

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 11 April 2018
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Lindsay Fletcher and Peter Brennan
<b>APOLOGIES</b>	Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	Michael Edgar and Stewart Seale have declared a conflict of interest as they were involved in a planning proposal for the site as employees of The Hills Shire Council. Further, Stewart Seale is Chair of the Design Excellence Panel which reviewed this application.

Public meeting held at The Hills Shire Council on Wednesday, 11 April 2018, opened at 1:10 pm and closed at 3:00 pm.

#### MATTER DETERMINED

2016SWC003 – The Hills Shire Council – 736/2017/JP AT RMB 47 Spurway Drive, 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 meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the Clause 4.6 variation requests and to approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The development adds to the supply of housing in an area to be well serviced by future public transport
2. The Panel has considered the applicant's request to vary the development standards contained in The Hills Local Environment Plan 2012 Clause 4.3 relating to height of buildings, Clause 4.4 Floor Space Ratio and Clause 7.11 Residential Development Yield on Certain Land. The Panel considers compliance with the standards would be unreasonable and unnecessary in the circumstances of this case as the variations provide a better design outcome through provision of additional and improved open space, greater retention of significant trees and provides better building relationships to adjoining properties, and will not result in development inconsistent with this locality. The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.

The Panel is therefore satisfied that the Applicant's clause 4.6 variation requests have adequately addressed the matters required to be demonstrated in clause 4.6 of the The Hills LEP 2012 and that the proposed development will be in the public interest because it is consistent with the objectives of the relevant controls and the objectives for development within the R4 zone in which the development is proposed to be carried out.




For the above reasons, the Panel is satisfied that the variations from the LEP development standards are in the public interest.

3. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments, including amenity of adjacent and nearby residential premises or the operation of the local road system.
4. In consideration of conclusions 1-3 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 1 to be amended to read as follows: The 6 metre setback for building A3 and all buildings east of Strangers Creek is not approved as part of this application. All future built form application for the above buildings shall address the development control plan and justify any setback encroachments.
- A new condition 6A to be added to require the future development applications for Stage 5 to include an acoustic report addressing the need for acoustic treatment to rear of properties within the Central Park development backing on to Spurway Drive.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Lindsay Fletcher
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SWC003 – The Hills Shire Council – 736/2017/JP
2	PROPOSED DEVELOPMENT	Concept Masterplan encompassing 10 buildings with a total of 1300 dwellings, associated car parking, neighbourhood shops, fitness centre building, civil works, internal roads and landscaping over 5 stages.
3	STREET ADDRESS	RMB 47 Spurway Drive, Baulkham Hills
4	APPLICANT OWNER	Sekisui House Australia Pty Ltd SH Orchards Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<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>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</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>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 11 April 2018</li> <li>Written submissions during public exhibition: three (3), including a petition with 60 signatures, in the first notification and two (2), including a petition with 33 signatures, in the second notification</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Peter Smith and Catherine Manuel</li> <li>On behalf of the applicant – Greg Dowling, Dan Sz waj and Brett Maynard</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting on Thursday, 15 December 2016</li> <li>Site inspection on Wednesday, 11 April 2018</li> <li>Final briefing meeting to discuss council's recommendation, 11 April 2018, 12:35 pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Mary-Lynne Taylor (Chair), Lindsay Fletcher and Peter Brennan</li> <li><u>Council assessment staff</u>: Robert Buckham, Cynthia Dugan, Paul Osborne and Cameron McKenzie</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

