

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at The Hills Shire Council on 29 October 2015 at 11.30 am

Panel Members: Paul Mitchell (Chair), Bruce McDonald, Lindsay Fletcher, Michael Edgar, Stewart Seale

Apologies: Dave Walker Declarations of Interest: none

## Determination and Statement of Reasons

**2015SYW079 – THE HILLS – DA1371/2015/JP [Proposed Lot 3 in Plan of Subdivision of Lot 2 DP 1180345, No. 68 Hezlett Road, Kellyville] as described in Schedule 1.**

**Date of determination:** 29 October 2015

**Decision:** The panel determined to approve the development application as described in Schedule 1 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:




The panel approved, 4 to 1, the development application subject to the conditions within the Assessment Report for the following reasons:

1. The proposed development will add to the supply and choice of housing within the Northwest growth centre and The Hills Local Government area in a location appropriate for higher density urban development.
2. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) contained in SEPP (Sydney Region Growth Centres) 2006 and considers that 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 for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the SEPP.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP Sydney Region Growth Centres 2006, SEPP 65 Design Quality of Residential Flat Development and its associated Residential Flat Design Code, *SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007*.  
In relation to SEPP 55 the Panel notes remediation is required under the terms of an earlier subdivision consent and that this subdivision is to be registered prior to an occupation certificate being issued for the subject development.
4. The proposed adequately satisfies the provisions and objectives of North Kellyville Development Control Pan.
5. The proposed development will have no significant adverse impacts on the natural or built environments.
6. In consideration of conclusions 1 – 5 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 Member Stewart Seale voted against the development application as it significantly exceeds the planned density and the level of infrastructure provided to meet the demands of the future population. In addition bulk and scale of the proposed building is well beyond that envisaged for this location and on this basis is an over development of the land.

**Conditions:** The development application was approved subject to the conditions in Appendix A of the Council Assessment Report.

### Panel members:

 <b>Paul Mitchell (Chair)</b>	 <b>Bruce McDonald</b>	 <b>Lindsay Fletcher</b>
Approved by email <b>Michael Edgar</b>	Approved by email <b>Stewart Seale</b>	

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2015SYW079 – THE HILLS – DA1371/2015/JP
2	<b>Proposed development:</b> Alterations and Additions to Westfield North Rocks Shopping Centre
3	<b>Street address:</b> Proposed Lot 3 in Plan of Subdivision of Lot 2 DP 1180345, No. 68 Hezlett Road, Kellyville
4	<b>Applicant/Owner:</b> KANEBRIDGE CONSTRUCTIONS NSW PTY LTD
5	<b>Type of Regional development:</b> CIV >\$20 million
6	<b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• SEPP SYDNEY REGION GROWTH CENTRES 2006</li> <li>• NORTH KELLYVILLE PRECINCT DCP</li> <li>• SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT</li> <li>• SEPP 55 – REMEDIATION OF LAND. In relation to SEPP 55 the Panel relied on a supplementary memo provided prior to the meeting but not contained in the original assessment report.</li> <li>• RESIDENTIAL FLAT DESIGN CODE</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 Environmental Planning Assessment Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated 18 October 2015 Written submissions during public exhibition: 1
8	<b>Meetings and site inspections by the panel:</b> Site inspection, briefing meeting & determination meeting – 29 October 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Contained in Assessment Report