

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	12 December 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Susan Budd and Lindsay Fletcher
APOLOGY	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	Chandi Saba advised that she was involved with a VPA on this site and as such she assumed it would be a conflict to attend. Mark Colburt advised that he was a member of the Design Excellence Panel for the March review.

Public meeting held at The Hills Shire Council on Thursday 12 December 2019 opened at 2.35pm and closed at 5.50pm.

MATTER DETERMINED

2018SWC028 - The Hills Shire – DA1235/2018 AT Lot 1 DP 866565, 7 Maitland Place, Bella Vista (AS DESCRIBED IN SCHEDULE 1)

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is permissible in the R4 High Density Residential zone, is consistent with relevant zone objectives and satisfies all applicable development standards.
2. The proposal has been endorsed by the Council's DEAP and represents Design Excellence. It is also satisfactory with respect to SEPP65 Design Quality of Residential Flat Buildings and the accompanying ADG.
3. The proposal will have no material adverse impacts on neighbours, the locality or local infrastructure including the road network.
4. The proposal will add to the stock and choice of housing available in the locality thereby contributing to improved housing affordability and being socially beneficial.
5. The Panel has carefully considered the matters raised by objectors and believes the issues raised have either been addressed in the Council's assessment report or by conditions to be imposed.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with amendments to Condition 49 and Condition 75 to read as follows:

Condition 49:

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must

be submitted before a Construction Certificate is issued and complied with for the duration of works. Where practicable, all construction vehicles are to access or egress via Maitland Place only.

Condition 75. Contamination

The recommendations made in the submitted Preliminary Site Investigation with Limited Sampling Report prepared by Environmental Investigations Australia dated 14 October 2015 and Hazardous Materials Survey prepared by EI Australia dated 14 December 2017 are to be implemented.

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste be found on site, works are to cease, Council's Manager - Environmental Health is to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 - Remediation of Land and a report prepared with necessary recommendations to achieve satisfactory remediation.

The report is to be submitted to Council's Manager - Environmental Health for review prior and approval prior to works recommencing on site.




Note: Contaminated soil, soil for which the contamination status is unknown, waste (including but not limited to concrete/bricks/demolition material) is prohibited from being buried, capped, contained or similar onsite (including under public or private roads and land which will become public).

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:

- Traffic congestion

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.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Susan Budd
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC028 - The Hills Shire – DA1235/2018
2	PROPOSED DEVELOPMENT	Construction of four 6-25 storey residential flat buildings comprising 290 units, a neighbourhood shop and 4 levels of basement car parking.
3	STREET ADDRESS	Lot 1 DP 866565, 7 Maitland Place, Bella Vista
4	APPLICANT/OWNER	7 Norwest Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV 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 (State and Regional Development) 2011 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development 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 <ul style="list-style-type: none"> <i>Environmental Planning and Assessment Regulation 2000</i>: 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 – 19 September 2019 Written submissions during public exhibition: 7 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Mr Kelly and Michael Bradley On behalf of the applicant – Paul Hourigan On behalf of Council – Cynthia Dugan, Mr Andrew King and Paul Osborne
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspection – 19 September 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Mark Colburt <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne Public Meeting – 19 September 2019 Final briefing to discuss council’s recommendation, 12 December 2019, 2.00pm.

		Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Susan Budd and Lindsay Fletcher ○ <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council assessment report