

<b>DATE OF DETERMINATION</b>	15 September 2016
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Bruce McDonald, Clare Brown, Dave Walker and Michael Edgar
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Mary-Lynne Taylor advised that she knows and has worked previously with several of the consultants working on this application, but has no acquaintance with the owner and applicants and has had no interaction between the consultants and herself relating to this application and therefore there is no conflict of interest.

Public meeting held at The Hills Shire Council on Thursday 15 September 2016, opened at 2:00pm.

#### **MATTER DETERMINED**

2016SYW054 - The Hills Shire Council, DA1325/2016/JP – Residential flat building development containing 108 units, proposed Lot 105 in plan of subdivision of Lot 2 DP 23258, No. 17 Withers Road, Kellyville.

**ITEM 3** - 2015SYW002 - The Hills Shire Council, 864/2015/JP, Revised Stage 3 Expansion of Castle Towers Shopping Centre, Revised Stage 3 Expansion of Castle Towers Shopping Centre, Castle Towers Shopping Centre was rescheduled for 27 September 2016 JRPP meeting.

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 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 decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposed development will add to the supply and choice of housing within the West Central Metropolitan Subregion and the Northwest Growth Centre in a location specifically planned for this scale and form of housing.
2. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) SEPP (Sydney Region Growth Centres) 2006 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation is minor, will not generate unacceptable impacts on nearby proposed residential development and will facilitate a building responding to the sloping nature of the subject site.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Sydney Region Growth Centres) 2006, SEPP 65 Design Quality of






4. The proposal adequately satisfies the applicable provisions and objectives of North Kellyville DCP.
5. The proposed development, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the local ecology or the operation of the local road system.
6. In consideration of conclusions 1-5 the Panel considers the proposal to represent orderly development of the land and a suitable use of this site.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with a new condition 25A.

New condition 25A to read as follows –

Prior to the Issue of a Construction Certificate, a final validation report/certificate by an EPA accredited site auditor is to be provided to Council's Manager – Environmental and Health confirming that the soils comply with National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended) and are suitable for residential use, specifically section 4: Asbestos materials in soil.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Clare Brown	 Dave Walker
 Michael Edgar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW054 - The Hills Shire Council, DA1325/2016/JP
2	PROPOSED DEVELOPMENT	Residential flat building development containing 108 units

3	STREET ADDRESS	Proposed Lot 105 in plan of subdivision of Lot 2 DP 23258, No. 17 Withers Road, Kellyville.
4	APPLICANT/OWNER	Yarraman Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development with a CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> </ul> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>• North Kellyville DCP 2008</li> <li>• THDCP 2012 Part C Section 1 – Parking</li> <li>• THDCP 2012 Part C Section 3 - Landscaping</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>15 September 2016</b></p> <p>Written submissions during public exhibition: one</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Support – nil</li> <li>• Object – nil</li> <li>• On behalf of the applicant – Kirk Osborne, Scott Lennon, Bryce Morley, Leo and Melissa Mascioli</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>21 April 2016 – Site Inspection</p> <p>15 September 2016 – Final Briefing Meeting</p>
9	COUNCIL RECOMMENDATION	Approve

10	DRAFT CONDITIONS	Attached to the council assessment report
----	------------------	---