

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Wednesday 16 December 2015 at 1.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Dave Walker and Michael Edgar

**Apologies:** None

**Declarations of Interest:** Mr Edgar advised that he <sup>knew on a personal basis</sup> was friendly with the owner of shopping centre in Rouse Hill and therefore declared a possible conflict of interest, left the meeting and did not participate on this application.

## Determination and Statement of Reasons

2015SYW140 – The Hills Shire Council, DA159/2016, Shop Top Housing, Retail Space, Parking and Landscaping. The application includes 162 residential units, 30 business/retail tenancies and parking for 610 vehicles, Lot 13 DP 833069 – No. 332-334 Annangrove Road, Rouse Hill.

**Date of determination:** 16 December 2015

### Decision:

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

### Panel consideration:

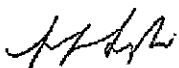
The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

### Reasons for Panel Decision:

1. The Panel having considered the report prepared by Council's planning assessment staff considers for the reasons discussed in that report that the proposal is not permitted pursuant to the provisions of The Hills LEP 2012.
2. The proposal inadequately complies with the provisions of relevant State Environmental Planning Policies particularly SEPP 65 – Design Quality of Residential Flat Development.
3. The Panel also considers, as discussed in the Council assessment:
  - That the proposed building is out of character and form with anticipated future development of the locality in which it is placed. In this regard the Panel notes an amendment to the LEP is currently being considered by the Department of Planning & Environment that will prevent further residential development in this zone which would isolate this residential building.
  - The proposal is inconsistent with Council's Centres Hierarchy Policy.
  - The proposal is unlikely to provide a satisfactory level of residential amenity to occupants given its setting within a business enterprise context and its adjacency to the Rouse Hill Waste Water Recycling Plant.

In consideration of these conclusions the Panel considers the proposed development is an inappropriate use of the site and approval would not be in the public interest.

### Panel members:

|                                                                                                                 |                                                                                                              |                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <br><b>Mary-Lynne Taylor</b> | <br><b>Bruce McDonald</b> | <br><b>Stuart McDonald</b> |
| <br><b>Dave Walker</b>       | <br><b>Michael Edgar</b>  |                                                                                                                 |

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

| SCHEDULE 1 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | <b>JRPP Reference – 2015SYW140, LGA – The Hills Shire Council, DA159/2016</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2          | <b>Proposed development:</b> Shop Top Housing, Retail Space, Parking and Landscaping. The application includes 162 residential units, 30 business/retail tenancies and parking for 610 vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3          | <b>Street address:</b> Lot 13 DP 833069 – No. 332-334 Annangrove Road, Rouse Hill.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4          | <b>Applicant:</b> Abax Contracting Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5          | <b>Type of Regional development:</b> Capital Investment Value >\$20 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6          | <b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (State and Regional development) 2011</li> <li>○ State Environmental Planning Policy Infrastructure 2008</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ The Hills Local Environmental Plan 2012</li> </ul> </li> <li>• Environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ The Hills Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul> |
| 7          | <b>Material considered by the panel:</b><br>Council assessment report and written submissions.<br>Verbal submissions at the panel meeting: Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 8          | <b>Meetings and site inspections by the panel:</b><br>16 December 2015 – Site Inspection and Final Briefing meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 9          | <b>Council recommendation:</b> Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |