

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Thursday 26 November 2015 at 12.30 pm**

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

Apologies: Dave Walker

Declarations of Interest: None

Determination and Statement of Reasons

2015SYW105 – The Hills Shire Council, DA1347/2015, the development application is for a revised masterplan for the Norwest Town Centre Eastern Residential Precinct, Lot 2103 DP 1176614 – 38 Solent Circuit, Baulkham Hills.

Date of determination: 26 November 2015

Decision:

The Panel 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:

1. The proposed masterplan will facilitate 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 future metropolitan transport services provided by the Norwest Rail link now under construction and to the services, amenities and employment provided by the Norwest Business Centre.
2. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) the Hills LEP 2012 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 building that is inconsistent with the scale of buildings planned for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the LEP. The Panel particularly notes the recent amendment to the LEP varying the permitted height standard and recognises the proposal is compliant with that current provision.
3. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.1B (Minimum Lot Size) the Hills LEP 2012 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 buildings that are inconsistent with the scale and pattern of buildings planned for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the LEP.
4. The proposed development subject to later detailed analysis of subsequent component elements adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP 65 Design Quality of Residential Flat Development) and its associated Residential Flat Design Code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
5. The proposed development adequately satisfies the provisions and objectives of the Hills LEP 2012 and the Hills DCP 2012. In this regard the Panel notes the recent amendment to the LEP permitting building height consistent with this proposal.
6. The proposed development is consistent in scale and character with the pattern, scale and character of development exhibited within adjacent Norwest Town Centre and that reflected in the recent LEP amendments.

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7. The proposed development will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises, or the operation of the local road system.
8. In consideration of conclusions 1 – 7 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 recommended conditions in the Council Assessment Report with amendments to Conditions 5, 11 and 13.

Condition 5. Compliance with NSW Police Requirements to read as follows:

The applicant shall consider the recommendations of the NSW Police as outlined below:

- (a) Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle bike parking.
- (b) It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit. Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.
- (c) Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting. Signage is suggested by Police for pedestrians and motorists to differentiate between retail and residential car parking areas.
- (d) Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. 'Warning, trespasser will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'
- (e) Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Condition 11 Road Design/ Construction Requirements to read as follows:

The design, location and construction of the public road dissecting the site connecting Solent Circuit and Rosetta Crescent (proposed) must comply with the Norwest Town Centre DCP road standards contained within Section 4.8 and Council's Design Guidelines Subdivisions/ Developments. Should Rosetta Crescent not yet be constructed a temporary turning head will be required adjacent to the site's northern boundary.

The internal (private) roads are to be designed, located and constructed generally as shown on the plans submitted with the development application, with the following additional requirements applied:

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- a) Where a private road is intended to be utilised by larger service vehicles, namely a waste collection vehicle, a swept turning path analysis for a HRV will need to be provided with the concept engineering design for these works as part of each built form application, demonstrating that the width and alignment of these roads allow for this vehicle to manoeuvre through the site without having to undertake any reversing movements. Localised widening at intersections and bends may be required to accommodate this.

Condition 13 Contamination to read as follows:

Imported virgin excavated natural material and/or inappropriate waste disposal must be monitored during construction. Should any introduced fill or waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
Stewart Seale		

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SCHEDULE 1

1	JRPP Reference – 2015SYW105, LGA – The Hills Shire Council, DA1347/2015
2	Proposed development: the development application is for a revised masterplan for the Norwest Town Centre Eastern Residential Precinct.
3	Street address: Lot 2103 DP 1176614 – 38 Solent Circuit, Baulkham Hills.
4	Applicant: Mulpha Norwest Pty Limited
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ The Hills Local Environmental Plan 2012 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Development Control Plan 2012 Part D Section 8 – Norwest Residential Precinct ○ Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings ○ Development Control Plan 2012 Part C Section 1 - Parking • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ 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: 26 November 2015 – Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval