

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	11 December 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Noni Ruker, Mark Colburt and 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.

Papers circulated electronically on 27 November 2020.

MATTER DETERMINED

2019CCI036 – DA1614/2019/JP - The Hills Shire - Lots 25, 26, 27 and 28 DP 270520, Land generally bound by Caddies Boulevard, Commercial Road, Windsor Road and Rouse Hill Drive, Rouse Hill Concept DA for the Revised Masterplan for the Rouse Hill Regional Centre (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 listed at item 8 in Schedule 1.

The Panel determined to refuse the development application for the following reasons –

1. The proposal is unsatisfactory in regard to the established planning framework for Rouse Hill Regional Centre, particularly in relation to height, residential density and commercial/retail floor space as prescribed in the approved Masterplan and Precinct Plan (Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).
2. The necessary strategic planning associated with a development with such significant departures from the established planning framework is insufficiently progressed to enable a comprehensive assessment of its social, economic and environmental impacts within the locality (Section 4.15(b) and 4.15(e) of the Environmental Planning and Assessment Act, 1979).
3. The proposal does not adequately address local and regional infrastructure demands generated by the proposed significant increase in residential population, including playing fields, community facilities and transport infrastructure. (Section 4.15 (b) and 4.15(e) of the Environmental Planning and Assessment Act, 1979).
4. The proposal is pre-emptive of the outcome of the Planning Proposal for the site. The proposal is also inconsistent with the amended Planning Proposal (Section 4.15(b) and 4.15(e) of the Environmental Planning and Assessment Act, 1979).
5. The proposal is unsatisfactory with respect to Draft Local Environmental Plan 2021 (Section 4.15(a)(ii) of the Environmental Planning and Assessment Act, 1979).



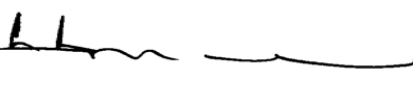

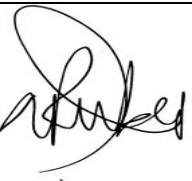
The decision was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submission made during the public exhibition. The Panel notes that issues of concern in the written submission included:

- Height of the buildings;
- Compliance with DCP site analysis impact on adjoining bushland;
- The density and size of the towers proposed to be built;
- Traffic congestion;
- Sunlight access;
- Lack of adequate social infrastructure.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Chandi Saba	 Mark Colburt
 Noni Ruker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCI036 – DA1614/2019/JP - The Hills Shire
2	PROPOSED DEVELOPMENT	Concept DA for the Revised Masterplan for the Rouse Hill Regional Centre
3	STREET ADDRESS	Lots 25, 26, 27 and 28 DP 270520, Land generally bounded by Caddies Boulevard, Commercial Road, Windsor Road and Rouse Hill Drive, Rouse Hill.
4	APPLICANT/OWNER	GFT Funds Management 2 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy - State and Regional Development 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy - Design Quality of Residential Flat Development (& Apartment Design Guide) • State Regional Environmental Policy 20 – Hawkesbury Nepean River • Local Environmental Plan 2012 <p>○ Draft environmental planning instruments:</p> <ul style="list-style-type: none"> ▪ Draft The Hills Local Environmental Plan 2021 <p>○ Development control plans:</p> <ul style="list-style-type: none"> ○ 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 <p>○ Planning agreements: Nil</p> <p>○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></p> <p>○ Coastal zone management plan: [Nil]</p> <p>○ The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>○ The suitability of the site for the development</p> <p>○ Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p>

		<ul style="list-style-type: none"> ○ 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: November 2020 • Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Papers were circulated electronically on 27 November 2020. • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • 20 August 2020 – Council Briefing Attendees: Panel Members - Abigail Goldberg – Chair, David Ryan, Susan Budd and Mark Colburt Council Assessment Staff - Kristine McKenzie, Paul Osborne and Cameron McKenzie • 17 September 2020 – Applicant Briefing Attendees: Panel Members - Abigail Goldberg – Chair, David Ryan, Mark Colburt and Chandi Saba Council Assessment Staff - Kristine McKenzie, Paul Osborne and Cameron McKenzie Applicant Representatives - Angus Gordon and Bob Chambers • 8 December 2020 - Applicant Briefing to discuss Council's recommendation Attendees: Panel - Abigail Goldberg – Chair, David Ryan, Noni Ruker and Chandi Saba Department of Planning, Infrastructure and Environment - Jane Grose and George Dojas Council - Kristine McKenzie, Paul Osborne and Cameron McKenzie Applicant - Angus Gordon, Penny Lloyd and Bob Chambers <p><u>Points discussed were –</u></p> <ul style="list-style-type: none"> • Applicant's request for the Panel to defer the determination of the DA • Background to pre and post lodgement discussions on appropriate planning pathway for proposal • Legal ability of the Panel to determine the DA in the absence of the proponent's concurrent Planning Proposal • Uncertainty of content and timing of proponent's Planning Proposal • Applicant's concern with the implications of refusal relative to Council's Draft LEP 2021 • Implications of Minister's Statement of Expectations to Panel Chairs in relation to this DA
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A