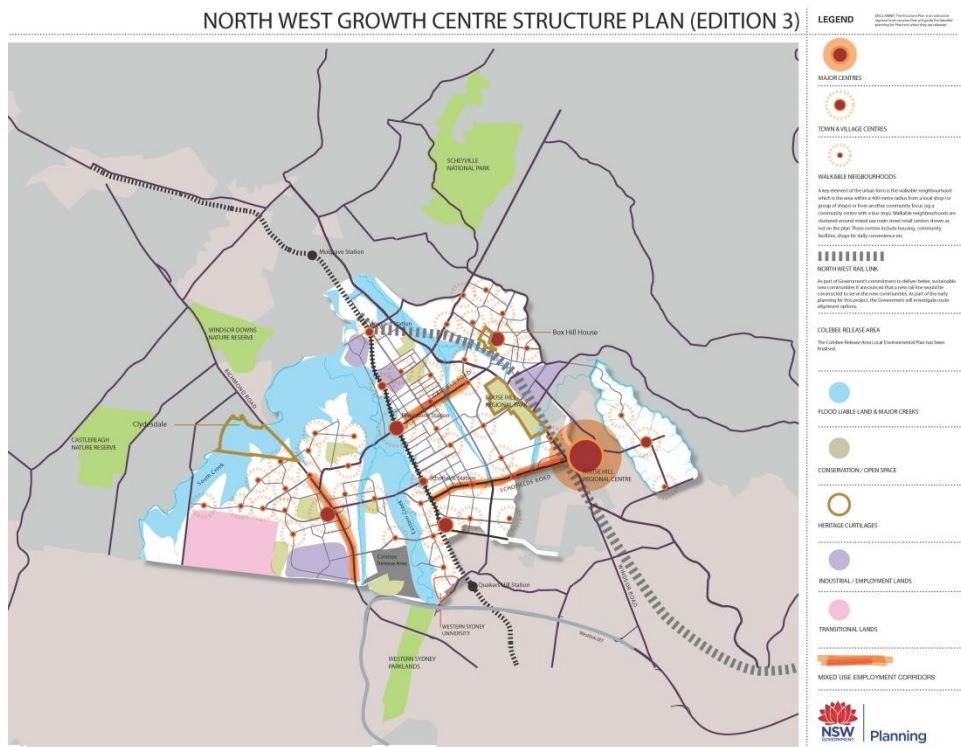


Figure 1 – North West Growth Centre Structure Plan
Source: NSW Department of Planning & Environment

The site is comprised of three allotments and is legally described as Lots 116, 121 and 122 DP208203. The site's area is 60,690m² and is an irregular polygon located at the corner of Cudgegong and Rouse Roads, Rouse Hill. The land is predominantly flat and is occupied by three, low-scale, single detached dwellings (one per allotment) and a number of smaller outbuildings. The site maintains a low-scale, semi-rural character with some native bushland concentrated at the north-western corner of the site, mostly on Lot 116. An aerial photo of the site is shown at **Figure 2**.



Figure 2 – The subject site is outlined in red and is located at the corner of Rouse Rd and Cudgegong Rd, Rouse Hill.
Source: NearMap for aerial base.

3.0 EXISTING PLANNING CONTROLS

The existing planning controls applicable to the site are prescribed by State Environmental Planning Policy (Sydney Region Growth Centre) 2006 – Area 20 Precinct and Blacktown City Council Growth Centres Development Control Plan 20.

The overarching aims of the Policy are to co-ordinate the release of land for residential, employment and other urban development in the North West growth centres, providing for comprehensive planning for the establishment of vibrant, sustainable and liveable neighbourhoods, within a framework of orderly economic development and infrastructure provision.

In respect of the key development controls, Appendix 6 - Area 20 Precinct Plan, Part 4 establishes the principal development standards for Area 20 and includes the following key controls which are applicable to the site:

- Land Use Zone – R3 Medium Density Residential
- Maximum Height of Buildings – 12m
- Maximum Floor Space Ratio – 1.75:1
- Minimum Residential Density – 25 dwellings/hectare

In addition, Schedule 4 of the Blacktown City Council Growth Centres Development Control Plan - Area 20 includes an Indicative Layout Plan (IPL) which also identifies a preferred urban structure for the Precinct, and which needs to be considered when assessing any application, including roads, block patterns, and the distribution of land use patterns.

