

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

2015SYW122 – The Hills Shire Council, DA1560/2015, the development application is for the construction of a 12 storey residential flat building comprising 77 apartments (8 x 1 bedroom, 42 x 2 bedroom and 27 x 3 bedroom), ground floor neighbourhood shops and three levels of basement car park containing 178 car spaces, Lot 2105 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 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 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 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 proposal adequately satisfies the provisions and objectives of the Hills LEP 2012 and the Hills DCP 2012. In this regard the Panel notes the primacy given to the recently adopted Norwest Town Centre Eastern Precinct Master Plan.
6. The proposed development is consistent in scale and character with the pattern of development anticipated and planned for in this locality as expressed in the adopted Master Plan and recently adopted LEP height amendments.
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.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Conditions: The development application was approved subject to recommended conditions in the Council Assessment Report with amendments to Condition 39.

Condition 39 Engineering Works and Design to read as follows:

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Proposed Access Road	Road Type: DCP Access Street

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

	3.5m/ 8.5m/ 3.5m (15.5m Total)
	Pavement Design:
	Access/ Local (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

ii. Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of the road that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at the end of the Access Road.

iii. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on one side of the new road in accordance with the DCP and the above documents.

vi. Gutter Crossings

Gutter crossings to each of the proposed new lots are required.

vii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

viii. Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

ix. Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

x. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of gross pollutant tanks, stormfilters, enviropods and rainwater tanks, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen





SYDNEY WEST JOINT REGIONAL PLANNING PANEL

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arg/>

Panel members:

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 Stewart Seale		

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – 2015SYW122, LGA – The Hills Shire Council, DA1560/2015
2	Proposed development: the development application is for the construction of a 12 storey residential flat building comprising 77 apartments (8 x 1 bedroom, 42 x 2 bedroom and 27 x 3 bedroom), ground floor neighbourhood shops and three levels of basement car park containing 178 car spaces.
3	Street address: Lot 2105 DP 1176614 – 38 Solent Circuit, Baulkham Hills.
4	Applicant: Norwest Land – Mulpha FKP 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"> ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ○ The Hills Local Environmental Plan 2012 ○ State Environmental Planning Policy (State and Regional Development) 2011 • 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 ○ Development Control Plan 2012 Part C Section 3 - Landscaping • 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