

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-247
DA Number	1614/2019/JP/A
LGA	The Hills Shire Council
Proposed Development	Section 8.2 Request for Review of Determination of DA 1614/2019/JP Concept DA for a Revised Masterplan for the Rouse Hill Regional Centre
Street Address	Rouse Hill Town Centre, Windsor Road Rouse Hill
Applicant	GPT Funds Management 2 Pty Ltd
Consultants	BBC Consulting Planners Cox Architecture Oculus Arcadis Aecom GTA Consultants JK Geotechnics Elton Consulting Jo McDonald Cultural Heritage Management Pty Ltd Environmental Investigation Services Acoustic Logic Morris Goding Access Consulting Gunninah Urbis ARUP PMY Group Pty Ltd
Date of DA lodgement	04 May 2021
Number of Submissions	One
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 2019 • 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 consideration	Nil
Clause 4.6 requests	Nil

Summary of key submissions	Future use of the site Open space provision Density Height
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? A Clause 4.6 variation request is required however has not been submitted by the applicant.	No
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

Development Application (DA) 1614/2019/JP for a Concept DA for a revised Masterplan for the Rouse Hill Regional Centre was refused by the Sydney Central City Planning Panel (SCCPP) on 11 December 2020.

On 07 March 2021 the applicant commenced Class 1 proceedings in the Land and Environment Court.

Subsequently, on 04 May 2021 the applicant lodged the subject Section 8.2 Review of Determination. The proposal includes the following key changes from the original DA:

- Reduction in building heights from a maximum of 30 storey to 25 storey.
- Reduction in proposed dwellings from 2500 to 2100.
- Increase in retail/commercial floor area to 41,000m².
- Reduction in FSR from 2.85:1 to 2.65:1.

It is also noted that on 30 March 2021 the State Government announced the construction of the Rouse Hill Hospital which will be located on the subject site. An acquisition plan has been provided to Council which indicates the location of land to be acquired for the purposes of the 'Health Administration Act'.

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

- Prior to lodgment of the original DA (refused), 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.
- The original DA was refused partly on the basis that the proposal was contrary to the established planning framework, particularly in regard to height, residential density and commercial/retail floor space and the necessary strategic planning associated with a development of this scale had not progressed sufficiently to allow a comprehensive assessment to be undertaken.
- The Section 8.2 Review of Determination was lodged on 04 May 2021. The subject application is considered to pre-empt the outcome of a Planning Proposal.
- The DA is significantly different to the current planning controls including the Rouse Hill Masterplan and Precinct Plan.
- The Planning Proposal was reported to the Local Planning Panel on 16 June 2021 and it was resolved that the Planning Proposal not proceed to Gateway Determination. The Planning Proposal was subsequently considered by Council at its Ordinary Meeting on 13 July 2021 where it was resolved that the Planning Proposal not proceed to Gateway Determination.
- The proposal is significantly different to the height controls under LEP 2019 (Amendment No. 20) which was notified on 16 July 2021. Amendment No. 20 does not include a savings provision. The application has not been accompanied by a Clause 4.6 variation request in regard to height.
- The proposal is contrary to the recent announcement that the new Rouse Hill Hospital will be built on the subject site as the proposal does not make provision for these works.
- In its record of briefing for the subject application the Panel considered it reasonable for Council to write to the applicant and suggest that the DA be withdrawn.

The applicant has advised that they will not withdraw the application 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

Prior to the lodgement of the original DA (refused) there were 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 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.

The Concept DA was subsequently refused by the SCCPP on 11 December 2020.

On 04 May 2021 the applicant lodged the subject Section 8.2 Review of Determination.

The Planning Proposal was reported to the Local Planning Panel on 16 June 2021 and it was resolved that the Planning Proposal not proceed to Gateway Determination. The Planning Proposal was subsequently considered by Council at its Ordinary Meeting on 13 July 2021 where it was resolved that the Planning Proposal not proceed to Gateway Determination.

BRIEFING TO THE SYDNEY CENTRAL CITY PLANNING PANEL (SCCPP)

The original DA was determined by the SCCPP on 11 December 2020. As the application is for a Review of Determination, an alternate Panel was required to be convened to consider the subject application. The alternate Panel briefing was held on 20 May 2021.

In its record of briefing the Panel advised as follows:

KEY ISSUES DISCUSSED:

1. *The strategic and local planning framework for the site.*
2. *The Applicant has initiated a planning proposal for the site. It is progressing and Council awaits further information from the Applicant in relation to this proposal before it can be further considered.*
3. *The Council initiated planning proposal (Draft LEP 2021) sets controls for the site that are consistent with the approved master plan. At this stage it is likely to be finalised by the end of June 2021.*
4. *The Panel observed similarity of this DA with the DA refused by the SCCPP, with small adjustments only to the scale of the proposal which has significant departures from the existing and pending strategic and local planning framework.*
5. *The Panel discussed concerns that this DA does not sufficiently address local and regional infrastructure required from such a proposed significant increase in residential density, in particular sporting fields. The Panel also discussed the shift in land uses from commercial to residential which seems a significant change given the need for employment lands in this well located area serviced by strong transport connections and surrounded by extensive new residential development.*
6. *The announcement by the State government that Rouse Hill Hospital be located in vicinity to this site or on the site itself does not appear to have been considered in the application. At the very least it would seem that there will be future demand for commercial uses stimulated by the health facility.*
7. *The Panel was advised of Council's view that this DA is pre-emptive, given the unresolved planning proposal, and the discrepancy between the application, the existing master plan, and the pending LEP 2021 amendment.*
8. *The Panel considered the fairest and most reasonable approach was that Council write to the Applicant and suggest that this DA be withdrawn and that all efforts from the Applicant and Council be focussed on progressing the planning proposal in a timely manner.*

In accordance with point 8 above, a letter was sent to the applicant requesting the withdrawal of the application. The applicant has advised that they will not withdraw the application and as such a report is provided for determination.

APPEAL LODGED IN LAND AND ENVIRONMENT COURT

On 07 March 2021 the applicant commenced Class 1 proceedings in the Land and Environment Court (Case No. 2021/00059546).

To date, the Statement of Facts and Contentions has been filed with the Court and the Section 34 Conference has been set for 03 September 2021.

The Section 8.2 Review of Determination is consistent with the plans and details lodged with the Court.

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, 14 days.
Number Advised:	453
Submissions Received:	One

PROPOSAL

The Section 8.2 Review of Determination (which is consistent with the Appeal lodged with the Court) includes the following key changes from the original DA (refused):

- a. Reduction in building heights from a maximum of 30 storey to 25 storey.
- b. Reduction in proposed dwellings from 2500 to 2100.
- c. Increase in retail/commercial floor area to 41,000m².
- d. Reduction in FSR to 2.65:1.

In general terms, the proposal is for the following:

- 4 residential superlots (Lots 1, 2, 3, and 4), and 4 mixed-use superlots (Lots 5, 6, 7 and 8), separated by roads and open space;
- building envelopes, including building locations, footprints, and heights;
- a total of 2,100 apartments;
- approximately 10,100m² of retail GFA;
- approximately 28,410m² of commercial GFA;
- approximately 2,490m² of community use GFA;
- indicative car parking provision of 3,778 parking spaces;
- over 1.4ha of open space including a town park, linear park, and various 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 prolongation 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 application 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. 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 proposed maximum height of buildings in storeys is as follows:

Lot	Maximum Building Height in Storeys
1	18
2	14
3	20
4	21
5	25
6	21
7	18
8	16

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 either end of Windsor Lane; and
 - one at either end of Residential Mews.

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

525 x 1 bedroom (25% of total);
 1,155 x 2 bedroom (55% of total); and
 420 x 3 bedroom (20% of total).
 Total units = 2100

The applicant has indicated that a total of 3778 car spaces will be provided.

ISSUES FOR CONSIDERATION

1. Section 8.2 of the Environmental Planning and Assessment Act, 1979

Section 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request a review of determination of a decision of a consent authority under Part 4. Section 8.3 requires that any determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. As amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020, the review period is 12 months after the determination notification date during the 6 month period immediately before the prescribed period commencing on 25 March 2020 and ending on 25 March 2022.

The Development Application was refused by the SCCPP on 11 December 2020. In this regard, the review period ends on 11 December 2021 and the decision must be finalised before this date. Attachment 3 is the refusal notice and SCCPP Statement of Reasons for the determination of the original DA.

The review of determination made by a Sydney district or regional planning panel is also to be conducted by the panel. In this instance, as the original determination was made by the Sydney Central City Planning Panel, therefore the Section 8.2 review is referred to the Sydney Central City Planning Panel for consideration and determination.

As permitted under Section 8.3 (3) of the Act, the applicant has amended the proposed development from the original application. The key changes include a reduction in height, reduction in dwelling numbers, reduction in FSR and increase in commercial floor area. The proposal is considered to be substantially the same development as the original proposal.

2. Planning Proposal

As outlined in the Background, prior to lodgment of the original 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 both a Concept DA (lodged in May 2019) and a Planning Proposal (lodged in December 2019 – 7/2020/PLP). The original Concept DA was considered to be unsatisfactory in regard to a number of key factors and was refused by the SCCPP on 11 December 2020.

The Planning Proposal relates to the subject site and two additional sites known as 'sleeve sites' which adjoin Tempus Street. The Planning Proposal site and proposed heights are shown below.



The Planning Proposal seeks to facilitate built form to a maximum of 25 storey in height (92 metres) on the part of the site the subject of the Review of Determination and various floor space ratio controls are proposed across the Northern Frame, ranging from 0.13:1 up to 3.7:1, which result in an average floor space ratio of 2.65:1. There is no FSR proposed for the Tempus Street Sleeve Sites, however the proposed gross floor area would equate to an FSR of approximately 8:1.

The Planning Proposal also seeks to introduce a key sites map and new local clauses that encourage a diversity of housing, limit the number of dwellings to 2,100 (increased from 375) and provide certainty on employment outcomes (requiring a minimum of 100,000m² of GFA).

The Planning Proposal was reported to the Local Planning Panel on 16 June 2021 and it was resolved that the Planning Proposal not proceed to Gateway Determination. The Planning Proposal was subsequently considered by Council at its Ordinary Meeting on 13 July 2021 where it was resolved that the Planning Proposal not proceed to Gateway Determination.

The Council resolution was:

The planning proposal applicable to land within the Rouse Hill Town Centre Northern Frame and Tempus Street Sleeve Sites not proceed to Gateway Determination on the basis that:

- a) *The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy and Council's Hills Future 2036 Local Strategic Planning Statement, relating to the growth of investment, business opportunities and jobs in strategic centres, the delivery of great places and balancing growth with suitable levels of infrastructure.*
- b) *The planning proposal precedes the completion of detailed Council-led precinct planning identified in the Local Strategic Planning Statement, which is currently underway and will investigate the appropriate mix of uses, quantum of dwellings and*

jobs, and projected infrastructure capacity within the strategic centre over the next 20 years.

- c) The proposal fails to consider the impact of the recently announced Rouse Hill Hospital (which will be located within the planning proposal site) and how the development will relate to this future hospital in terms of built form, interface and supporting land uses.*
- d) The proposed planning mechanisms provide no certainty that the proposed employment outcomes will be delivered in the future, that future development will align with the concept plans supporting the application or that larger apartments to meet the needs of the family demographic within The Hills Shire will be delivered.*
- e) The proposal does not provide any tangible public benefits and fails to provide an appropriate infrastructure solution to cater for the proposed uplift.*
- f) The planning proposal is not supported by sufficient information to enable a complete assessment of the traffic and transport impacts, flooding impacts or infrastructure demand.*

3. LEP 2019 (Amendment No. 20)

A comprehensive review of The Hills Local Environmental Plan 2019 was recently undertaken (formerly referred to as Draft LEP 2020), which intended to establish a clear and transparent framework that provided further certainty that the outcomes anticipated under the approved Master Plan and Precinct Plan would be delivered. In regard to the site, Council originally sought to introduce maximum height of building controls ranging between 12m and 32m and apply a maximum dwelling cap of 375 dwellings. These planning controls reflected the outcomes approved through the existing Masterplan/Precinct Plan process. These controls were envisaged to act as a “baseline”, pending further amendments to the LEP arising from either site specific planning proposals or Council-led precinct planning. Council also sought to include a sunset provision to enable flexibility for these planning controls to be revised once Council completes precinct planning for the Rouse Hill Strategic Centre.

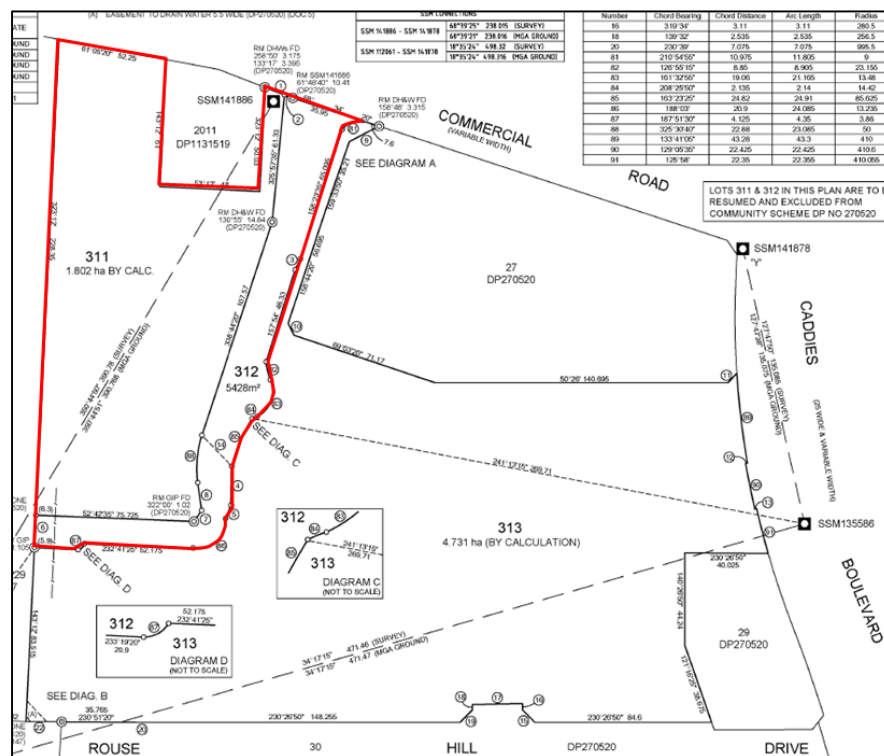
The Department of Planning, Industry and Environment (the Department) opted not to proceed with a number of the changes and to amend The Hills LEP 2019 rather than introducing a new LEP. Amendment No. 20 to LEP 2019 was notified by the Department on 16 July 2021 and is now in force. Whilst the Department have introduced height of building controls to the Northern Precinct, they determined not to apply the proposed maximum dwelling cap of 375 dwellings to the Northern Frame. It is noted that Amendment No. 20 did not include a savings provision for development applications made but not finally determined before the commencement of the amendment.

Whilst it is acknowledged that the Review of Determination was lodged on 04 May 2021 and Amendment No. 20 to LEP 2019 was notified on 16 July 2021, the application has not been accompanied by a Clause 4.6 variation request in regard to height exceedance.

4. Rouse Hill Hospital Announcement

Based on information and announcements to date, the new Rouse Hill Hospital will be located within the subject site. While it was known that the new hospital would be located within the subject site on land fronting Commercial Road, Council has now received a ‘Notice of Acquisition of Land by Compulsory Process’ which was signed on 14 July 2021 under the Health Administration Act 1982.

The area subject to the acquisition is shown below (the proposed area of acquisition is outlined in red). The location is identified as the corner of Commercial Road and Windsor Road, wrapping around the existing Endeavour Energy sub-station.



Given this, the development outcomes and concepts which the applicant is seeking approval for are undeliverable and should be amended to reflect the likely development outcomes on this land given a hospital taking up a portion of the subject site.

The proposed hospital location is also contrary to the Planning Proposal and does not take into account the opportunities for this Government investment to be a catalyst for significant job growth within supporting and associated employment development on the land within the site.

5. Submissions

The proposal was notified to adjoining property owners for a period of 14 days. During the notification period one submission was received. The issues raised are summarised as follows:

ISSUE	COMMENT	OUTCOME
The lots indicated subject to future DA should have the future use identified now to put further context to the DA and impact current deliberations.	The proposed plans indicate the future use of land within the site.	Issue addressed.
Further open space should be considered on the lands adjoining Caddies Creek.	The subject site does not adjoin Caddies Creek.	Issue addressed.
With regards to density and height, the proposal leans to heavy to highest use. The building heights are still too high and should be further reduced and should be in sympathy to surrounding development, including	The proposed density and 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.

residential towers on the south western side of Windsor Road.		
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6. Public Authority Referrals

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

Blacktown City Council
 Department of Primary Industries (Natural Resources Access Regulator)
 Sydney Water
 Endeavour Energy
 NSW Heritage Office
 Roads & Maritime Services
 Transport for NSW (Sydney Metro)
 Castle Hill Police
 NSW Rural Fire Service
 NSW Department of Education
 Western Sydney Local Health District
 NSW Ministry of Health
 Deerubbin Local Aboriginal Land Council
 Integral Energy
 Endeavour Energy
 NSW Department of Primary Industries (NSW Fisheries)
 NSW Department of Primary Industries (Environment, Energy and Science)
 NSW Environment Protection Authority

Of those authorities, Endeavour Energy and RMS raised concerns (Endeavour Energy about potential impact on the Mungerie Park Zone Substation and network capacity/connection and RMS regarding the need for SIDRA modelling, concept traffic control signal plans, civil design plans for intersection layout and turning paths of the longest vehicles using the intersection).

Given the proposal for refusal of the application the above matters have not been raised with the applicant.

7. Internal Comments

The proposal was referred to the following internal sections of Council for review and comment:

- Environmental Health – a Stage 1 contamination report is required and Electromagnetic Radiation (EMR) is required given the proximity to the Mungerie Park Zone Substation.
- Resource Recovery – no issues raised.
- Heritage - no issues raised.
- Landscape – concerns raised over the non-provision or width of landscape buffers and planting does not reflect the River Flat Eucalypt Forest the corridor connects to.
- Contributions – concern raised that the proposed uplift is well in excess of development accounted for under Contributions Plan No. 8 and as such a new Voluntary Planning Agreement is required.

- Forward Planning Comments – concerns raised regarding strategic context, the Local Strategic Planning Statement, inconsistency with the lodged Planning Proposal, increase in residential and resultant loss in commercial floor space and conflict with the recently announced Rouse Hill Hospital location.
- Open Space and Recreation – concerns raised regarding the provision of open space to cater for increase in population.
- Engineering – concerns raised regarding clarification of private and public roads, need for concept civil drawing, stormwater management drawings, DRAINS and MUSIC modelling.
- Traffic - no issues raised.

Given the proposal for refusal of the application the above matters have not been raised with the applicant.

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 a Planning Proposal.

CONCLUSION

The proposal has been considered having regard to the provisions of Sections 4.55 and 8.2 of the Environmental Planning and Assessment Act, 1979, the provisions of LEP 2019, the approved Masterplan and Precinct Plan and The Hills DCP. The proposal is considered to be premature and is pre-empting the outcome of a Planning Proposal. The proposal is also inconsistent with the established planning framework for Rouse Hill Regional Centre and has not been accompanied by a Clause 4.6 variation request in regard to height. During the notification period one submission was received. The issues have been detailed above and principally relate to open space, height and the density of the development, some of which may be further considered as part of a 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 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 established in the approved masterplan (DA 1604/2004/HB/A). The development if approved would have an unsatisfactory adverse impact upon the provision of 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(b) of the Environmental Planning and Assessment Act, 1979).

2. The proposal is unsatisfactory as the proposed height and density of development is contrary to the development framework established in masterplan DA 1604/2004/HB/A and Part D Section 6 - Rouse Hill Regional Centre of The Hills DCP (Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).
3. The proposal is unsatisfactory as the proposal is contrary to the Height of Buildings development standard under The Hills Local Environmental Plan 2019 (Amendment No. 20) and has not been accompanied by a Clause 4.6 variation request in regard to height.(Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).
4. The proposal is unsatisfactory as 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. The proposal is pre-emptive of the outcome of a Planning Proposal for the site (Section 4.15(b) and 4.15(e) of the Environmental Planning and Assessment Act, 1979).
5. The proposal is unsatisfactory as the proposal is pre-emptive of the outcome of a Planning Proposal for the site (Section 4.15(a)(ii) of the Environmental Planning and Assessment Act, 1979).
6. The proposal is unsatisfactory as it does not consider the impact of the recently announced Rouse Hill Hospital (which will be located within the site) and how the development will relate to this future hospital in terms of built form, interface and supporting land uses (Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).
7. The proposal is unsatisfactory as it is not supported by sufficient information to enable a complete assessment of the traffic and transport impacts, drainage and civil works impacts, infrastructure demand, contamination, Electromagnetic Radiation (EMR) impacts and landscape works (Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).
8. The proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, North West Rail Link Corridor Strategy and Council's Hills Future 2036 Local Strategic Planning Statement, relating to the growth of investment, business opportunities and jobs in strategic centres, the delivery of great places and balancing growth with suitable levels of infrastructure (Section 4.15(b) of the Environmental Planning and Assessment Act, 1979).

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Record of Briefing – Review of Determination
4. Masterplan Plans - Review of Determination
5. Precinct Plans – Review of Determination
6. Refusal Notice and SCCPP Statement of Reasons for DA 1614/2019/JP
7. Council Assessment Report for DA 1614/2019/JP

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED

**BLACKTOWN CITY COUNCIL AND
HILLS DISTRICT HISTORICAL SOCIETY
ALSO NOTIFIED**

ONE SUBMISSION RECEIVED OFF
THE SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 3 – RECORD OF BRIEFING – REVIEW OF DETERMINATION



Planning
Panels

RECORD OF BRIEFING SYDNEY CENTRAL CITY PLANNING PANEL

BRIEFING DETAILS

BRIEFING/DATE/TIME	Thursday, 20 May 2021 10:00am to 11:00am
LOCATION	Teleconference

BRIEFING MATTER

PPSSCC-247 – DA/1614/2019/JP/A – The Hills Shire – Commercial Road, Rouse Hill, and Rouse Hill Drive, Rouse Hill, Section 8.2 Review of Determination of DA 1614/2019/JP for a Concept DA for the Revised Masterplan for the Northern Precinct Area of the Rouse Hill Regional Centre.

PANEL MEMBERS

IN ATTENDANCE	Julie Savet Ward - Acting Chair Nicole Gurran Ken McBryde
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. Abigail Goldberg (Chair), David Ryan, Noni Ruker, Mark Colburt and Chandi Saba participated in panel decision of this application in December 2020

OTHER ATTENDEES

COUNCIL STAFF	Kristine McKenzie - Principal Executive Planner Cameron McKenzie – Group Manager Development and Compliance Paul Osborne – Manager Development Assessment
OTHER	George Dojas – Planning Panel Secretariat

KEY ISSUES DISCUSSED:

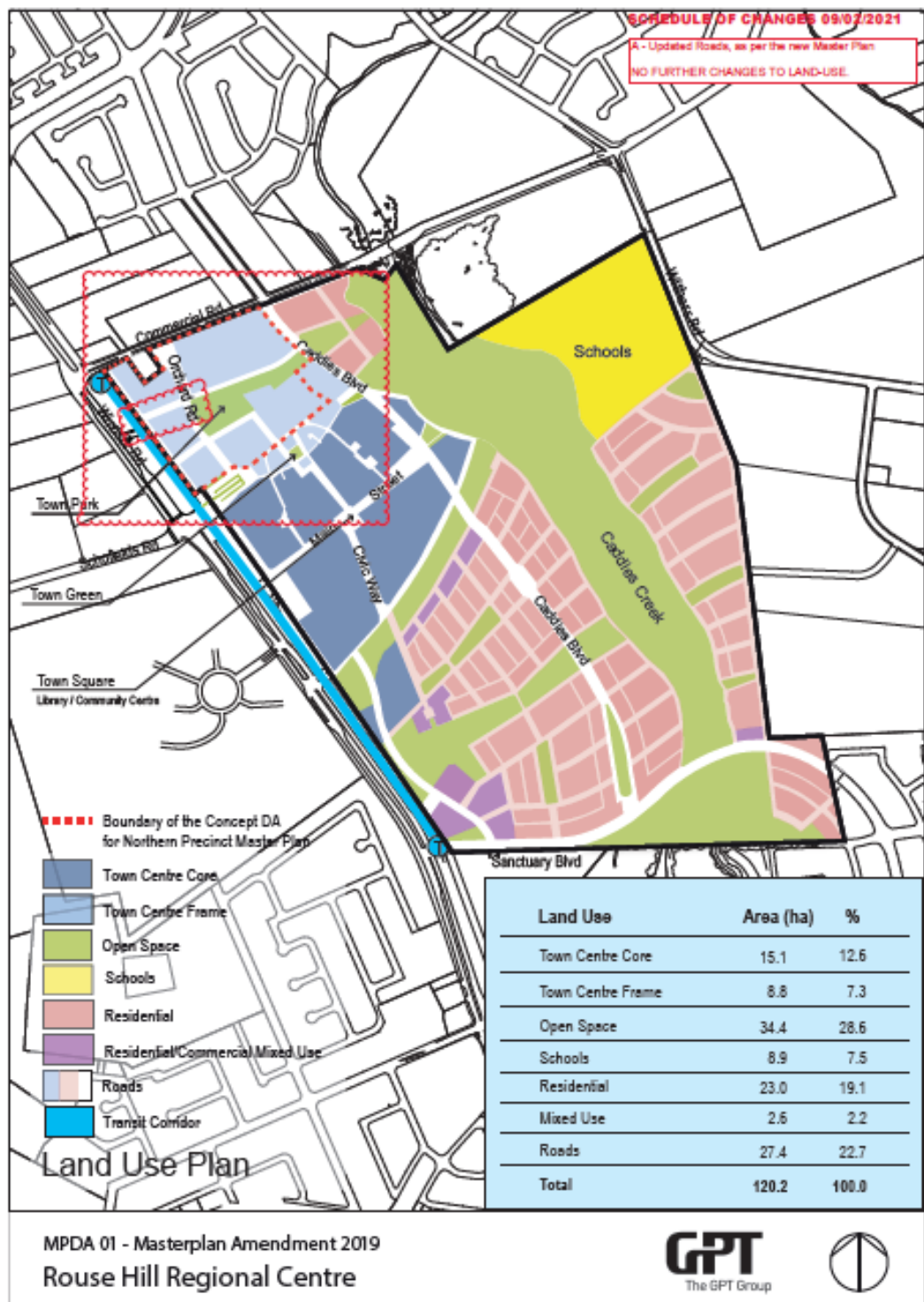
1. The strategic and local planning framework for the site.
2. The Applicant has initiated a planning proposal for the site. It is progressing and Council awaits further information from the Applicant in relation to this proposal before it can be further considered.
3. The Council initiated planning proposal (Draft LEP 2021) sets controls for the site that are consistent with the approved master plan. At this stage it is likely to be finalised by the end of June 2021.
4. The Panel observed similarity of this DA with the DA refused by the SCCPP, with small adjustments only to the scale of the proposal which has significant departures from the existing and pending strategic and local planning framework.

Planning Panels Secretariat

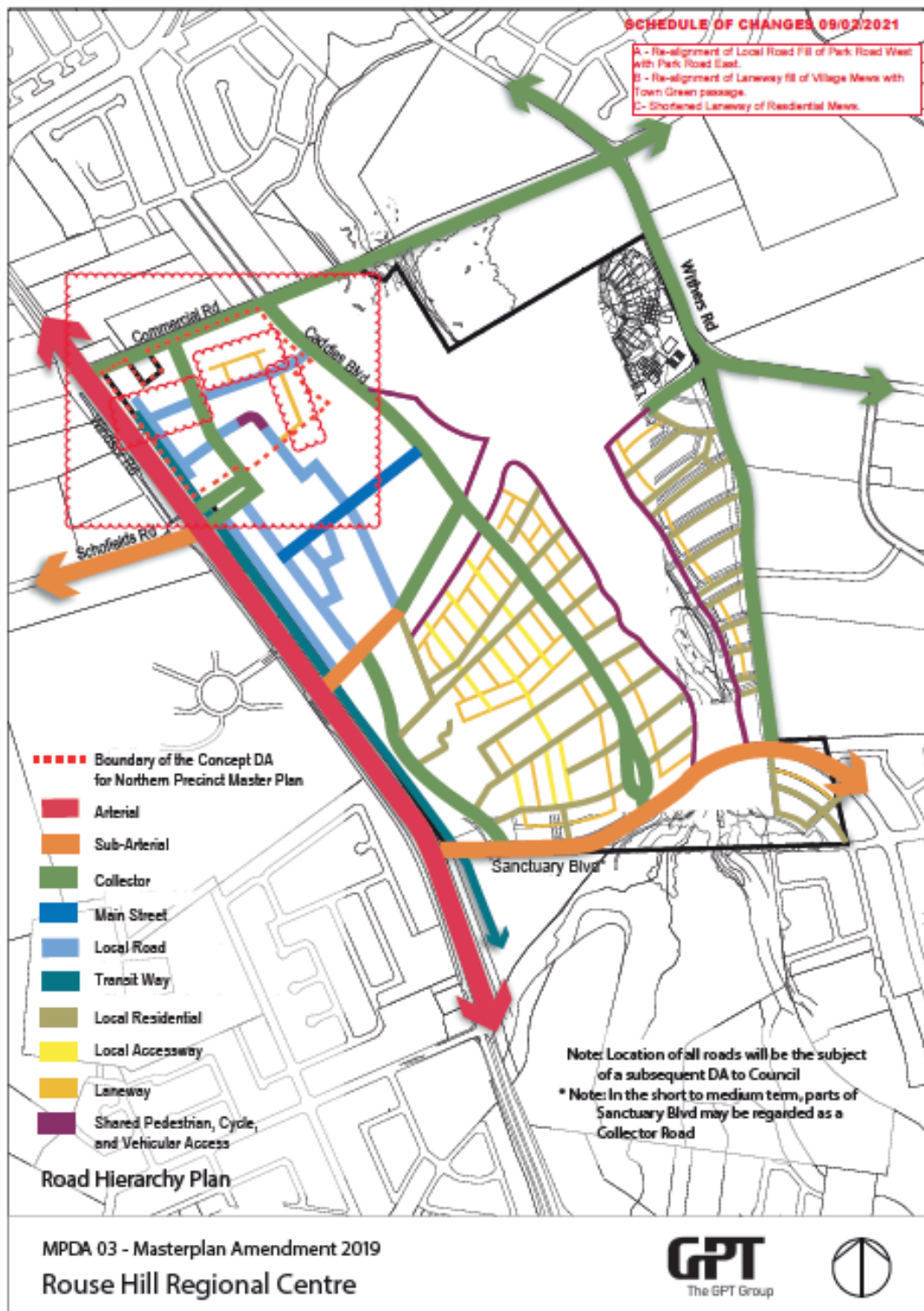
320 Pitt Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 8217 2060 | www.planningportal.nsw.gov.au/planningpanels

5. The Panel discussed concerns that this DA does not sufficiently address local and regional infrastructure required from such a proposed significant increase in residential density, in particular sporting fields. The Panel also discussed the shift in land uses from commercial to residential which seems a significant change given the need for employment lands in this well located area serviced by strong transport connections and surrounded by extensive new residential development.
6. The announcement by the State government that Rouse Hill Hospital be located in vicinity to this site or on the site itself does not appear to have been considered in the application. At the very least it would seem that there will be future demand for commercial uses stimulated by the health facility.
7. The Panel was advised of Council's view that this DA is pre-emptive, given the unresolved planning proposal, and the discrepancy between the application, the existing master plan, and the pending LEP 2021 amendment.
8. The Panel considered the fairest and most reasonable approach was that Council write to the Applicant and suggest that this DA be withdrawn and that all efforts from the Applicant and Council be focussed on progressing the planning proposal in a timely manner.

