

COUNCIL ASSESSMENT REPORT

Panel Reference	2019CCI036
DA Number	1614/2019/JP
LGA	The Hills Shire Council
Proposed Development	Concept DA for the Revised Masterplan for the Rouse Hill Regional Centre
Street Address	Lots 25, 26, 27 and 28 DP 270520, Land generally bound by Caddies Boulevard, Commercial Road, Windsor Road and Rouse Hill Drive, Rouse Hill
Applicant	GPT Funds Management 2 Pty Ltd
Consultants	BBC Consulting Planners Cox Architecture Oculus Arcadis Aecom GTA Consultants GeoStrata JK Geotechnics Elton Consulting Jo McDonald Cultural Heritage Management Pty Ltd Environmental Investigation Services Acoustic Logic Morris Goding Access Consulting Bylett + Associates Gunninah Urbis Deloitte ARUP
Date of DA lodgement	13 May 2019
Number of Submissions	Three
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$1,168,606,707)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • SEPP State and Regional Development 2011 • SEPP 55 – Remediation of Land • SEPP Design Quality of Residential Flat Development • SREP 20 – Hawkesbury Nepean River • Apartment Design Guidelines • LEP 2012 • Draft 2021 • DCP Part D Section 6 – Rouse Hill Regional Centre • DCP Part B Section 5 – Residential Flat Buildings • DCP Part B Section 6 – Business • DCP Part C section 1 - Parking
List all documents submitted with this report for the Panel's	Nil

consideration	
Report prepared by	Kristine McKenzie Principal Co-ordinator
Report date	Electronic Determination

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	NA
Conditions Have draft conditions been provided to the applicant for comment?	NA

EXECUTIVE SUMMARY

The proposal is for a concept Development Application for a Masterplan for the Northern Precinct of the Rouse Hill Regional Centre.

The key issues that need to be considered by the Panel in respect of this application are:

- The Development Application was lodged on 13 May 2019. Prior to lodgment of the Concept DA, Council staff raised concerns with the applicant that a Planning Proposal would be a better planning pathway forward given the increased scale of development proposed, particularly in regard to height and residential density, when compared to existing planning controls.
- On 19 December 2019 the applicant lodged a Planning Proposal (PLP 7/2020/PLP). The Planning Proposal sought to introduce maximum height controls, maximum FSR controls and apply a dwelling cap.
- Council staff are currently limited in moving the DA forward and due to the significant changes made to the Planning Proposal, a resubmission of documents will be required to be submitted by the applicant on finalisation of the Planning Proposal.
- Issues have been raised by Council staff in regard to the Planning Proposal. Even if these issues are resolved and the Planning Proposal is supported by Council, it is considered that the finalisation of a Planning Proposal will not be likely to occur until late 2021 at the very earliest.

- The DA is significantly different to the current planning controls including the Rouse Hill Masterplan and Precinct Plan.
- Draft LEP 2021 (formerly Draft LEP 2019) seeks to apply height controls and maximum dwelling cap controls consistent with the current Masterplan and Precinct controls. It also seeks to apply a sunset clause to provide flexibility for the controls to be revised following precinct planning for the Rouse Hill Strategic Centre.
- In its record of briefing on 17 September 2020 the Panel advised Council that under the circumstances the applicant should be invited to withdraw the Concept DA until the strategic planning for the location was considerably more advanced and there was agreement between the applicant and Council regarding the strategic planning principles for the area. If the DA was not withdrawn, the Panel have requested an assessment report from Council staff for determination this calendar year.

The applicant has advised that they will not withdraw the DA and as such a report is provided for determination in accordance with the SCCPP Minutes.

The application is recommended for refusal.

BACKGROUND TO DEVELOPMENT OF THE ROUSE HILL REGIONAL CENTRE

The development of the Rouse Hill Regional Centre has been undertaken as follows:

Level 1 DA – Masterplan for the entire Rouse Hill Regional Centre site which sets the framework and principles for future development.

Level 2 DA – Precinct Plan for each of the precincts providing greater detail for development of the Precinct.

Neither Level 1 or Level 2 DAs allow any physical works.

Level 3 DA – application for physical works.

In 2004 Council approved a Development Application for a Masterplan for the entire Rouse Hill Regional Centre site (DA 1604/2004/HB). The Masterplan approval anticipated a total of 200,000m² of retail and commercial floor space within the Town Centre and Northern Precinct and 1800 dwellings across the entire site comprising a mixture of housing types including apartments (515), terraces (391), warehouses (54) and villas / single dwellings (840). The Northern Precinct was identified as containing a total of 330 dwellings which represented a density of 41.1 dwellings per hectare.

The site is not currently subject to limitations under LEP 2012 in regard to height or floor space ratio. In this regard, during the preparation of LEP 2012, Council initially proposed to introduce planning controls across the site in relation to height and FSR however the applicant successfully sought to have these planning controls removed on the basis of flexibility for landowners and given that the established Masterplan provided adequate certainty for Council and the community in regard to a built form outcome. As such the development of the site was anticipated to be consistent with the approved Masterplan and subsequent Precinct Plan (DA 354/2013/HB) which limits height to a maximum of 32 metres and where a mixed use of retail, commercial and residential uses were anticipated. Overall a total allocation of 191,400m² of retail and commercial floorspace, comprising 130,000m² of retail floorspace and 61,400m² of commercial floorspace, which is to be distributed across the Northern Precinct, Interface Area

and the Town Centre. The Precinct Plan also had a limit of 375 residential dwellings and expected 65,000m² of retail floor space, 40,000m² of commercial floor space and 0.71 hectares of open space within the Precinct.

BACKGROUND

There were been a number of meetings held between representatives from GPT and Council staff to discuss a potential new/revised Masterplan and Precinct Plan which would include around 2,500 residential dwellings and 20,000 - 40,000m² of retail/commercial floor area. At the meetings the applicant was advised that a Planning Proposal would be more appropriate rather than a revised Masterplan. Other fundamental issues which were raised include the increase in residential density, loss of employment opportunities and demand for additional infrastructure including open space and civic uses. Height and interface were also raised as key considerations.

During the meetings council staff reiterated that the best way forward would be for a Planning Proposal to be lodged rather than a Development Application given the significant uplift in development and the departure from the strategic planning framework. GPT indicated they would lodge a Development Application for the revised Masterplan and Precinct Plan and would not lodge a Planning Proposal.

On 28 September 2018 Council staff wrote to the Department of Planning and Environment advising of the discussions between Council staff and GPT and advising that a '*Planning Proposal to establish an LEP amendment is the most appropriate way to achieve any revised concept, given that there is no longer certainty that the masterplan and precinct plans will be delivered*'. The letter requested a meeting with the Department to discuss the matter.

Subsequently, a number of meetings and discussion have been undertaken to discuss the proposal. Council staff have consistently maintained that the better way forward was for a Planning Proposal to be lodged to consider and formalise an applicable planning framework and other matters.

Notwithstanding this, on 13 May 2019 a Concept DA was lodged for a revised Masterplan and Precinct Plan. Subsequently, a Planning Proposal was lodged on 19 December 2019 to introduce maximum height controls, maximum FSR controls and a dwelling cap across the site.

In regard to the DA, a letter was sent to the applicant on 13 November 2019 requesting additional information including the need for a Planning Proposal, requesting endorsement from the Rouse Hill Design Review Panel, the established planning frameworks and seeking additional information on key matters including SEPP 65 Design Principles, need for a Voluntary Planning Proposal, community facility needs, contamination, EMR report, landscape works, engineering and drainage and matters raised by RMS and EPA.

Additional information was submitted on 20 December 2019 and 16 March 2020.

BRIEFINGS TO THE SYDNEY CENTRAL CITY PLANNING PANEL (SCCPP)

The SCCPP have been briefed on the DA on two occasions by Council staff (on 24 May 2019 and 20 August 2020) and once by the applicant (on 17 September 2020). Following the briefing by Council staff on 24 May 2019 the SCCPP Record of Briefing states as follows:

- *There is existing approval for a masterplan on the site and a new masterplan is now proposed which includes substantially greater residential development.*
- *Given the central location of the site and its other attributes the Panel believes a greater amount of commercial and other job creating uses could be warranted.*

- *The Panel notes that there has been no reduction to the originally approved area of commercial space but proportionally commercial uses would be a much smaller component.*
- *The large number of new apartments which is proposed will generate a substantial demand for additional local facilities and services which may be difficult to provide.*
- *The Panel accepts that the applicant is able to lodge an application for new masterplan but considers that of may be more appropriate and efficient a planning proposal to be lodged. This would allow current circumstances to be properly taken into account and suitable development standards devised.*

The SCCPP were subsequently briefed by Council staff on 20 August 2020. The Record of Briefing states in part as follows:

In parallel to the Concept DA, a Planning Proposal (PP) submitted by the Applicant seeks to establish an updated strategic planning framework, addressing the site's regional context. The PP is intended to support the significant changes to the current planning framework contemplated by the Concept DA.

It would be in the interests of the orderly planning and development of the precinct for the PP to be resolved prior to determining this DA.

Given the unpredictable, but likely significant timeframe involved in finalising the PP and the fact that the Concept DA has already been over a year in assessment, its determination will inevitably be delayed beyond what is considered reasonable under the Planning Reform KPIs issued by the Minister to the Panel. In these circumstances, the preferred course of action would be for the DA to be withdrawn and resubmitted when the LEP amendments are gazetted or at least certain and imminent.

The Panel invites the Applicant, if it so wishes, to attend a Panel briefing meeting to discuss the way forward regarding the Concept DA.

The SCCPP were briefed by the applicant on 17 September 2020 where the following Panel advice was provided:

The Panel advised Council that under the circumstances the Applicant should be invited to withdraw the concept DA until the strategic planning for the location was considerably more advanced, and there was agreement between the Applicant and Council regarding the strategic planning principles for the Town Centre location. If the Applicant declines to withdraw the concept DA, the Panel asked that Council staff provide their Assessment Report on this application to the Panel for determination this calendar year, consistent with the Statement of Expectations issued by the Minister for Planning to Panel Chairs.

The Record of Briefing was provided to the applicant following the briefing. The applicant advised on 06 October 2020 that the application would not be withdrawn. The Record of Briefing from 17 September is Attachment 3.

