

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 16 March 2017
PANEL MEMBERS	Stuart McDonald (Chair), Clare Brown, Dave Walker and Stewart Seale
APOLOGIES	Edward Blakely, Paul Mitchell, Mary-Lynne Taylor and Michael Edgar
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 16 March 2017, opened at 12:30 pm and closed at 1:00 pm.

MATTER DETERMINED

2016SYW095 – The Hills – 1650/2016/JP AT Lot 2 DP 1208794, Withers Road, 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 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 Sydney West Central Planning Panel has resolved to approve 2016SYW095 being a Residential Flat Development at Lot 136, DP 1191927, Withers Road, for the following reasons:

1. The Panel has considered the applicant's Clause 4.6 written request that seeks to depart from the building height development standard under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and has determined that strict compliance is unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. As a result, the development will be in the public interest because it is consistent with the objectives of the standard and the R1 Residential zone objectives.
2. The proposal is generally consistent with the provisions of State Environmental Planning Policy (Sydney Growth Centres) 2006, and satisfies the provisions of SEPP No 55 – Remediation of Land and SEPP 65 – Design Quality of Residential Apartment Development as well as the North Kellyville Development Control Plan.
3. The proposal will provide an acceptable form of residential development in the location and on the development site and subject to the recommendations as amended will have no unacceptable impacts on the natural or built environment.
4. The proposal will contribute to the supply of housing within a designated growth centre.
5. Given all of the above reasons, approval of the application is considered to be in the public interest.

CONDITIONS

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

- Condition 1: add reference to drawing number DA-C5.01
- Condition 18C: add to the end the words "This road must be dedicated to the public as public road. The extent of this road is shown outlined in red and labelled "new laneway" on the stamped approved architectural plans referred to in Condition 1."
- Condition 27: delete the words "or subdivision certificate"

- Condition 72: add to the end the words "The includes the dedication as public road of the realigned/extended laneway referred to in Condition 18(c) prior to the issue of any Occupation Certificate"

PANEL MEMBERS	
 Stuart McDonald (Chair)	 Clare Brown
 Dave Walker	 Stewart Seale

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW095 – The Hills – 1650/2016/JP
2	PROPOSED DEVELOPMENT	Residential flat building development
3	STREET ADDRESS	Lot 136 DP 1191927, Withers Road, Kellyville
4	APPLICANT/OWNER	Hoop Pine Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development - North Kellyville Development Control Plan 2008 - The Hills Development Control Plan 2012, Part C Section 1 – Parking - The Hills Development Control Plan 2012, Part C Section 3 - Landscaping - 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: 16 March 2017 - Written submissions during public exhibition: three (3) - Verbal submissions at the public meeting: - Object – Peter Lee on behalf of Oracle Estates Pty Limited

		○ On behalf of the applicant – Ellen Robertshaw
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection and briefing meeting on 23 June 2016 • Briefing meeting on 16 March 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report