ATTACHMENT 4 –MASTERPLAN PLANS – REVIEW OF DETERMINATION

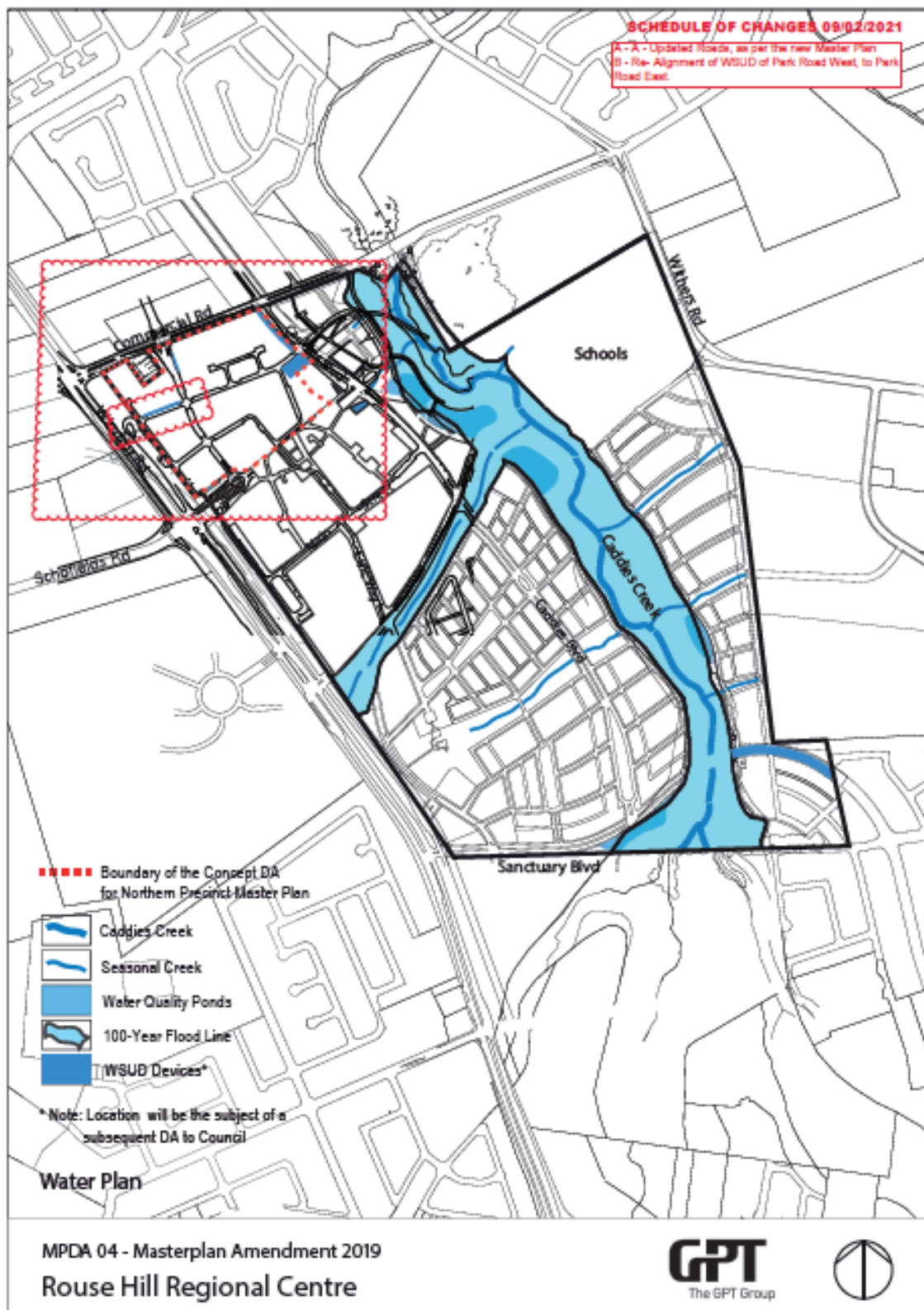






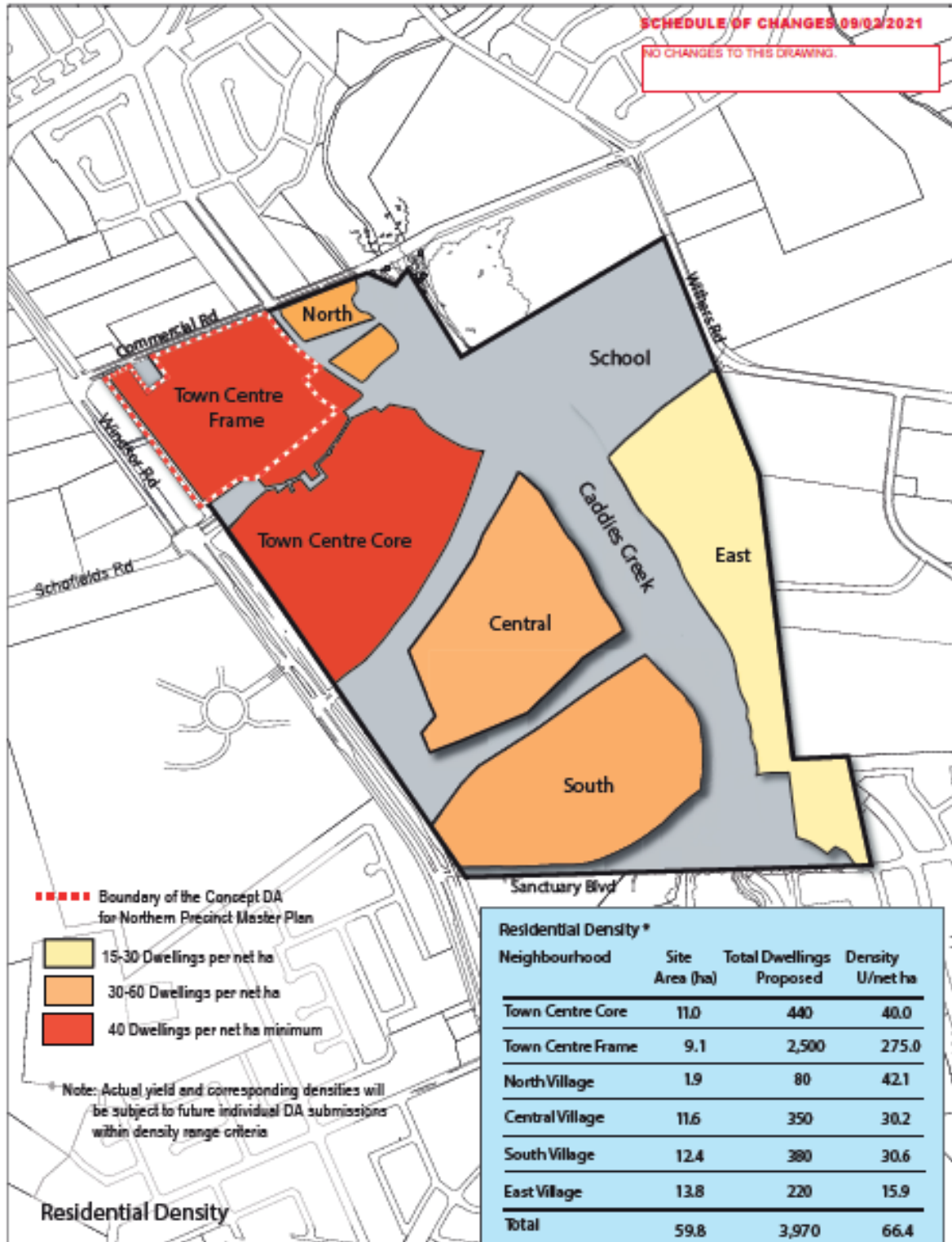
SCHEDULE OF CHANGES 09/02/2021

A - A - Updated Roads, as per the new Master Plan
B - B - Alignment of WSUD of Park Road West, to Park Road East.



SCHEDULE OF CHANGES 09/02/2021

NO CHANGES TO THIS DRAWING.

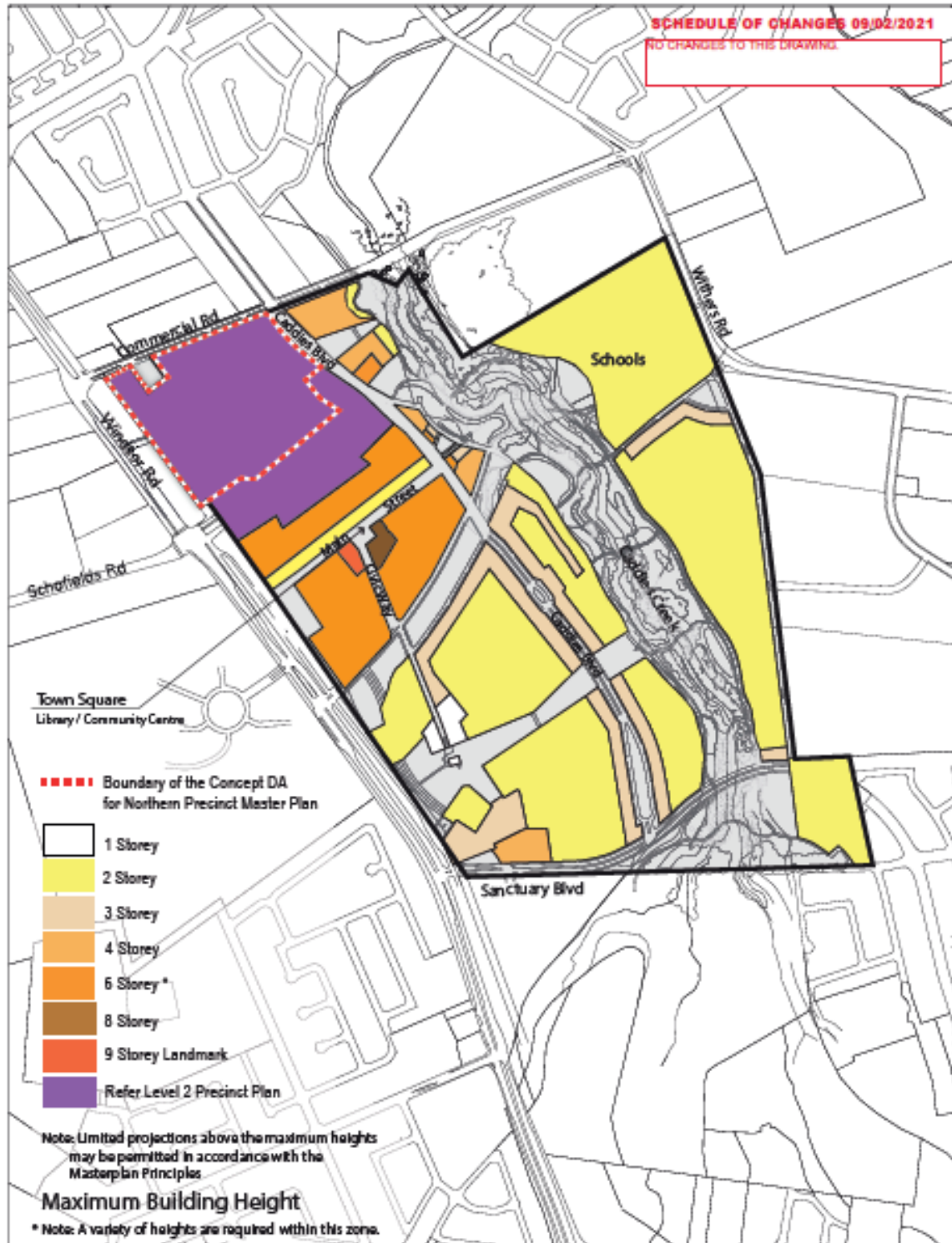


MPDA 05 - Masterplan Amendment 2019
Rouse Hill Regional Centre

GPT
The GPT Group



SCHEDULE OF CHANGES 09/02/2021
 NO CHANGES TO THIS DRAWING.



MPDA 06 - Masterplan Amendment 2019
 Rouse Hill Regional Centre

GPT
 The GPT Group



ATTACHMENT 5 – PROPOSED PRECINCT PLANS – REVIEW OF DETERMINATION

LAND USE PLAN - GROUND FLOOR

DA 003

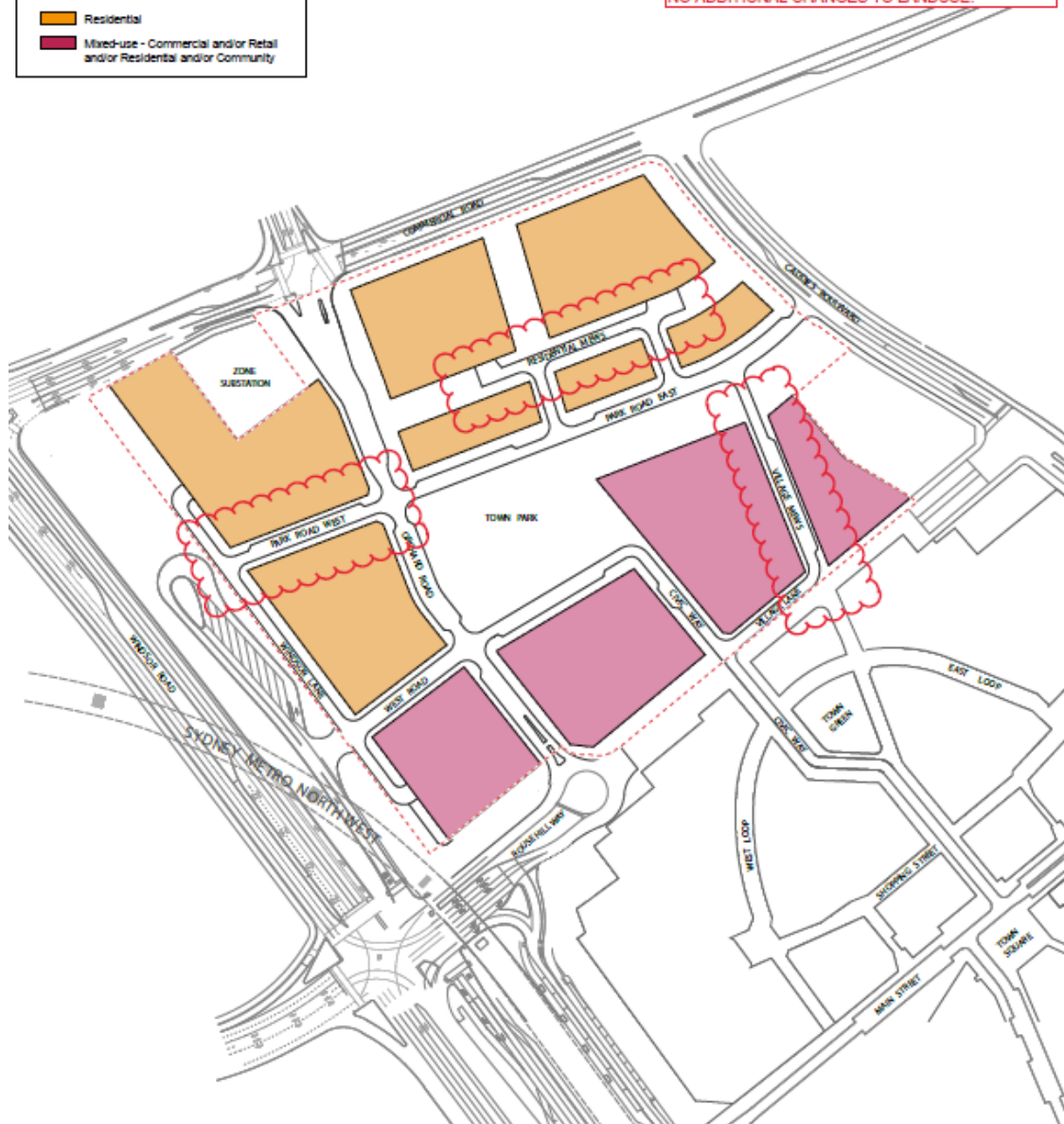
SCHEDULE OF CHANGES 09/02/2021

LEGEND

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

- A - Updated Roads, as per the new Master Plan.
- B - Updated Lots to align to the updated roads.

NO ADDITIONAL CHANGES TO LANDUSE.



