

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Thursday 24 September 2015 at 11.30 am**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Dave Walker

**Apologies:** Michael Edgar

**Declarations of Interest:** None

## Determination and Statement of Reasons

2014SYW055 – The Hills Shire Council, DA1238/2014, A mixed use development including demolition of an existing dwelling and construction of a medical centre, a residential flat building containing fifty nine (59) apartments, one (1) dual occupancy and four (4) integrated dwellings and construction of a road, Lot 1 DP 23258 No. 15 Withers Road, Kellyville.

**Date of determination:** 24 September 2015

### Decision:

The Panel, by a majority of 3 to 1, determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. Mr Walker dissented and determined that the application should be refused or deferred.

### Panel consideration:




The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

### Reasons for Panel Decision:

1. The proposed development will add to the supply and choice of housing and the supply of medical and related services within the Northwest growth centre in an appropriate location approximate to the North Kellyville Centre.
2. The Panel has considered the applicant's request to vary the development standard in Clause 4.3 (Height of Buildings) contained in SEPP (Sydney Region Growth Centres) 2006 and considers there are sufficient environmental planning grounds to support the variation and compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in a building that is inconsistent with the scale of buildings suited to this locality and the development remains consistent with the underlying intent of the standard and objectives of the SEPP.
3. The proposed development adequately satisfies the relevant State Environment Planning Policies including SEPP (Sydney Region Growth Centres) 2006, SEPP 65 (Design Quality and Residential Flat Development) and its associated residential design code, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the provisions and objectives of North Kellyville DCP and The Hills DCP 2012.
5. The proposed unit mix is considered appropriate given the proximity of the site to the planned North Kellyville Centre.
6. The proposed development will have no significant adverse impacts on the natural or built environments.
7. In consideration of conclusions 1 – 6 above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**Conditions:** The development application was approved subject to the proposed conditions provided to the Panel prior to the meeting as amended at the meeting.

### Panel members:

		
<b>Mary-Lynne Taylor</b>	<b>Bruce McDonald</b>	<b>Paul Mitchell</b>
<b>Dave Walker</b>		

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## SCHEDULE 1

1	<b>JRPP Reference – 2014SYW055, LGA – The Hills Shire Council, DA1238/2014</b>
2	<b>Proposed development:</b> A mixed use development including demolition of an existing dwelling and construction of a medical centre, a residential flat building containing fifty nine (59) apartments, one (1) dual occupancy and four (4) integrated dwellings and construction of a road.
3	<b>Street address:</b> Lot 1 DP 23258 No. 15 Withers Road, Kellyville.
4	<b>Applicant:</b> DFP Planning Consultants Mr & Mrs D Khan
5	<b>Type of Regional development:</b> Capital Investment Value >\$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP Sydney Region Grown Centres 2006</li> <li>○ North Kellyville Precinct DCP</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>○ Draft SEPP 65</li> <li>○ SEPP Infrastructure 2007</li> <li>○ Residential Flat Design Code</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ The Hills Shire Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>• Ellen Robertshaw on behalf of the Applicant.</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> 24 September 2015 – Site Inspection and Final Briefing meeting.
9	<b>Council recommendation:</b> Deferral