DETAILS AND SUBMISSIONS

Owner:	GPT Funds Management 2 and GPT Rouse Hill Pty Ltd
Zoning:	B4 Mixed Use
Area:	9.1 hectares
Existing Development:	Vacant
Section 7.11 Contribution:	NA
Exhibition:	No, not required
Notice Adj Owners:	Yes, 30 days. Extended notification period at

	the request of the applicant.
Number Advised:	451
Submissions Received:	Three

PROPOSAL

The proposal is for a concept Development Application for a Masterplan for the Northern Precinct of the Rouse Hill Regional Centre. The proposal includes the following:

- 4 residential super lots (Lots 1, 2, 3, and 4), and 4 mixed-use super lots (Lots 5, 6, 7 and 8), separated by roads and open space;
- building envelopes, including building locations, footprints, and heights;
- a total of 2,500 apartments;
- approximately 20,700m² of retail, commercial and community floor space, comprising 10,100m² of retail GLFA, 8100m² of commercial NLA and 2490m² of community NLA;
- car parking for approximately 3,700 cars;
- over 1.4ha of open space including a town park, linear park, and pocket parks;
- a drainage strategy, including water sensitive urban design (WSUD); and
- an amended internal road layout comprising: Orchard Road, West Road, Windsor Lane, Park Road West, Park Road East, Residential Mews, Village Lane and Village Mews, and the northern extension of Civic Way.

The applicant advised that the Concept DA is for the Level 1 Masterplan and Level 2 Precinct plan. The application has been accompanied by Precinct Plan details.

The 4 mixed-use lots will be located immediately to the north of Rouse Hill Drive and will provide approximately 18,200m² of employment floor space and 2490m² of community floor space.

The revised Masterplan establishes the proposed height, building envelope, and land use for each of the proposed 8 lots which will each need to be the subject of subsequent DA's for built form. Built Form Guidelines have been prepared to guide the preparation of subsequent DA's. However, site testing reports have been prepared for Lots 1, 2, 6, and 8 to illustrate how future built form will be able to satisfy the Built Form Guidelines, SEPP 65, and the Apartment Design Guide (ADG).

There are no physical works proposed as part of the Concept DA. All physical works will be subject to further Development Applications.

The applicant has provided the following comments to justify the proposal:

Since the current masterplan was approved in 2004, key drivers have occurred which support a higher residential density scheme on the Northern Precinct more consistent with TOD principles, including:-

- *Sydney Metro North West is about to become operational;*
- *metropolitan planning initiatives, currently the Greater Sydney Region Plan (2018) and the Central City District Plan (2018), actively support the implementation of TOD principles around Metro Stations;*

- *the better integration of land use and transport consistent with TOD principles (to complement the existing Town Centre) places higher residential density in the right location;*
- *the Rouse Hill Town Centre is now a multi-use destination providing a high quality visitor experience through its open planning, landscaping, pedestrian permeability and built form; and*
- *there is a greater need for increased housing choice and affordability.*

The Concept DA seeks to put in place the necessary framework to allow the higher residential density scheme to be achieved consistent with the above principles. In doing so, it will supersede the current masterplan and precinct plan approvals which apply to the site.

The applicant has been advised that the most appropriate planning pathway forward is for a Planning Proposal to be lodged, not a Development Application. The applicant has responded to this matter and advised as follows:

The site forms part of a Strategic Centre in the Central City District Plan, is identified and highly suited for Transit Oriented Development (being wholly within 600m of the new Rouse Hill Sydney NorthWest Metro Station), was identified by The Hills Shire Council in its 2014 Corridor Strategy as providing an opportunity for “increased residential outcomes”, is zoned for mixed-use development including residential flat buildings, and is not subject to any FSR or height restrictions in The Hills LEP 2012. It is highly suited to increased residential density coupled with a balanced approach to future jobs growth within the Rouse Hill Town Centre (“RHTC”) with no diminution of the non-residential GFA approved in the current Masterplan.

In this regard, GPT intends to accommodate the balance of the approved retail and commercial GFA within the existing 18 hectare Town Centre.

The Concept DA will provide sufficient certainty with respect to development outcomes whilst also providing some flexibility to achieve the best possible outcome. Council’s Corridor Strategy promoted master planned outcomes and recognised that the opportunity for masterplanning could only occur on really large sites. In this regard, the subject site has an area of 9.1 ha. Council itself has recognised that nominating building heights and FSR controls in cases where the opportunity exists to produce a masterplan solution puts the focus of attention on maximum yield rather than on the type of neighbourhood that is desired, how it can be achieved and how residents can be supported with infrastructure.

Having regard to all of the above, a new masterplan in the form of a Concept DA is the most appropriate planning pathway for the site.

The proposed FSR for the Northern Precinct is 2.85:1.

The proposed maximum height of buildings in storeys is as follows:

Lot	Maximum Building Height in Storeys
1	25
2	16
3	25
4	25
5	30
6	25
7	18
8	18

The proposal includes publicly accessible open spaces as follows:

- Town Park, which has an area of approximately 7,650m²;
- Linear Park, which has an area of approximately 4,000m² and connects Town Park to the central open space in the Northern Residential Precinct to the east; and
- 5 pocket parks totalling approximately 2,690m²:
 - one located adjacent to Commercial Road forming a continuation of the Civic Way north-south axis;
 - one at each end of Windsor Lane; and
 - one at each end of Residential Mews.

The applicant has indicated that the unit mix is likely to be as follows:

625 x 1 bedroom (25% of the total);
1625 x 2 bedroom (65% of the total); and
250 x 3 bedroom (20% of the total).
Total units = 2500

The applicant has indicated that the car parking will be as follows:

Apartments – 3000 spaces;
Retail – 416 spaces;
Commercial – 215 spaces; and
Community – 85 spaces.
Total spaces = 3716 spaces.

ISSUES FOR CONSIDERATION

1. Need for a Planning Proposal

As outlined in the Background, prior to lodgment of the Concept DA Council staff raised concerns with the applicant that a Planning Proposal would be a better planning pathway forward given the increased scale of development proposed, particularly in regard to height and residential density.

In response, the applicant lodged a Planning Proposal as detailed below. Given that the current Concept DA for the Masterplan differs greatly from the existing Masterplan, particularly in regard to heights and residential dwelling numbers, it is appropriate the Planning Proposal be determined prior to the resolution of the DA. Issues have been raised by Council staff in regard to the Planning Proposal. Even if these issues are resolved and the Planning Proposal is supported by Council, it is considered that the finalisation of a Planning Proposal will not be likely to occur until late 2021 at the very earliest.

In regard to the assessment of the Concept DA, Council staff have continued to review additional information which was submitted by the applicant on 20 December 2019 and 16 March 2020 however due to the significant changes made to the Planning Proposal as detailed below, a resubmission of DA documents will be required to be submitted by the applicant on finalisation of the Planning Proposal.

2. Planning Proposal

A Planning Proposal was lodged on 19 December 2019 to introduce maximum height, maximum FSR residential yield and commercial/retail floor space (7/2020/PLP). Since the time of lodgement of the Planning Proposal, the applicant has significantly changed the Planning Proposal to respond to matters raised by Council staff.

The table below provides a comparison between the current controls, approved Master Plans, draft LEP 2020 controls, the previous planning proposal and the revised planning proposal.

	LEP 2019 (Current)	Masterplan approvals	Draft LEP 2021	Planning Proposal (Dec 2019)	Revised Planning Proposal (Oct 2020)
Zone	B4 Mixed Use	No change	No change	No change	No change
Additional Permitted Uses	'Attached Dwellings' and 'Multi-dwelling Housing'		No change	No change	No change
Max. Height	N/A	32 metres (10 storeys)	32 metres (10 storeys)	6-30 storeys	Max 92m 8-25 storeys
FSR	N/A	N/A	N/A	2.85:1	2.65:1 ⁴
Residential Yield	N/A	375 ¹	375 ¹	2,500 dwellings	2,100 dwellings
Commercial/ Retail Floor Space²	<u>Northern Frame:</u> 65,000m ² retail 40,000m ² commercial + <u>Tempus St Sites:</u> 31,200m ² commercial Total: 136,200m²		<u>Northern Frame:</u> 65,000m ² retail 40,000m ² commercial + <u>Tempus St Sites:</u> 31,200m ² commercial Total: 136,200m²	<u>Northern Frame:</u> 20,700m ² combined retail, commercial and community + <u>Tempus St Sites:</u> Not Included Total: 20,700m²	<u>Northern Frame:</u> 41,000m ² combined retail and commercial space + <u>Tempus St Sites:</u> 59,700m ² commercial Total: 100,700m²
Jobs³	<u>Northern Frame:</u> 5,250 jobs + <u>Tempus St Sites:</u> 1,560 jobs Total: 6,810 jobs		<u>Northern Frame:</u> 5,250 jobs + <u>Tempus St Sites:</u> 1,560 jobs Total: 6,810 jobs	<u>Northern Frame:</u> 1,035 jobs + <u>Tempus St Sites:</u> Not Included Total: 1,035 jobs	<u>Northern Frame:</u> 2,050 jobs + <u>Tempus St Sites:</u> 2,985 jobs Total: 5,035 jobs

¹ The anticipated residential yield is based upon the approved Precinct Plan (354/2013/HB) and draft LEP 2021 which allow for a total of 375 dwellings.

² The commercial and retail floor space identified above was expected under the approved Precinct Plan for the Northern Frame (354/2013/HB). It is noted that a further 140,000m² of commercial net leasable area was also expected for the Town Centre Core (1581/2005/HB), which includes approximately 31,200m² of commercial GFA on the Tempus Street sites.

³ The anticipated job growth indicated above is based upon a job density of 1 job per 20m².

⁴ The applicant has not proposed maximum FSR controls for the Tempus Street sleeve sites.

It may be noted that the amended Planning Proposal includes two additional sites which front Tempus Street which are not part of the subject site to which the DA applies.

