

DATE OF DETERMINATION	Thursday, 20 October 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Michael Edgar and Stewart Seale
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 20 October 2016, opened at 11:30 am and closed at 1:45 pm.

MATTER DETERMINED

2015SYW213 – The Hills – DA 913/2016/JP AT Lot 101 DP 1195876 – 2B Hector Court, Kellyville (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposal exceeds the height of buildings development standard under the Hills LEP 2012.
2. The proposal has not been supported by a written request to vary the height standard.
3. The proposal does not comply with the Design Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development in terms of:
 - o Principle No. 1 – Context and Neighbourhood Character
 - o Principle No. 2 – Built Form and Scale; and
 - o Principle No. 3 – Density.
4. The development is excessive in scale in the locality and is not compatible with the surrounding development and the overall streetscape (Section 79C 1(b) of the NSW Environmental Planning and Assessment Act 1979).
5. The proposed development is contrary to the provisions of Clause 50 of the NSW Environmental Planning and Assessment Regulations 2000, which requires the applicant to provide all the necessary and requested information to Council to allow for a proper assessment of the application, including the submission of information including engineering matters and waste matters, specifically in regard to waste management vehicle access, the design of the extension of Severn Vale Drive partial width road

construction of Hector Court, swept turning path analysis and clearances on the ramps and the provision of separate facilities for turning before the security doors (Section 79C 1a)(iv) of the NSW Environmental Planning and Assessment Act, 1979).

6. The proposed development is not in the public interest.

CONDITIONS

Not applicable

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Stuart McDonald	 Michael Edgar
 Steward Seale	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW213 – The Hills – DA 913/2016/JP
2	PROPOSED DEVELOPMENT	Residential Flat Building development
3	STREET ADDRESS	Lot 101 DP 1195876 – 2B Hector Court, Kellyville
4	APPLICANT	David Krepp
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy No. 32 – Urban Consolidation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 55 – Remediation of Land State Regional Environmental Plan No. 20 – Hawkesbury Nepean River The Hills Shire Local Environment Plan 2012 The Hills Shire Development Control Plan Part B Section 5 – Residential Flat Buildings The Hills Shire Development Control Plan Part D Section 7 – Balmoral Road Release Area 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> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report dated 20 October 2016 Written submissions during public exhibition: 43, and a petition with 30 signatures Verbal submissions at the panel meeting: - Object – Karen Mansfield on behalf of Balmoral Road Residents Action Group and Steve Challoner - On behalf of the applicant – Larissa Brennan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site visit and briefing meeting on 18 February 2016 - Site visit and final briefing meeting on 20 October 2016
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Not supplied