

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	17 November 2022
DATE OF PANEL DECISION	17 November 2022
DATE OF PANEL MEETING	10 November 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Robert Buckham, Janelle Atkins
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 October 2022.

MATTER DETERMINED

PPSSCC-358 – The Hills Shire – 318/2021/JP/A – U 1 40 Civic Way, Rouse Hill

S4.55 (2) Modification to an Approved Residential Flat Building Comprising 33 Units under the Provisions of SEPP Housing 2021 (formerly SEPP Affordable Rental Housing 2009).

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.

Modification application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to partially approve the application for the reasons outlined in the council assessment report.

The Panel considered the applicant's written and verbal representations to modify condition 7 of the consent. The panel understands that the applicant's primary concern with the condition is the impact it will have on the feasibility of the development associated with what it states is the requirement it imposes to install a sprinkler system in the existing building on the site. The panel seeks to ensure that appropriate fire safety principles apply to the existing building on the site, and has accepted the advice of the Council that the condition, as recommended by Council, does not dictate that a sprinkler system is required, but rather, provides the applicant's certifier with discretion to determine if such a system is necessary, and if so, the degree to which it is necessary. The Panel has therefore rejected the applicant's request to modify condition 7 on the basis that that is unnecessary to address the applicant's reason for seeking its modification.


CONDITIONS

The modification application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS



Abigail Goldberg (Chair)



David Ryan



Roberta Ryan



Robert Buckham



Janelle Atkins

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-358 – The Hills Shire – 318/2021/JP/A
2	PROPOSED DEVELOPMENT	S4.55 (2) Modification to an Approved Residential Flat Building Comprising 33 Units under the Provisions of SEPP Housing 2021 (formerly SEPP Affordable Rental Housing 2009).
3	STREET ADDRESS	U 1 40 Civic Way, Rouse Hill
4	APPLICANT/OWNER	Applicant: Creative Planning Solutions Pty Limited Owner: Link Wentworth Housing 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"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Housing) 2021 SREP 20 – Hawkesbury Nepean River State Environmental Planning Policy 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 Hills Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 94 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: 27 October 2022 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 3 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Robert Buckham, Janelle Atkins <u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne, Cameron McKenzie <u>Applicant representatives</u>: Gideon Butow, Pedro Pan, Brendon Clendenning, Sami Nouri Final briefing to discuss council's recommendation: 10 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Robert Buckham, Janelle Atkins <u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne, Paul Curran <u>Applicant representatives</u>: Pedro Pan, Brendon Clendenning, Paul Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report