The applicant has been given two opportunities to present the proposal at Councillor Workshops, on 3 March 2020 and 6 October 2020. The applicant has also been provided with preliminary feedback on various occasions in good faith (from a Council Officer perspective), primarily raising concern with the quantum of residential dwellings at the expense of employment opportunities, local infrastructure capacity, and the appropriateness of the proposed built form and scale. However, these issues have not been resolved and the matter

is yet to be reported to the Local Planning Panel for advice or to a Council Meeting for a decision on whether or not the Planning Proposal should progress to Gateway Determination. The status of the planning proposal, along with the proposed next steps, is shown below.



As can be seen above, the Planning Proposal was lodged in December 2019 and has not proceeded past Councillor briefing. Issues have been raised by Council staff in regard to the Planning Proposal. Even if these issues are resolved and the Planning Proposal is supported by Council, it is considered that the finalisation of a Planning Proposal will not be likely to occur until late 2021 at the very earliest.

3. Draft LEP 2021 (formerly Draft LEP 2019)

Council's Draft LEP 2021 intends to establish a clear and transparent framework that provides further certainty that the outcomes anticipated under the approved Master Plan and Precinct Plan would be delivered. In regard to the site, Draft LEP 2021 seeks to introduce maximum height of building controls ranging between 12m and 32m and apply a maximum dwelling cap of 375 dwellings. These planning controls reflect the outcomes approved through the existing Masterplan. These controls will act as a "baseline", pending further amendments to the LEP arising from either site specific planning proposals or Council-led precinct planning. Draft LEP 2021 also includes a sunset provision to enable flexibility for these planning controls to be revised once Council completes precinct planning for the Rouse Hill Strategic Centre.

Draft LEP 2021 seeks to include a savings provision that will apply to a development application made but not finally determined before the commencement of the LEP provision. However this is subject to the Department of Planning, Industry and Environment's consideration and pending Parliamentary Councils legal drafting of the instrument.

Draft LEP 2021 was publicly exhibited from 10 July 2020 to 7 August 2020 and at its meeting on 25 August 2020, Council resolved to progress the planning proposal for draft LEP 2021 to finalisation. The Department has not made a decision on this matter to date.

4. Submissions

The proposal was notified to adjoining property owners for a period of 30 days. During the notification period three submissions were received. The issues raised are summarised as follows:

ISSUE	COMMENT	OUTCOME
I have significant concerns about the height of the buildings and the number of 20-30 story buildings. The surrounding streets are already overcrowded. The traffic will be worse despite the train line. I think they need to reduce the number of very tall apartment blocks.	The proposed height and impacts on local roads due to the residential density and extent of commercial floor area will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.
Building heights: The DA indicates that the built form will be in sympathy with the existing buildings, this is not agreed given	The proposed height and potential visual impacts will be reviewed as part of	Issue addressed – the application is recommended for

<p>the current height of the existing buildings at the RHTC. Noting that the LEP and DCP do not specify a maximum height, the DA is proposing a new set of building height guidelines for the RHTC precinct to allow up to 30 storey buildings. This height of buildings will tower over Rouse Hill and surrounding areas. I live on Mindaribba Avenue, cranes on top of current construction works at the RHTC could be seen from my residence, which I believe were lower than the 30 storey height proposed under this DA. I cannot see any reference in the DA submission relating to the visible impact or otherwise on the surrounding residential areas of Rouse Hill, Kellyville and Beaumont Hills. Most people I have spoken to in the area have a concern over the height of the proposed buildings. The value of living in the older and newer areas of Rouse Hill is the single storey level leafy streetscapes, mixed with residential towers of up 5-6 storeys, this proposal will detract from this concept. The height of the buildings will also give a canyon like feel to the ground levels and open space within the proposed development.</p>	<p>the Planning Proposal.</p>	<p>refusal pending the outcome of the Planning Proposal.</p>
<p>Compliance with DCP site analysis impact on adjoining bushland, the DA indicates compliance due to bushlands being well removed from the site. This is not agreed Caddies Creek is in close proximity to the site and potential impacts should be considered.</p>	<p>The potential impacts on bushland will be reviewed as part of the Planning Proposal.</p>	<p>Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.</p>
<p>I have significant concerns and objections to the proposal development, in particular the density and size of the towers proposed to be built on the corners of Commercial Rd and Caddies Boulevard and also Windsor Road and Commercial Road.</p>	<p>The proposed height and residential density will be reviewed as part of the Planning Proposal.</p>	<p>Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.</p>
<p>Commercial Road is a single lane road from McCombe Avenue and there is already difficulty turning out of McCombe Avenue safely due to the considerable amount of traffic using Commercial Road, now including a considerably greater number of buses since the opening of the Rouse Hill Metro Station.</p>	<p>The signalisation of the Commercial Road/ Caddies Boulevard intersection has been recommended as part of the Town Centre expansion under DA 968/2019/JP (not yet determined). In addition, a DA is currently under assessment for the Green Hills Drive extension which will form the fourth leg of the intersection. Upon completion of the Green</p>	<p>Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.</p>

	Hills Drive extension, a median will be constructed at McCombe Avenue to limit access to left in/left out to/from Commercial Road.	
The intersection of Caddies Boulevard and Commercial Road has seen numerous car accidents and I fear that building the height and density of the proposed towers will greatly add to the risk associated with the traffic using this intersection. It is not possible for that amount of high density housing to be built without significant increase in the number of vehicles that will then need to use Commercial Road. Even if some residents will walk to the Metro and Bus station, others will still need to use their vehicles on the weekend, to transport children to school or participate in other local or broader activities of daily living, adding to the increased usage of an already well utilised road (as at the end of this road, it services three schools and it used as a key thoroughfare to get to the suburbs of Beaumont Hills and Kellyville, and North Kellyville.	Impacts on local roads and the need for further road upgrade works will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.
The proposed height of the towers are also out of proportion with the surrounding areas, including the approved high density development along Windsor Road and around Rouse Hill Town Centre. It will not be visually appealing to have significantly tall towers of this nature built in essentially what is a low to medium density locale.	The proposed height will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.
Also of concern is the impact such buildings will have to block sunlight and cast shadows over surrounding homes and areas.	The proposed height will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.
Have adequate safety measures been considered to appropriately ensure the security for people in the public lands proposed and ensure they are safe for people to pass through and utilise them?	Crime Prevention Through Environmental Design will be reviewed as part of the Planning Proposal and future DAs for physical works.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.
Lack of adequate social infrastructure to support this level of density in this 'growth corridor'. Consideration for the impact on capabilities of local schools, pre-schools, the yet to be built proposed public hospital, police resources etc. Rouse Hill is already on a list of the worst serviced suburbs when	The need for any embellishment or enhancement of public facilities will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.

it comes to paramedic response times, such an increase in population density is not supported.		
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5. Public Authority Referrals

The application was referred to the following Public Authorities for review:-

Blacktown City Council
 Department of Primary Industries (Water)
 Sydney Water
 Endeavour Energy
 NSW Heritage Office
 Roads & Maritime Services
 Transport for NSW (Sydney Metro)
 Railcorp (Sydney Trains)
 Castle Hill Police
 Office of Environment & Heritage
 NSW Rural Fire Service
 NSW Department of Education
 Western Sydney Local Health District
 NSW Ministry of Health
 Deerubbin Local Aboriginal Land Council
 Integral Energy
 NSW Department of Primary Industries (NSW Fisheries)
 NSW Environment Protection Authority
 Greater Sydney Commission

Of those authorities, RMS and EPA requested additional information (RMS raised traffic generation and EPA raised air quality, water quality, noise, sewage management, contaminated land management and waste management).

In response to the additional information submitted by the applicant, RMS requested that *'Council to ensure the traffic impact of the development will be accommodated within the surrounding road network'*. This matter cannot be reviewed further until the outcome of the Planning Proposal is known.

The EPA have not provided any further comments in response to the additional information however the matters raised could be conditioned.

DISTRICT PLAN

The proposal has been considered having regard to the District Plan. Whilst it is agreed that the site is in an appropriate location for uplift in some controls, the DA is considered to be pre-empting the outcome of the Planning Proposal.

CONCLUSION

The proposal has been considered having regard to the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, the provisions of LEP 2012 and Draft LEP 2021, the approved Masterplan and Precinct Plan and The Hills DCP. The proposal is considered to be premature and is pre-empting the outcome of the Planning Proposal. The proposal is also inconsistent with the established planning framework for Rouse Hill regional Centre. During the notification period three submissions were received. The issues have been detailed above and principally relate to height and the form and density of the development, some of which may be further considered as part of the Planning Proposal. As such the proposal is considered unsatisfactory and is not supported.

IMPACTS:**Financial**

This matter may have a direct financial impact upon Council's adopted budget as refusal of this matter may result in Council having to defend a Class 1 Appeal in the NSW Land and Environment Court.

RECOMMENDATION

The Development Application be refused as follows:

1. The proposal is considered to be unsatisfactory in regard to the established planning framework for Rouse Hill Regional Centre in regard to the approved Masterplan and Precinct, particularly in regard to height, residential density and commercial/retail floor space (Section 4.55(b) of the Environmental Planning and Assessment Act, 1979).
2. The proposal is unsatisfactory with respect to Draft Local Environmental Plan 2021 (Section 4.55(a)(ii) of the Environmental Planning and Assessment Act, 1979).
3. The proposal is considered to be pre-emptive of the outcome of the Planning Proposal. The proposal is also inconsistent with the amended Planning Proposal (Section 4.55(b) of the Environmental Planning and Assessment Act, 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Record of Briefing 17 September 2020
4. Proposed Masterplan Plans
5. Proposed Precinct Plans
6. Photomontage

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: TWO SUBMISSIONS RECEIVED OFF THE SCOPE OF THIS MAP

BLACKTOWN CITY COUNCIL AND HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
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ATTACHMENT 2 – AERIAL PHOTOGRAPH



SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

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ATTACHMENT 3 – RECORD OF BRIEFING 17 SEPTEMBER 2020



**Planning
Panels**

RECORD OF BRIEFING SYDNEY CENTRAL CITY PLANNING PANEL

BRIEFING DETAILS

BRIEFING/DATE/TIME	17 September 2020 10.05am to 10.50am
LOCATION	Teleconference

BRIEFING MATTER

2019CC036 – DA1614/2019/JP - The Hills Shire
Rouse Hill Town Centre, Windsor Road, Rouse Hill
Concept DA for the Revised Masterplan for the Rouse Hill Regional Centre.

PANEL MEMBERS

IN ATTENDANCE	Abigail Goldberg – Chair David Ryan Mark Colburt Chandi Saba
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Ms Morrish advised that she was involved in the original design and master plan work on the existing town centre and as such would not participate in this matter.

OTHER ATTENDEES

APPLICANT REPRESENTATIVES	Angus Gordon – Senior Development Manager, The GPT Group Bob Chambers – BBC Consulting Planners
COUNCIL REPRESENTATIVES	Kristine McKenzie – Principal Executive Planner Paul Osborne - Manager - Development Assessment Cameron McKenzie - Group Manager Development & Compliance
OTHER	Suzie Jattan – Panel Secretariat

PANEL NOTES/KEY ISSUES DISCUSSED:

- The Chair noted that the purpose of the meeting was for the Applicant to brief the Panel on the status of the Rouse Hill Town Centre concept DA considering that this had been in the system for 494 days, and that the Panel had been informed that a Planning Proposal was being developed in parallel to the DA, which was different to the concept DA.
- The Panel observed that a more appropriate planning process would be for the Planning Proposal to be approved prior to the concept DA being considered, as the Planning Proposal established the strategic planning context for the DA.
- The Panel noted that neither height nor FSR requirements had been established for the site.
- The Applicant's representatives noted that:
 - They had invested substantial time and money into the DA and were committed to continuing with the process.
 - Council had requested that a Planning Proposal be developed.
 - It was to be proposed to reduce heights across the site.
 - It was to be proposed to reduce dwelling numbers across the site.
 - It was to be proposed to increase the quantum of commercial space on the site.
 - It was to be proposed to broaden the site boundaries.
- The Panel noted that the Applicant is proposing to include additional sites in their planning to what have been included in the Master Plan.

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |
www.planningportal.nsw.gov.au/planningpanels

- The Panel noted that the Applicant's current thinking was divergent from the existing Masterplan relevant to the site. In addition, Council is progressing their strategic planning for the location, and that this strategic planning reflects the existing Masterplan for the Rouse Hill Town Centre, not any new proposals.
- Council advised that the process for approval of the Planning Proposal was protracted from this point, and included in the short to medium term a presentation to the Councillors, a period for seeking advice from Council's Local Planning Panel, a period for obtaining Gateway approval from the Department of Planning, and a number of other procedural steps. A rough minimum time estimate for a decision to be reached regarding the Planning Proposal is 9 months.

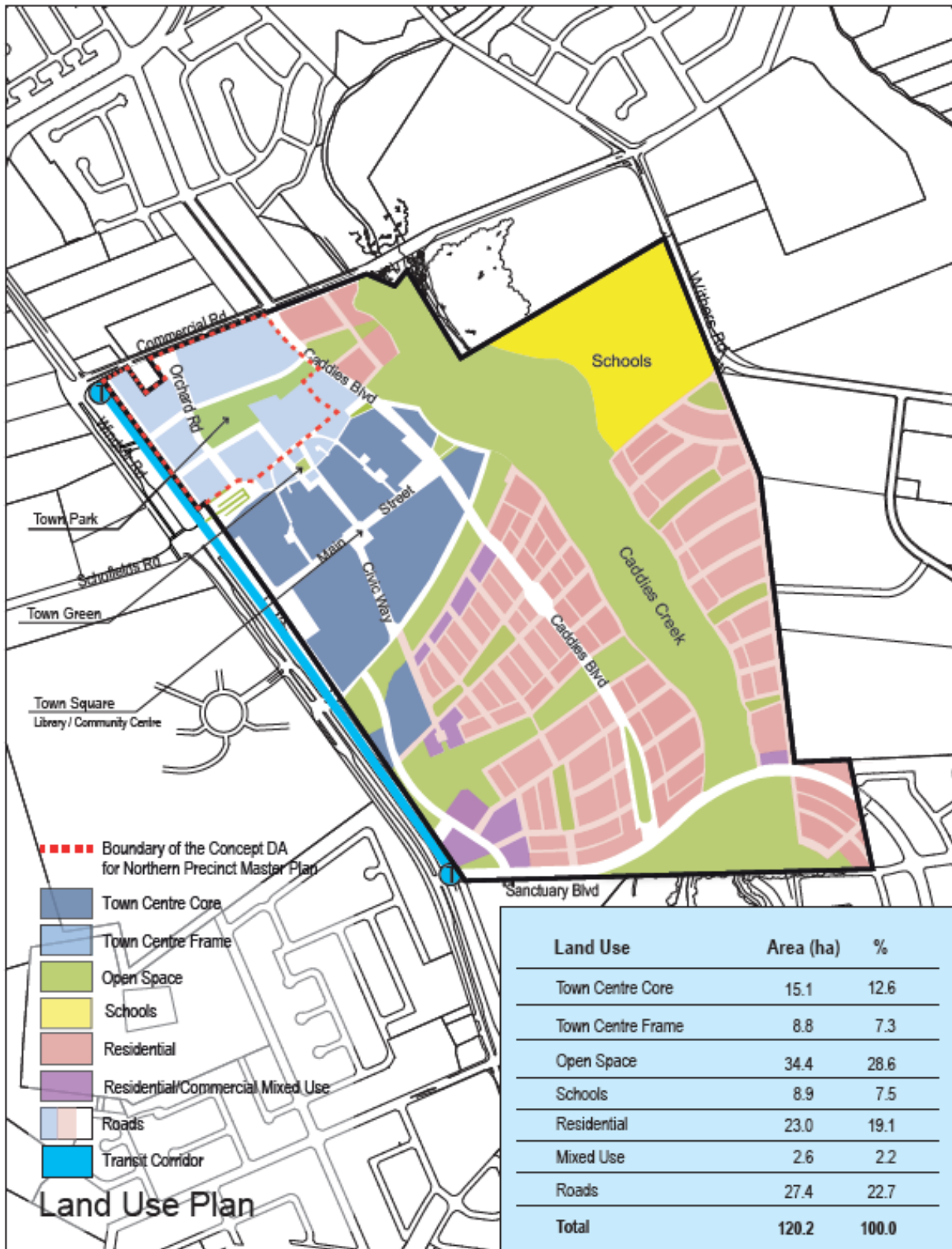
PANEL ADVICE:

- The Panel advised Council that under the circumstances the Applicant should be invited to withdraw the concept DA until the strategic planning for the location was considerably more advanced, and there was agreement between the Applicant and Council regarding the strategic planning principles for the Town Centre location. If the Applicant declines to withdraw the concept DA, the Panel asked that Council staff provide their Assessment Report on this application to the Panel for determination this calendar year, consistent with the Statement of Expectations issued by the Minister for Planning to Panel Chairs.