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

	<p>NORTHERN PRECINCT OF THE ROUSE HILL TOWN CENTRE: CONCEPT PLAN</p> <p>06.02.2021</p>	<p>0 20 40 60m</p>
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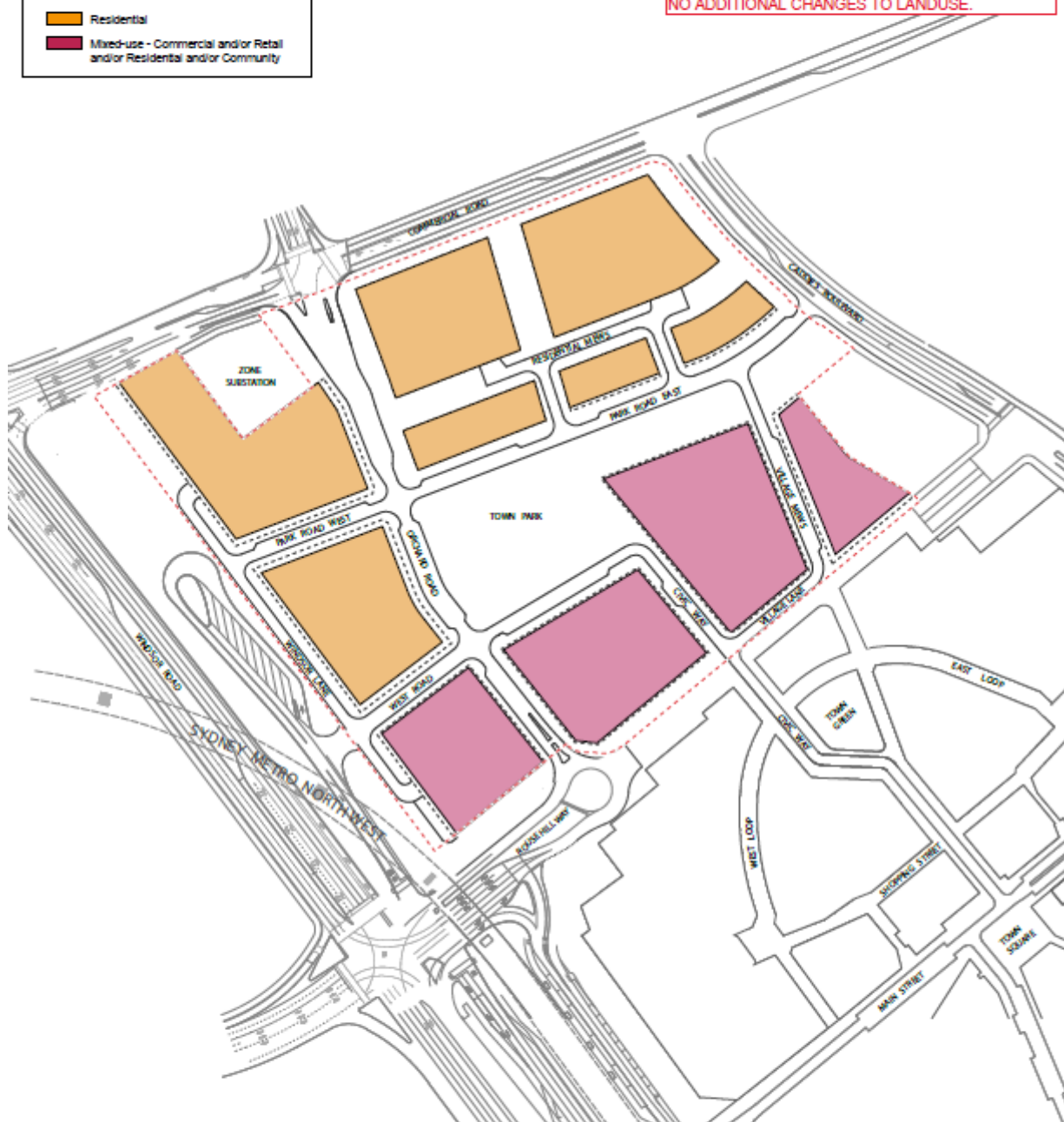
SCHEDULE OF CHANGES 09/02/2021

LEGEND

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

- A - Updated Roads, as per the new Master Plan.
- B - Updated Lots to align to the updated roads.

NO ADDITIONAL CHANGES TO LANDUSE.



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

09.02.2021

0 20 40 60m



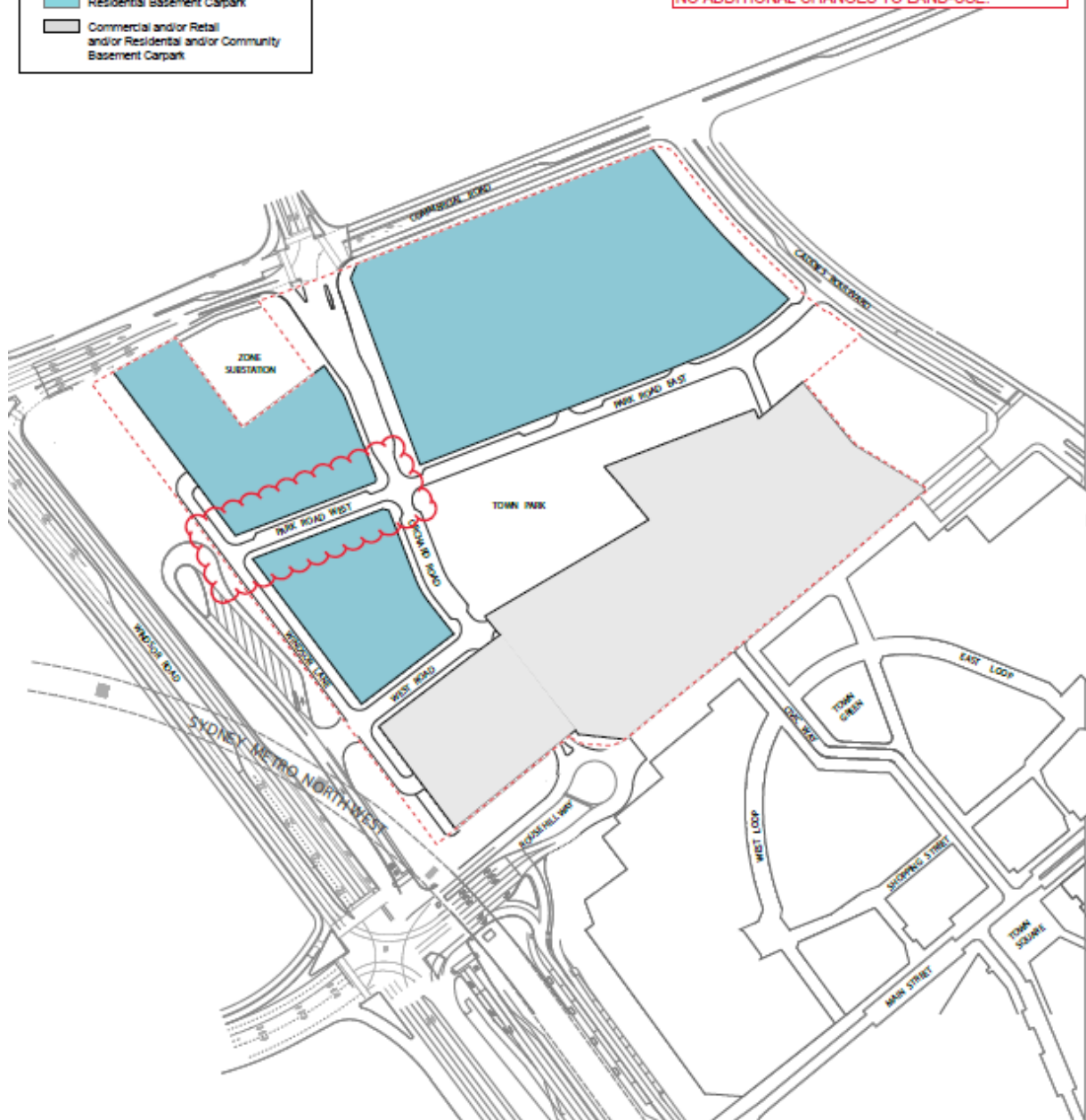
SCHEDULE OF CHANGES 09/02/2021

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

A - Updated Roads, as per the new Master Plan.
B - Updated Residential Car park outline to align to the updated roads.

NO ADDITIONAL CHANGES TO LAND-USE.



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

06.02.2021 0 20 40 60m

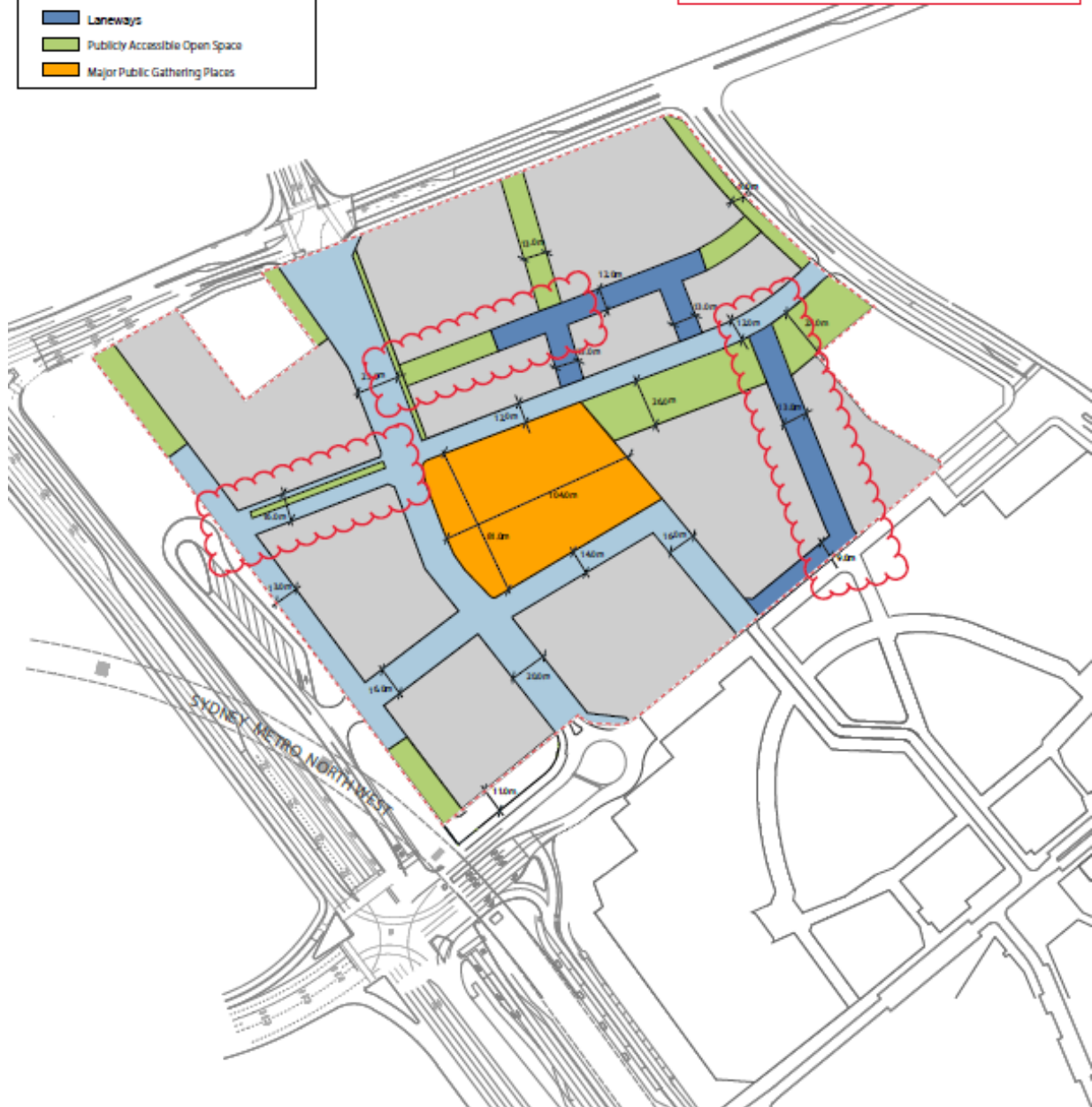
LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Parcel Blocks
- Streets
- Laneways
- Publicly Accessible Open Space
- Major Public Gathering Places

SCHEDULE OF CHANGES 09/02/2021

A - Updated Roads, as per the new Master Plan.
 B - Alignment of Laneways, Streets & Publically Accessible Open Spaces as per the updated roads.

NO ADDITIONAL CHANGES TO PUBLIC REALM.



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

COX

CVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

09.02.2021

0 20 40 60m



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

SCHEDULE OF CHANGES 09/02/2021

- A - Updated Roads, as per the new Master Plan.
- B - Alignment of Pedestrian Open & Footpath Routes as per the updated roads.

NO ADDITIONAL CHANGES TO CIRCULATION.



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

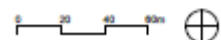
COX

CIVITAS

GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

09.02.2021



LEGEND

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

Arterial Road

Collector Road

Local Road

Bus Only

Shared Bus/Car

Shareway

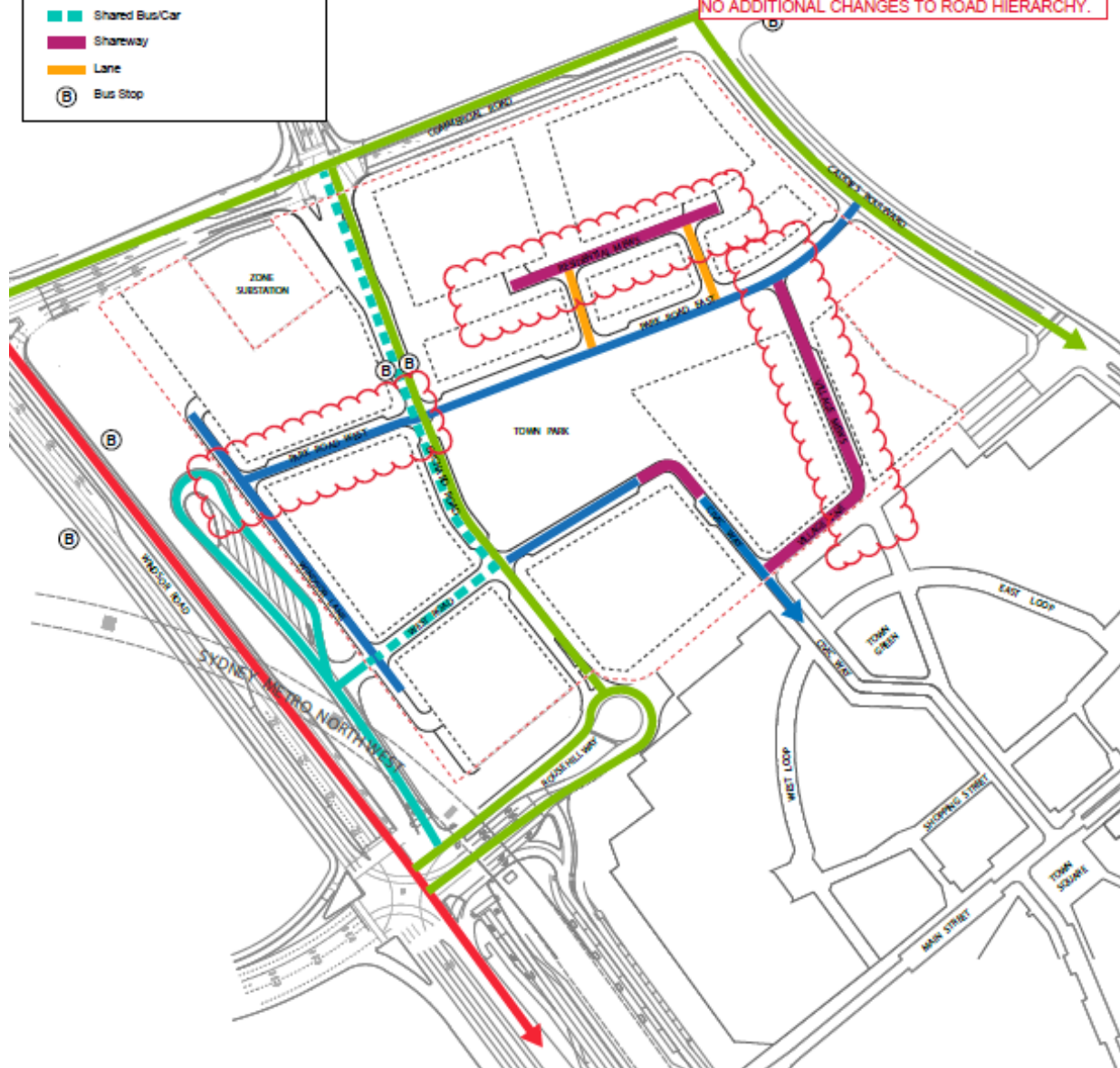
Lane

Bus Stop

SCHEDULE OF CHANGES 09/02/2021

A - Updated Roads, as per the new Master Plan.
B - Alignment of Shareways, Local Road as per the updated roads.
C - Residential Mews changed to shareway as per Urban Design report.
D - Village Mews changed to shareway as per Urban Design report.

NO ADDITIONAL CHANGES TO ROAD HIERARCHY.



