

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	12 December 2019
<b>PANEL MEMBERS</b>	Lindsay Fletcher (Acting Chair), Susan Budd and Mark Colburt
<b>APOLOGY</b>	Chandi Saba
<b>DECLARATIONS OF INTEREST</b>	Paul Mitchell, Mary-Lynne Taylor and Peter Brennan anticipated in determination of site compatibility certificate for this site and will not participate in decision making.

Public meeting held at The Hills Shire Council on Thursday 12 December 2019 opened at 2.35pm and closed at 5.50pm.

#### MATTER DETERMINED

2018CCIO22 - The Hills Shire – DA633/2019 AT Castle Hill RSL, 77 Castle Street, Castle Hill (AS DESCRIBED IN SCHEDULE 1)

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

#### 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 has 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 development application as described in Schedule 1 subject to the recommended conditions of consent as modified pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons set out below.

1. The seniors housing development is permissible in this zone pursuant to SEPP Senior Living and the Site Compatibility Certificate issued by Sydney Central City Planning Panel and satisfies the relevant objectives outlined under SEPP and The Hills LEP 2012.
2. The proposal generally complies with all applicable legislative and planning instrument requirements and to the extent that it does not, the variations are acceptable.
3. The proposed development is consistent with the existing character of the area and is compatible with the surrounding properties and the Panel notes that Site Compatibility Certificate has been issued and that the proposal has been endorsed by Council's Design Excellence Panel.
4. Notification requirements were complied with on two occasions and a conciliation conference was held by Council. The Panel notes that the number of submissions objecting to the proposal was very significantly reduced when the amended plans were exhibited and no objectors registered to address the Panel at the determination meeting.

5. The likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination, waste management and stormwater management have been satisfactorily addressed including by conditions of approval, so that the proposed development will not result in unacceptable social, economic or environmental impacts.
6. The proposed development satisfies relevant provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* as seniors housing provides a needed residential housing form and will contribute to the local housing variety and stock.
7. The Panel is satisfied that the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development, in particular separate street access and notes the additional condition relating to manage the relationship between the proposed development and gambling facilities on the site.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

### **CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report with an additional Condition 93A under "PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE" and amendment to Condition 28 and Condition 72 –

#### **"93A Protocol for Managing Relationship Between the Seniors Living Development and Gambling Activities On-Site"**

An appropriate protocol pursuant to the provisions of the Gaming Machines Act 2001 shall be prepared by the applicant and submitted to Council to the satisfaction of Council's Manager Development Assessment. The plan is to manage the relationship between the seniors living development and the gambling facilities within the Castle Hill RSL Club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the integrated seniors living development."

#### **Condition 28 Retention of Trees to read as follows –**

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Jacksons Native Works and the following requirements:

- ☐ Direct drilling of services to be under bored to trees to northern boundary

#### **Condition 72 is amended to read as follows –**

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site. All recommended remedial works are to be carried out in accordance with the investigation report.



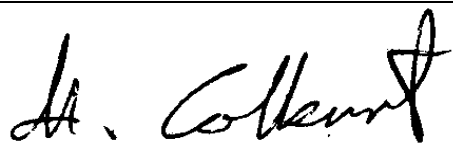
### **CONSIDERATION OF COMMUNITY VIEWS**

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:

- Traffic congestion;
- Overlooking neighbouring backyards;
- Loss of trees;
- Loss of sunlight;

- Noise, dust and vibration;
- Character of the area;
- High rise buildings;
- Inadequate infrastructure.

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	
 Lindsay Fletcher (Acting Chair)	 Susan Budd
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCIO22 - The Hills Shire – DA633/2019
2	PROPOSED DEVELOPMENT	Integrated Seniors Housing Development and Associated Upgrade Works to the Castle Hill RSL Club Premises Pursuant to the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004
3	STREET ADDRESS	Castle Hill RSL, 77 Castle Street, Castle Hill
4	APPLICANT/OWNER	Castle Hill RSL Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• The Hills Local Environmental Plan 2012</li> </ul> Draft environmental planning instruments: Nil Development control plans: The Hills Development Control Plan 2012 Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i> : Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality

		<p>The suitability of the site for the development</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>The public interest, including the principles of ecologically sustainable development</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<p>Council assessment report – 12 December 2019</p> <p>Written submissions during public exhibition: 115</p> <p>Verbal submissions at the public meeting:</p> <ul style="list-style-type: none"> <li>• Support – Nil</li> <li>• Object – Nil</li> <li>• On behalf of the applicant – David O’Neil – Castle Hill RSL, Kate Isaacs – Marchese Partners, Chris Palmer – Varga Traffic, Johnny Derwent – SD Studios and Ashleigh Smith – Willowtree Planning</li> <li>• On behalf of Council – Claro Patag and Paul Osborne</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing – 20 December 2019</li> <li>• <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Mark Colburt</li> <li>• <u>Council assessment staff</u>: Claro Patag and Paul Osborne</li> <li>• Site Inspection – 12 December 2019</li> <li>• <u>Panel members</u>: Lindsay Fletcher, Susan Budd and Mark Colburt</li> <li>• <u>Council assessment staff</u>: Claro Patag and Paul Osborne</li> <li>• Final briefing to discuss council’s recommendation, 12 December 2019, 1.30pm.</li> <li>• Attendees:</li> <li>• <u>Panel members</u>: Lindsay Fletcher, Susan Budd and Mark Colburt</li> <li>• <u>Council assessment staff</u>: Claro Patag and Paul Osborne</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached with Council assessment report