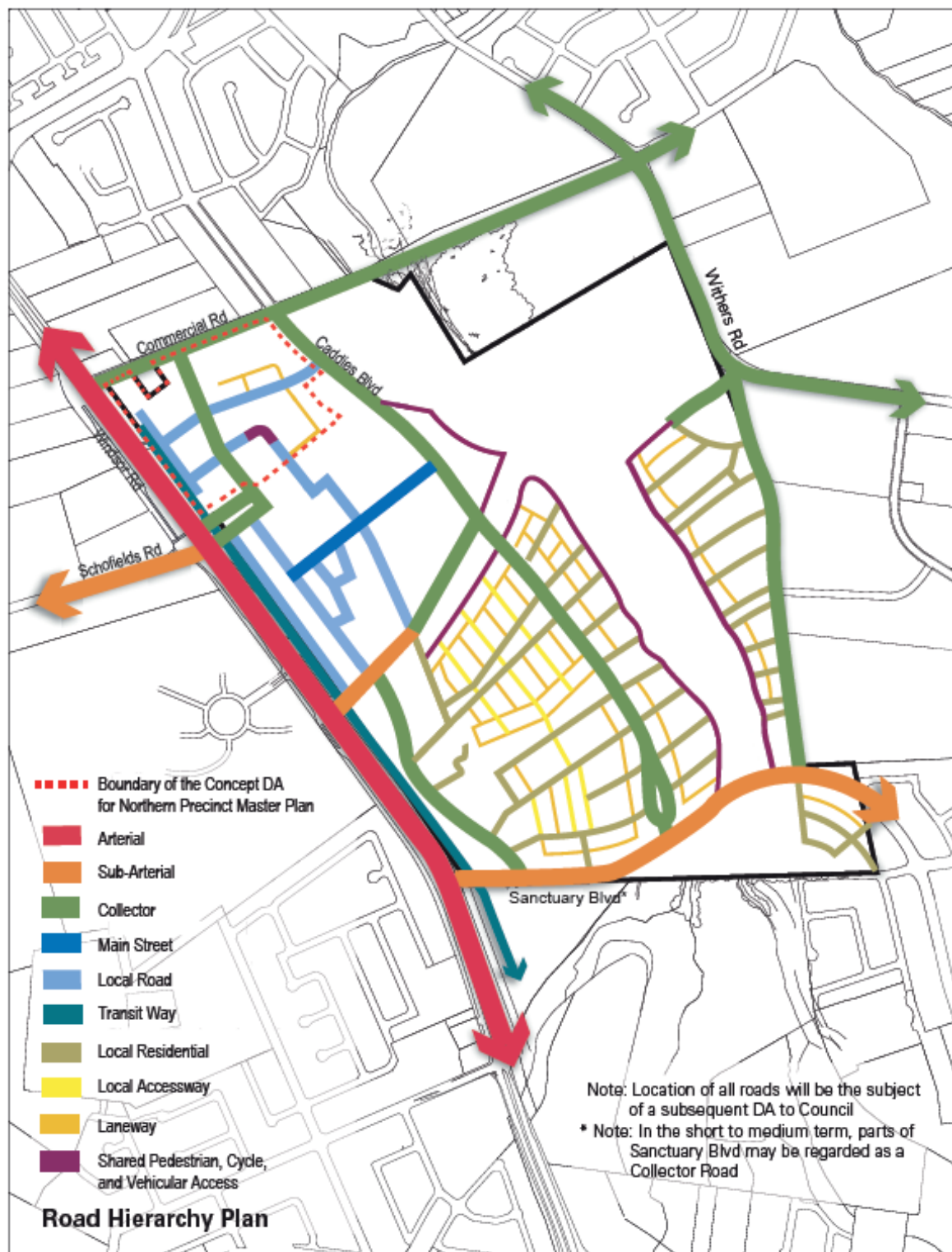
Planning Panels Secretariat

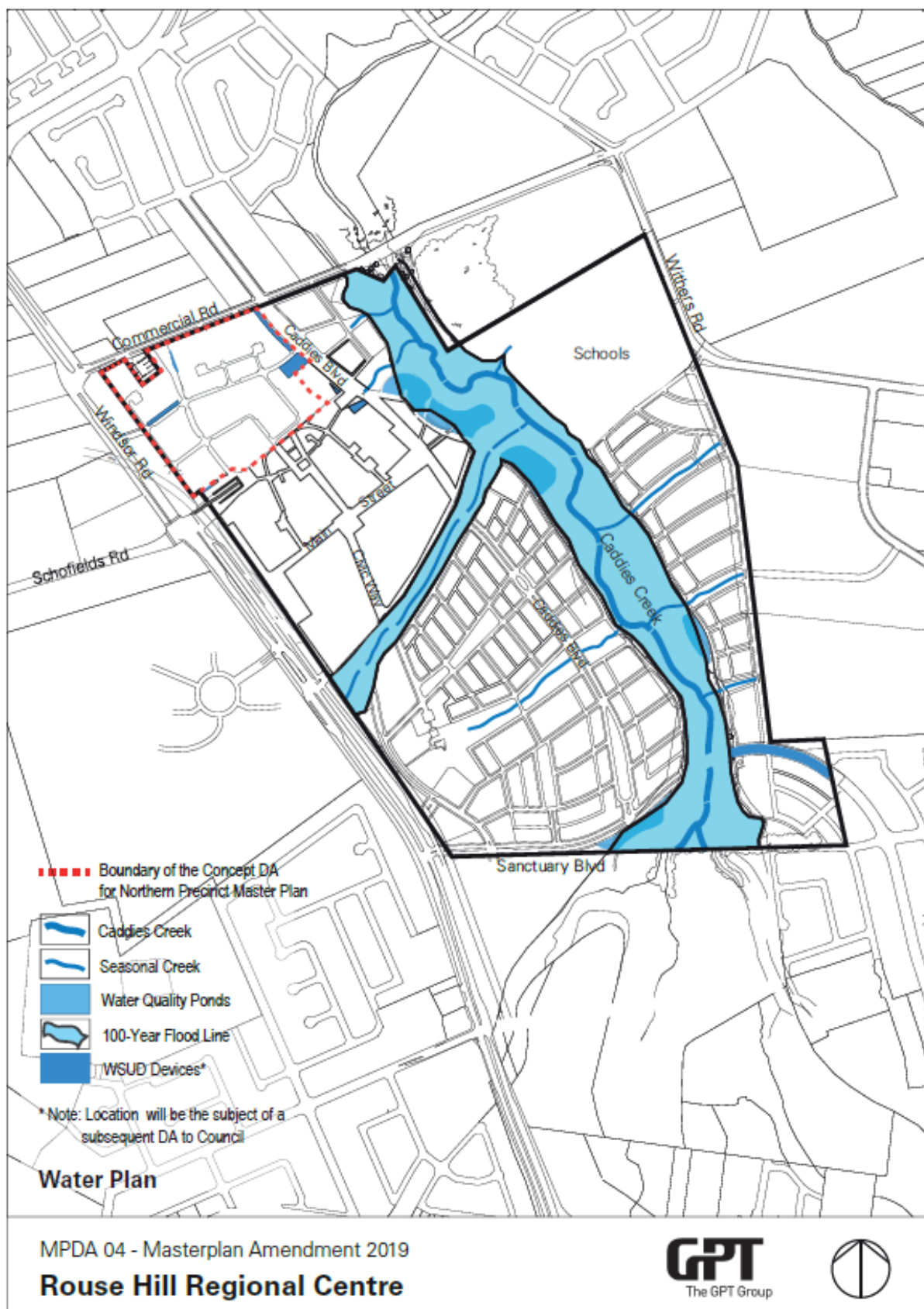
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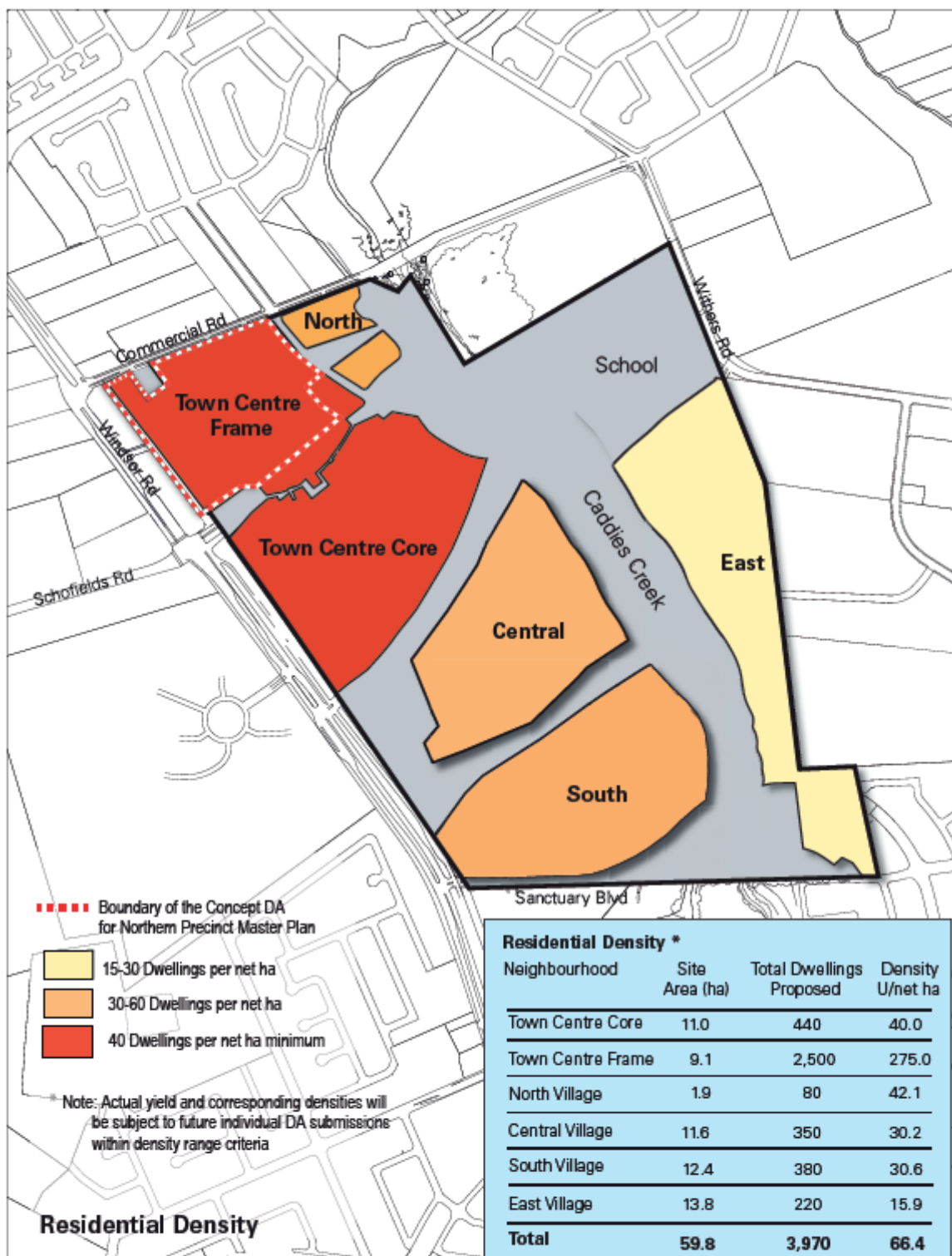
ATTACHMENT 4 – PROPOSED MASTERPLAN PLANS









