

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 2 October 2014 and 10 October 2014

Panel Members: Bruce McDonald (Acting Chair), Paul Mitchell, Lindsay Fletcher, Dave Walker and Michael Edgar

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2014SYW058 – The Hills Shire Council, DA 1336/2012/JP/A, S.96(2) Modification to an approved mixed use development, Lot E DP 399088, No. 2-4 Barry Road, Kellyville

Date of determination: 10 October 2014

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:






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

Reasons for the panel decision:

1. The request for variation of the development standard relating to height is reasonable as compliance in this case is unnecessary in the circumstances of this case as the height of the building is generally consistent with the earlier consent and will not introduce further impacts than that of the approved building.
2. The application should be approved subject to the recommended amended conditions as:
 - i) The proposal complies with Councils DCP-North Kellyville
 - ii) The proposal complies adequately with SEPP 65
 - iii) The amended building introduces no significant impacts beyond that originally approved.

Conditions: The development application was approved subject to the conditions as modified in the Council Assessment Report.

Panel members:

 Bruce McDonald (Acting Chair)	 Paul Mitchell	 Lindsay Fletcher
 Dave Walker	 Michael Edgar	

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SCHEDULE 1

1	JRPP Reference – 2014SYW058, LGA – The Hills Shire Council, DA 1336/2012
2	Proposed development: S.96(2) Modification to an approved missed use development.
3	Street address: 2-4 Barry Road, Kellyville
4	Applicant/Owner: Restifa and Partners
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ LEP 2012 ○ SEPP Sydney Region Growth Centres 2006 (North Kellyville) ○ SEPP 65 Design Quality of Residential Flat Buildings ○ SEPP Building Sustainability Index BASIX 2004 ○ SREP 20 – Hawkesbury Nepean River ○ Residential Flat Design Code • Draft environmental planning instruments: Nil • Development control plans: DCP North Kellyville • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report with modified conditions Written submissions during public exhibition: nil
8	Meetings and site inspections by the panel: Briefing Meeting on 7 August 2014
9	Council recommendation: Approval
10	Modified Conditions: as attached to the report