

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	28 November 2024
DATE OF PANEL DECISION	28 November 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	None
DECLARATIONS OF INTEREST	Cynthia Dugan and Brent Woodhams declared conflict of interests given they have worked on aspects of the DA in their roles as Council staff

Papers circulated electronically on 22 November 2024.

MATTER DETERMINED

PPSSCC-486 – The Hills – 308/2024/JP – 40 Memorial Avenue, Bella Vista - Concept Development Application for a Residential Flat Building Development for 224 Units. The proposal is defined as Nominated Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Department of Planning and Environment - Water under the provisions of the Water Management Act, 2000.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at 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 Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- compliance with cl. 8.4 Minimum Building Setbacks 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. 8.4 Minimum Building Setbacks the LEP and the objectives for development in the R1 General 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 setbacks; and approve the application for the reasons outlined in the council assessment report, replicated generally as follows:

Following a detailed assessment of the proposal, pursuant to Section 4.15(1) and 4.16(1)(b) of the EP&A Act, DA 308/2024/JP is recommended for approval (deferred commencement) subject to the conditions of consent contained at Attachment A of this report. A deferred commencement consent is required since the site requires the proposed road / bridge to be constructed under Development Application 563/2024/ZB to connect it to Free Settlers Drive to provide access to this development.

The development has achieved a balanced outcome having regard to the existing and likely future character, roads and development in the surrounding area which makes up the Bella Vista and Kellyville Station Precincts, the significance of the site with respect to Aboriginal sites and endangered ecological communities, riparian interface sensitivities and flood affectation due to the adjoining Elizabeth Macarthur Creek. Variations to ADG, LEP and DCP controls are considered to be reasonable, and access to the site will be assured pending the determination of the subdivision application for road, roundabout and bridge from nearby Free Settlers Drive. The applicant has liaised with the adjoining land developer and had regard to the State Significant Development Area to ensure the site’s compatibility. The application was found to be satisfactory by the Design Review Panel and following amendments to refine the proposal it is now acceptable to recommend for approval subject to deferred development consent and the recommended draft conditions at Attachment A.

CONDITIONS



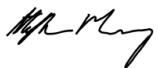
The development application was approved subject to the conditions in the council assessment report.

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:

- The Development will impact Landcom’s approved SSDA and subsequent proposed development within the Bella Vista Station Precinct.

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-486 – The Hills – 308/2024/JP
2	PROPOSED DEVELOPMENT	Concept Development Application for a Residential Flat Building Development for 224 Units. The proposal is defined as Nominated Integrated Development under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979, as approval is required from the Department of Planning and Environment - Water under the provisions of the Water Management Act, 2000.
3	STREET ADDRESS	40 Memorial Avenue, Bella Vista
4	APPLICANT/OWNER	Applicant: Landen Property Group Pty Ltd Owner: Heather Reardon, Thomas Reardon
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 (Housing) 2021 State Environmental Planning Policy (Sustainable Buildings) 2021 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: 21 November 2024 Clause 4.6 variation request: cl 8.4 Minimum Building Setbacks Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Jarrod Murphy, Cynthia Dugan <u>Council assessment staff</u>: Kate Clinton, Paul Osborne, Cameron McKenzie <u>Applicant representatives</u>: Oscar Saunders, Shane Harding, James McBride, James McCarthy, Theo Krallis, Tomas Moore, James Lauman, Lachlan Ellison
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

