

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	22 December 2020
PANEL MEMBERS	David Ryan (Acting Chair), Ken McBryde, Chandi Saba, Julie Savet Ward and Mark Colburt
APOLOGIES	Abigail Goldberg and Gabrielle Morrish
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 2 December 2020.

MATTER DETERMINED

2019CCIO14 - The Hills Shire – DA 1238/2014/JP/C, Lot 7 in a re-subdivision of Lot 100 DP 1234606, No. 47 Withers Road, North Kellyville (previously known as No. 15 Withers Road), Section 4.55(2) Modification to an Approved Mixed-Use Development to Facilitate Road Widening and Associated Redesign of the Building (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The Panel considers that the requirements of Section 4.55 of the Act are satisfied, including that the development as modified is substantially the same development as the development for which consent was originally granted.

The decision was **unanimous**.

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 submission made during the public exhibition. The Panel notes that issues of concern in the written submission included:

- Privacy and boundary fencing.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 David Ryan (Acting Chair)	 Ken McBryde

 Chandi Saba	 Mark Colburt
 Julie Savet Ward	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO14 - The Hills Shire – DA 1238/2014/JP/C
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an Approved Mixed-Use Development to Facilitate Road Widening and Associated Redesign of the Building
3	STREET ADDRESS	Lot 7 in a re-subdivision of Lot 100 DP 1234606, No. 47 Withers Road, North Kellyville (previously known as No. 15 Withers Road)
4	APPLICANT/OWNER	DFP Planning / Q A and D S Khan
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: • State Environmental Planning Policy - State and Regional Development 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (& Apartment Design Guide) • State Regional Environmental Policy 20 – Hawkesbury Nepean River • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy – (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 ○ Draft environmental planning instruments: ▪ Draft Amendment to State Environmental Planning Policy – (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan) ○ Development control plans: ○ North Kellyville Development Control Plan ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ○ 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	• Council assessment report: December 2020 • Written submissions during public exhibition: 1

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	• Briefing – 23 May 2019 • Papers were circulated electronically on 2 December 2020. • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Subject to conditions in the Council Assessment Report