

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	8 September 2022
DATE OF PANEL DECISION	8 September 2022
DATE OF PANEL MEETING	8 September 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Janelle Atkins
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 September 2022.

MATTER DETERMINED

PPSSCC-341 – The Hills Shire - DA 736/2017/JP/B - 104 Fairway Drive, Norwest - Section 4.55(2)
Modification to an approved concept masterplan – changes to building height in Stage 4

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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application for modification of a consent

The panel determined to approve the application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report, for the following reasons:

- The site is considered suitable for the development (as proposed to be modified).
- The proposed modifications result in an outcome that is substantially the same development as originally approved.
- The proposed modifications adequately satisfy the relevant state and local planning provisions.
- The proposed modifications will have no unacceptable impacts on the built or natural environments.
- The variation to height results in a development that is consistent with the relevant objectives, and compliance with the standard is considered unreasonable and unnecessary in this instance, and the proposal results in a better planning outcome as outlined in this report.
- The proposal is in the public interest.

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 the public exhibition. The panel notes that issues of concern included:

- Increased building height
- Increased bulk and scale
- Reduction in solar access

- Overshadowing
- Increased density
- Traffic impacts
- Changing local character
- Question whether the application is substantially the same development.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Roberta Ryan 	Janelle Atkins 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-341 – The Hills Shire - DA 736/2017/JP/B
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an approved concept masterplan – changes to building height in Stage 4
3	STREET ADDRESS	104 Fairway Drive, Norwest
4	APPLICANT/OWNER	Applicant: Greg Dowling Owner: SH Orchards Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Planning Systems) 2021 SEPP 65 - Design Quality of Residential Apartment Development The Hills Local Environmental Plan 2019 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The following sections of The Hills DCP 2012: <ul style="list-style-type: none"> Part B Section 5 – Residential Flat Building Part C Section 1 – Parking Part C Section 3 – Landscaping Part D Section 7 – Balmoral Road Release Area Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 1 September 2022 Written submissions during public exhibition: Six Total number of unique submissions received by way of objection: Six
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 17 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: David Ryan (Chair) <u>Council assessment staff</u>: Robert Buckham Final briefing to discuss council's recommendation: 8 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Janelle Atkins <u>Council assessment staff</u>: Robert Buckham, Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report