

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	9 June 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Chandi Saba and Mark Colburt
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 27 May 2021.

MATTER DETERMINED

PPSSCC-132 – DA 172/2021/JP – The Hills Shire Council - 21-23 Lexington Drive Bella Vista, Mixed Use Development including Commercial Office Floor Space and Serviced Apartments (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

Application to vary a development standard

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

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- the applicant's written request adequately addresses 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 of the LEP and the objectives for development in the B7 Business Park zone; and
- the concurrence of the Secretary has been assumed.

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during the public exhibition.

The Panel notes that issues of concern in the written submission included:

- A referral is required to Sydney Metro for concurrence including submission of an engineering impact assessment with numerical analysis;
- Site coverage and landscaping;

- Bulk and scale;
- Interface with adjoining south-eastern development;
- Economic justification for serviced apartments.

The Panel considers that concerns raised in the submission have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Mark Colburt	 Chandi Saba
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-132 – DA 172/2021/JP – The Hills Shire Council
2	PROPOSED DEVELOPMENT	Mixed Use Development including Commercial Office Floor Space and Serviced Apartments
3	STREET ADDRESS	21-23 Lexington Drive Bella Vista
4	APPLICANT/OWNER	Capital Projects Corporation Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy Infrastructure 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • The Hills Local Environmental Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: • The Hills Development Control Plan 2012 • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council Assessment Report – 27 May 2021 • Plans • Clause 4.6 application • Concurrence from Sydney Metro • Design Review Panel Minutes • Transport for NSW submissions • Written submission during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	• Briefing – 19 March 2020 • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers were circulated electronically on 27 May 2021.
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report