

DATE OF DETERMINATION	20 February 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba
APOLOGIES	Gabrielle Morrish, Mark Colburt and Stewart Seale
DECLARATIONS OF INTEREST	Nil

Public meeting held at Rydalmere Operations Centre on 20 February 2020, opened at 1.00pm and closed at 2.00pm.

MATTER DETERMINED

2019CCIO16 - The Hills Shire – DA1262/2019/JP, 7 - 23 Cadman Crescent and 18 - 24 Hughes Avenue, Castle Hill, Concept Development Application for five residential flat buildings comprising 228 apartments, two levels of basement parking and associated landscaping (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 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* with amendments to conditions as detailed below.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed concept proposal is satisfactory having regard to relevant considerations under Section 4.15.
2. The proposed development concept is supported by the Council's DRP.

3. The Panel heard a submission on behalf of the Applicant regarding a proposed change to condition 3 seeking greater flexibility in the maximum number of units. The Panel considered the Applicant's rationale but asserted that the maximum number of 228 dwellings should be retained in the context of the overall dwelling cap for the Precinct. In addition, the Panel amended condition 3 to incorporate the maximum FSR sought, and agreed to by the Design Review Panel.
4. The Panel heard a submission on behalf of the Applicant regarding a proposed change to condition 4 seeking greater flexibility with regard to the quantum of communal open space. The Panel noted the Applicant's rationale but considered that as the quantum had been recommended by Council's Design Review Panel after an extended process, this should be maintained.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments to Condition 3, Condition 4 and Condition 5.

Condition 3 is amended to read as follows –

The maximum dwelling yield for the site is not to exceed 228 units and a Floor Space Ratio of 2.1:1.

Condition 4 Communal Open Space is amended to read as follows -

All future development applications for new buildings or works must comply with the following requirements:

- A minimum of 3,780m² (ground level) and 689m² (roof level) central communal open space area is to be provided for the entire site.
- Community facilities such as children's play areas are to be provided within the communal open space.

Condition 5 is amended to correct administrative details –



The recommendations of the Preliminary Site Investigation prepared by Douglas Partners, Document Number R.001.Rev 1 Project Number 86559.01 dated 17 January 2019 is to be implemented. Any future built form Development Applications will require the submission of a further Phase 1 Contamination Report including soil sampling, further assessment of past land uses including later historical aerial photographs, historical land tiles and Safe Work NSW records and a more thorough site walkover should undertaken to confirm (or otherwise) that there is an absence of contamination. In addition, a hazardous building materials survey is to be conducted prior to any demolition works.


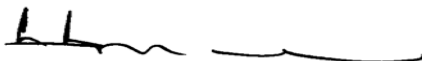
CONSIDERATION OF COMMUNITY VIEWS

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:

- Excessive height
- Increase in density
- Increased traffic
- Traffic safety at the bend of Cadman Street and Hughes Avenue
- Developments closer to station
- Overshadowing impacts
- Implications of change of demographics
- Lack of recreational and parkland facilities
- Noise and disruption during construction for local residents.

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	
	 Garry Fielding

Abigail Goldberg (Chair)	
	
David Ryan	Chandi Saba

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO16 - The Hills Shire – DA1262/2019/JP
2	PROPOSED DEVELOPMENT	Concept Development Application for five residential flat buildings comprising 228 apartments, two levels of basement parking and associated landscaping
3	STREET ADDRESS	Lot 502 DP 258587, Lot 327 DP 252593, Lot 328 DP 252593, Lot 329 DP 252593, Lot 330 DP 252593, Lot 331 DP 252593, Lot 332 DP 252593, Lot 333 DP 252593, Lot 334 DP 252593, Lot 504 DP 258587, Lot 337 DP 252593, Lot 3361 DP 865725, Lot 3362 DP 865725, Lot 335 DP 252593, 7 - 23 Cadman Crescent and 18 - 24 Hughes Avenue, Castle Hill
4	APPLICANT/OWNER	Castle Hill Panorama Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Mr K Root, Mrs M P Root, Mr C Gao, Galvlad Property Pty Ltd, Mr B Merhi, Mrs S S Merhi, Mr D A Lincoln, Mrs M A Lincoln, Mrs J Berger, Mr VH Chan, Mrs E H Chan, Mr V P Tangonan, Mrs M M Tangonan, Mr L Tao, Ms L Xu, Mrs A Matic, Ms M Stevenson, Mr C M K Fernando, Mrs M A Fernando, Mr R E Beeldman, Mr S W Kim, Mr G S Maiolo and Mrs J J Maiolo
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 State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004 Apartment Design Guide 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: [Nil] The likely impacts of the development, including environmental impacts

		<p>on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> • 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: 20 January 2020 • Clause 4.6 written request • Written submissions during public exhibition: 7 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Wei-Lin Chueh ○ Council assessment officer – Paul Osborne and Cynthia Dugan ○ On behalf of the applicant – Jordan Faeghi
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing – 20 June 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Peter Brennan, Mary-Lynne Taylor, Chandi Saba and Mark Colburt ○ <u>Council assessment staff</u>: Paul Osborne and Cynthia Dugan • Site inspection: 20 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba ○ <u>Council assessment staff</u>: Paul Osborne and Cynthia Dugan • Final briefing to discuss council's recommendation, 20 February 2020, 12.00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba ○ <u>Council assessment staff</u>: Paul Osborne and Cynthia Dugan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report