

DATE OF DETERMINATION	8 December 2023
DATE OF PANEL DECISION	8 December 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Megan Munari, Jarrod Murphy
APOLOGIES	Steve Murray
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 November 2023.

MATTER DETERMINED

PPSSCC-382 – The Hills Shire –284/2023/JP - 3 Money Close, Rouse Hill - Mixed Use Development including Warehouse Units, Motel (Respite) Accommodation, Respite Day Care Centre and Associated Works.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

The proposed development is for a mixed use development comprising warehouse units, a respite day care centre, motel accommodation, associated offices and car parking for 121 cars, to be completed in two stages.

Stage 1 - Respite day care centre (830m²) comprising five activity rooms, meeting rooms, amenities and admin areas, an in-house 'training' café, outdoor landscaped space and a multi-use hard court; - Car parking for 53 cars and a mini bus drop off area; - Offices (435m²) ancillary to the North West Disability Services (NWDS) uses on the site.

Stage 2 - Six warehouse units, four with mezzanines; - Three of the units will accommodate uses associated with NWDS "life skills" program; - Six motel rooms (or suites) associated with NWDS. An additional 68 parking spaces and second vehicular entrance from Money Close. The proposed development has been designed to accommodate the operational requirements of North West Disability Services (NWDS).

The proposed development is permissible in the E4 General Industrial zone and has been assessed under the relevant provisions of State Environmental Planning Policy (Planning Systems) 2021, Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, The Hills LEP 2019, and The Hills Development Control Plan 2012.

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

The proposed development includes a variation to building setbacks stipulated by the DCP for industrial development. The variations to setbacks is considered satisfactory given the built form of the proposal, the surrounding context of the site and high percentage of landscaped area of the site. The report also addresses the proposed parking on the site and its compliance with the applicant's "first principles" assessment and a merit assessment against the DCP controls.

The application was notified initially for 22 days, and also notified and advertised as Nominated Integrated Development following the submission of amended plans and information for a period of 37 days. One submission from an adjoining owner was received during each notification / advertising period. The issues raised in the objections relate to stormwater, permissibility and acoustics. Conditions of consent require compliance with LEP land use definitions and acoustic construction measures to address concerns raised in submissions. Other matters are addressed in the report and do not warrant refusal of the application. General Terms of Approval were issued by the Department of Planning and Environment (Water) in relation to the riparian corridor at the rear of the site.

The Development Application is recommended for approval subject to conditions.

CONDITIONS





The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

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

- Permissibility
- Acoustics
- Stormwater

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Megan Munari 	Jarrold Murphy 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-382 – The Hills Shire –284/2023/JP
2	PROPOSED DEVELOPMENT	Mixed Use Development including Warehouse Units, Motel (Respite) Accommodation, Respite Day Care Centre and Associated Works.
3	STREET ADDRESS	3 Money Close, Rouse Hill
4	APPLICANT/OWNER	Applicant: Brooks Projects/North West Disability Services Australia Limited Owner: North West Disability Services Australia Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 The Hills Local Environmental Plan 2019 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 29 November 2023 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 3 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Blake Cansdale, Megan Munari <u>Council assessment staff</u>: Kate Clinton, Paul Osborne, Cameron McKenzie <u>Applicant representatives</u>: Peter Brooks, James Lavelle
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report