

## 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

2017SWC057 – The Hills Shire Council – 1582/2017/JP AT 26-30 Norbrik Drive, Bella Vista (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 request and 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 decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:




1. The development will add to the supply of seniors housing in an area with very good access to future public transport and existing and proposed community facilities.
2. The development as assessed will have no unacceptable adverse impacts on neighbouring properties, the development itself, and is generally in conformity with the State and local planning instruments.
3. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.4 Floor Space Ratio of The Hills Local Environmental Plan 2012 and considers that:
  - the applicant's submission adequately addresses the matters required under Clause 4.6;
  - the development remains consistent with the objectives of the standard and the objectives of the zone;
  - there are sufficient environmental planning grounds to justify the variation; and
  - compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.

For the above reasons, the Panel is satisfied that the variation from the LEP development standard is in the public interest.

4. The application is in keeping with the character envisaged for the Circa Precinct within the Norwest Business Park.
5. Accordingly, the proposed development is suitable for the site and approval of the development, subject to the conditions in the Council Assessment Report, is in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC057 – The Hills Shire Council – 1582/2017/JP
2	PROPOSED DEVELOPMENT	Construction of Building B within Stage 1 of the approved Circa Seniors Housing Development
3	STREET ADDRESS	26-30 Norbrik Drive, Bella Vista
4	APPLICANT/OWNER	Aveo Southern Gateway 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 (Housing for Seniors of People with a Disability) 2004</li><li>○ State Environmental Planning Policy No 55 – Remediation of Land</li><li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li><li>○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004</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 Part C Section 6 – Business</li><li>○ The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings</li><li>○ The Hills Development Control Plan 2012 Part C Section 1 - Parking</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></ul>

		<ul style="list-style-type: none"> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Council assessment report: 11 April 2018</li> <li>Written submissions during public exhibition: eight (8)</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Object – Balvinder Kumar and written submission from Yvonne Reynolds</li> <li>On behalf of the applicant – Michael Watt, Andreas Brohz and Jerehmy Bishop</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Site inspection on 11 April 2018</li> <li>Final briefing meeting to discuss council's recommendation, 11 April 2018, 12:50 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	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report