



DATE OF DETERMINATION	18 August 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher, Dave Walker and Michael Edgar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 18 August 2016, opened at 3:00pm and closed at 3:30pm.

#### MATTER DETERMINED

2016SYW005 - The Hills Shire Council, DA992/2016/JP - 30 Norbrik Drive, Bella Vista (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 80/96 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.

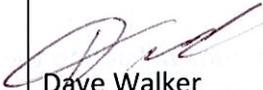
#### REASONS FOR THE DECISION

- The proposed development will add to the supply and choice of housing for aged persons and persons with disability within the West Central Metropolitan Subregion and The Hills local government area in a location with access to transport services and the services and amenities available within Norwest Business Park including the nearby shopping centre, and the proposed.
- The Panel has considered the Applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) The Hills LEP 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed building is located on a substantial site, the variation will not generate impacts on the nearby residential premises and will facilitate a building providing a sound design and functional outcome. It is considered the development remains consistent with the objectives of the standards and the applicable B7 Business Park zoning of the subject site.
- The proposed development subject to the conditions imposed adequately satisfies the relevant State Legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP (Affordable Rental Housing) SEPP 55 Remediation of Land 2009 and SEPP 65 – Design Quality Apartment Development and its associated Apartment Design Guide.

- The proposal adequately satisfies the applicable provisions and objectives of The Hills LEP 2012 and The Hills DCP 2012.
- The proposed development is considered to be of appropriate scale and form adequately consistent with the character and scale of development existing in and planned for the locality in which it is placed.
- The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or the operation of the local road system or the nearby heritage items and landscape.
- In consideration of the above conclusions the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**CONDITIONS**

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

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Lindsay Fletcher	 Dave Walker
 Michael Edgar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW005 - The Hills Shire Council, DA992/2016/JP
2	PROPOSED DEVELOPMENT	A masterplan which encompasses a Stage 1 built form component for a seniors living development pursuant to State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004.
3	STREET ADDRESS	Lot 1 DP 1217654 – 26-30 Norbrik Drive, Bella Vista
4	APPLICANT/OWNER	Mulpha Norwest Pty Limited

5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> </ul> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>• The Hills Local Environment Plan 2012</li> <li>• DCP 2012 Part C Section 6 – Business</li> <li>• DCP 2012 Part B Section 5 – Residential Flat Buildings</li> <li>• DCP 2012 Part C Section 1 - Parking</li> </ul> <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act Regulation 2000</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report: <b>18 August 2016</b></p> <p>Written submissions during public exhibition: Thirty</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Support – nil</li> <li>• Object – Balvinder Kumar, Pushpa Mishra, Rasheed Rasheeduzzafar, Yvonne Reynolds, Gordon Reynolds, Phil Adams</li> <li>• On behalf of the applicant – Tim Spencer</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>18 February 2016- Site Inspection</p> <p>18 February 2016 - Briefing Meeting</p> <p>18 August 2016 – Final Briefing Meeting</p>

9	<b>COUNCIL RECOMMENDATION</b>	<b>Approve</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report