

DATE OF DETERMINATION	Thursday, 21 June 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Peter Brennan and Julie Savet Ward
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	Stewart Seale and Michael Edgar declared conflicts of interest in relation to the original development application as the site was previously owned by Council; they have therefore not participated in any discussion or determination of this modification application to avoid any perception of conflict.

Public meeting held at The Hills Shire Council Chambers on 21 June 2018, opened at 12:15 pm and closed at 1:05 pm.

MATTER DETERMINED

2017SWC142 – The Hills – 1946/2016/JP/A AT 51-55 Old Castle Hill Road, Castle Hill (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:




1. This modification application will add to the supply and choice of housing within the Sydney Central City district and The Hills local government area in a location within the Castle Hills shopping precinct and within walking distance of the proposed new railway station.
2. The proposed development adequately satisfies the relevant State Environmental Planning policies and the applicable provisions and objectives of The Hills Local Environmental Plan 2012 (THLEP) and The Hills Development Control Plan 2012 (DCP).
3. The development has been advertised in accordance with Council’s adopted DCP Part A Clause 3.3 from 13 December 2017 to 16 January 2018 and submissions have been received and assessed.
4. The Panel is satisfied that incorporation of 55 Old Castle Hill Road into the approved residential flat development on the adjoining site represents a more logical and orderly development of the subject site and is consistent with the planning objectives and uses in the adjoining zone. The use of Clause 5.3 (Development Near Zone Boundaries) in THLEP is appropriate in the circumstances as outlined in the Council’s report.
5. The Panel is also aware that the Castle Hill North Planning Proposal is being considered which, if finally approved, will rezone the subject site to R4 high density residential development.
6. The proposal has been referred to Roads and Maritime Services (RMS) who seek a condition to be imposed requiring a submission to them of final design drawings and documents, details of any impacts on RMS drainage systems and the applicant’s responsibility for any utility adjustments/relocations and such a condition has been imposed. Otherwise, the traffic impact is

satisfactory to the RMS and has been assessed as satisfactory by the Council's traffic engineer as having no unsatisfactory additional impact.

7. The Panel understands that Council has assessed the site under State Environmental Planning Policy No 55 – Remediation of Land and has found it to be satisfactory for the proposed use.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Peter Brennan
 Julie Savet Ward	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC142 – The Hills – 1946/2016/JP/A
2	PROPOSED DEVELOPMENT	SECTION 4.55(2) MODIFICATION TO AN APPROVED RESIDENTIAL FLAT BUILDING DEVELOPMENT
3	STREET ADDRESS	Lot 101 DP 1146629 AND LOT A DP 158531, NOS. 51-55 OLD CASTLE HILL ROAD, CASTLE HILL
4	APPLICANT	Toplace Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ Apartment Design Guidelines ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 Part D Section 2 – Pennant St Target Site • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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 June 2018 • Written submissions during public exhibition: four (4) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Larissa Brennan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 21 June 2018 • Final briefing meeting to discuss council’s recommendation, 21 June 2018, 11:50 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Chair), Peter Brennan and Julie Savet Ward ○ <u>Council assessment staff</u>: Kristine McKenzie, Paul Osbourne and Cameron McKenzie
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report