

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 20 April 2017
PANEL MEMBERS	Ed Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell, Michael Edgar and Stewart Seale
APOLOGIES	None
DECLARATIONS OF INTEREST	M.L. Taylor notes that the firm to which she is a consultant has worked with the applicant's planning firm on another matter, but neither she nor the firm has had any involvement with this application or this applicant and she does not therefore have a conflict of interest.

Public meeting held at The Hills Shire Council on Thursday, 20 April 2017, opened at 11:10 am and closed at

MATTER DETERMINED

2016SYW179 – The Hills Shire – 318/2017/JP AT 227-241 Hezlett Rd, 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 Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was 4:1 in favour, against the decision was Michael Edgar.

REASONS FOR THE DECISION

The Panel determines the application by granting approval for the following reasons:

1. The Panel notes and endorses the conclusions regarding the merits of the proposal because it provides more diverse housing for the community. The application is permissible in the zone and generally meets the zone objectives, being in close proximity to the Withers Road Local Centre in accordance with Council policy.
2. In regard to the Clause 4.6 variation request to vary the maximum height standard the Panel finds the written application to be acceptable and agrees with the conclusions given in the planner's report that the impact is minor but lends to a good planning outcome in terms of design.
3. The project itself will not have significant impact on local infrastructure such as open space and the road network. However, the Panel is concerned that the cumulative impacts of future development in the locality has the potential to have adverse impacts on social and physical infrastructure. Therefore, the Panel urges consideration of these potential impacts by the relevant State and local authorities.
4. The Panel considers the proposal to be in the public interest

Michael Edgar disagreed with the majority decision for the following reasons:

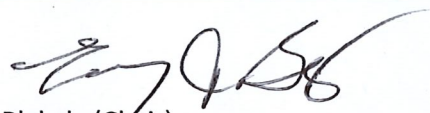

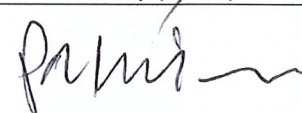


1. The proposal has a number of non-compliances that when aggregated, would suggest an overdevelopment of the site. It is at the edge of the character area and adjoins the Ridge Precinct under The North Kellyville Development Control Plan which is meant to be characterised as suburban residential of predominantly low density characterised by one and two story detached housing.

2. It does not comply with solar access requirements and therefore does not meet State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development aims and objectives and Design Quality Principles in relation to housing density and Council infrastructure.
3. The development is not an appropriate scale, and density and design that results in an appropriate long term asset to meet the housing needs of The Hills Shire in the locality.

CONDITIONS

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

- Delete conditions 83 (a), (c), (d) and (e) as these are not relevant to this application and have been included by error.

PANEL MEMBERS	
 Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	 Michael Edgar
 Stewart Seale	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW179 – The Hills Shire – 318/2017/JP
2	PROPOSED DEVELOPMENT	Construction of a residential flat building development containing 150 units and basement parking
3	STREET ADDRESS	227-241 Hezlett Rd, Kellyville
4	APPLICANT OWNERS	Brad Delapierre John Peter Pupo, Pasquale Pupo, Mario Antonio Pupo, Giulietta Maria Pupo and Francesca Pupo
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • 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 • Clause 4.6 Variation Request

		<ul style="list-style-type: none"> • 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: 20 April 2017 • Written submissions during public exhibition: one (1) • Council memorandum dated 12 April 2017. • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Brad Delapierre
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit and briefing meeting on 15 December 2016 • Briefing meeting on 20 April 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report