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

09/02/2021

0 20 40 80m



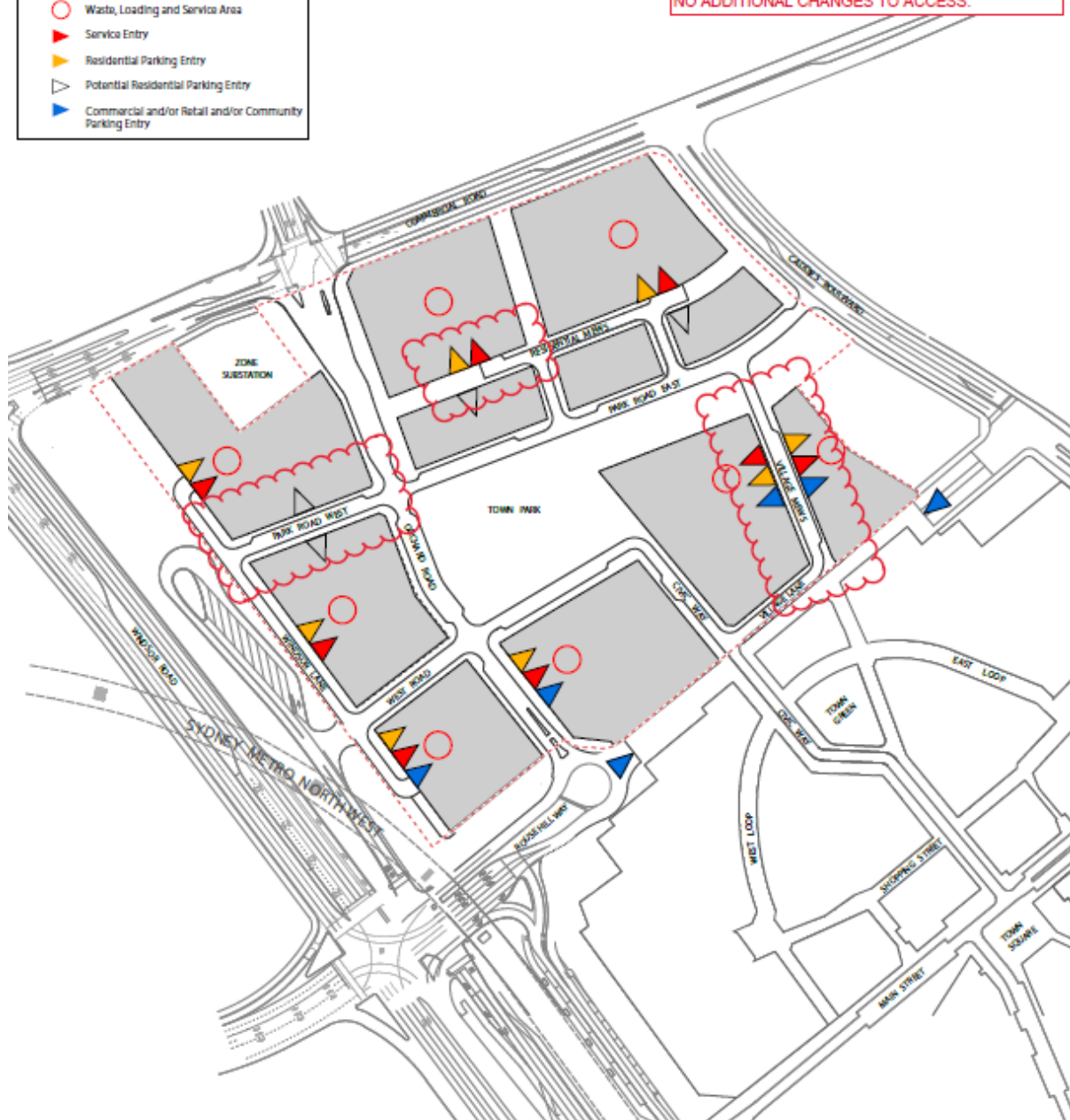
LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Waste, Loading and Service Area
- ▶ Service Entry
- ▶ Residential Parking Entry
- ▷ Potential Residential Parking Entry
- ▶ Commercial and/or Retail and/or Community Parking Entry

SCHEDULE OF CHANGES 09/02/2021

- A - Updated Roads, as per the new Master Plan.
- B - Alignment of Entry points as per updated roads.

NO ADDITIONAL CHANGES TO ACCESS.



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

09.02.2021

0 20 40 60m



LEGEND

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

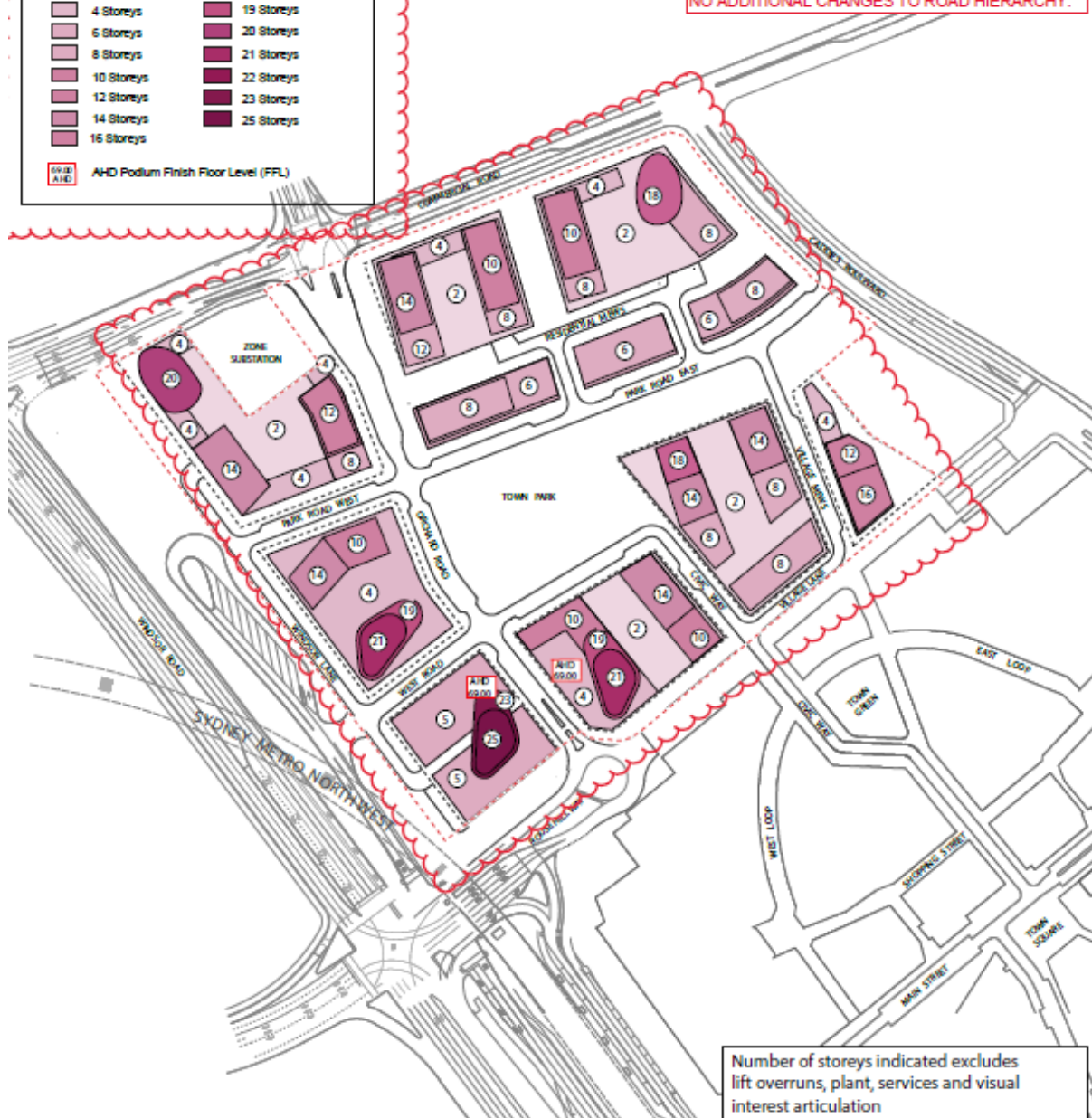
2 Storeys	18 Storeys
4 Storeys	19 Storeys
6 Storeys	20 Storeys
8 Storeys	21 Storeys
10 Storeys	22 Storeys
12 Storeys	23 Storeys
14 Storeys	25 Storeys
16 Storeys	

AHD AHD Podium Finish Floor Level (FFL)

SCHEDULE OF CHANGES 09/02/2021

A - Updated Roads, as per the new Master Plan.
B - Changes to Building mass, Height in all lots.
C - Changes to Legend as per new heights.

NO ADDITIONAL CHANGES TO ROAD HIERARCHY.



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

06.02.2021 0 20 40 60m

ATTACHMENT 6 – PHOTOMONTAGE - REVIEW OF DETERMINATION



**ATTACHMENT 6 – REFUSAL NOTICE AND SCCPP STATEMENT OF REASONS - DA
1614/2019/JP**



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | 08 9986 Norwest

16 December, 2020

GPT Funds Management 2 Pty Ltd
C/- BBC Consulting Planners
Level 2, 55 Mountain Street
BROADWAY NSW 2007

Ref No. 1614/2019/JP
Sydney Central City Planning Panel 11/12/2020

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by the Sydney Central City Planning Panel of the Development Application described below.

APPLICANT:	GPT Funds Management 2 Pty Ltd
OWNER:	GPT Funds Management 2 Pty Ltd and GPT Rouse Hill Pty Ltd
PROPERTY:	Lot 25, 26, 27 and 28 DP 270520 Land generally bound by Caddies Boulevard, Commercial Road, Windsor Road, Rouse Hill
DEVELOPMENT:	Concept DA for the Revised Masterplan for the Rouse Hill Regional Centre
DECISION:	Refusal
ENDORSED DATE OF REFUSAL:	11 December, 2020

The Development Application has been refused on the following grounds:

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).

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this determination except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020.

Should you require any further information please contact Kristine McKenzie
on 9843 0319.

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

ATTACHMENT 2: SCCPP DETERMINATION AND STATEMENT OF REASONS

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

PUBLIC NOTIFICATION OF THE DETERMINATION PURSUANT TO ITEM 20(2) (c) AND (d) OF SCHEDULE 1 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

DECISION:

REFUSAL

DATE OF THE DECISION:

11/12/2020

REASONS FOR THE DECISION:

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements:

- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- 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

and is considered unsatisfactory for the reasons outlined in the Notice of Determination.

HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION:

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.

ATTACHMENT 2: SOCPP DETERMINATION AND STATEMENT OF REASONS



Planning
Panels

DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	11 December 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Naomi Baker, Mark Colburn and Chand Jaba
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Ms Morish 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 17 November 2020.

MATTER DETERMINED

2019CC008 – DA1434/2019/CP - The Hills Shire - Lots 25, 26, 27 and 28 DP 270529, Land generally bound by Cadell 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(c)(i) of the Environmental Planning and Assessment Act, 1979).

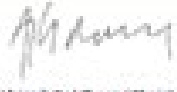




The decision was unanimous.

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
 Chand Saba	 Mark Colburn
 Nomi Tucker	

SCHEDULE 1		
1.	PANEL REF - LGA - DA NO.	2019CC004 - 043814/2019/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 Caddes 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	C/D exceeding \$50million
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 (55 Apartment Design Guide) State Regional Environmental Policy 20 - Macleaybury Nepean River Local Environmental Plan 2011 <p>Draft environmental planning instruments:</p> <ul style="list-style-type: none"> Draft The Hills Local Environmental Plan 2011 <p>Development control plans:</p> <ul style="list-style-type: none"> Draft 2011 <ul style="list-style-type: none"> DCP Part B 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> <ul style="list-style-type: none"> Provisions of the Environmental Planning and Assessment Regulation 2000 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 Environmental Planning and Assessment Act 1979 or regulations

		<ul style="list-style-type: none"> • The public interest, including the principles of ecologically sustainable development
7	MATERIALS 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 Colburn Council Assessment Staff - Kristine McKenzie, Paul Osborne and Cameron McKenzie • 17 September 2020 - Applicant Briefing Attendees: Panel Members - Abigail Goldberg - Chair, David Ryan, Mark Colburn and Chandu 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, Neil Butler and Chandu Saba Department of Planning, Infrastructure and Environment - Jane Gross and George Dojan 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 consented 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 (EP 2021) • Implications of Minister's Statement of Expectations to Panel Chair in relation to this DA
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A

ATTACHMENT 6 – COUNCIL ASSESSMENT REPORT FOR DA 1614/2019/JP

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 • 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 Space ²	<u>Northern Frame:</u> 65,000m ² retail 40,000m ² commercial + <u>Tempus St Sites:</u> 31,200m ² commercial Total: 136,200m ²		<u>Northern Frame:</u> 65,000m ² retail 40,000m ² commercial + <u>Tempus St Sites:</u> 31,200m ² commercial Total: 136,200m ²	<u>Northern Frame:</u> 20,700m ² combined retail, commercial and community + <u>Tempus St Sites:</u> Not Included Total: 20,700m ²	<u>Northern Frame:</u> 41,000m ² combined retail and commercial space + <u>Tempus St Sites:</u> 59,700m ² commercial Total: 100,700m ²
Jobs ³	<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 Councilor 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 current height of the existing buildings	The proposed height and potential visual impacts will be reviewed as part of the Planning Proposal.	Issue addressed – the application is recommended for refusal pending

<p>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 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 Hills Drive extension, a</p>	<p>Issue addressed – the application is recommended for refusal pending the outcome of the Planning Proposal.</p>

	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 it comes to paramedic response times,	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.

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

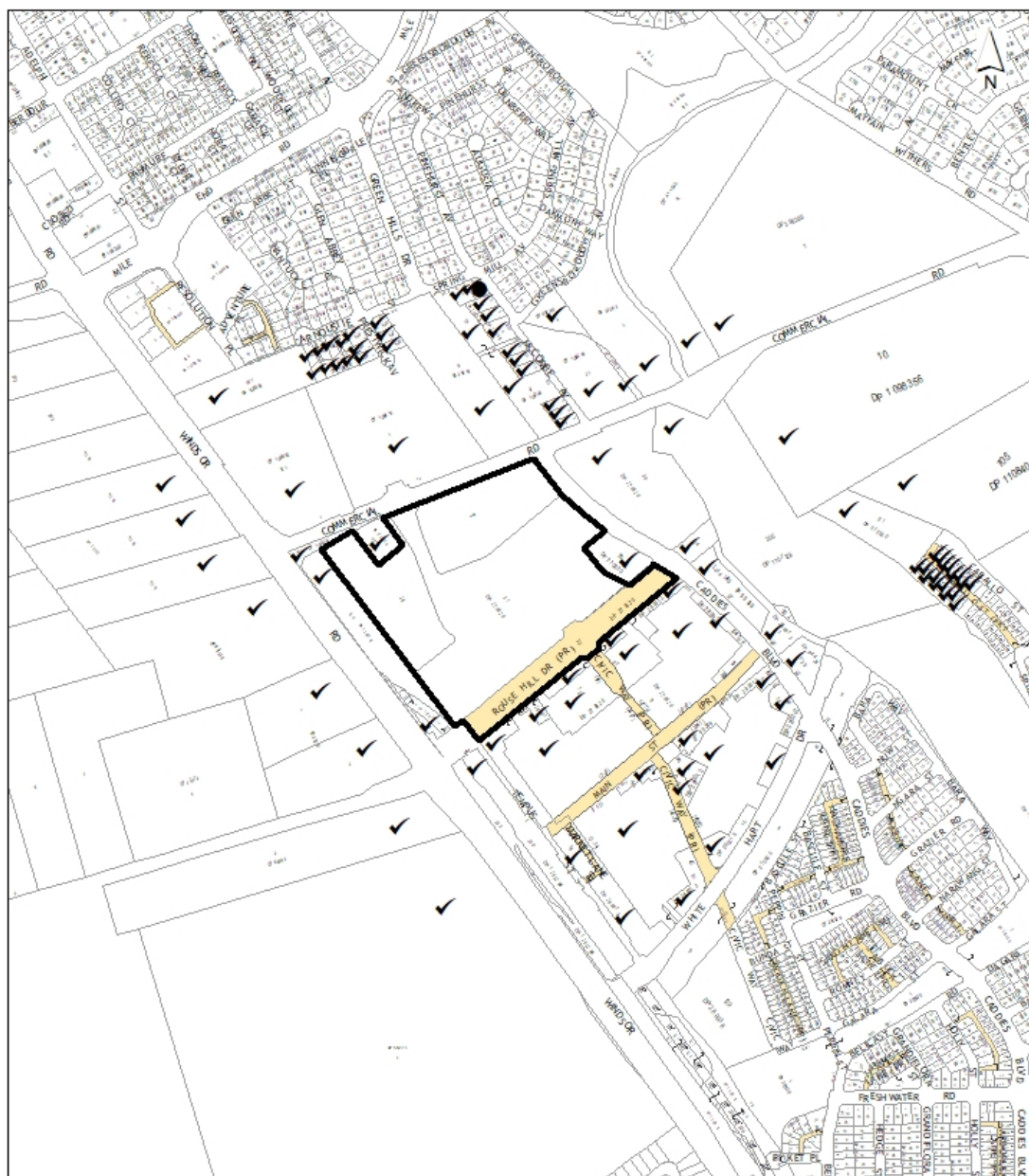
The Development Application be refused as follows:

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

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ATTACHMENT 3 – RECORD OF BRIEFING 17 SEPTEMBER 2020



BRIEFING DETAILS

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

BRIEFING MATTER

2019CC1036 – 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.