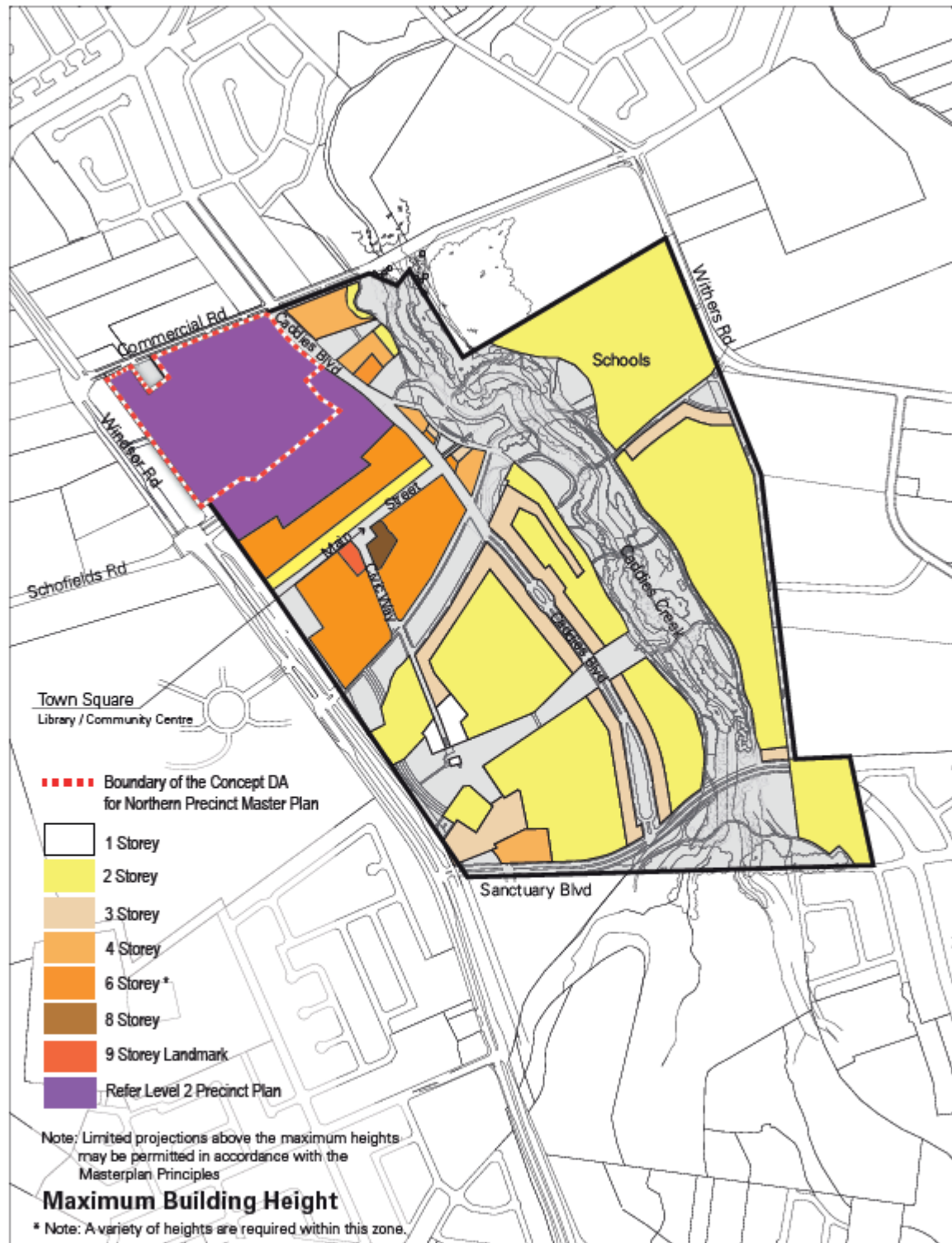


MPDA 05 - Masterplan Amendment 2019

Rouse Hill Regional Centre

GPT
The GPT Group





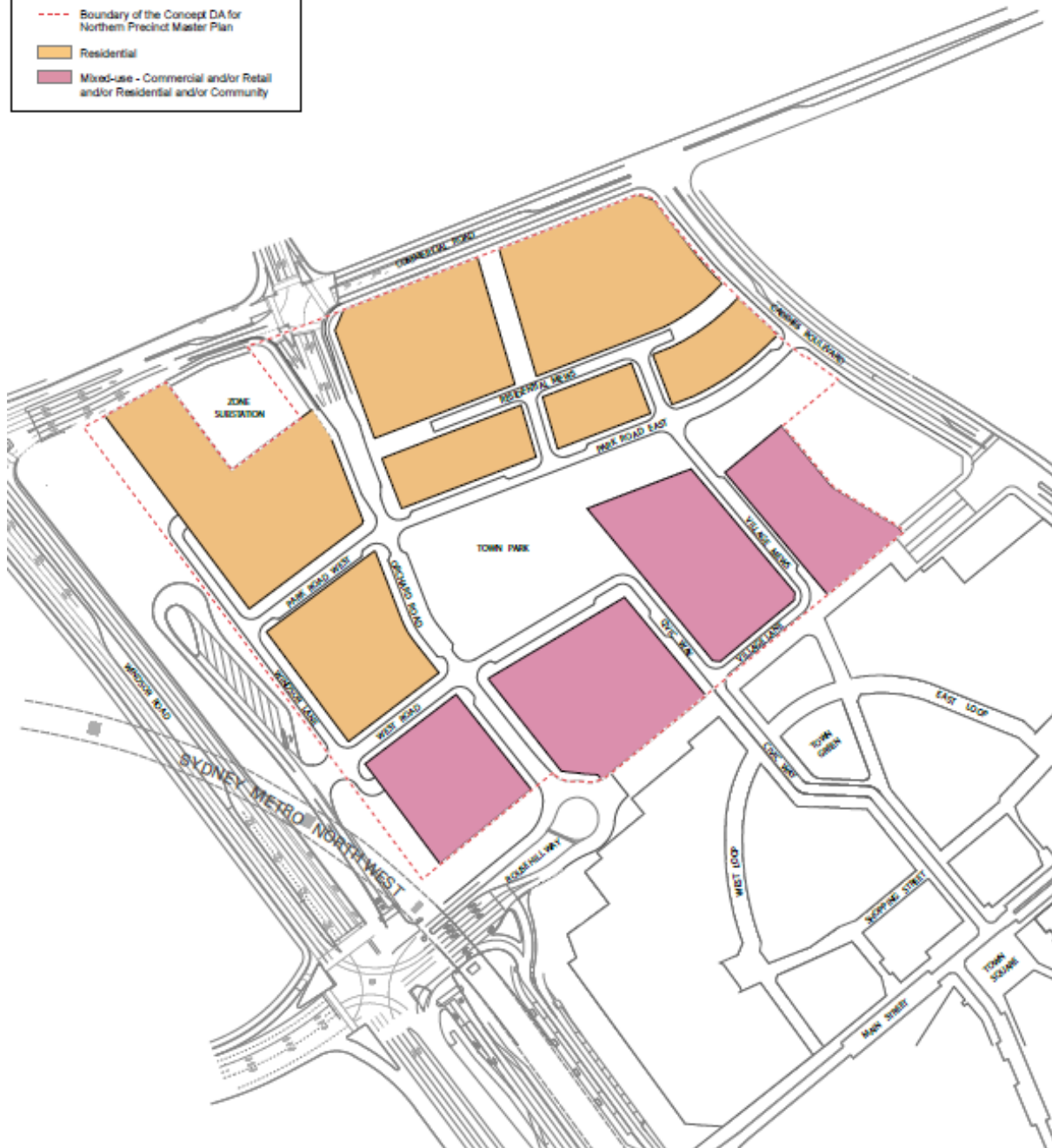
ATTACHMENT 5 – PROPOSED PRECINCT PLANS

LAND USE PLAN - GROUND FLOOR

DA 003

LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Residential
- Mixed-use - Commercial and/or Retail and/or Residential and/or Community



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

COX

CIVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

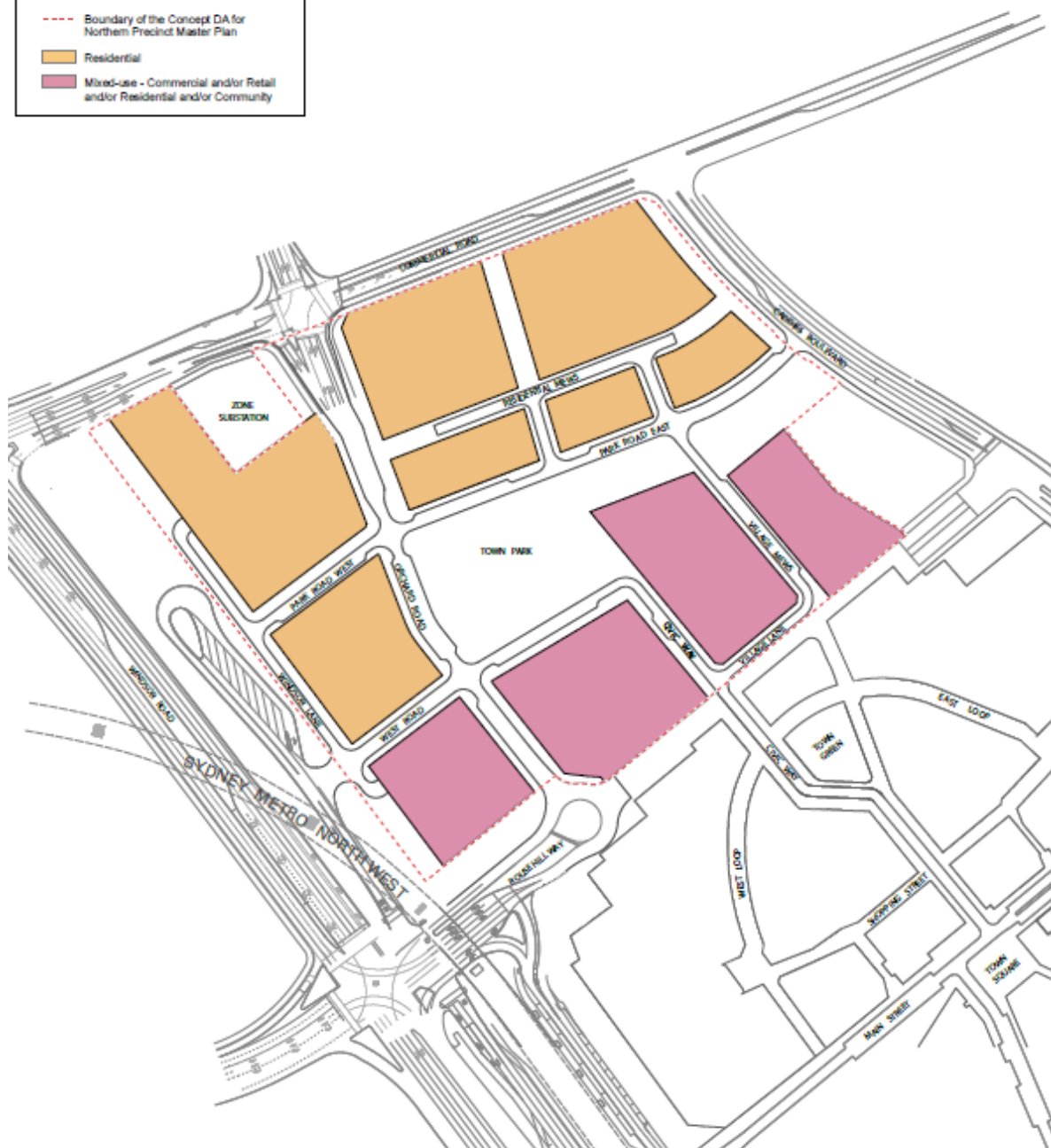
21.03.2015

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LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Residential
- Mixed-use - Commercial and/or Retail and/or Residential and/or Community



