

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Thursday 18 February 2016 at 1.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Dave Walker and Stewart Seale

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW030 – The Hills Shire Council, DA983/2015/JP, Proposed residential flat buildings, Lot 3 DP 280009, No. 2 Bellcast Road, Rouse Hill.

Date of determination: 18 February 2016

Decision:

The Panel unanimously determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for Panel Decision:

The Panel has unanimously agreed to give a deferred commencement conditional consent to this application for the following reasons:

1. The proposed development will add to the supply and choice of housing within the West Central Metropolitan Subregion and The Hills local government area in a location with ready access to the metropolitan transport services provided by the Northwest Rail line now under construction and the Transit Bus Service now available. The development will also have convenient access to the services and amenities available within Rouse Hill Regional Centre.
2. The Panel has considered the applicant's request to vary the development standard contained in The Hills LEP 2012 (Clause 4.1A) relating to minimum allotment area and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in a buildings and development consistent with that planned for this site and the development remains consistent with the underlying intent of the standard and objectives of the zone.
3. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP 32 Urban Consolidation, SEPP 65 (Design Quality and Residential Flat Development) and its associated Residential Flat Design Code, SEPP 55 Remediation of Land and subject to the conditions imposed including deferred commencement requirements SEPP (Infrastructure) 2007. The Panel notes some departures from the RFDC but considers these are acceptable given the constraints of the particular site and the benefits gained from its proximity to open space and other services.
4. The proposed development is consistent in with the pattern of development anticipated and planned for this site under the adopted Masterplan for the Rouse Hill Regional Centre.
5. The proposal adequately satisfies the provisions and objectives of The Hills LEP 2013, The Hills DCP – Rouse Hill Regional Centre. Here to the Panel notes departures from the DCP requirements but considers these are acceptable given the characteristics and location of the site.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or, subject to the conditions imposed on the operation of the Northwest Rail System now being installed.
7. In consideration of conclusions 1 – 6 above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions: The development application was approved subject to the recommended conditions in the Council assessment report with a New Condition 41a relating to Construction Noise and with minor amendments to Condition 48 and Condition 59.

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New Condition 41a. Construction Noise to read as follows:

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

Condition 48 to read as follows:

Historic Sites or Relics

If during the earthworks, any evidence of a historic archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

Condition 59 to read as follows:

Acoustic construction compliance

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant shall provide written verification to the satisfaction of the Council's Manager of Health and Environmental that the requirements of the acoustic report (Rail Traffic Noise Assessment – Lavender Field Apartments – Bellcast Road and Picket Place, Rouse Hill, NSW 2142 (June 2015) (Report No. nss22224 – Final – Rev A) by Noise and Sound Services) and the acoustic conditions contained within this consent, have been satisfied.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 Dave Walker	 Stewart Seale	

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SCHEDULE 1

1	JRPP Reference – 2015SYW030, LGA – The Hills Shire Council, DA983/2015/JP
2	Proposed development: Proposed residential flat buildings.
3	Street address: Lot 3 DP 280009, No. 2 Bellcast Road, Rouse Hill.
4	Applicant/Owner: Lend Lease GPT (Rouse Hill) Pty Ltd
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations • Environmental planning instruments: ○ SEPP 32 – Urban Consolidation ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ○ Draft State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ SREP 19 – Rouse Hill Development Area ○ SREP 20 – Hawkesbury/Nepean River ○ DCP Part D – Section 6 Rouse Hill Regional Centre • Draft environmental planning instruments: Nil • Development control plans: ○ The Hills Shire Development Control Plan 2012 • Planning agreements: Nil • Regulations: ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report and written submissions. Verbal submissions at the panel meeting: • Nil
8	Meetings and site inspections by the panel: 18 February 2016 - Final Briefing meeting.
9	Council recommendation: Approval