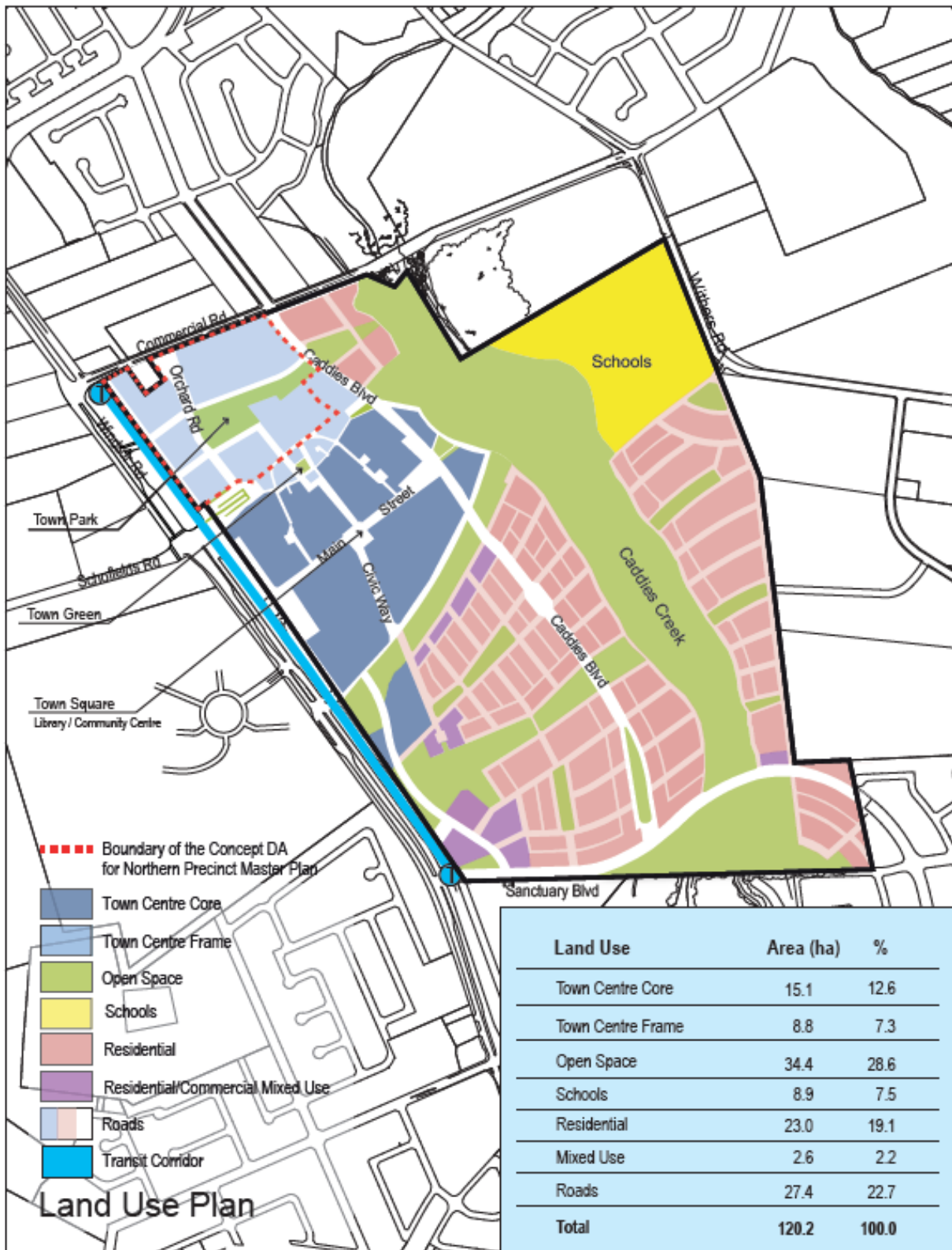
PANEL ADVICE:

