

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	30 July 2024
DATE OF PANEL DECISION	26 July 2024
DATE OF PANEL MEETING	25 July 2024
PANEL MEMBERS	Abigail Goldberg (Chair), Brian Kirk, Steve Murray, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan advised a conflict due to a consultancy matter related to the site. Robert Buckham declared a conflict as he is now acting manager for the assessment team.

Public meeting held by videoconference on 25 July 2024, opened at 11:30am and closed at 12:13pm.

MATTER DETERMINED

PPSSCC-480 – The Hills Shire – 11/2024/JP – 55 Coonara Avenue, West Pennant Hills - Housing Central and Housing North Precincts for the construction of 105 integrated attached and detached dwellings, individual lot subdivision and associated lot civil works and associated landscape works.

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 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 Shire Local Environmental Plan 2019 (LEP), that has demonstrated that areas of non-compliance are minor and not material and that:

- compliance with cl. 4.3 height of buildings 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. 4.3 height of buildings of the LEP and the objectives for development in the R3 Medium 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 to building height; and approve the application for the reasons outlined in the council assessment report, noting the consideration of community views below.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS


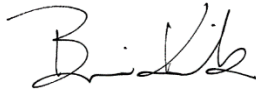


In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Screening along Coonara Avenue
- Protection for flora and fauna
- Design, colour and finishes, including in relation to roof colour
- Traffic and parking, including in relation to parking for construction workers
- Noise, dust and air pollution
- Tree removal
- Water storage inadequate.

In response to community concerns raised at the public meeting, the panel observes as follows:

- Mirvac committed at the public meeting to increase planting along Coonara Avenue in order to provide more dense screening. The panel notes Council's advice that this may require a modification to the site-wide Vegetation Management Plan
- The colour of roofs was discussed extensively as part of previous applications however the panel supported the applicant's position that solar panels would counteract the roof colour
- Parking for construction workers is provided on site in a legacy multi-storey carpark
- Conditions related to the site-wide consent remain active and are not required to be repeated for each subsequent DA
- The panel has sighted the approval provided by the Commonwealth Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) dated 1 May 2024 and referenced in Council's assessment report (p.9) and notes that the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act 1999) is standalone legislation, not required to be included in the determination.
- It is noted each panel member received a copy of the correspondence raised in the community forum by Protecting Your Suburban Environment (PYSE) as part of their verbal submission to the Panel.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Brian Kirk
 Steve Murray	 Jarrod Murphy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-480 – The Hills Shire – 11/2024/JP
2	PROPOSED DEVELOPMENT	Housing Central and Housing North Precincts for the construction of 105 integrated attached and detached dwellings, individual lot subdivision and associated lot civil works and associated landscape works.
3	STREET ADDRESS	55 Coonara Avenue, West Pennant Hills
4	APPLICANT/OWNER	Applicant: Mecone Owner: Mirvac Projects (Retail and Commercial) Pty Ltd
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 (Building Sustainability Index: BASIX) 2004 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: 11 July 2024 Clause 4.6 variation request: Height of LEP 2019 Written submissions during public exhibition: 10 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Farida Irani, John Inshaw on behalf of Galston Area Residents Association Inc., Jan Primrose on behalf of Protecting Your Suburban Environment Inc., Katrina Emmett on behalf of Forest In Danger community group Council assessment officer – Sanda Watts On behalf of the applicant – Emma Ellis, Tyson Ek-Moller 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"> Preliminary Briefing: 31 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, Brian Kirk, Jarrod Murphy, Robert Buckham <u>Council assessment staff</u>: Sanda Watts, Paul Osborne <u>Applicant representatives</u>: Emma Ellis, Mitchell Tweedie, Ellie Noonan, Holly Johnston, Andrew La, Tanja Hodgson, Tyson Ek-Moller

		<ul style="list-style-type: none">• Site inspection: 9 May 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Steve Murray○ <u>N.B.</u>: All other panel members performed a site visit at the time of the original DA applications in 2022• Final briefing to discuss council’s recommendation: 25 July 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, Brian Kirk, Jarrod Murphy○ <u>Council assessment staff</u>: Sanda Watts, Paul Osborne, Cameron McKenzie, Angelo Berios, Myone Webber, Ryan Fehon
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report