

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **The Hills Shire Council** on **Friday 28 August 2015 at 3.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher, Dave Walker and Stewart Seale

**Apologies:** None

**Declarations of Interest:** None

### Determination and Statement of Reasons

2015SYW088 – The Hills Shire Council, DA1410/2015, Shop Top Housing, Lot 101 DP 1170464 – Winston Hills Shopping Centre, 180-192 Caroline Chisholm Drive, Winston Hills.

**Date of determination:** 28 August 2015

#### Decision:

The panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### Panel consideration:

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

#### Reasons for Panel Decision:

1. The proposal does not satisfy the definition of shop top housing nor the objectives of the B2 Local Centre zone as provided in the Hills Local Environmental Plan 2012.

The residential component of the proposal does not sit truly above the retail component. Shop top housing is defined in LEP 2012 as "one or more dwellings located above ground floor retail premises or business premises". The three residential floor levels are directly located above the ground floor/podium residential car parking level which sits on top of the subterranean retail premises.

The proposal does not integrate with the surrounding residential development or the overall streetscape. The size and scale of the proposed development is not considered a desirable and appropriate development of the site and is considered to be incompatible with the planning objectives and land uses for the adjoining predominantly R2 Low Density Residential zone within the Parramatta Local Government Area.

2. The development does not comply with the building height requirements of LEP 2012 and DCP 2012 Part B Section 6 – Business. The proposal does not satisfy the objectives of the Local Centre or Clause 4.3 of the LEP.

The proposed four storey development exceeds the three storey building maximum permitted by DCP 2012 Part B Section 6 – Business. The maximum building height proposed exceeds the 12 metre height limit prescribed in The Hills LEP 2012.

3. The bulk and scale of the proposed building is not compatible with the surrounding development and the overall streetscape. The development is a residential flat building and not a shop top housing development as it does not integrate with the existing shopping centre or seek to activate the street frontages with retail uses.
4. The proposal does not comply with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. The proposal does not fully satisfy the Residential Flat Design Code in terms of building height, building depth, deep soil zone and communal open space.
5. The proposed development is not provided with sufficient car parking within the site as required by DCP 2012 Part C Section 1 – Parking and the proposal does not satisfy the

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objectives of the DCP. The parking proposed will not meet the demand generated by the proposed development and will result in an unreasonable impact on the surrounding road network, public car parking facilities and safety of road users.

6. The proposed development does not comply with the building height plane as required by DCP 2012 Part B Section 6 – Business. The setback to the top floor level will not provide an attractive streetscape is not in keeping with neighbouring residential development.
7. The proposed development does not satisfy the unit mix prescribed in Council's DCP for Residential Flat Buildings.
8. The Panel does not accept the Clause 4.6 variation as it does not find sufficient planning grounds to justify the variation in the circumstances of this site where the variation would result in a building on a part of the site where it will be out of context with the surrounding suburban development.

In consideration of these conclusions the Panel consider the proposed development is an inappropriate form and scale of development and approval would not be in the public interest.

**Decision:** The development application was unanimously refused.

### Panel members:

 <b>Mary-Lynne Taylor</b>	 <b>Bruce McDonald</b>	 <b>Lindsay Fletcher</b>
 <b>Stewart Seale</b>	 <b>Dave Walker</b>	

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### SCHEDULE 1

1	<b>JRPP Reference – 2015SYW088, LGA – The Hills Shire Council, DA1410/2015</b>
2	<b>Proposed development:</b> Shop Top Housing, Lot 101 DP 1170464 – Winston Hills Shopping Centre.
3	<b>Street address:</b> 180-192 Caroline Chisholm Drive, Winston Hills.
4	<b>Applicant:</b> Glendinning Minto & Associates
5	<b>Type of Regional development:</b> Capital Investment Value >\$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>◦ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>◦ The Hills Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ The Hills Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>◦ Environmental Planning and Assessment Regulation 2000</li> </ul> </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 EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council assessment report, plans, supporting documentation submitted with the application and written submissions. Written submissions prior to panel meeting: <ul style="list-style-type: none"> <li>• Mark Taylor MP</li> <li>• Helen Donaldson</li> </ul> Inability to attend meeting: <ul style="list-style-type: none"> <li>• Joseph Camilleri</li> <li>• Arzu Sayan</li> <li>• Anne Carmichael</li> <li>• Robert and Cassandra Ivers</li> <li>• Debbie Mindham</li> <li>• Debby Dwyer</li> <li>• Sandra Sheehan</li> <li>• Louise Stuart</li> <li>• Judy Ward</li> <li>• Melissa Ellis</li> <li>• Dianna Denley</li> <li>• Mrs Roisin Wall</li> <li>• Kerrie and Brad Weiss</li> <li>• Helen Eden</li> <li>• Clare Toohey</li> <li>• Nicole Stewart</li> <li>• Katrina Shatford</li> <li>• Vanessa Wood</li> <li>• Nancy Laganis</li> <li>• Kerry Bailey</li> <li>• Ritra Nobili</li> <li>• Rosanna Vinci</li> </ul>

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- Kathy Summers
- Elizabeth Mulheron
- Jenelle Pena
- Simon Pittaway
- Lyn Bradburn
- Don, Kim and Ryan Hastie
- Paul & Chris Judd
- Claire Gordon
- Kimberley Webb
- Peter & Bernadette Hanzlicek
- Greg Young
- Rai Kollegger
- Donna Adams
- Stuart Eglon
- Amanda Henley
- Nerida Ramaci & Alessandro Nicotra
- Linda Hogg
- Marcelia UY
- Fernando UY
- Karen Rankin

**Verbal submissions at the panel meeting:**

- Rob Mashford – on behalf of Winston Hills Residents Group
- Cllr. Bob Dwyer (Parramatta City Council) on behalf of Patricia Camilleri
- Sue Weatherly Director of Strategic Outcomes and Development – Parramatta City Council
- Peter Gempton
- Matthew Carroll
- Patricia Samios
- Georgina Valjak
- Gordon Hogg
- Kate Kropper on behalf of Winston Heights Public School
- Denis McKeon
- Graham McKee of McKees Legal Solutions (solicitor for the applicant)
- Richard Abbott of RJA Projects (representative for the applicant)

<b>8</b>	<b>Meetings and site inspections by the panel:</b> 28 August 2015 - Site Inspection & Final Briefing meeting.
<b>9</b>	<b>Council recommendation:</b> Refusal
<b>10</b>	<b>Conditions:</b> Nil