

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	16 April 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Ken McBryde and Chandi Saba
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	<p>David Ryan advised that his company is providing GIS serviced for the applicant in relation to the subject site.</p> <p>Mr Mark Colburt advised that he was on the Design Excellence Panel during the assessment of the Masterplan for this development precinct. As such he declared a conflict of duties and will not participate.</p>

Public meeting held by public teleconference on 16 April 2020, opened at 12.00pm and closed at 1:05pm.

#### MATTER DETERMINED

PPSSCC-86 - The Hills Shire – DA1732/2019/HA – 9 Spurway Drive, Norwest, Residential flat building development comprising of 57 units (as described in Schedule 1)

#### 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 observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### 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 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) 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 generally agreed with the recommendations and balance of considerations in Council's report, noting:

- The proposal is in the public interest;
- Safety considerations in relation to the adjoining golf course have been taken into account;
- The proposal has architectural merit and the variation to height has been adequately addressed through the cl 4. 6 application.

#### CONDITIONS

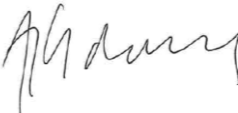

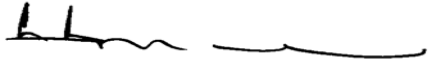
The development application was approved subject to conditions listed in Council assessment report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. No community speakers elected to address the Panel. The Panel notes that issues of concern in written submissions included:

- Heritage items;
- No damage to trees.

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)	 Ken McBryde
 Chandi Saba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-86 - The Hills Shire – DA1732/2019/HA
2	PROPOSED DEVELOPMENT	Residential flat building development comprising of 57 units
3	STREET ADDRESS	9 Spurway Drive, Norwest
4	APPLICANT/OWNER	Sekisui House Australia Pty Ltd/SH Orchards Pty Ltd and Owners of Strata Plan 98192
5	TYPE OF REGIONAL DEVELOPMENT	State Environmental Planning Policy (State and Regional Development) 2011 Part 4 Clause 21 – The site is subject to a Concept masterplan
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 (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55- Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean</li> </ul> </li> </ul>

		<p>River (No.2 – 1997)</p> <ul style="list-style-type: none"> <li>○ The Hills Local Environmental Plan 2019</li> <li>○ The Hills Local Environmental Plan 2012</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 Environmental Planning and Assessment Regulation 2000.</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: April 2020</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Robert Buckham, Paul Osborne and Cameron McKenzie</li> <li>○ On behalf of the applicant – Greg Dowling</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>• Final briefing to discuss council's recommendation, 16 April 2020, 10.30am (teleconference) Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Ken McBryde and Chandi Saba</li> <li>○ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne and Cameron McKenzie</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
10	<b>DRAFT CONDITIONS</b>	Submitted with council assessment report