

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	18 June 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Noni Ruker, Mark Colburt and Chandi Saba
APOLOGIES	Gabrielle Morrish
DECLARATIONS OF INTEREST	<p>David Ryan advised that between 6 and 9 years ago he worked on a DA for the broader site (then known as 2-4 Barry Road). He has declared a potential perceived conflict of interest for PPSSCC – 40, 12-14 Barry Road, Kellyville and excused himself for this matter.</p> <p>Cameron Makenzie, General Manager Development and Compliance at The Hills Shire Council noted a minor, non-pecuniary interest for PPSSCC – 40, 12-14 Barry Road, Kellyville, and excused himself for this matter.</p>

A public meeting was held by public teleconference on 18 June 2020, opening at 12.30pm and closing at 1.24pm.

MATTER DETERMINED

PPSSCC-40 – The Hills Shire – 1336/2012/JP/B, 12-14 Barry Road, North Kellyville, Section 4.55(2), Modification to an approved mixed-use development comprising retail, commercial and residential units. The proposed modifications relate to the approved apartment buildings on 'Site 2' (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

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

The Panel generally agreed with the recommendations and balance of considerations in Council's report dated June 2020, noting:

- The site is considered suitable for the development (as proposed to be modified).
- The proposed modifications result in an outcome that is substantially the same development as originally approved.
- The proposed modifications adequately satisfy the relevant state and local planning provisions.
- The proposed modifications will have no unacceptable impacts on the built or natural environments.
- Issues raised in submissions have been addressed in this report and do not warrant any further amendments to the application.
- The proposal is in the public interest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from a submitter wishing to address the Panel. The Panel notes that issues of concern included:

- Location of access driveway;
- Traffic impacts;
- Acoustic impacts;
- Privacy impacts;
- Changes to site coverage, communal open space, landscaped areas and deep soil areas;
- Construction traffic movements and construction parking.

The Panel considers that concerns raised by the community have been generally adequately addressed in Council's assessment report and recommended conditions. however the Panel supports amendment to Condition 62 related to construction management traffic, as below, in response to submissions and in order to minimise potential construction impacts on neighbouring residential properties.

CONDITIONS


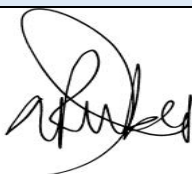


The development application was approved subject to conditions listed in Council assessment report dated June 2020 with the following changes –

Condition 62 is deleted and replaced with (wording added in yellow):

62.Construction Management Plan

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

The construction management plan must restrict on-street parking for construction vehicles of 'Site 2' to Sandbanks Avenue and also Indwarra Avenue only where it fronts the site. In addition, construction vehicular access and egress to the site must only occur via Barry Road, Sandbanks Avenue and the southern end of Indwarra Avenue. No construction vehicular access or egress is permitted via Culgoa Street where practical. This is to minimise potential construction impacts on neighbouring residential properties.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Chandi Saba	 Mark Colburt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-40 – The Hills Shire – 1336/2012/JP/B
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an approved mixed-use development comprising retail, commercial and residential units. The proposed modifications relate to the approved apartment buildings on 'Site 2'
3	STREET ADDRESS	12-14 Barry Road, North Kellyville
4	APPLICANT/OWNER	Mr M Stokes / BTS Australia (Site 2)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55 modification
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan) Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Central City District Plan North Kellyville Development Control Plan 2018 Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000. 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: June 2020 Written submissions during public exhibition: 4 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil

		<ul style="list-style-type: none"> ○ In objection – Sohail Faridy ○ Council assessment officer – Harrison Depczynski and Robert Buckham ○ On behalf of the applicant – Simon Wilkes
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 20 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg, Garry Fielding and Chandi Saba ○ <u>Council assessment staff</u>: Harrison Depczynski and Paul Osborne • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. • Final briefing to discuss council's recommendation, 18 June 2020, 11.30am (teleconference) Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Noni Ruker, Mark Colburt and Chandi Saba ○ <u>Council assessment staff</u>: Harrison Depczynski and Robert Buckham
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Submitted with council assessment report