

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

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

Papers circulated electronically on 1 August 2023.

MATTER DETERMINED

PPSSCC-366 – The Hills Shire – 2059/2022/JP – 104 Fairway Drive, Norwest - Residential Flat Building Development containing 583 apartments and Community Title Subdivision (Stage 4 of The Orchards Development).

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

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, 4.4 and 7.10 of the LEP and the objectives for development in the R4 High Density Residential 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 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 Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State

Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.3, 4.4 and 7.10 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variations can be supported as compliance with the standards are unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

CONDITIONS


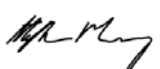



The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

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

- Traffic
- Overshadowing
- Construction management
- Parking
- Compliance with planning controls

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 
Jarrold Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-366 – The Hills Shire – 2059/2022/JP
2	PROPOSED DEVELOPMENT	Residential Flat Building Development containing 583 apartments and Community Title Subdivision (Stage 4 of The Orchards Development)
3	STREET ADDRESS	104 Fairway Drive, Norwest
4	APPLICANT/OWNER	Applicant/Owner: SH Orchards Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No 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 2021</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: 31 July 2023 • Clause 4.6 variation: 4.3 Building Height, 4.4 Floor Space Ratio, 7.10 Residential development yield on certain land. • Written submissions during public exhibition: 9 • Total number of unique submissions received by way of objection: 9
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 4 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Jarrod Murphy, Brent Woodhams ○ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne ○ <u>Applicant representatives</u>: Greg Dowling, Julian Venning - Crone, Xena Ma, George Kesouras, Daniel Rainone
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report