In general terms, the combination of controls establishes a desired future character for Area 20 that aims to achieve a mixed use precinct with residential development and supporting retail and commercial land uses, within walking distance of the proposed Cudgegong Railway Station and Local Centre. In terms of the built form outcomes, these will be expressed through a distribution of height and density that transitions in form from the Cudgegong Railway Station and Local

Centre to the Precinct's edges. The Precinct will maintain good access to public open space and amenity and enhance the natural setting of Second Ponds Creek.

4.0 PROPOSED PLANNING CONTROLS

On 10 November 2014, the Department of Planning and Environment placed on public exhibition, proposed amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and DCP. The proposed amendments to the instrument aim to address design changes to the NWRL and the Cudgegong Station Town Centre and reflect the final design concepts and alignment of the North West Rail Link (NWRL). As a result, not all of Area 20 will be affected by the proposed amendments to the SEPP with the concentration of changes being along the alignment of the NWRL corridor and to land around the Town Centre.

To give effect to the proposed changes, seven maps in the Growth Centres SEPP are proposed to be amended including:

- Land Zoning Map,
- Residential Density Map,
- Height of Buildings Map,
- Floor Space Ratio Map,
- Land Reservation Acquisition Map,
- Lot Size Map, and
- Riparian Protection Map.

In addition to the proposed amendments to the Growth Centres SEPP the Department has:

- amended the Indicative Layout Plan (ILP) for the Area 20 Precinct;
- prepared a draft Development Control Plan for the Cudgegong Station Town Centre (to become Schedule 5 of Area 20 Blacktown City Council Growth Centres DCP 2011); and
- updated Schedule 4: Area 20 Precinct of the Blacktown City Council Development Control Plan to include the amended Area 20 Precinct ILP.

The Area 20 Precinct ILP is shown at **Figure 3**.