- 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

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

ATTACHMENT 4 – PROPOSED MASTERPLAN PLANS



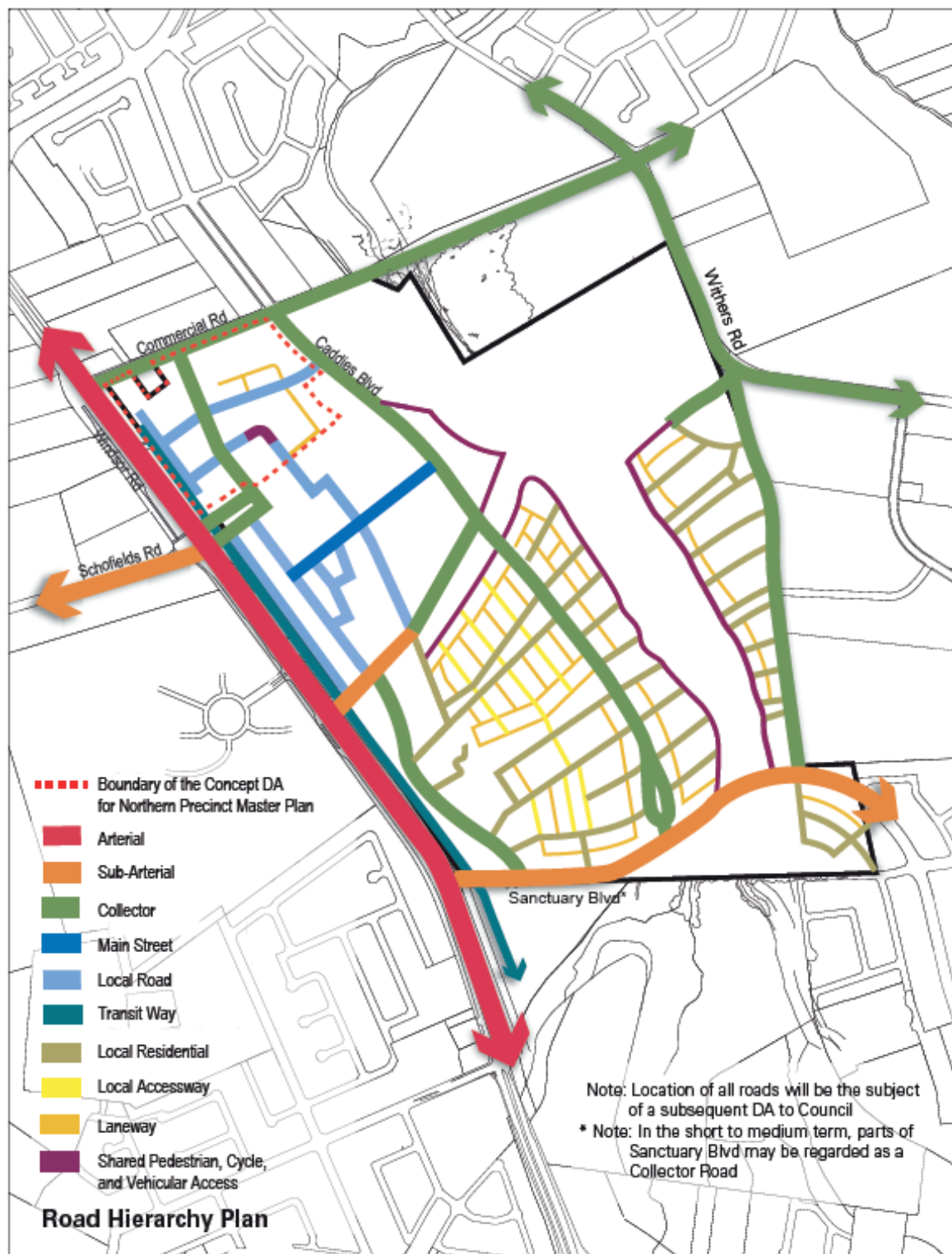
MPDA 01 - Masterplan Amendment 2019

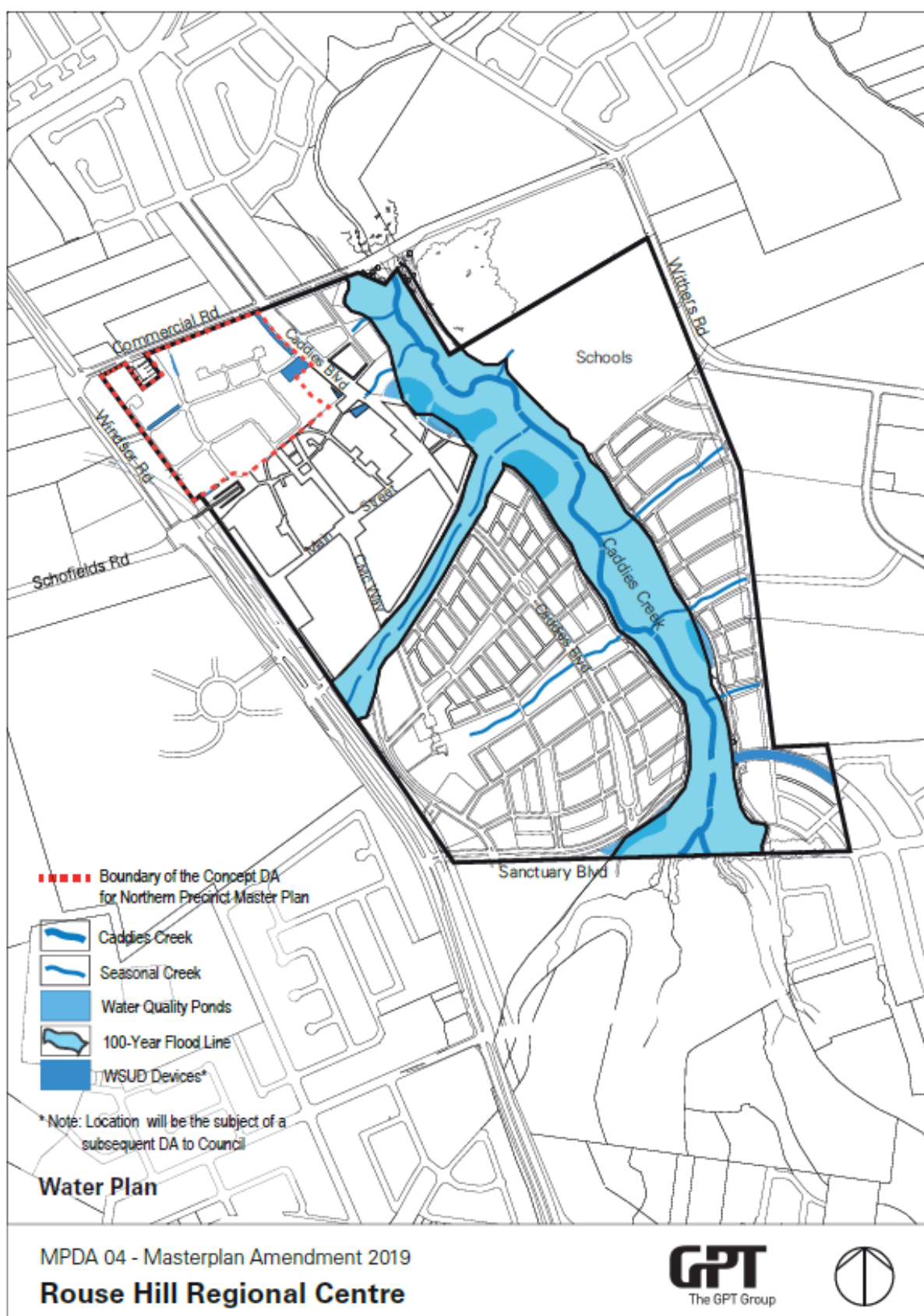
Rouse Hill Regional Centre

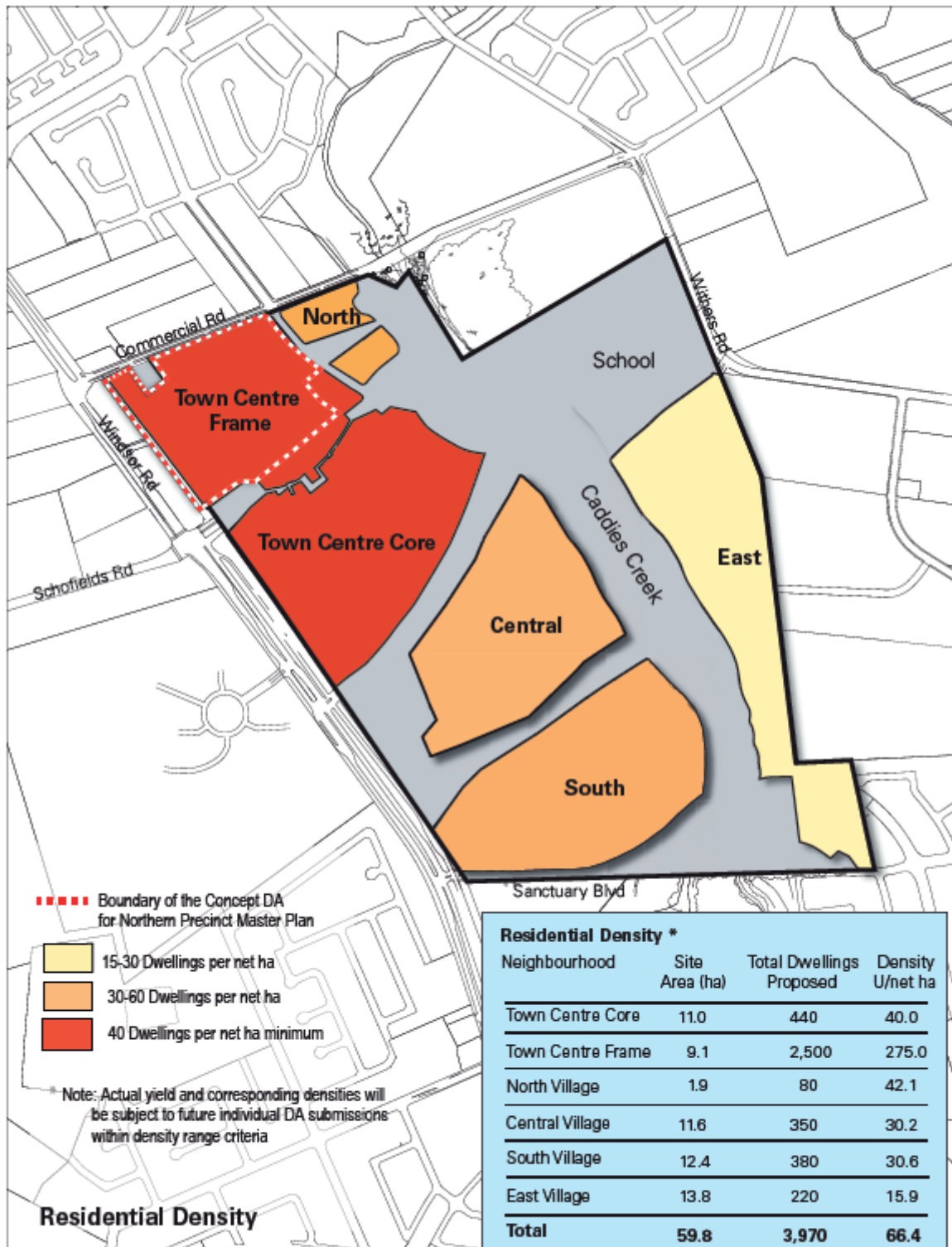
GPT
The GPT Group

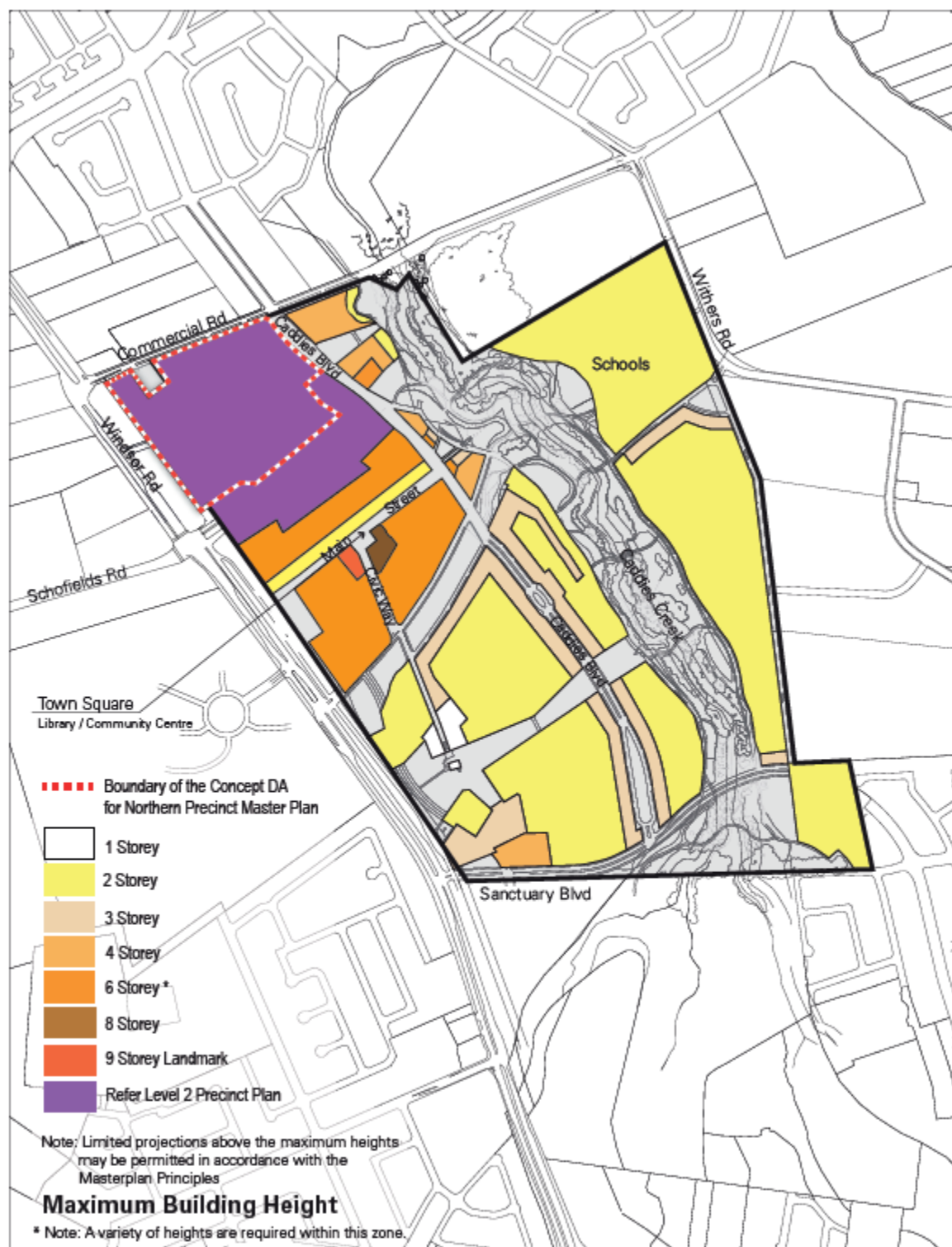












MPDA 06 - Masterplan Amendment 2019

Rouse Hill Regional Centre

GPT
The GPT Group



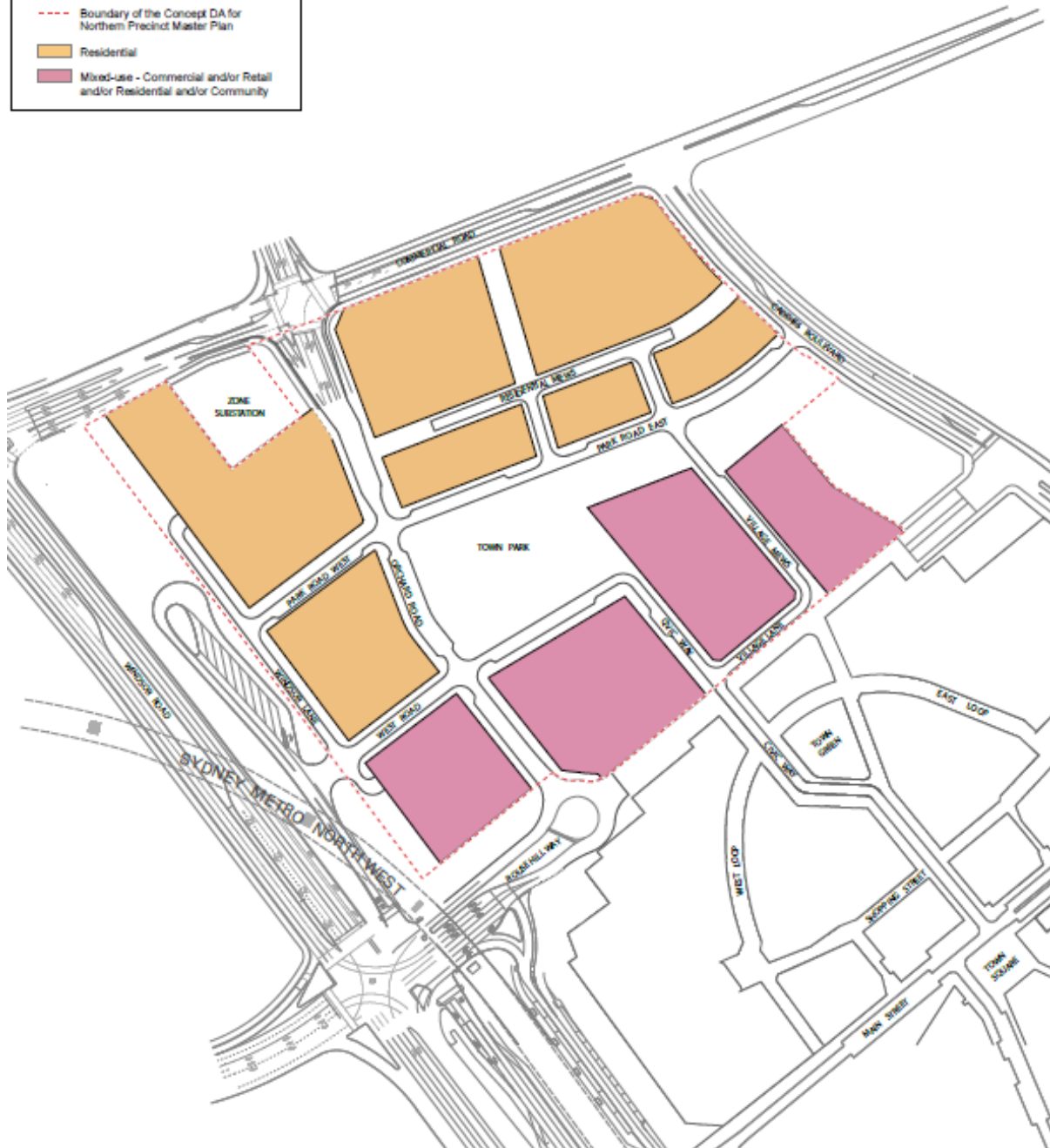
ATTACHMENT 5 – PROPOSED PRECINCT PLANS

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

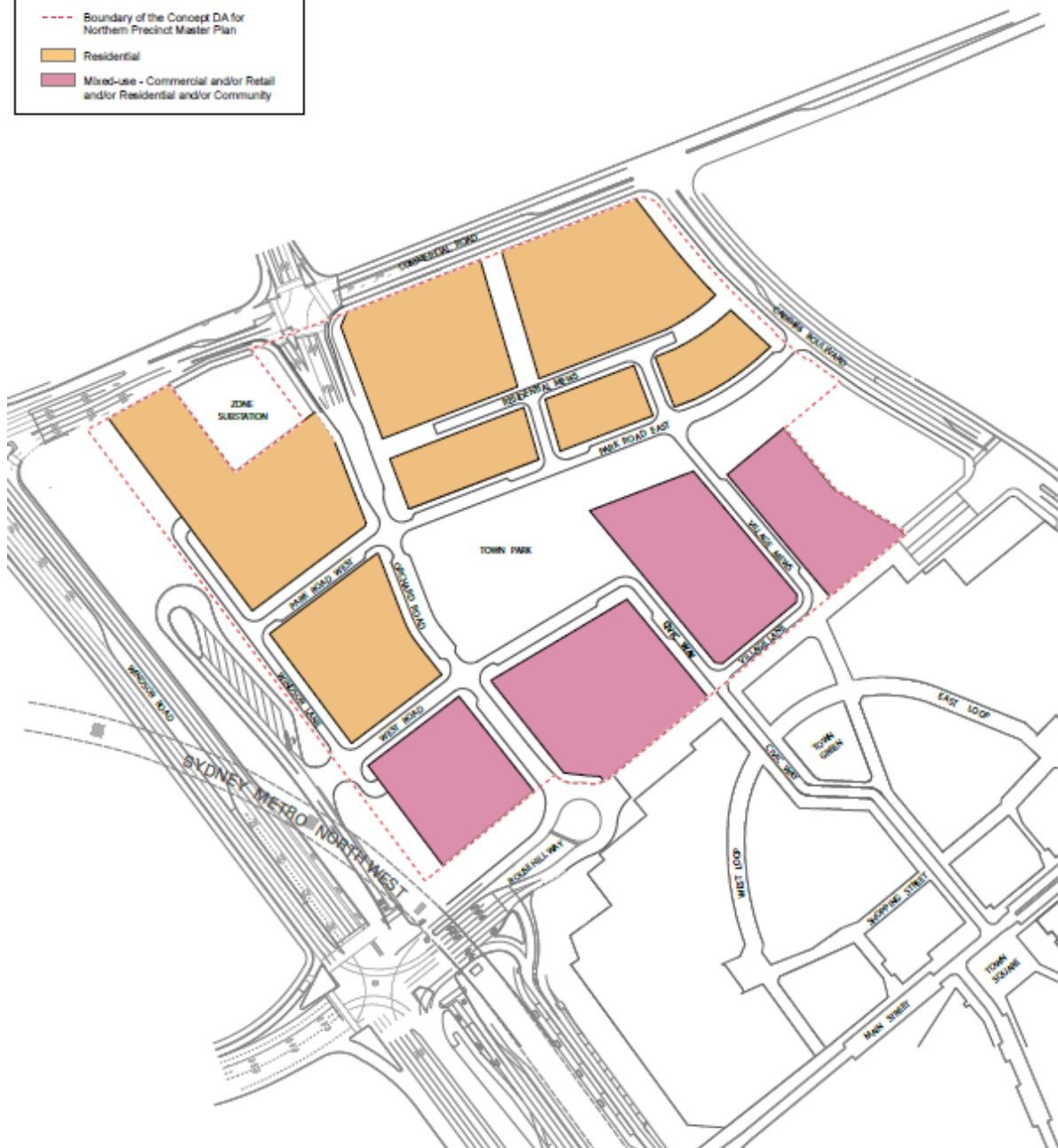
21.03.2015

0 20 40 60m



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

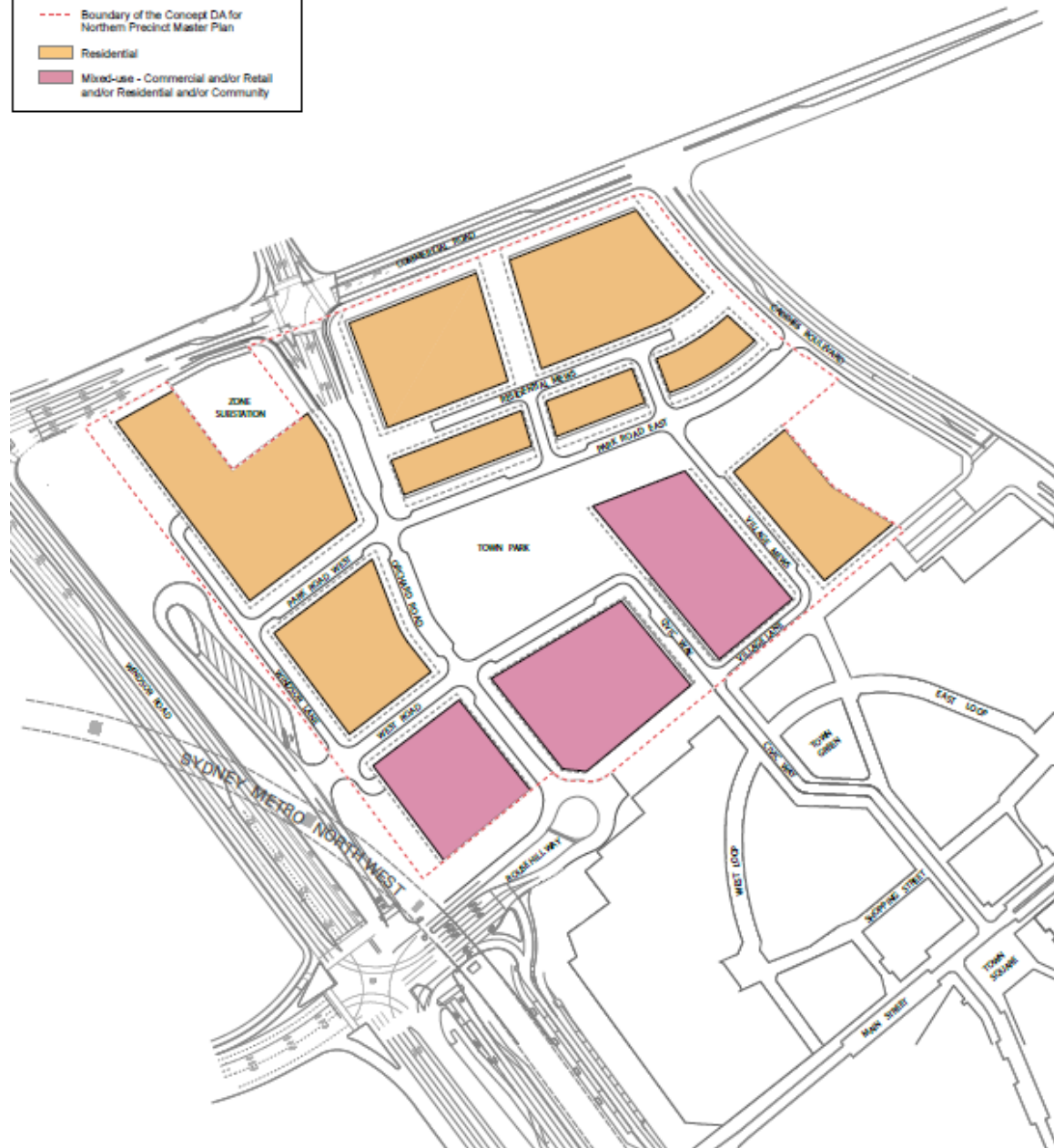
21.03.2019

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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

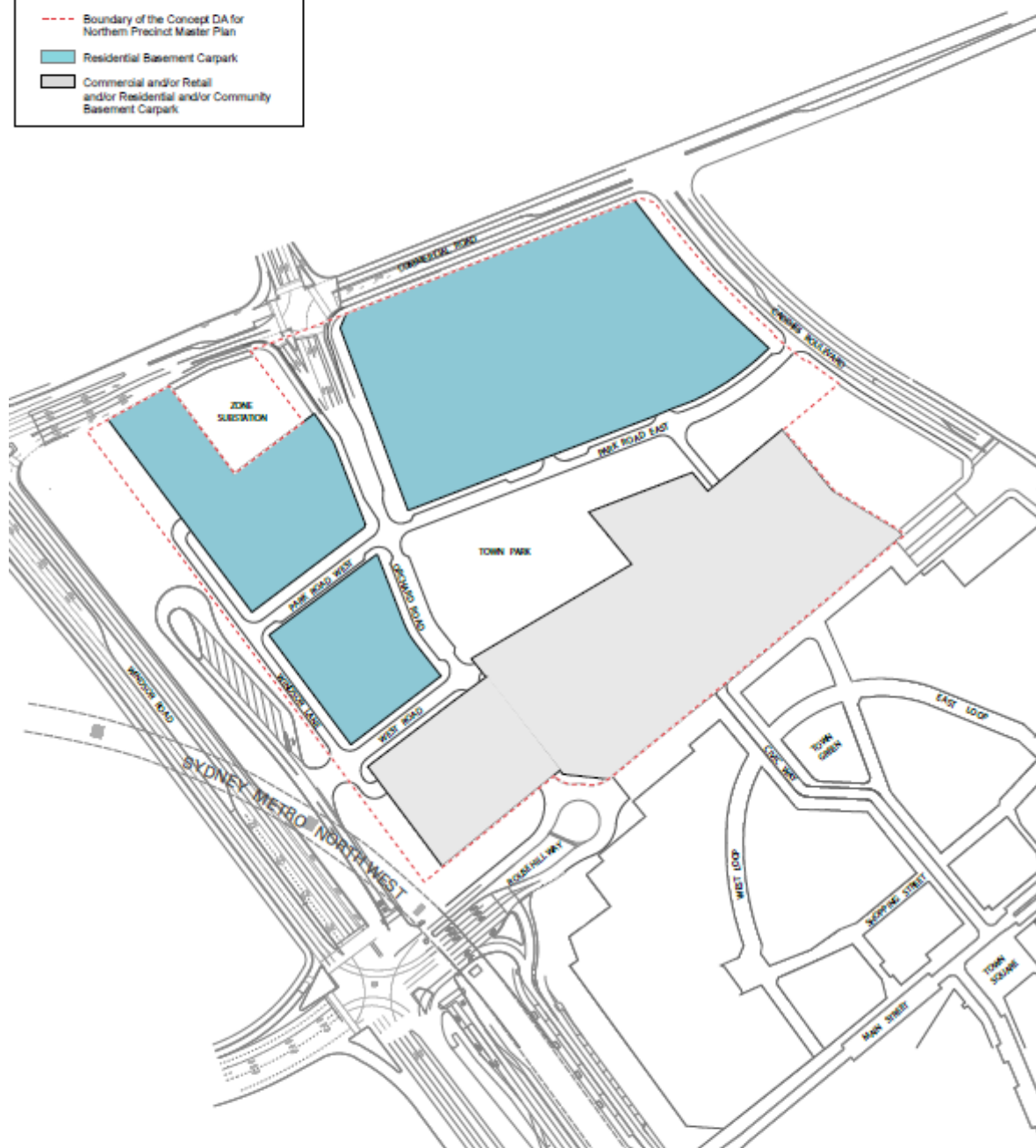
GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

