

Determination of development application under s 80
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

DECISION

Construction of seven apartment buildings development application

This decision is made under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW) by the Sydney West Joint Regional Planning Panel as the relevant consent authority.

JRPP No	2012SYW020
DA Number	776/2012
Local Government Area	The Hills Shire Council
Proposed Development	Construction of seven apartment buildings containing 101 units, comprising 36 x 1 and 65 x 2 bedroom units.
Street Address	Lot 2 DP 1158967, Lot 101 DP 617754, Lot 2 DP 721567, Lots 2-3 DP 22931, Lot 1 DP 127003, 27-33 North Rocks Road, North Rocks
Applicant/Owner	Austcorp No 603 Pty Ltd
Members of Panel present for the making of determination	Mary-Lynne Taylor Bruce McDonald Paul Mitchell Dave Walker Michael Edgar
Determination of application by JRPP	Consent to the development application is granted subject to conditions.
Members of Panel in favour of determination	Mary-Lynne Taylor Bruce McDonald Paul Mitchell Dave Walker Michael Edgar
Members of Panel against determination	Nil
Date of determination	28 November 2013
Conditions of consent	Consent to the development application is granted subject to the conditions specified in Appendix A



Signature
JRPP member (chair)

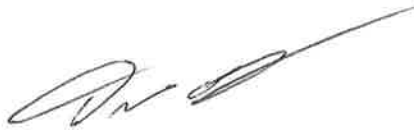


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JRPP member

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JRPP member



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JRPP member



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JRPP member

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

for decision under the *Environmental Planning and Assessment Act 1979 (NSW)*

The Sydney West Joint Regional Planning Panel provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979 (NSW)* (the Act) to:

grant consent to the development application subject to conditions

for:

the demolition of two single storey dwellings and the construction of 7 apartment buildings, containing 101 units comprising 36 one bedroom units and 65 two bedroom units, basement car parking is proposed over three levels, with a total of 207 spaces (Lot 2 DP 1158967, Lot 101 DP 617754, Lot 2 DP 721567, Lot 1 DP 172003 and Lots 2-3 DP 22931) at 27-33 North Rocks Road, North Rocks.

made by:

Austcorp No 603 Pty Ltd

Type of regional development:

The proposed development is classified as regional development as it has a Capital Investment Value of more than \$20 million.

A. Background

1. JRPP meeting

Sydney West Joint Regional Planning Panel meeting held on 28 November 2013 at Hills Shire Council, 2.00pm.

Panel Members present:

Mary-Lynne Taylor – Chair

Paul Mitchell

Bruce McDonald

Dave Walker

Michael Edgar

Council staff in attendance:

Shannon Butler

Cameron MacKenzie

Paul Osborne
Claro Patag

Apologies:

Nil

Declarations of Interest:

Nil

2. JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Hills Shire Council's area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act, which in this case is the *State Environment Planning Policy (State and Regional Development) 2011*.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

3. Procedural background

An initial briefing meeting was held with council planning staff on 8 March 2012.

A site visit was undertaken by Mary-Lynne Taylor, Bruce McDonald and Paul Mitchell on 21 November 2013 with Paul Osborne and Shannon Butler from Council.

A final briefing meeting was held with council on 28 November 2013. The matters observed during the site visit included:

- The relationship of the site and the location proposed to the existing residential development adjoining the land and opposite in North Rocks Road.
- The condition of adjoining section of Darling Mills Creek.
- The general physical and environmental characteristics of the site including land slope.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

79C (1) Matters for consideration—general

(a) (i) the provisions of:

Environmental planning instruments:

- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- Local Environmental Plan 2012
- Baulkham Hills Local Environmental Plan 2005

(ii) Relevant development control plan:

- The Hills Development Control Plan 2012

The Panel was provided with three submissions, made in accordance with the Act or the regulations, all objected to the proposal. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel considered the following material:

1. Statement of Environmental Effects prepared by Mecone, dated January 2012.
2. Council's Assessment Report on the application dated 15 November 2013 which considered the following:
 - Architectural Plans prepared by Candalepas Associates, dated 5 April 2013.
 - Locality Plan by the Hills City Council.
 - The above Statement of Environmental Effects.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 28 November 2013:

1. Submissions addressing the Panel against the application:
Nil
2. Submissions addressing the Panel in favour the application:

Michael Gheorghiu
Angelo Candalepas

C1. Findings on material questions of fact by the majority

The Panel has carefully considered all of the material referred to in Section B above.

(a) Environmental planning instruments.

The Panel has considered each of the environmental planning instruments referred to in Section B above.

The Panel agrees and adopts the analysis given in section and entitled "Issues for Consideration" in Council planning report in relation to all applicable planning instruments.

(b) Development control plan.

The Panel has considered the Hills Development Control Plan 2012 referred to in Section B above and accepts the 4 variations of the DCP criteria in relation to the following reasons:

- Building height – the height of the proposed development is considered acceptable as the proposed buildings adjacent to adjoining residential developments comply with the DCP provisions and accordingly the breach of the DCP in regard to height will not impact on the amenity of the adjoining residents.
- Building separation – breach has occurred only at the closest points of the proposed building and their general separation is appropriate and will cause no loss of amenity to occupants.
- Agrees and adopts the Council Planners report (d) Open Space
- Unit sizes – the panel notes that the units comply with the requirements of the RFDC and are therefore acceptable.

(c) Other legislative provisions.

Water Management Act:

The Office of Water has issued General Terms of Approval which have been applied in the consent.

(d) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows.

The physical and environmental characteristic of the site are compatible of the proposed development and the terms of approval will result on the rehabilitation of that section of Darling Mills Creek adjoining the site.

(e) Likely environmental impacts of the development on the built environment.

The Panel considers the proposed development will be generally consistent with the existing and future character of the locality and will not have negative impacts.

(f) Likely social and economic impacts.

In relation to the likely social and economic impacts of the development in the locality, the Panel considers that the development contributes to the subregional housing targets in a location that is well serviced transport with access to local centres and the regional centre of Parramatta.

(g) Other likely impacts.

The Panel believes that there are no other material impacts arising from the development.

(h) Suitability of site. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is well suited to the proposed development because it:

- Is a large undeveloped site near to services and transport;
- The physical and environmental characteristics of the site are compatible with the development;
- The location of the site adjacent to heavenly traffic growth renders unsuitable for low density residential development.

(i) Public Interest.

Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest because it is orderly development which will contribute to achievement of subregional housing targets in a location that is well serviced by transport infrastructure and with access to local centres and the regional centre of Parramatta.

D1. Why the decision of the majority was made

In light of the Panel's findings in Section C1 above, all five members of the Panel decided this was an appropriate use of the site and to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Report.



JRPP member (chair)



JRPP member

JRPP member



JRPP member



JRPP member