

DATE OF DETERMINATION	20 December 2018
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Ms Chandi Saba and Mr Mark Colburt declared a conflict of interest and advised that they were a member of the Design Excellence Panel for consideration of the Master Plan of this site and will not participate in consideration of this matter.

Public meeting held at The Hills Shire Council on 20 December 2018, opened at 12.05pm and closed at 2.50pm.

MATTER DETERMINED

Panel Ref – 2017SWC088 – LGA – The Hills Shire – DA46/2018 at Lot 101 DP 1176747 and Lot 1 DP 1233538, RMB 47 Spurway Drive, Baulkham Hills and 104 Fairway Drive, Norwest (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 upholds the applicant's amended written request dated September 2018 to vary the parking provisions given in clause 7.11 of The Hills Local Environmental Plan 2012.

The applicant's request has shown in section 3.3 that the objectives of the zone and the standard will be met despite non-compliance with the prescribed parking rates. The Panel agrees that compliance with the standard is unnecessary in this case.

The applicant has provided sufficient justification within sections 3.5-3.6 to support the variation request.

The Panel believes that upholding the variation request is in the public interest because the objectives of the standard will still be met and the variation will enable development that is consistent with the R4 High Density Residential Zone.

Overall, the Panel finds that the applicant's written request is satisfactory because all matters prescribed in section 4.6(3) are addressed.

The Panel also upholds the variation requests for building height, FSR and unit size. In these requests the Panel agrees with the reasoning and conclusions given in the Council's assessment report of 12 July 2018.

The Panel determined to approve the development application pursuant to section 4.16 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 unanimous.

REASONS FOR THE DECISION

The Panel reaffirms its earlier reasons (1-5) given on 19 July 2018.

The Panel considers that the application as modified by the further reduction of 69 parking spaces is not inconsistent with the approved concept plan.

CONDITIONS

The development application was approved subject to the conditions in Council’s assessment report 19 July 2018 with 2 new conditions as follows –

Additional Condition 1A

“Car parking shall be provided at the rate of 1 space per 1 bedroom apartment, 1.35 spaces per 2 bedroom apartments, 2 spaces for 3 bedroom or more apartments and 1 space per 10 apartments for visitors. Revised basement plans are to be submitted to and approved by Council’s Manager Development Assessment.

Four car space vehicles are to be provided from the date of finish occupancy of stage 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions (10) with 1 submission including a petition with 28 signatures made during public exhibition.

The Panel considers that concerns raised by the public have been adequately addressed in the original assessment report and that no new issues requiring further assessment were raised during the public determination meeting. The Panel is satisfied that the issues raised are suitably addressed via conditions dated 19 July 2018 which are imposed on the consent.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SWC088 – LGA – The Hills Shire – DA46/2018
2	PROPOSED DEVELOPMENT	A 9-13 Storey Residential Flat Building Development comprising 330 Units with Basement Parking for 470 Vehicles and Associated Community Title Subdivision.

3	STREET ADDRESS	Lot 101 DP 1176747 and Lot 1 DP 1233538, RMB 47 Spurway Drive, Baulkham Hills and 104 Fairway Drive, Norwest
4	APPLICANT/OWNER	Sekisui House Australia Pty Ltd / SH Orchards Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2008 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • 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 December 2018 • Clause 4.6 variation request • Written submissions during public exhibition: 10 with 1 submission including a petition with 28 signatures • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ Council Assessment Officers – Robert Buckham, Cameron McKenzie and Paul Osborne ○ On behalf of the applicant – Brett Maynard and Greg Dowling

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 19 July 2018 • Public Meeting – 19 July 2018 • Final briefing to discuss council’s recommendation, 20 December 2018, 10.45am to 11.00 am • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Lindsay Fletcher ○ <u>Council assessment staff</u>: Cameron McKenzie, Robert Buckham and Paul Osborne
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A