

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 15 December 2016
PANEL MEMBERS	Ed Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell, Dave Walker and Michael Edgar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 15 December 2016, opened at 3:30 pm and closed at 4:10 pm.

MATTER DETERMINED

2016SYW151 – The Hills - 173/2017/JP AT Lot 3 DP 28954 - 41-45 Yattenden Crescent, Baulkham Hills (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 4:1 in favour, against the decision was Dave Walker.

REASONS FOR THE DECISION OF THE MAJORITY OF THE PANEL:

The reasons for the decision of the majority of the Panel were:

The proposed development:

1. Will increase housing availability and choice, including much needed affordable housing in the Municipality of the Hills.
2. Is well designed, considered suitable for the site and satisfies the requirements of applicable development standards, with the exception of building height.
3. In regard to building height, the Panel notes that a Clause 4.6 variation request has been lodged and the Panel considers that compliance with the standard is unnecessary in this instance as no adverse impacts would arise from the breach and there are sufficient environmental planning grounds to justify the variation.
4. The subject site will be embellished through the dedication of a 1.7m wide strip of land for road widening. This will be of benefit to the general community. Whilst a public footpath is considered necessary, there is a requirement in the conditions of consent of the Council approval for the redevelopment at the corner of Windsor and Seven Hills Roads that a footpath be provided in Yattenden Crescent, and in relation to this property, the footpath is to be provided near the road reserve being dedicated by the owner of this development in front of the development on the northern side of Yattenden Crescent.
5. Meets or betters all standards in the applicable Affordable Housing SEPP.
6. Has been evaluated according to the required "character test" of the SEPP and will be compatible with the planned future character of the area.
7. Will have no material adverse impacts on the natural or built environment, is suitable development of the site and represents orderly and economic use of the land.

For the reasons given above (1-7), the application is considered to be in the public interest.

REASONS FOR THE DECISION OF THE MAJORITY OF THE PANEL:

The reasons for the decision of the minority of the Panel were:






Dave Walker voted against approval because of the non-compliances with some of the Council controls.

CONDITIONS

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

- Condition 32 is to be amended so that the second paragraph reads as follows:

The detailed design must be substantially in accordance with the Stormwater Concept Plans prepared by Lomford Engineers Page No. 101 Revision C, Page No. 201 Revision L, Page No. 301 Revision C, Page No. 401 Revision D and Page No. 501 Revision E.

PANEL MEMBERS	
 Ed Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell	 Dave Walker
 Michael Edgar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW151 – The Hills - 173/2017/JP
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential flat building including in-fill affordable rental housing
3	STREET ADDRESS	Lot 3 DP 28954 - 41-45 Yattenden Crescent, Baulkham Hills
4	APPLICANT/OWNER	Procon Civil Pty Ltd & Leads Concrete NSW Pty Ltd / Tao Xu & Qun Wu
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (State and Regional Development) 2011

		<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • The Hills Local Environment Plan 2012 • The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings • 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	<ul style="list-style-type: none"> • Council assessment report dated 15 December 2016 • Written submissions during public exhibition: 12 • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Graham McKee
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting and site visit on the 15th of September • Briefing meeting and site visit on the 15th of December
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report