

DATE OF DETERMINATION	21 February 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Peter Brennan
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Chandi Saba and Mark Colburt declared conflict of interest as The Hills Shire Council is the part owner of the subject site.

Public meeting held at The Hills Shire Council on 21 February 2019, opened at 1.05pm and closed at 1:25 pm.

MATTER DETERMINED

Panel Ref – 2017SWC131 – LGA – The Hills Shire – DA864/2015 AT Various Lots, Castle Towers Shopping Centre, Castle Towers (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 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The Panel is satisfied that the proposed modification is substantially the same as the originally approved development and therefore meets the prescribed tests for a modification (s4.55(2))
2. Given that there is no material change in the modified development, the impacts arising from it are essentially the same as those for the approved development and are satisfactory.
3. The modified development will add further height and floor space but no consequential impacts will arise from this. Notwithstanding the height and FSR breaches, the modified development will be compatible with the emerging character of the area as the existing Height of Building and Floor Space Ratio controls have been effectively abandoned in this locality.
4. Approval of the modification application is in the public interest because it will provide more efficient internal circulation and a better arrangement of retail facilities.
5. The Panel has given careful consideration of the issues raised by objectors, including inspecting the area concerned. The Panel believes the issues raised have been resolved by modifications to original plans and considers that access arrangements will be satisfactory.

CONDITIONS

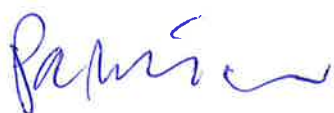


The development application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Access arrangements

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that the plans were amended to change access arrangements.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SWC131 – LGA – The Hills Shire – DA864/2015
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to the Approved Stage 3 Expansion of Castle Towers Shopping Centre
3	STREET ADDRESS	Various Lots, Castle Towers Shopping Centre, Castle Towers
4	APPLICANT/OWNER	QIC Limited, The Hills Shire Council and Telstra Corp Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment value exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">• Environmental planning instruments:<ul style="list-style-type: none">○ State Environmental Planning Policy (Infrastructure) 2007○ State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)○ State Environmental Planning Policy No. 55 – Remediation of Land○ SREP 20 – Hawkesbury Nepean River○ The Hills Local Environmental Plan 2012• Draft environmental planning instruments: Nil• Development control plans:<ul style="list-style-type: none">○ Development Control Plan Part C Section 1 – Parking○ Development Control Plan Part B Section 6 - Business• Planning agreements: Nil• Provisions of the Environmental Planning and Assessment

		<p>Regulation 2000: Nil</p> <ul style="list-style-type: none"> • 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 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Paul Osborne and Kristine McKenzie ○ On behalf of the applicant – Andrew Duggan, Ian Coltman, Bruce Shaw, Daniel Talevski and Robert Webb
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 21 February 2019 • Final briefing to discuss council's recommendation, 21 February 2019, 12.30pm to 1.00pm • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Peter Brennan ○ <u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne and Cameron McKenzie
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report