20.03.2019 0 20 40 60m

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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NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

21.03.2019

0 20 40 60m



LEGEND

- 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

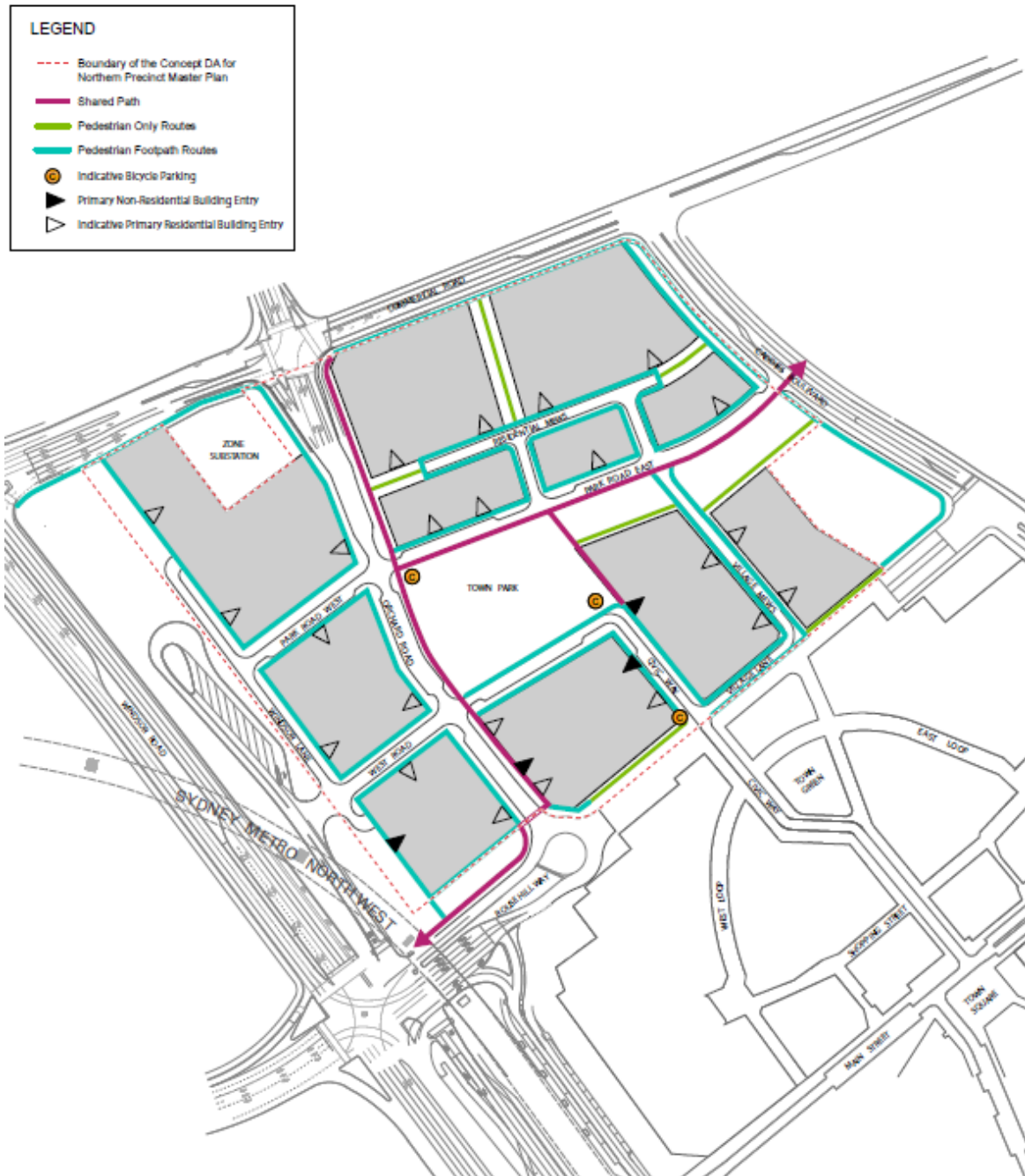
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GPT

NORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

21.03.2019 0 20 40 60m



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

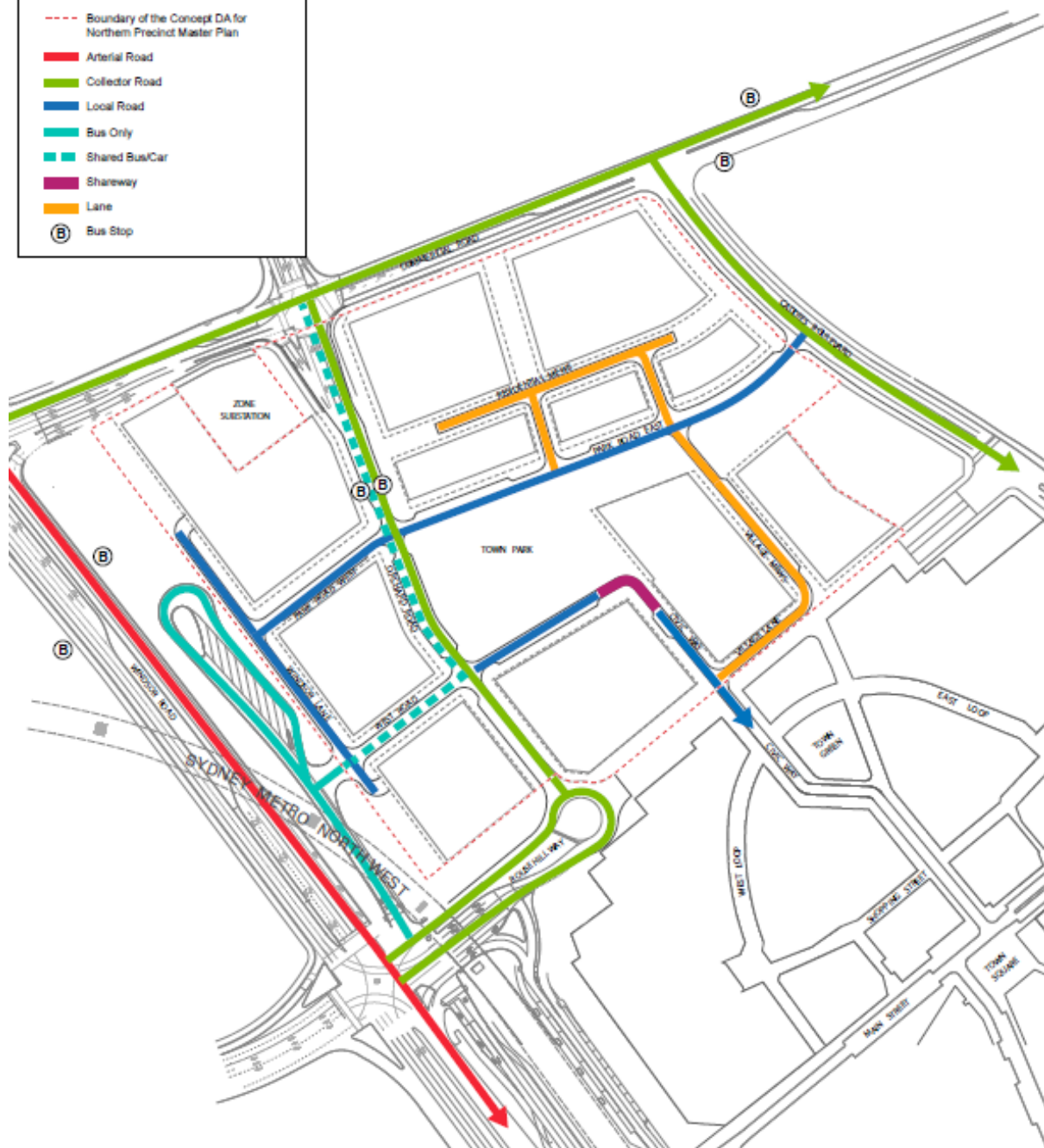
21.03.2019

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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
- (B) 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

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urban design & master planningGPT
The GPT GroupNORTHERN PRECINCT OF THE
ROUSE HILL TOWN CENTRE: CONCEPT PLAN

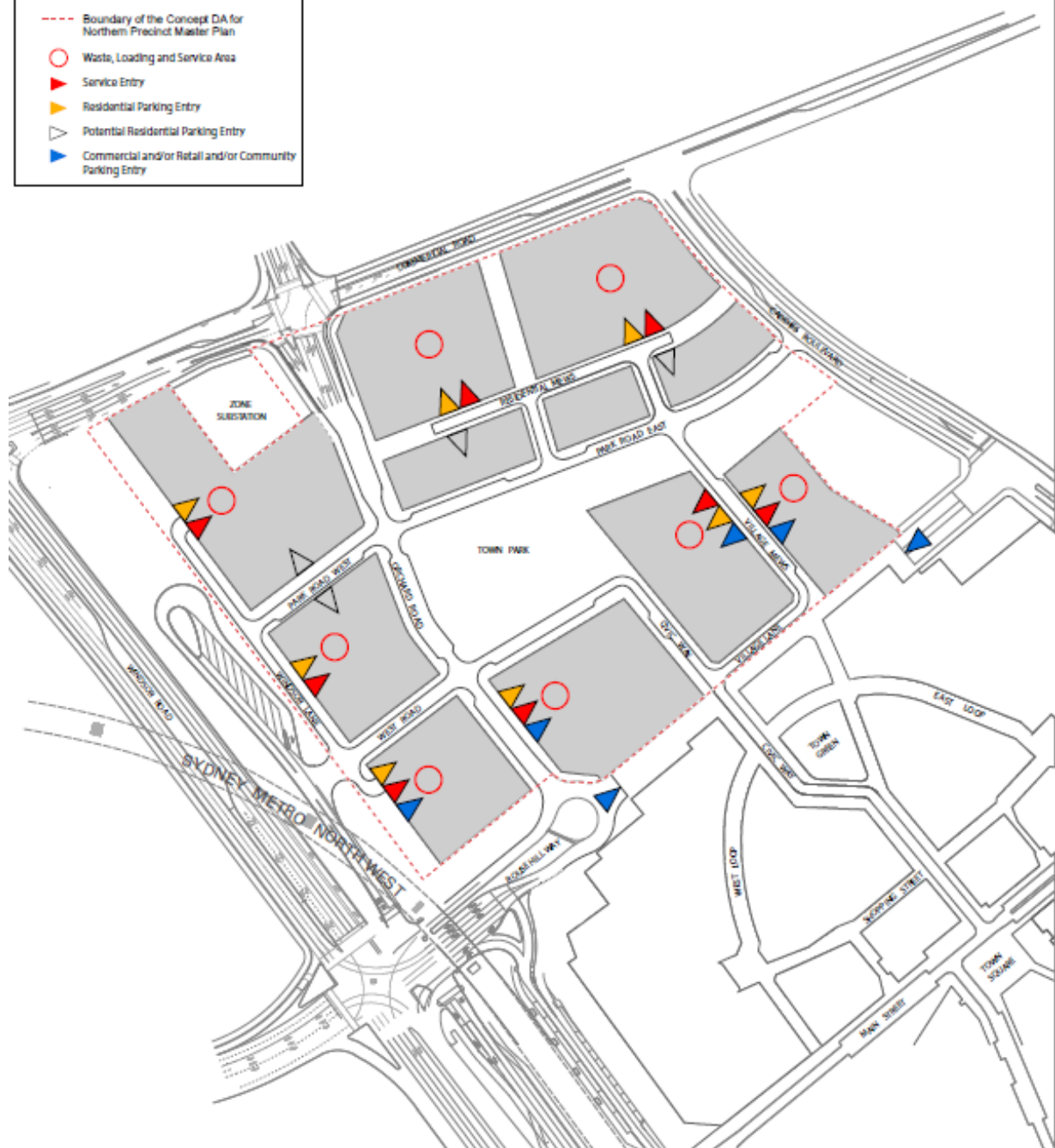
21.02.2019

0 20 40 60m



LEGEND

- Boundary of the Concept DA for Northern Precinct Master Plan
- Waste, Loading and Service Area
- ▲ Service Entry
- ▲ Residential Parking Entry
- △ Potential Residential Parking Entry
- ▲ Commercial and/or Retail and/or Community Parking 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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ROUSE HILL TOWN CENTRE: CONCEPT PLAN

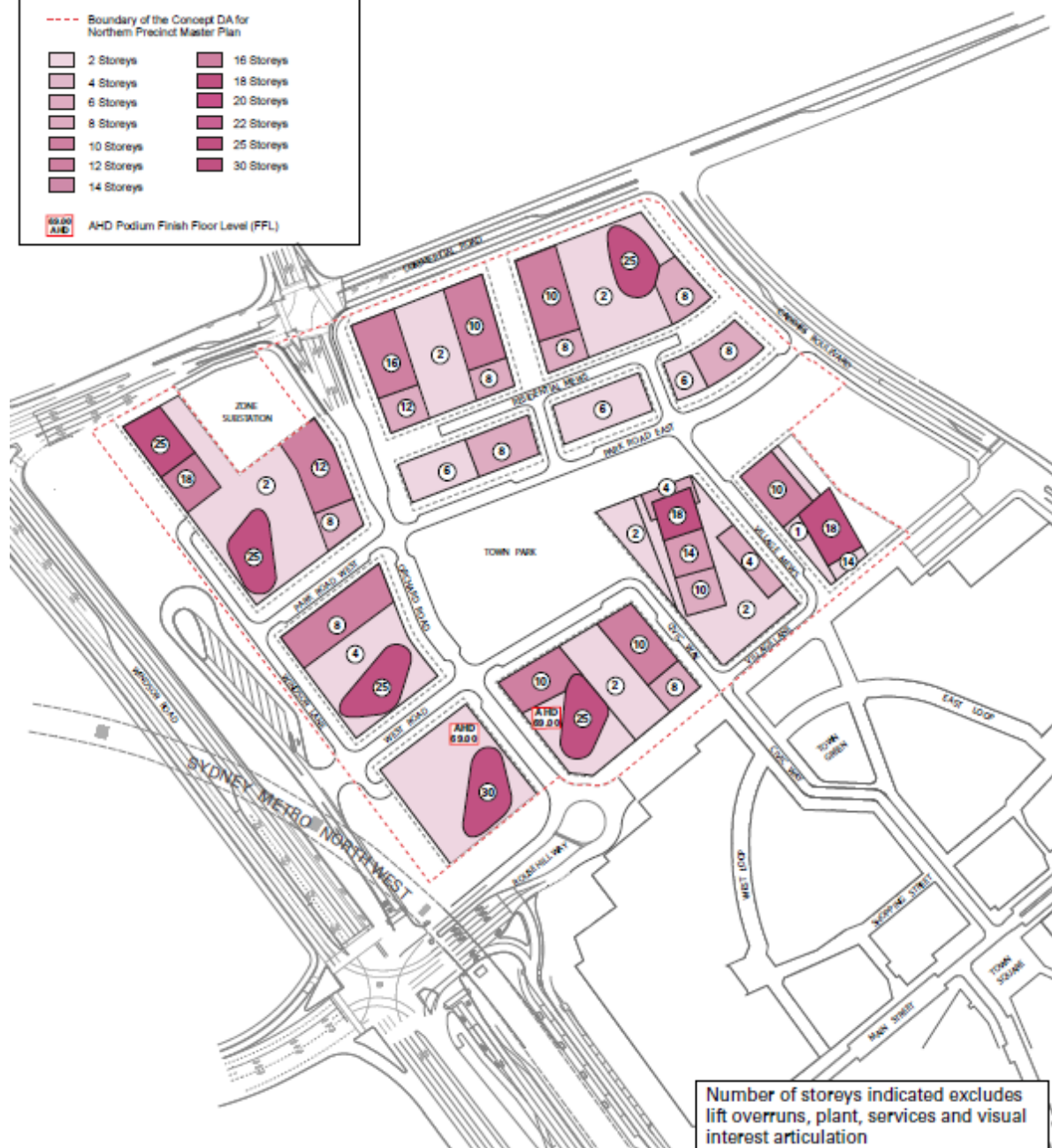
21.03.2019

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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 | |
- AND** AND 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

21.03.2015

0 20 40 60m



ATTACHMENT 6 – PHOTOMONTAGE

