

<b>DATE OF DETERMINATION</b>	9 August 2023
<b>DATE OF PANEL DECISION</b>	7 August 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray, David Ryan, Jarrod Murphy, Brent Woodhams
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 August 2023.

#### **MATTER DETERMINED**

PPSSCC-333 – The Hills Shire – 1021/2022/JPZ – 67 Windsor Road, Norwest - Small lot housing development and subdivision creating 54 community title residential lots/ dwellings and one association lot including new road, demolition, contamination remediation, dam dewatering accompanied by an application to vary a development standard (Cl 4.3 Height of Buildings)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 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 The Hills Local Environmental Plan 2019 (LEP), 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 Clause 4.3 Height of Buildings of the LEP and the objectives for development in the R3 Medium Density Residential and SP2 Infrastructure zones; and
- the concurrence of the Secretary has been assumed.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to uphold the Clause 4.6 variation and approve the application for the reasons outlined in the Council Assessment Report, replicated as follows:

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development is generally in accordance with the provisions of the LEP and both the Small Lot Housing DCP and Balmoral Road Release Area DCP. The proposed development will create additional

housing opportunities within the context of the medium density residential environment and is considered to be consistent with the intended future character of the Balmoral Road Release Area.

The proposed variation to the maximum building height has been addressed in the report and is considered well-founded and recommended for approval. The variation to the maximum building height does not warrant refusal of the application.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

#### CONDITIONS


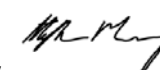

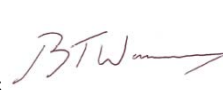

The Development Application was approved subject to the conditions in the Council Assessment Report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- General traffic generation and access in and out of precinct.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment have been raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
David Ryan 	Brent Woodhams 
Jarrod Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-333 – The Hills Shire – 1021/2022/JPZ
2	PROPOSED DEVELOPMENT	Small lot housing development and subdivision creating 48 community title residential lots/ dwellings, one association lot and one road widening lot including new road, demolition, contamination remediation and dam dewatering accompanied by an application to vary a development standard (maximum building height)
3	STREET ADDRESS	67 Windsor Road, Norwest
4	APPLICANT/OWNER	Applicant: Landen Property Group Owner: Sophia Karis, George Karis, Susan Whelan, Peter Whelan
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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>The Hills Local Environmental Plan 2019</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>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 30 April 2023</li> <li>Clause 4.6 variation - The Hills Local Environmental Plan 2019, Clause 4.3 Height of buildings, R3 Medium Density Residential, SP2 Infrastructure</li> <li>Council supplementary report received: 31 July 2023</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 10 February 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair)</li> <li><u>Council assessment staff</u>: Cameron McKenzie, Benjamin Hawkins, Craig Hopfe, Natalie Kastoun</li> <li><u>Applicant representatives</u>: Shane Harding, Vince Stivala, Tessa Kore, Andrew Liptrott, James Gibbeson</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Council/Applicant Briefing: 24 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan</li> <li>○ <u>Council assessment staff</u>: Benjamin Hawkins, Natalie Kastoun</li> <li>○ <u>Applicant representatives</u>: Shane Harding, Tessa Kore</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 18 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Jarrod Murphy, Brent Woodhams</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Benjamin Hawkins, Paul Osborne, Natalie Kastoun</li> <li>○ <u>Applicant representatives</u>: Shane Harding, Vince Stivala, Tessa Kore, Andrew Liptrott, James Gibbeson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report