

DATE OF DETERMINATION	19 September 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher and Mark Colburt
APOLOGY	Peter Brennan and Chandi Saba
DECLARATIONS OF INTEREST	Nil

Public meeting held at The Hills Shire Council on Thursday 19 September 2019 opened at 3.35pm and closed at 5.15pm.

MATTER DETERMINED

2018SWC096 - The Hills Shire – DA192/2019 AT 16-26 Chapman Avenue and 17-27 Dawes Avenue, 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.

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 the height of buildings standards 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 clause 4.3 of the LEP and the objectives for development in the R4 zone; and
- c) the concurrence of the Secretary has been provided.

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

1. The proposal is well designed, has the support of the Council's Design Excellence Panel and is consistent with the desired future character of the Showground Station Precinct.

2. The proposal is well situated being close to retail, other facilities and public transport. It will encourage transit-oriented development.
3. The proposal will add to the stock and diversity of housing, thus contributing to improved housing choice and affordability. In this respect the proposal is consistent with relevant R4 zone objectives.
4. The Panel notes that a significant number of submissions were received on the application and all were supportive.
5. The proposal will have no material adverse impacts on nearby properties, local infrastructure and services, and areas of environmental significance. Conversely, it will have a positive impact on the quality of the built environment.
6. For the reasons given above the Panel believes that approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with amendments to Condition No. 1.

Amended Condition 1 –

Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

Amendments in red are to include the following:

- All ground floor residential fences are to be no more than 1.2m in height with a minimum 50% transparency.
- All services and service provision visible from the street, public domain and nearby taller buildings are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.

REFERENCED PLANS AND DOCUMENTS



DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-01-100	Site Plan	B	30/05/2019
DA-10-100	B02 Floor Plan	D	3/05/2019
DA-10-0020	B01 Floor Plan	D	3/06/2019
DA-10-1000	Ground Floor Plan	E	20/08/2019
DA-10-1100	Level 01 Floor Plan	E	20/08/2019
DA-10-1200	Level 02 Floor Plan	E	20/08/2019
DA-10-1300	Level 03 Floor Plan	E	20/08/2019
DA-10-1400	Level 04 Floor Plan	E	20/08/2019
DA-10-500	Level 05 Floor Plan	E	20/08/2019
DA-10-1600	Level 06 Floor Plan	E	20/08/2019
DA-10-1700	Level 07 Floor Plan	F	22/08/2019

DA-10-1800	Level 08 Floor Plan	D	3/05/2019
DA-10-1900	Roof Plan	D	3/05/2019
DA-20-0100	Elevations – North and South	C	3/05/2019
DA-20-0200	Elevations – East and West	C	3/05/2019
DA-20-0300	Elevations – East and West Building A and B	A	3/05/2019
DA-20-0400	Elevations – East and West Building B and C	A	3/05/2019
DA-30-0100	Section 1 – Building A	C	3/05/2019
DA-30-0200	Section 2 – Building B	C	3/05/2019
DA-30-0300	Section 3 – Building C	C	3/05/2019
DA-30-0400	Section 4 – Site Cross Section	C	3/05/2019
DA-40-0100	Chapman Ave Perspective 01	B	3/05/2019
DA-40-0200	Chapman Ave and Chapman Reserve Perspective	A	3/05/2019
DA-40-0300	Chapman Ave Perspective 02	A	3/05/2019
DA-40-0400	Communal Open Space Perspective	A	3/05/2019
DA-40-0500	Internal Courtyard Perspective	A	3/05/2019
DA-43-0200	North East Corner	A	3/05/2019
DA-43-0300	North Elevation - Part	A	3/05/2019
DA-50-0100	Materials and Finishes Board	C	30/04/2019
DA-70-0100	Adaptable Apartments	C	3/05/2019
L001	Planting Schedule	C	28/06/2019
L500	Planting Plan	C	28/06/2019
L501	Rooftop Planting Plan	B	30/04/2019
L800	Typical Sections	B	30/04/2019
L801	Typical Sections	C	28/06/2019

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered all written submissions made during public exhibition. The Panel notes that no objections were raised to the proposal.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Mary-Lynne Taylor

Lindsay Fletcher

Mark Colburt

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2018SWC096 - The Hills Shire – DA192/2019
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of three 6-9 storey residential flat buildings comprising 258 units and basement car parking.
3	STREET ADDRESS	16-26 Chapman Avenue and 17-27 Dawes Avenue, Castle Hill
4	APPLICANT/OWNER	Applicant – CG Group Projects Pty Ltd Owners – Mr G M Braybon Mrs S E Braybon Ms M H Qu Mrs R Sie Mr S H Sie Mr S Surya Ms M M Herliman Ms N Reljanovic Mr C S Lumb Mrs M J Lumb Mrs E L Burge Mr M D Burge Mr C Bai Mrs L Zhang Ms C P Pisano Mr P G Meek Mr T P Armstrong Mrs M E Armstrong Mr N R Duffy Mr S H Kwon Ms T Kim
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
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. 65 – Design Quality of Residential Flat Development• State Environmental Planning Policy No. 55 – Remediation of Land• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

		<ul style="list-style-type: none"> • The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • DCP 2012 Part C Section 1 – Parking • DCP 2012 Part C Section 3 – Landscaping • DCP 2012 Part D Section 19 – Showground Precinct • Planning agreements: Nil <ul style="list-style-type: none"> • <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 • 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 – 19 September 2019 • Written submissions during public exhibition: 8 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Tom Goode ○ On behalf of Council – Cynthia Dugan and Paul Osborne
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 20 December 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Mark Colburt • <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne • Site Inspection – 19 September 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher and Mark Colburt ○ <u>Council assessment staff</u>: Cynthia Dugan and Paul Osborne • Final briefing to discuss council’s recommendation, 19 September 2019, 2.00pm. • Public Meeting – 19 September 2019 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Lindsay Fletcher and Mark Colburt ○ <u>Council assessment staff</u>: Cynthia Dugan, Robert Buckham and Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council assessment report