

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at The Hills Shire Council on Thursday 30 July 2015 at 12.30 pm

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchell, Bruce McDonald, and Michael Edgar

Apologies: Dave Walker - Declarations of Interest: None

Determination and Statement of Reasons

2015SYW014 – The Hills Shire Council – DA 799/2015 – Subdivision (38 lots) and a mixed use development including shop top housing (209 residential units), retail space and parking for 493 vehicles, Lot 22 DP 1071637 and Lot 4 DP 241932 – Nos. 133-149 Samantha Riley Drive and No. 12 Hezlett Road, Kellyville.

Date of determination: 30 July 2015

Decision:

The panel, by majority of 3 to 1, (Taylor, Mitchell & McDonald for: Edgar against:) 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 proposed facility will provide retail and commercial services and social amenity by installing a neighbourhood centre to service the needs of the North Kellyville Precinct of the Northwest Sydney Region Growth Centre. The development will also add to the supply and choice of housing within the Central West Metropolitan Subregion and The Hills local government area in a location with ready access to regional transport services and the amenity and services offered by the neighbourhood centre.
2. The Panel has considered the Applicants request to vary the development standard contained in Clause 4.3 – Height of Buildings – SEPP Sydney Region Growth Centres and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the building height will facilitate a built form design responding to the characteristics of the site and facilitate higher densities within the neighbourhood centre while minimising impacts on the surrounding residential context. The variation will not result in development that is inconsistent with the underlying intent of the standard or the objectives of the R4 zone.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP Sydney Regions Growth Centre 2006, SEPP 65 Design Quality of Residential Flat Development and associated Residential Flat Design Code, SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land.
4. While noting departures from the Indicative Layout Plan contained in the North Kellyville DCP 2008, the proposal is considered to provide an outcome that adequately satisfies the provisions and objectives of the DCP.
5. While different to the DCP, since the DCP was prepared the circumstances in the neighbourhood have changed with the coming of the Northwest Train Link and therefore the additional residential accommodation in the form as proposed here is appropriate and suitable for the site and the architectural treatment and landscape treatment, adopted for the proposal are not inconsistent with the character of the neighbourhood centre planned for this location.
6. The development will have no significant adverse impacts on the natural or built environments including the amenity of nearby proposed and established dwellings or the performance of the local road network. In terms of the immediate surrounding residents, this proposal provides a built form buffer of appropriately scaled residential development.
7. This approval does not include any approval for development on Lot 2 shown on the submitted plans as

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the retail pad site.

8. As The Hills Council provided a separate report dated 30 July 2015 in relation to SEPP 55 – Remediation of Land upon which the Panel will rely, the Panel believes that the site is suitable for the proposed use in terms of SEPP 55 and the applicant has agreed to condition 43 being amended to include a final validation report/certification to be provided by an EPA accredited site auditor at the completion of the works.
9. In consideration of conclusion 1- 8 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Panel members:

 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Paul Mitchell
 Michael Edgar		

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SCHEDULE 1

1	JRPP Reference – 2015SYW014, LGA – The Hills Shire Council, DA 799/2015
2	Proposed development: Subdivision (38 lots) and a mixed use development including shop top housing (209 residential units), retail space and parking for 493 vehicles.
3	Street address: Lot 22 DP 1071637 and Lot 4 DP 241932 – Nos. 133-149 Samantha Riley Drive and No. 12 Hezlett Road, Kellyville.
4	Applicant/Owner: Combined Projects (Kellyville) Pty Ltd
5	Type of Regional development: CIV of over \$20 million.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ SEPP Sydney Region Growth Centres 2006 ◦ North Kellyville DCP 2008 ◦ SEPP 65 – Design Quality of Residential Flat Development ◦ Residential Flat Design Code • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ The Hills DCP 2012 • 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 draft conditions of consent. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Mr Joel Gray • Ms Samantha Wilson – Urbis • Mr Stephen Nordon – Nordon Jao Architects
8	Meetings and site inspections by the panel: 5 February 2015 – Briefing Meeting 30 July 2015 – Site Inspection and Final Briefing Meeting
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report

