

## DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	30 July 2019
<b>PANEL MEMBERS</b>	Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Mark Colburt and Chandi Saba
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at The Hills Shire Council on 30 July 2019, opened at 12.47pm and closed at 1.30pm.

### MATTER DETERMINED

2017SWC010 - The Hills Shire – DA970/2017 at Lots 7 & 8 DP 1128575, Lot 2 DP 1087781, Lot 103 DP 1195876 and Lot 2 DP 1131540 – 2-2A Hector Court, 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel upholds the request to vary the height of buildings standard in The Hills LEP finding that the applicant's written request is satisfactory. The request demonstrates that compliance with the standard is unnecessary in this instance, thus the provisions of clause 4.6(3)(a) of The Hills LEP are satisfied. The request also demonstrates that there are sufficient environmental planning grounds to justify the variation meaning the provisions of clause 4.6(3)(b) of The Hills LEP are satisfied. Further, the Panel is satisfied that the proposed development will be in the public interest in accordance with the requirements of clause 4.6 (4)(a)(ii).

The decision was unanimous.

### REASONS FOR THE DECISION

1. The proposal is compatible with relevant objectives of The Hills Local Environmental Plan and the B2, SP2 and R4 zones in which the development site is located.
2. The proposal is suitable development for the site in question and will not have material adverse impacts on the surrounding area or local infrastructure. The proposed road upgrading will not only service the proposal but the broader locality.
3. The proposal will provide both retail services for the local community and additional employment opportunities. It will thus be socially beneficial.

4. The proposal will reinforce strategic planning objectives by supporting establishment of the Memorial Drive Village Centre.
5. The Panel has carefully considered the issues raised in submissions and believes that most have been resolved by amendments to the proposed development or by conditions that will be imposed. The remaining concerns are considered to be ill-founded or inconsequential and do not warrant refusal of the application.
6. For the reasons given above, approval of the application is in the public interest.

### CONDITIONS

The development application was approved subject to the council assessment report with the following amendments:




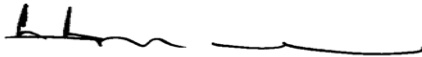

- Delete condition 10
- Delete first dot point in condition 30
- Condition 16 is amended to add a requirement for planter boxes to have a minimum depth of 1.3m.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition. The following issues were raised:

- Increased traffic;
- Construction worker parking;
- Interaction with Memorial Drive;
- Traffic safety;
- Inadequate southern setback;
- Inaccurate shadow diagrams;
- Noise impacts;
- Excessive height.

The Panel considers that concerns raised by the public have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel believes that these issues raised have been resolved by design amendments or have been addressed by appropriate conditions imposed on the consent.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Stuart McDonald
 Mary-Lynne Taylor	 Chandi Saba
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC010 - The Hills Shire – DA970/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a shopping centre and public roads.
3	STREET ADDRESS	Lots 7 & 8 DP 1128575, Lot 2 DP 1087781, Lot 103 DP 1195876 and Lot 2 DP 1131540 – 2-2A Hector Court, Kellyville
4	APPLICANT/OWNER	Fabcot Pty Ltd c/- Higgins Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development with a capital investment value (CIV) over \$20 million. N.B.: The DA has a CIV of \$20,724,410 at the time of lodgement of this DA hence it was referred to the Regional Planning Panel for determination per Planning Circular PS 10-008. On 10 August 2017, the threshold for general development has been increased from a CIV of more than 20 million to a threshold of more than \$30 million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <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. 64 – Advertising and Signage</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ The Hills Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ DCP 2012 Part D Section 7 – Balmoral Road Release Area</li> <li>○ DCP 2012 Part B Section 6 – Business</li> <li>○ DCP 2012 Part C Section 1 – Parking</li> <li>○ DCP 2012 Part C Section 2 – Signage</li> <li>○ DCP 2012 Part C Section 3 - Landscaping</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment <b>Act</b> Regulation 2000.</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically</li> </ul>

		sustainable development
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 30 July 2019</li> <li>• Clause 4.6 written justification</li> <li>• Written submissions during public exhibition: 1<sup>st</sup> notification – 20 submissions including a petition containing 55 signatures, 2<sup>nd</sup> notification – 4 submissions.</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Stephen Joseph.</li> <li>○ Council assessment officer – Claro Patag and Paul Osborne</li> <li>○ On behalf of the applicant – Angus While, Tim Rogers and Marian Higgins.</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Briefing – 11 April 2018</li> <li>• Site inspection: 30 July 2019</li> <li>• Final briefing to discuss council's recommendation, 30 July 2019, 11.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Mark Colburt and Chandi Saba</li> <li>○ <u>Council assessment staff</u>: Claro Patag and Paul Osborne</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with Council assessment report