

DATE OF DETERMINATION	13 December 2023
DATE OF PANEL DECISION	8 December 2023
DATE OF PANEL MEETING	7 December 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Brian Kirk, Megan Munari, Brent Woodhams
APOLOGIES	Steve Murray
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 7 December 2023, opened at 2:00pm and closed at 2:15pm.

MATTER DETERMINED

PPSSCC-383 – The Hills Shire – 304/2023/JP – 6 McCausland Place, Kellyville - Health Services Facility (Stage 1) which will be used in Conjunction with the Existing Health Services Facility at No. 3 McCausland Place.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of written requests from the applicant, made under cl 4.6 (3) of The Hills Local Environmental Plan 2019 (LEP), that have demonstrated that:

- compliance with cl. 4.3 (height of buildings) and cl. 4.4 floor space ratio is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards

the panel is satisfied that:

- the applicant's written requests adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) and cl. 4.4 floor space ratio of the LEP,s and the objectives for development in the R3 Medium Density Residential zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel 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

The panel determined to uphold the Clause 4.6 variations to building height and floor space ratio and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendments to clarify the intention of conditions as follows:

Amended conditions:

37. Completion of McCausland Place Closure

The road closure including the construction of the cul-de-sac at the end of McCausland Place is required to be completed and a practical completion shall be issued by the Council prior to the release of any construction certificate, excluding any construction certificate for bulk earthworks and/or piling.

78. Maximums Staff Levels

The maximum number of staff permitted on the premises the subject of this consent at any one time is 50.

79. Plan of Management

The use of the premises must be undertaken in accordance with the Plan of Management prepared by SLR Consulting dated 22 November 2022 and in accordance with the conditions of this consent.

In the event of any inconsistency between the Plan of Management and conditions of this consent, the consent conditions shall prevail.

The Plan of Management shall be reviewed on a regular basis and not less than once a year (from the date of issue of the final Occupation Certificate), or sooner in response to complaint(s), in response to any changes in relevant legislation or as required by Council to ensure that the facility operates in a manner which does not impact on the amenity of surrounding residents.

The revised/updated Plan of Management is to be provided to Council for their records. Where no revision to the Plan of Management is considered necessary, the operator is to advise Council in writing that the current version of the Plan of Management is still relevant.





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered fifteen written submissions made during public exhibition. The panel notes that issues of concern included:

- traffic
- privacy
- built form
- the operation of existing facility, primarily relating to the behaviour of persons attending the site.

The panel notes that one submission in support was received.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing these issues, a Plan of Management was requested to be submitted as part of the assessment of the application. A condition of consent has been imposed, that requires compliance with the Plan of Management and yearly review of the plan to ensure the amenity of residents is not impacted.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Brian Kirk 	Megan Munari 

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSCC-383 – The Hills Shire – 304/2023/JP
2	PROPOSED DEVELOPMENT	Health Services Facility (Stage 1) which will be used in Conjunction with the Existing Health Services Facility at No. 3 McCausland Place
3	STREET ADDRESS	6 McCausland Place, Kellyville
4	APPLICANT/OWNER	Applicant: Aurora Healthcare Australia Pty Ltd C/- SLR Consulting Owner: Norwest Healthcare Australian Property Proprietary Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ The Hills Local Environmental Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • 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: 29 November 2023 • Clause 4.6 variations: 4.3 Building Height & 4.4 Floor Space Ratio • Written submissions during public exhibition: 15 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Nil • Council assessment officer – Robert Buckham, Paul Osborne • On behalf of the applicant – John Irving, Patrick Quinlan • Total number of unique submissions received by way of objection: 14
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 22 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Megan Munari, Brent Woodhams ○ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne, Cameron McKenzie

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Mark Russell, Oliver Chambers, Patrick Quinlan, Katie Yang, Lauren O'Donnell, Conor Brown • Final briefing to discuss council's recommendation: 7 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Brian Kirk, Megan Munari, Brent Woodhams ○ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne, Cameron McKenzie
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report