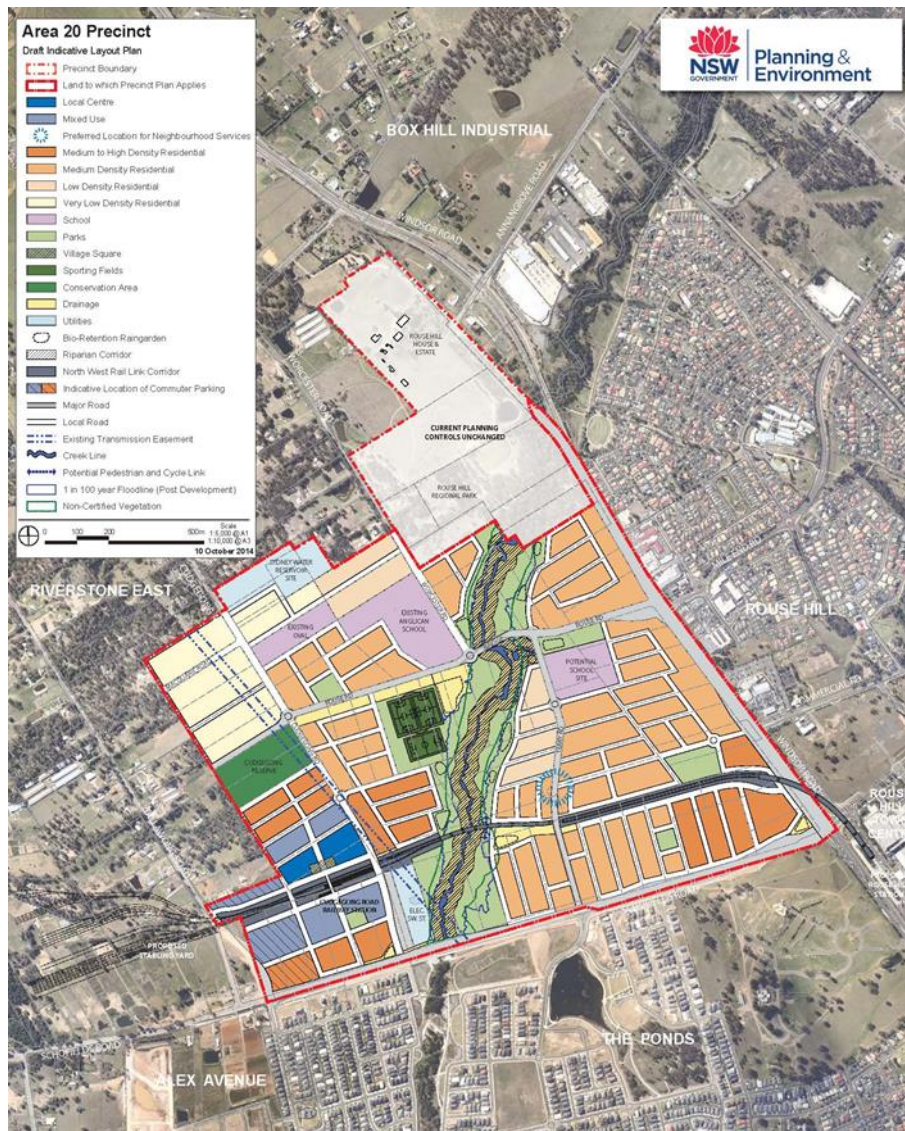


Figure 3 – Area 20 Precinct Indicative Layout Plan.

Source: Blacktown City Council Growth Centres Development Control Plan - Area 20

5.0 KEY CONCERNS FOR THE PROPOSED CHANGES TO THE SEPP (GROWTH CENTRES) RELEVANT TO THE SUBJECT SITE

As a way to understand the effect of the proposed change to the height controls applicable to the subject site, a number of built form concepts have been tested to measure the rigor and efficiency of the proposed controls. The built form concepts have been developed considering the objectives for the site under the R3 Medium Density Residential Zone including:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

When aligning the set of principal development standards and controls applicable to the site, including the principles established by SEPP 65, the interplay of the controls relative to the site characteristics generates a preferred set of building footprints and envelopes. These have been generally aligned to reinforce the Cudgegong and Rouse Road street frontages and to reinforce the hierarchy of space, achieve maximum solar access and amenity, and in Option C, provide for a mix of housing typologies and a village green. The proposed built form concepts include:

- OPTION A - A height compliant concept (under the existing SEPP) achieving a maximum height of 12m.
- OPTION B - A height compliant concept (under the proposed SEPP) achieving a maximum height of 16m.
- OPTION C - A Floor Space Ratio compliant concept that seeks to achieve the maximum 1.75:1 across the site.

In each of the built form concepts, the same parameters and objectives have been applied. This includes the objective to establish a consistent built form along Rouse and Cudgegong Roads, internal access and movement, and the take up of the SP2 Infrastructure Zone fronting Rouse Road as the necessary drainage infrastructure can be accommodated in the road reserve.

The built form options are explored below.

OPTION A – 12m Maximum Height, Residential Flat Buildings

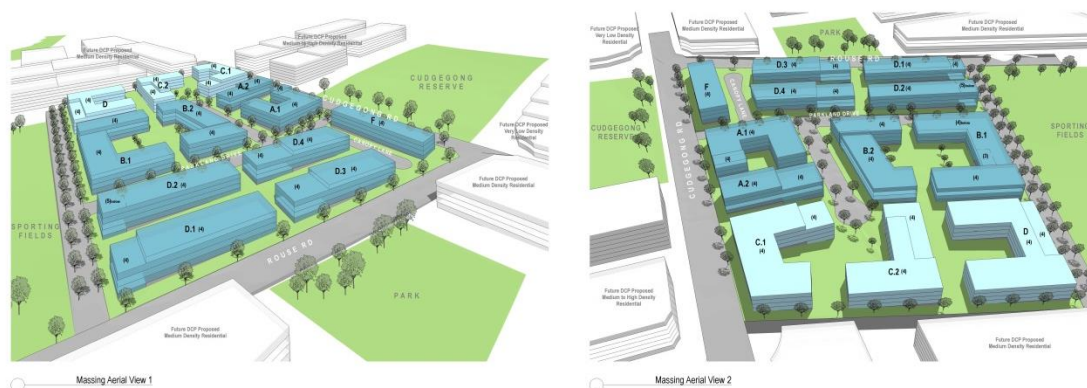


Figures 4 and 5 – Site Concept A showing building footprints and massing model at 12m.

Source: Turner Architects

Option A shows regular building footprints aligned with Cudgegong and Rouse Roads. There is a blanket building height of 12m across the site with limited diversity in the built form. The site coverage is 39.8% and the resultant FSR is 0.80:1. This represents a 55% shortfall of the projected density capacity of the site which was envisaged at 1.75:1. When setting floor space ratio and height controls, there is a reasonable expectation that there be parity between the two controls and that a floor space close to, or at, the maximum is achievable. There is a clear disconnect between the 12m height and 1.75:1 FSR controls under the current SEPP(Growth Centres).

