

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 19 March 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Mark Colburt, Chandi Saba and Julie Savet Ward (teleconference)
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	David Ryan advised that he has a reasonably perceived conflict as a result of his company being involved in the DA for 332-334 Annangrove Road, Rouse Hill, which is nearby and contains some similar uses.

Public meeting held at The Hills Shire Council, Administration Centre, 3 Columbia Court, Norwest on 19 March 2020, opened at 1.00pm and closed at 2.02pm.

MATTER DETERMINED

2018SWC071 – The Hills Shire Council – DA2245/2018/JP at 318 Annangrove Road, Rouse Hill – Demolition of existing structures and construction of a mixed commercial and industrial development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of The Hills Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.4 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP, noting that the commercial storage facilities are below ground and as such don't contribute to the bulk, height and streetscape impact, and are responsive to the topographic characteristics of the site; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.4 of the LEP and the objectives for development in the B6 Enterprise Corridor zone; and
- c) the concurrence of the Secretary has been assumed.

Development Application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development is satisfactory having regard to relevant considerations under Section 4.15.
2. The Panel supports Council's definition of basement commercial storage facilities as a commercial use and therefore contributable to the gross floor area.
3. The Panel is satisfied that the estimated excavation impacts and management strategies are appropriate.
4. The proposed development will result in an enhanced public facility and will therefore promote the public interest.
5. The issues raised in the submissions have been appropriately addressed in the assessment report.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment –

Condition 73 is amended to read as follows –




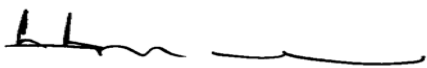
Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking ~~will~~ **may** be restricted **at the direction of Council's Manager Environment and Health.** ~~to between the hours of 9am to 3pm, Monday to Friday. Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.~~

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Noise impacts;
- Environmental concerns;
- Construction impacts;
- Vehicle movements;
- Potential for excavation activities to take place on a Sunday to minimise construction impacts on the adjoining childcare business.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Mark Colburt
 Julie Savet Ward (teleconference)	 Chandi Saba

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC071 – The Hills Shire Council – DA2245/2018/JP
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed commercial and industrial development
3	STREET ADDRESS	Lot 29 DP 834050 318 Annangrove Road, Rouse Hill
4	APPLICANT/OWNER	BHI Architects and Cattai Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ SEPP (Educational Establishments and Child Centres) 2017 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River ○ The Hills Local Environmental Plan 2019 – see discussion relating to The Hills LEP 2012 under “Matters for consideration” • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: [Nil] • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 19 March 2020 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Ron Arnold ○ Council assessment officer – Robert Buckham and Paul Osborne ○ On behalf of the applicant – Schandel Fortu, Mark Hitchcock, James Gilligan, Jonathan Lo and Jeremy Kim.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 20 December 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Peter Brennan, Mary-Lynne Taylor and Mark Colburt ○ <u>Council assessment staff</u>: Robert Buckham • Site inspection: 19 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair) ○ Chandi Saba and Mark Colburt conducted their site inspections prior to 19 March 2020. ○ <u>Council assessment staff</u>: Robert Buckham and Paul Osborne • Final briefing to discuss council's recommendation, 19 March 2020, 11.30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Julie Savet Ward (teleconference), Chandi Saba and Mark Colburt ○ <u>Council assessment staff</u>: Robert Buckham and Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report