

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 20 July 2017
PANEL MEMBERS	Edward Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Edgar and Stewart Seale declared a conflict of interest as they had been involved in the rezoning process.

Public meeting held at The Hills Shire Council on 20 July 2017, opened at 12:35 pm and closed at 2:00 pm.

MATTER DETERMINED

2016SWC004 – The Hills – DA779/2017/JP AT RMB 47 Spurway Drive, Baulkham Hills Lot 101 DP 1176747, Lot 32 DP 247442, Lot 33 DP 247442 (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 approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determines the development application by approving it for the following reasons:

1. It is an appropriate development for the site given its location close to the Norwest centre and its compatibility with the zone objectives
2. The Panel has given particular consideration to the variation between parking standards in The Hills Local Environment Plan 2012 (LEP) and the Apartment Design Guide, but notes that the LEP standard was derived recently and the full knowledge of the existence of the rail corridor. Notwithstanding, the Panel will pay particular attention to the desirability of achieving Transport Oriented Development in future applications.
3. The Panel has also given close consideration to the proposed 6m front setback noting it is a breach of the 10m DCP guideline. In this instance, the variation is warranted because it enables a better design outcome. However, this is a site specific decision which should not be regarded as a precedent for future applications.
4. The proposed development is of an appropriate scale and design and will not cause material adverse impacts on the built or natural environments.
5. The proposed development will add to housing choice and availability, and will contribute to improved housing affordability and is therefore beneficial from a social perspective.
6. For the reasons given above, the Panel considers the application to be in the public interest.
7. The application includes a request to vary the maximum building height, apartment type and carparking standards. Each of these requests is addressed below
 - 7.1 The variation sought to the building height standard is 6.5m (or 31%). The building would still comply with the seven storeys limit specified in The Hills Development Control Plan 2012 but exceed the height standard because of the site's variable topography and the provision of the floor to ceiling height given in the Apartment Design Guide.
 - 7.2. The variation will not cause greater streetscape or amenity impacts than a complying development. The development would also satisfy the objectives of the standard. Accordingly the compliance with the height standard is considered to be unnecessary. The variation will



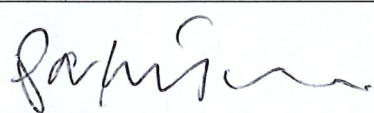
enable development that is consistent with relevant zone objectives and is compatible with the intended masterplan for the site.

- 7.3. The variation will provide an improved building design with complying floor to ceiling heights, and a development density suited to a location close to the future Northwest railway station. Thus, there are sufficient environmental planning grounds to justify the variation.
- 7.4. Overall, the Panel believes the building height variation sought is in the public interest and the Panel finds that the written application is satisfactory.
- 7.5. The variation sought to the apartment type mix is a 26% increase in the proportion of 'Type 1' apartments, these being generally smaller apartments. While the percentage variation sought is quite large, the variation in the prescribed unit areas is minimal, being between 2-8m².
- 7.6. The variation will cause no adverse impacts and will have the beneficial effect of improving housing affordability. The development as varied would be both compatible with the objective of the apartment mix standard and relevant zone objectives.
- 7.7. The variation would have environmental planning benefits by improving housing affordability without decreasing the standard of the development.
- 7.8. Overall, the Panel finds that the variation would be in the public interest and that the variation application is satisfactory.
- 7.9. The variation sought to the car parking standard is a reduction of 63 spaces. The number of spaces provided would, however, be well in excess of that prescribed by Roads and Maritime Services (an exceedance of 67 spaces), meaning that sufficient parking will be provided and the objective of the standard will be satisfied. As such, the Panel believes that compliance with the standard is unnecessary.
- 7.10. The variation will enable development that is consistent with relevant zone objectives, particularly providing high density development close to a public transport node.
- 7.11. Environmental planning benefits will result from the variation being lower traffic generation and more cost effective (and affordable) development. This will be assisted by the planned car share scheme.
- 7.12. The Panel determines that the variation is in the public interest and that the written application is satisfactory.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Minor wording changes to conditions as agreed with Council and application, and deletion of Condition 43 as it was included erroneously.

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SWC004 – The Hills – DA779/2017/JP
2	PROPOSED DEVELOPMENT	Development application for Stage 1 (Phase 1) to construct two seven-storey residential flat buildings comprising a total of 121 apartments (30 x one bedroom, 79 x two bedroom, 10 x three bedroom and 2 x four-bedroom), landscaping, subdivision and car parking for 197 vehicles over three levels of basement car park
3	STREET ADDRESS	RMB 47 Spurway Drive, Baulkham Hills Lot 101 DP 1176747, Lot 32 DP 247442, Lot 33 DP 247442
4	APPLICANT/OWNER	Sekisui House Australia Pty Ltd / Devus Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2008 • State Environmental Planning Policy No 55 – Remediation of Land • The Hills Local Environment Plan 2012 • The Hills Development Control Plan 2012 • 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> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 20 July 2017 • Written submissions during public exhibition: two (2) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Peter Smith ○ On behalf of the applicant – Greg Dowling, Dan Szwaj and Peter Vallvau
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 20 July 2017 • Final briefing meeting to discuss council's recommendation on 20 July 2017 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Edward Blakely (Chair), Mary-Lynne Taylor and Paul Mitchell ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Kristine McKenzie and Robert Buckham
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report