OPTION B – 16m Maximum Height, Residential Flat Buildings



Figures 5 and 6 – Site Concept B showing building footprints and massing at 16m.

Source: Turner Architects

Option B extrudes the same building footprints to a maximum 16m height limit. This results in a FSR of 1.15:1 and site coverage of 39.8%. This FSR represents a 35% shortfall in the projected density of the site. As with Option A, there is a 1.75:1 FSR control applicable to the site, and accordingly, a reasonable expectation that there might be parity between the controls. However, it appears that the proposed new height limit of 16m under the draft amendments to SEPP(Growth Centres), still falls short of the site's density capacity, highlighting a similar disconnect between the proposed heights for the site and the 1.75:1 FSR control.

OPTION C – Maximum FSR 1.75:1, Mixed Town House and Residential Flat Buildings



Figure 7 and 8 – Site Concept C showing building footprints and massing model to FSR 1.75:1.

Source: Turner Architects

Option C utilizes similar building footprint configurations however explores a mix of building typologies which are extruded to varying heights between 2 storey townhouses and 6-14 storey residential flat buildings. Working back from a maximum site FSR of 1.75:1, it is clear that such a density requires greater height than 12 or 16 metres prescribed and proposed by the SEPP and its amendment. Option C also demonstrates that there is room within this density band to achieve a good mix of building typologies and a variety of form and housing types across the site and which also reinforce the spatial hierarchy of Area 20. The site coverage is also less at 32%.

In exploring the built form options for the site, it is evident that there is a 'disconnect' between the height and FSR controls. While it is recognised that both the height and FSR are expressed as maximums, rather than working in a mutually, supportive way they are in fact operating in a mutually, exclusive way.

The objectives of the FSR control and height control are respectively set out in clause 4.4 and 4.3 of the SEPP(Growth Centres):

4.4 Floor Space Ratio

(1) The objective of this clause is to control the bulk and scale of buildings within the Area 20 Precinct by setting maximum floor space ratios for development.

4.3 Heights of Buildings

(1) The objectives of this clause are as follows

- (a) To establish the maximum height of buildings on land within the Area 20 Precinct;*
- (b) To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space;*
- (c) To facilitate higher density development in an around commercial centre and major transport routes.*

In the Planning Report prepared by the Department of Planning & Environment in support of the changes to the SEPP (Growth Centres), dated October 2014, the proposed changes to building height controls are '*intended to enable diversity of built form and housing types and to achieve densities that are appropriate near the new Cudgegong Road Station*'. While it is not intended that all development '*will achieve the maximum building heights allowed by the proposed controls*', there is a reasonable expectation that there should be a cognisant relationship between the height and FSR controls.

Option C, prepared by Turner architects demonstrates a scheme at a floor space ratio of 1.75:1 can be achieved on the site in a way that

1. Complies with the provision of SEPP 65 and the rules of thumb under the Residential Flat Design Code and in particular such matters as building depths, separation distances, solar access, deep soil planting and the like;
2. Provides for a diversity of built form and housing type consistent with the intent of the SEPP amendment ranging from town houses, low , mid and higher residential buildings within a quality public domain;
3. Delivers a site density consistent with the SEPP for Sydney Region Growth Centre 2006 for which the necessary infrastructure is to be provided;
4. Supports a Plan for Growing Sydney in that the development will; help accelerate housing supply and housing choices; is located within an identified urban renewal corridor (the North West Rail Link Corridor); will support Rouse Hill as a strategic centre which is one stop down the rail line and will assist in achieving the revised housing target of 625000 new homes by 2031(a 22% increase on the housing need identified in the draft Strategy);
5. Manages visual impacts so that it is minimised by locating higher buildings to the south of the site where it abuts higher density residential development; and,
6. Protects the amenity of adjoining development. As shown in the site analysis plan below the site is largely bounded by open space with Cudgegong Reserve to the west, Second Ponds Creek Sporting Fields to the east and a further local park on part of the northern frontage. In all instances the site is separated from adjoining land uses by existing or proposed roads. Where the site adjoins development sites on the opposite side of these roads, amenity, in terms of solar access, can be managed.

