

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	12 June 2025
<b>DATE OF PANEL DECISION</b>	11 June 2025
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 June 2025.

#### MATTERS DETERMINED

**PPSSCC-601 – The Hills Shire – 736/2017/JP/D** - 104 Fairway Drive, Norwest - Section 4.55 (2) Modification to an Approved Concept Masterplan encompassing 10 buildings with a total of 1,300 dwellings, associated car parking, neighbourhood shops, fitness centre, civil works, internal roads and landscaping over five stages – Change to building heights for stage 5.

**PPSSCC-598 – The Hills Shire – 237/2025/JP** – 104 Fairway Drive, Norwest - Residential Flat Building Development containing 209 units and Community Title Subdivision (Stage 5 of The Orchards Development).

#### PANEL CONSIDERATION AND DECISIONS

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented in Schedule 1.

#### Modification application

**PPSSCC-601 – The Hills Shire – 736/2017/JP/D** -

The panel determined to approve the modification 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 approve the application for the reasons outlined in the council assessment report which have been summarised below:

*The Modification Application has been assessed against the relevant heads of consideration under Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 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 variations to The Hills LEP 2019 development standards at Clause 4.3 and 4.4 can be supported as compliance with the standards is unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in the Council's report. Furthermore, 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.*

The development as modified is considered to be substantially the same as the development for which consent was original granted.

## Development application

**PPSSCC-598 – The Hills Shire – 237/2025/JP -**

### Application to vary a development standard:

Following consideration of the written requests from the applicant, made under cl 4.6 (3) of the Hills Shire Local Environmental Plan 2019 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (Height of Building), 4.4 (Floor Space Ratio), 7.10 (Residential development yield on certain land) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standards.

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 approve the application for the reasons outlined in the council assessment report which have been summarised below:

*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.*

### CONDITIONS

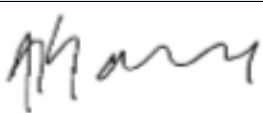
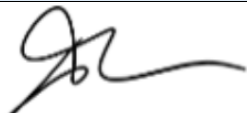

The development application was approved subject to the conditions in the council assessment report.

### CONSIDERATION OF COMMUNITY VIEWS

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

- Construction noise
- Dust
- Lack of street parking
- Increased traffic
- The proposed uplift, reduction in setback
- Safety issues for residents
- Overshadowing

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

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Steve Murray	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-598 – The Hills Shire – 237/2025/JP PPSSCC-601 – The Hills Shire – 736/2017/JP/D
2	PROPOSED DEVELOPMENT	<p>PPSSCC-598 – The Hills Shire – 237/2025/JP – 104 Fairway Drive, Norwest - Residential Flat Building Development containing 209 units and Community Title Subdivision (Stage 5 of The Orchards Development).</p> <p>PPSSCC-601 – The Hills Shire – 736/2017/JP/D - 104 Fairway Drive, Norwest - Section 4.55 (2) Modification to an Approved Concept Masterplan, encompassing 10 buildings with a total of 1,300 dwellings, associated car parking, neighbourhood shops, fitness centre, civil works, internal roads and landscaping over five stages – Change to building heights for stage 5.</p>
3	STREET ADDRESS	104 Fairway Drive, Norwest
4	APPLICANT/OWNER	Applicant/ Owner: SH Orchards Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ The Hills Local Environmental Plan 2019</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ The Hills Development Control Plan 2012</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment reports: 4 June 2025</li> <li>• Clause 4.6 variation requests: Building Height, Floor Space Ratio, Residential Development Yield on certain land</li> <li>• Written submissions during public exhibition: PPSSCC-598 received 9 submissions, PPSSCC-601 received 5 submissions</li> </ul>

8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment reports