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

COX

CIVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

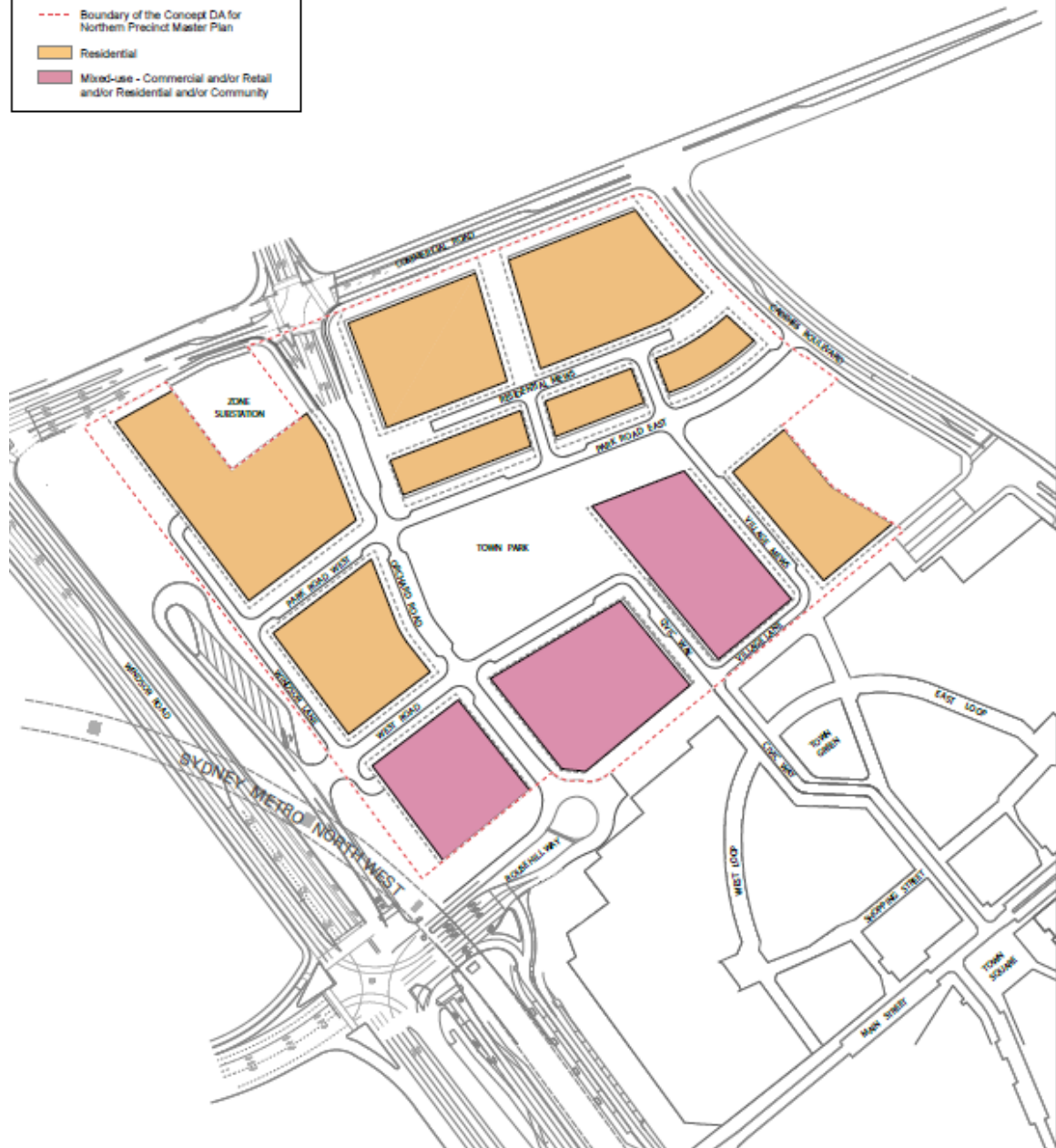
21.03.2019

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LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Residential
- Mixed-use - Commercial and/or Retail and/or Residential and/or Community



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

COX

CIVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

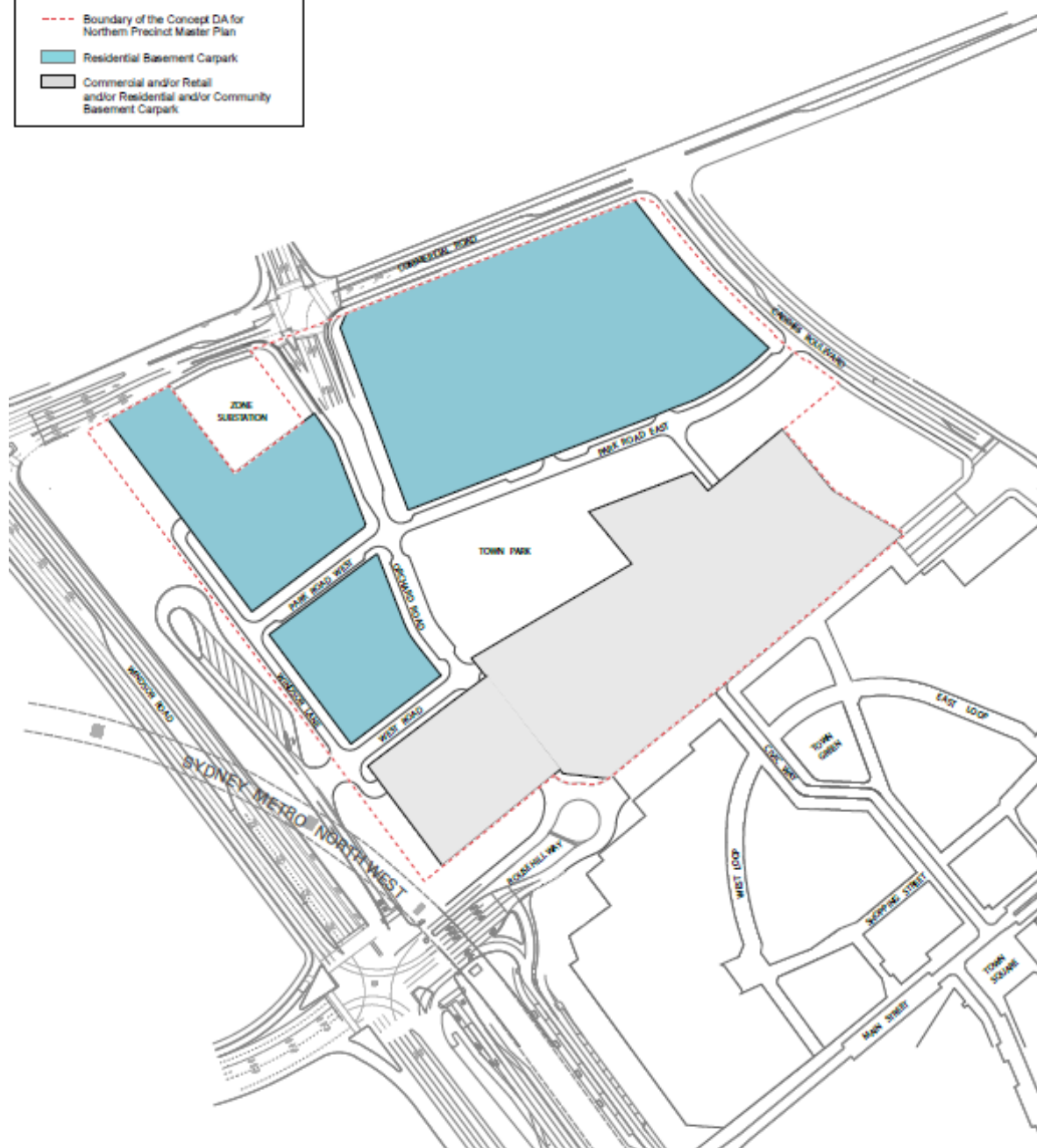
20.02.2019

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LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Residential Basement Carpark
- Commercial and/or Retail and/or Residential and/or Community Basement Carpark



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

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urban design & master planning

GPT
The GPT Group

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

21.03.2015

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--- Boundary of the Concept DA for Northern Precinct Master Plan

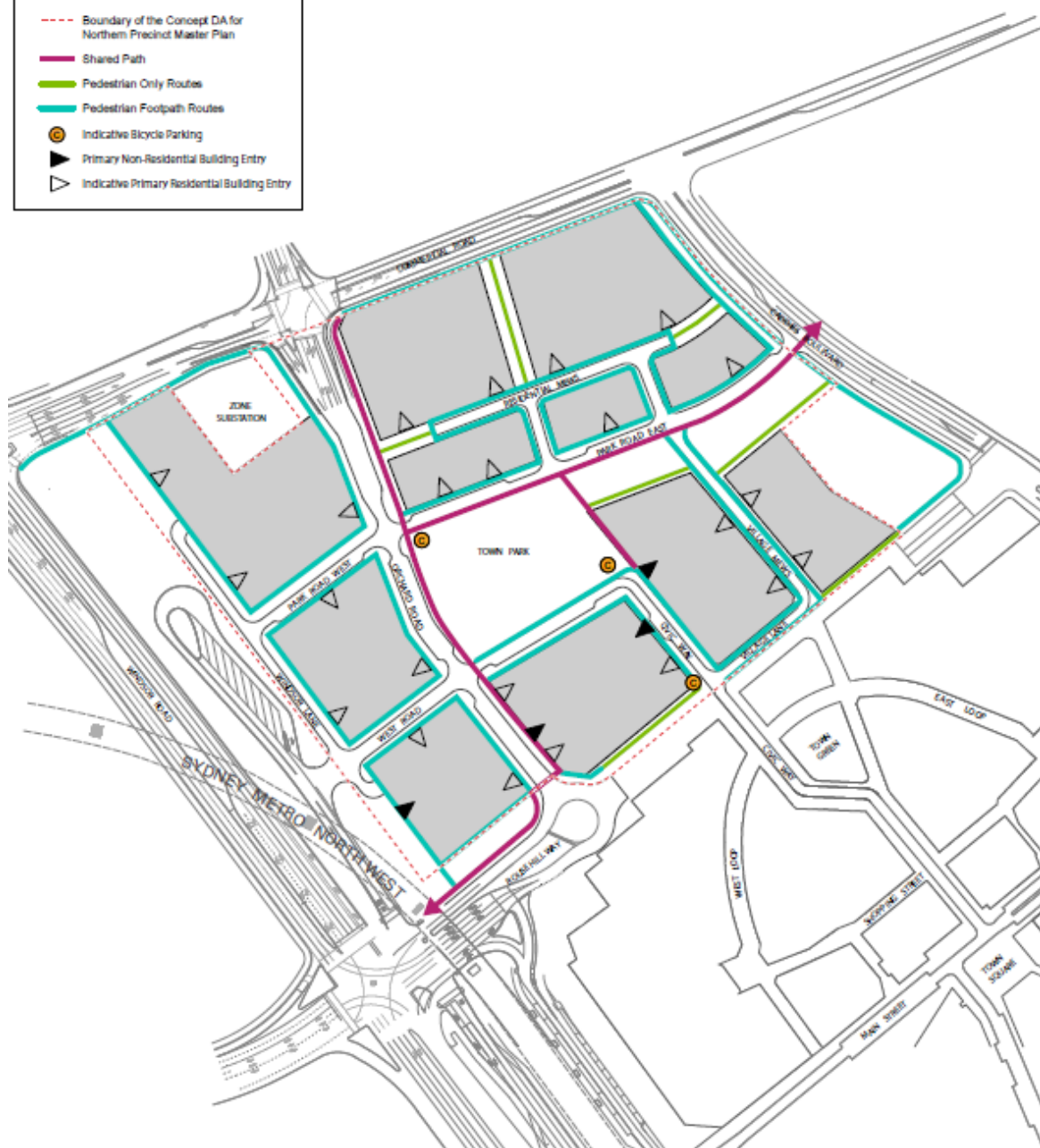
- Parcel Blocks
Streets
Laneways
Publicly Accessible Open Space
Major Public Gathering Places



