

<b>DATE OF DETERMINATION</b>	5 May 2021
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Chandi Saba and Mark Colburt
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Papers circulated electronically on 22 April 2021.

**MATTER DETERMINED**

PPSSCC-138 – The Hills Shire - DA 318/2021/JP, 40 Civic Way, Rouse Hill, Residential Flat Building Comprising 33 Units under the Provisions of the SEPP Affordable Rental Housing 2009 (as described in Schedule 1).

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

**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. 4.1A 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; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.1A of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) the concurrence of the Secretary has been assumed.

The Panel determined to uphold the Clause 4.6 variation to minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings; and approve the application for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with amendment to Condition 7 to read as follows –

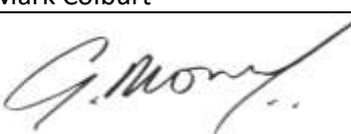
**Condition 7. Clause 94 Upgrading**

*Under clause 94 of the Environmental Planning & Assessment Regulation, the following fire safety/Building Code of Australia (BCA) works are to be undertaken with the construction certificate works and are to be completed prior to the issue of the occupation certificate:*

- i. *The existing premises is to be upgraded in accordance with the recommendations in BCA design compliance report by BCA Vision Pty Ltd (report No. P20102, revision 2, dated 13/08/20).*
- ii. *The existing premises is to be provided with an automatic fire suppression system, appropriate to EP1.4 of the BCA.*
- iii. *The existing hydrants system is to be upgraded to ensure system performance, appropriate to EP1.3 of the BCA:*
  - a. *The existing booster system is to be provided with a thrust block and anchor in order to provide adequate reaction to forces imposed on the system*
  - b. *The existing block plan is to be upgraded to reflect modifications to the system incorporated for the new units.*
  - c. *A structural engineer is to review the existing masonry hydrant booster radiant heat barrier and determine the structural capacity of the wall.*
  - d. *The hydrant pipework supports in the existing carpark are to be provided with an adequate fire resistance level to prevent early collapse when exposed to fire.*
- iv. *The service penetrations in the existing switch room in the carpark are to be protected appropriate to CP8 of the BCA.*

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that they were no written submissions received during the public exhibition period.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Mark Colburt	 Chandi Saba
 Gabrielle Morrish	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	PPSSCC-138 – The Hills Shire - DA 318/2021/JP
2	<b>PROPOSED DEVELOPMENT</b>	Residential Flat Building Comprising 33 Units under the Provisions of the SEPP Affordable Rental Housing 2009
3	<b>STREET ADDRESS</b>	40 Civic Way, Rouse Hill
4	<b>APPLICANT/OWNER</b>	Creative Planning Solutions
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	CIV > \$5M - Private infrastructure and community facilities

6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy – Affordable Rental Housing 2009</li> <li>• State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</li> <li>• Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River</li> <li>• The Hills Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>• Draft The Hills Local Environmental Plan 2021</li> </ul> </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>• Provisions of the Environmental Planning and Assessment Regulation 2000</li> <li>• Coastal zone management plan: [Nil]</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 Environmental Planning and Assessment Act 1979 or regulations</li> <li>• The public interest, including principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report – April 2021</li> <li>• Clause 4.6 request</li> <li>• Applicant letter dated 30 April 2021</li> <li>• Council’s response date 4 May 2021 to Applicant’s letter.</li> <li>• Written submissions during public exhibition: 0</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Briefing – 15 October 2020</li> <li>• Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually.</li> <li>• Papers were circulated electronically on 22 April 2021.</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report