

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

<b>DATE OF DETERMINATION</b>	20 June 2019
<b>PANEL MEMBERS</b>	Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Chandi Saba.
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Mark Colburt advised that he participated in the assessment of the original application as a Council Officer and will not participate on the Panel for this matter.

Public meeting held at The Hills Shire Council on 20 June 2019, opened at 2.05pm and closed at 3.04pm.

### MATTER DETERMINED

Panel Ref – 2018SWC045 – LGA – The Hills Shire – DA1146/2016 at Lot 11 DP1026150, 105 Bella Vista Drive, Bella Vista (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

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 development as modified will be substantially the same as that originally approved.
2. The modified proposal satisfies all Design Quality Principles under SEPP 65 and the Panel finds that the development as modified will be of a high quality and one that is suitable for the site.
3. The Panel notes that there are three reasonably minor departures from the Apartment Design Guide. For the reasons given in the Council's assessment report, the Panel believes that none of these variations will diminish the amenity of the modified development for residents nor cause any adverse external impacts.
4. The modified proposal is satisfactory with respect to other applicable standards and guidelines.
5. The modified proposal will provide a socially valuable mix of retail uses and housing and is thus consistent with relevant strategic planning principles.

6. For the reasons given above approval of the modified proposal is in the public interest.

### CONDITIONS

The development application was approved subject to the council assessment report with the following sentence added to Condition 1 under Referenced Plans and Documents – 1146/2016/JP/A to read as follows –

The amendments in red require the following:




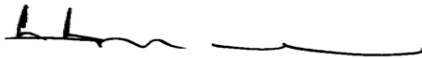
- All front fences for the attached dwellings are to be at least 1.8 metres in height;
- The north eastern facing window serving unit 105 is to contain a sill height of at least 1.5 metres above finished floor level.

### CONSIDERATION OF COMMUNITY VIEWS

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

- Co-mingling of retail and residential parking;
- An inappropriate balance of retail and residential parking uses;
- That the Planning and determination processes is “a scam”
- Non-compliance with parking space design guidelines;
- Access would be via a “non-public thorough fare.

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 are either not relevant or inconsequential or have been addressed by appropriate conditions imposed on the consent.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018SWC045 – LGA – The Hills Shire – DA1146/2016
2	PROPOSED DEVELOPMENT	Section 4.55(2) modification to a mixed-use development with community title subdivision.
3	STREET ADDRESS	Lot 11 DP1026150, 105 Bella Vista Drive, Bella Vista

4	APPLICANT/OWNER	Milestone (Aust) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) modification application to a DA which exceeded a CIV of \$20million approved by the (former) JRPP.
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. 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004</li> <li>○ The Hills Local Environmental Plan 2012</li> <li>○ Apartment Design Guide</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ DCP 2012 Part B Section 6 – Business</li> <li>○ DCP 2012 Part B Section 8 – Shop Top Housing and Mixed Use Development</li> <li>○ DCP 2012 Part C Section 1 – Parking</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 sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 20 June 2019</li> <li>• Written submissions during public exhibition: 7</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – David Maguire, David Maguire speaking on behalf of Geraldine Maguire.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Council assessment officer – Cynthia Dugan and Paul Osborne</li> <li>○ On behalf of the applicant – Patrick Lebon, Lisa Bella Esposito and Nick Byrne.</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>● Site inspection: 20 June 2019</li> <li>● Final briefing to discuss council's recommendation, 20 June 2019, 1.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Chandi Saba</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with Council assessment report