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Shared Path
- Pedestrian Only Routes
- Pedestrian Footpath Routes
- Indicative Bicycle Parking
- ▲ Primary Non-Residential Building Entry
- △ Indicative Primary Residential Building Entry



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

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NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

21.03.2019

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LEGEND

--- Boundary of the Concept DA for Northern Precinct Master Plan

Arterial Road

Collector Road

Local Road

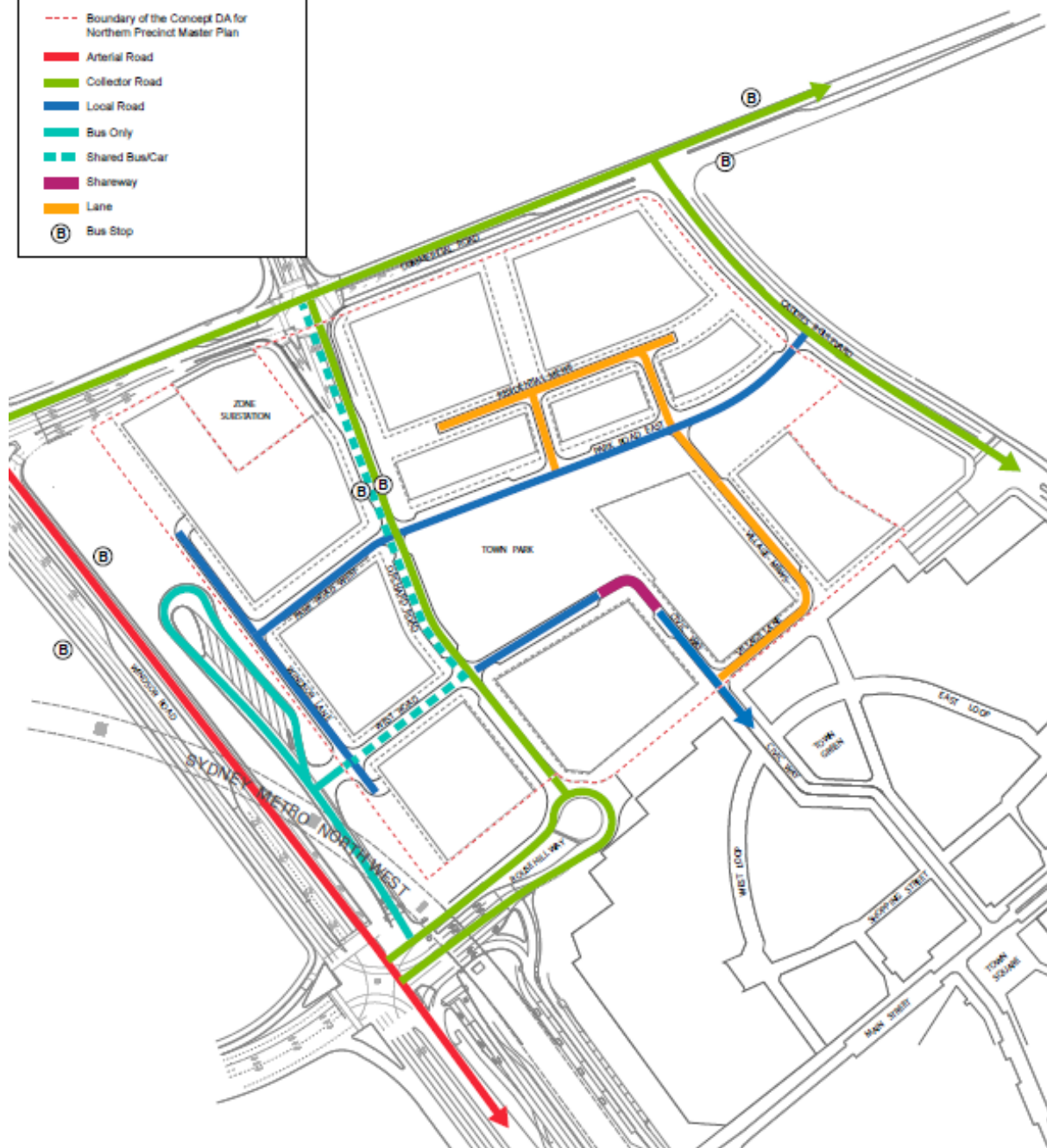
Bus Only

Shared Bus/Car

Shareway

Lane

Bus Stop



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

COX

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NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

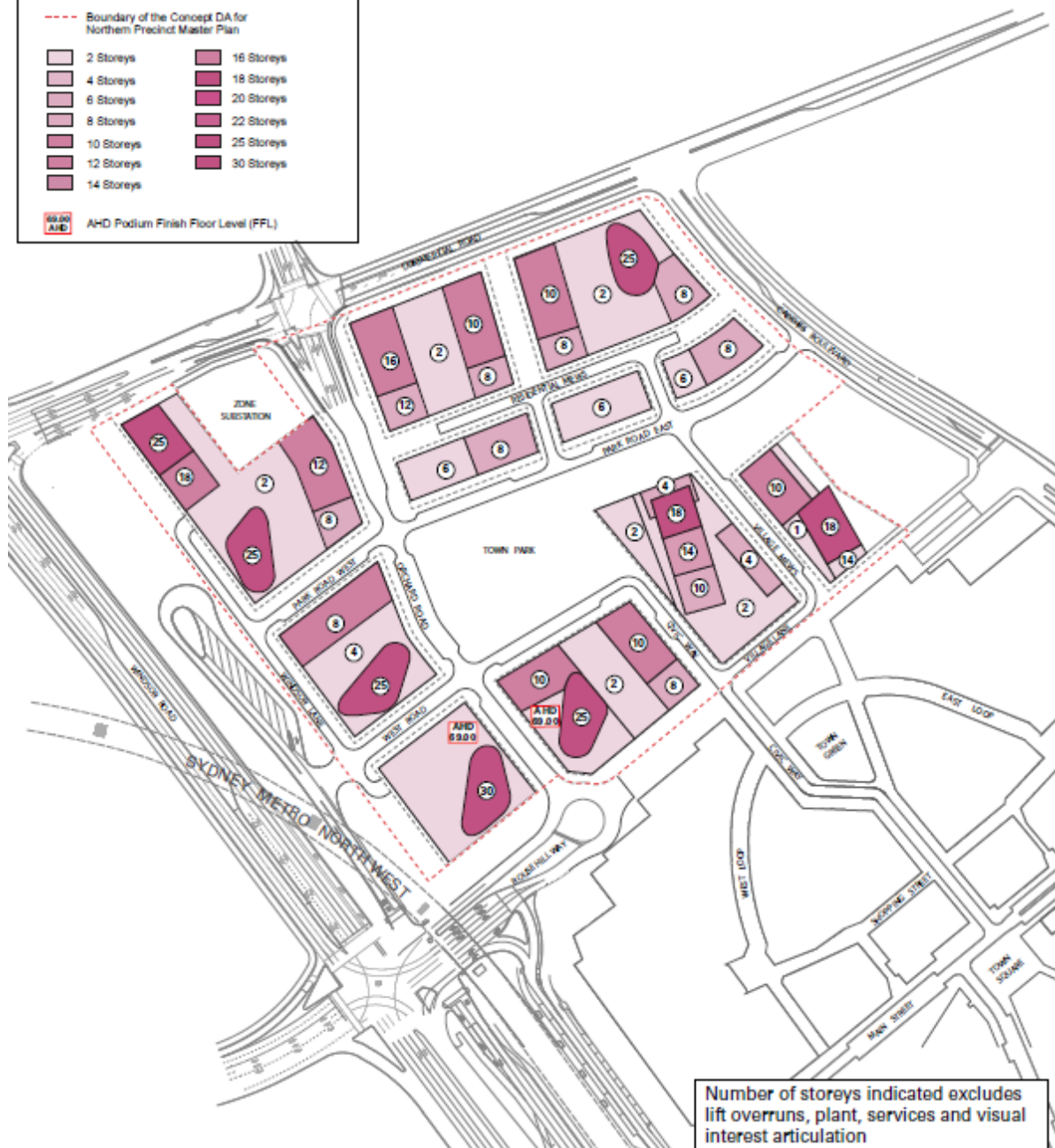
21.02.2019

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LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- | | |
|------------|------------|
| 2 Storeys | 16 Storeys |
| 4 Storeys | 18 Storeys |
| 6 Storeys | 20 Storeys |
| 8 Storeys | 22 Storeys |
| 10 Storeys | 25 Storeys |
| 12 Storeys | 30 Storeys |
| 14 Storeys | |
- AHD Podium Finish Floor Level (FFL)



Note: Precise location and dimensions of all land use parcels will be determined in subsequent DA's for subdivision and/or built form

COX

CIVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

21.03.2019

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ATTACHMENT 6 – PHOTOMONTAGE

