

DATE OF DETERMINATION	Thursday, 17 November 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Lindsay Fletcher, John Griffin, Dave Walker and Stewart Seale
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 17 November 2016, opened at 12:10 pm and closed at 1:40 pm.

MATTER DETERMINED

2016SYW033 – The Hills - 1146/2016/JP - 105 Bella Vista Drive, BELLA VISTA Lot 11 DP 1026150 (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 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 proposed development will add to the supply and choice of housing within the West Central Metropolitan Subregion and The Hills local government area in a location with ready access to the services and amenities in the neighbourhood centre and the general locality; the development is approximately less than one kilometre south of the proposed new railway station.
2. The Panel has considered the applicant's request to vary the development standard contained in The Hills LEP 2012 Cl. 4.3 relating to height of buildings and is satisfied that the request has adequately addressed the matters to be demonstrated by Clause 4.6 (3). The Panel considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation responds to the sloping characteristic of the site, and will not result in development inconsistent with this locality and the development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (State and Regional Development) 2011 and State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide. The Panel notes that there are some non-compliances, but considers that they are acceptable in the context of this site.
4. The proposal adequately satisfies the applicable provisions and objectives of The Hills Local Environmental Plan 2012 and The Hills DCP 2012. Here too the Panel notes a number of departures from the LEP and DCP provisions and considers these to be acceptable having regard to the objectives of the zoning controls and the context of the site.

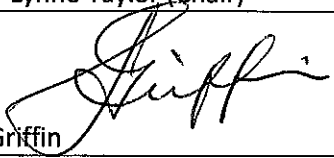
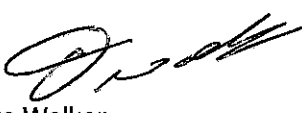
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjacent and nearby residential premises or the operation of the local road system.
6. In consideration of conclusions 1 to 5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

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

Special Panel comment:

The Chair stated that this was the last meeting of the Sydney West Joint Regional Planning Panel in The Hills LGA, as the Sydney West Central Planning Panel would commence on 21 November 2016. The Chair, on behalf of the Panel, extended the appreciation of the Panel to the staff at The Hills Shire Council for the assistance and co-operation over the seven years of the Panel's operation.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Lindsay Fletcher
 John Griffin	 Dave Walker
 Stewart Seale	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW033 – The Hills - 1146/2016/JP
2	PROPOSED DEVELOPMENT	Demolition of existing structures, earthworks and construction of a mixed use development with community title subdivision
3	STREET ADDRESS	105 Bella Vista Drive, BELLA VISTA Lot 11 DP 1026150
4	APPLICANT	Restifa & Partners Pty Ltd

5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • The Hills Local Environmental Plan 2012 • Draft The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012 ○ Part B Section 6 – Business ○ Part C Section 1 – Parking ○ Part C Section 3 – Landscaping • Clause 4.6 written request • 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	• Council assessment report dated 17 November 2016 • Written submissions during public exhibition: 92 submissions and a petition containing 13 signatories • Verbal submissions at the panel meeting: ○ Object – David Maguire, Yvonne Reynolds, Gordon Reynolds, Delfin Santos on behalf of Angela Ho, Chris Salkovic, Madeline Jammal and Phil Adams ○ On behalf of the applicant – Lisa Bella Esposito, Sam Restifa and Joshua Hollis
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site visit and briefing meeting on 17 March 2016 • Site visit and briefing meeting on 17 November 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report