

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	9 December 2022
DATE OF PANEL DECISION	9 December 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Roberta Ryan, Megan Munari, Robert Buckham
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan declared a perceived conflict of interest on the basis that the company he works for, Gyde, is engaged by the Universal Property Group on other development projects.

Papers circulated electronically on 7 December 2022.

MATTER DETERMINED

PPSSCC-357 – The Hills Shire – 1799/2022/JP – 11-19 Yattenden Crescent, Baulkham Hills - Demolition of Existing Structures and Construction of a Residential Flat Building Development containing 51 Units (Infill Affordable Housing) under the Provisions of SEPP Housing 2021.

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 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 Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- compliance with cl. 17 (1) maximum floor space ratio (development standard) of the Housing SEPP, and cl. 4.6 maximum building height in The Hills LEP 2019 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. 17(1) of the Housing SEPP and cl.4.6 of the LEP and the objectives for development in the R4 zone; 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 to building height and FSR; and approve the application for the reasons outlined in the council assessment report.

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 the three written submissions made during public exhibition. The panel notes that issues of concern included:

- With the large apartment building at 21 Yattenden Crescent, not being completed, having many unused apartments, having zero commercial tenants, unfinished elevators and broken glass fencing for many months, it is requested that the builder be carefully vetted to ensure they will complete this building, rather than create another eyesore.
- This is unfair to the existing property owners in the building block. It will increase the density of the building block and create noise during construction.
- In regards to the Clause 4.6 Departure - Height, objection is raised to any deviation from the 16m maximum building height rule. This alteration to the 16m building height will have an impact on their views and if allowed it will set a precedent for future developments.

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Roberta Ryan 
Robert Buckham 	Megan Munari 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-357 – The Hills Shire – 1799/2022/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of a Residential Flat Building Development containing 51 Units (Infill Affordable Housing) under the Provisions of SEPP Housing 2021.
3	STREET ADDRESS	11-19 Yattenden Crescent, Baulkham Hills
4	APPLICANT/OWNER	Applicant: Universal Property Group Pty Ltd Owner: LAWRENCE BIT-MERZA, PEJMAN NEMATIAN, ISABELLE JABBOUR, VAUGHAN RYAN, MARIA RYAN, PEJMAN NEMATIAN, HELEN SUMMERS
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Planning Systems) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Housing) 2021 SEPP 65 – Design Quality of Residential Apartment Development and Apartment Design Guide SEPP (Transport and Infrastructure) 2021 SEPP ((Building Sustainability Index: BASIX) 2004 SEPP (Biodiversity and Conservation) 2021 The Hills LEP 2019 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 6 December 2022 Clause 4.6 - Building height variation - clause 4.3 – LEP 2019, FSR variation - clause 17(1) – SEPP (Housing) 2021 Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 30 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Megan Munari, Robert Buckham <u>Council assessment staff</u>: Claro Patag, Paul Osborne, Cameron McKenzie <u>Applicant representatives</u>: Shivani Koyyada, Pratima Desai, James Grant, Brad Delapierre, Dat Pham
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

