

DATE OF DETERMINATION	18 October 2018
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Chandi Saba and Mark Colburt
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at the Hills Shire Council on Thursday 18 October 2018 opened at 1.11pm and closed at 1.47pm.

MATTER DETERMINED

Panel Ref – 2018SWC072 - LGA – The Hills Shire, DA173/2017/JP/B, Address – Nos. 41-45 Yattenden Crescent, Baulkham Hills (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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions but with the amendment of Condition 1 and addition of Condition 39A pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

The Panel approves the application to modify the originally approved development for the following reasons:

1. The Panel is satisfied that the development as modified will be substantially the same as that originally approved.
2. The application continues to comply with all applicable standards for infill development under the SEPP (Affordable Rental Housing) 2009.
3. The Panel has carefully considered the objection received and has added a specific condition to address the primary concern raised. The Panel believes the modification with the additional condition will not cause any material environmental impacts and that the overall impacts of the modified development will be acceptable.
4. The modifications will improve the functionality and external appearance of the approved development.

The decision was unanimous.

CONDITIONS

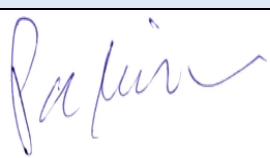
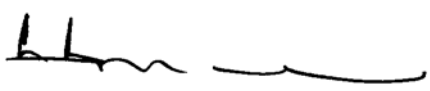
The development application was approved subject to the conditions in the Council Assessment Report with the following amendment to Condition 1 and addition of Condition 39A:

Condition 1 to be amended with respect to the reference to Drawing Number A-100-002, Basement Level 1 to read as Revision D and Date Printed 24/08/2018.

Condition 39 to be replaced with the following condition (39A):

Prior to the issue of a construction certificate, the proposed mechanical exhaust system for the basement carpark is to be reviewed and certified by a suitably qualified Mechanical Engineer that the design and location of the system will achieve the air quality requirements of "AS1668.2 of 2002, 'The use of ventilation and air conditioning in buildings – ventilation design for indoor air containment control'".

The design of the system is to take into consideration the residential units within and neighbouring the development to ensure that they are not adversely affected by any odours or other emissions.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC072 - LGA – The Hills Shire, DA173/2017/JP/B
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an Approved 5-storey Residential Flat Building Pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009
3	STREET ADDRESS	Nos. 41-45 Yattenden Crescent, Baulkham Hills
4	APPLICANT/OWNER	Mr M Mambraku /- Elora The Hills Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV Over \$5million – Private Infrastructure and Community Facilities – (Affordable Housing)

6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • State Environmental Planning Policy (Affordable Rental Housing) 2009 • 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 (BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land • The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: • Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings • Development Control Plan 2012 Part C Section 1 – Parking • Development Control Plan 2012 Part C Section 3 – Landscaping • Planning agreements: Nil • <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	• Council assessment report – 18 October 2018 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Martin Mambraku ○ On behalf of Council – Paul Osborne and Claro Patag
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site Inspection – 18 October 2018 • Final Briefing Meeting – 18 October 2018 from 12.15pm to 1.00pm • Public Meeting – 18 October 2018 - Attendees: ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald, Chandi Saba and Mark Colburt ○ <u>Council assessment staff</u>: Paul Osborne and Claro Patag

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with report