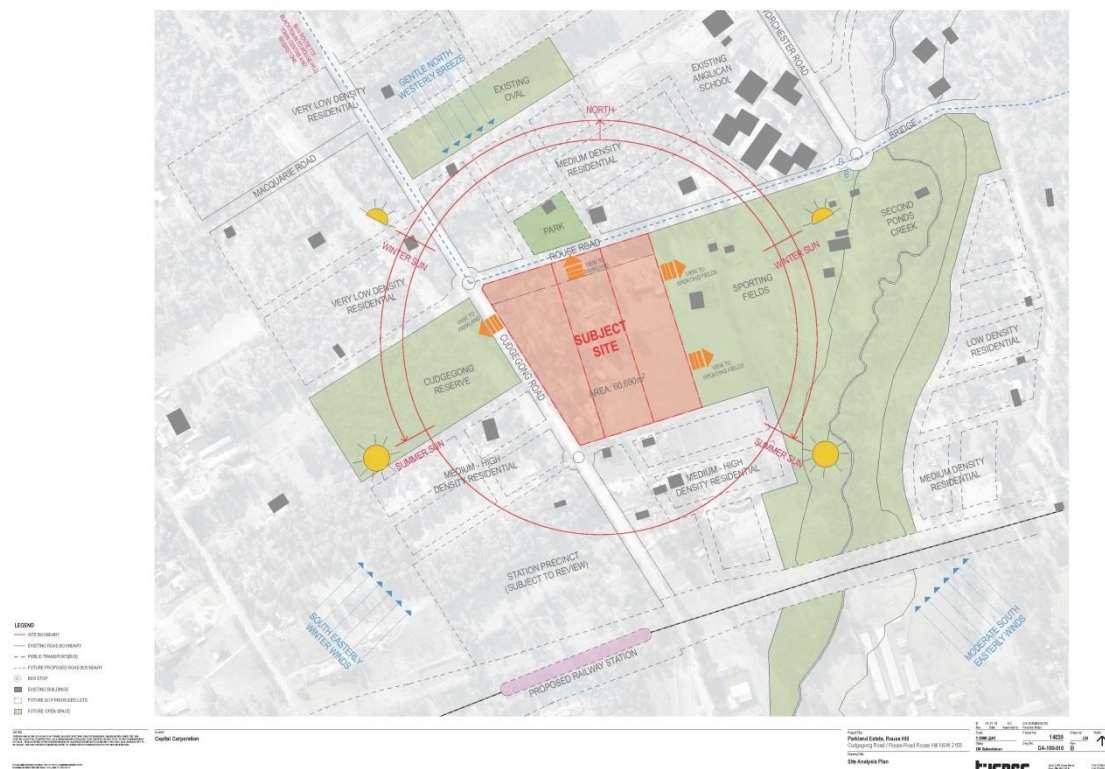


Figure 9 – Area 20 Precinct Indicative Layout Plan.

Source: Blacktown City Council Growth Centres Development Control Plan - Area 20

In instances where there is a disconnect between the height and FSR, as with the Area 20 R3 Medium Density Residential Zone, the potential for underdevelopment of a site challenges the fundamental objectives of the SEPP(Growth Centres).

The proposed height standard will fail to encourage good design, innovative development, housing choice and a variety of housing forms. To achieve the best yield under a 16 m height control all buildings are likely to be built to the maximum height with no variation in urban form. In addition as height is measured from existing ground level this can encourage contrived design results involving excavation, particularly on sloping sites which can result in ground floor units becoming part subterranean with potential amenity issues.

6.0 CONCLUSION

The site is largely bounded by open space with limited interface with other development sites. In all instances the site is separated from adjoining land uses by existing and proposed roads. Given these factors and the site's location in proximity to Cudgegong Station, the lack of any significant site constraints, the Growth Centres SEPP and a Plan for Growing Sydney, a floor space ratio of 1.75:1 is entirely appropriate.

Having reviewed and tested the proposed controls under the draft amendment to the SEPP(Growth Centres), it is clear that the existing and proposed height control, if applied, will fail to deliver the objectives for density within Area 20. In fact it will fall a long way short. Given the NSW Government's objectives for delivering housing across Sydney, particularly in the North West

Growth Centre along the NWRL, and as nominated under the Plan for Growing Sydney the Government needs to undertake a further work in relation to appropriate heights.

The Department needs to re-examine the height controls for the R3 Medium Density zone in Area 20 to ensure that they deliver the intended density. Our client would be happy to assist in informing such a process.

Should you have any queries about this matter, please do not hesitate to contact myself or Kelly van der Zanden on 9956 9962.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'James R. Harrison', with a stylized flourish at the end.

James Harrison
Director