



<b>DATE OF DETERMINATION</b>	18 May 2023
<b>DATE OF PANEL DECISION</b>	18 May 2023
<b>DATE OF PANEL BRIEFING</b>	4 May 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Steve Murray, David Ryan, Robert Buckham, Jarrod Murphy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 April 2023.

#### **MATTER DETERMINED**

**PPSSCC-150 – The Hills Shire – 488/2021/JP** – 36 Carrington Road, Castle Hill - Demolition of Existing Structures and Construction of Three Mixed Use and Four Residential Flat Buildings of varying heights between 8 - 12 Storeys. The development comprises of 811 Units, Lower Ground Level Neighbourhood Shops and Three Level Basement Car parking (1048 Car Spaces).

The application is classified as 'Integrated Development' pursuant to Clause 4.47 of the Environmental Planning and Assessment Act 1979 and Clause 66 of the Environmental Planning and Assessment Regulations 2000. Written notice of the subject application has been given to the Natural Resources Access Regulator (NRAR).

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings 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 2019 (THLEP 2019), that has demonstrated that:

- a) compliance with cl. 4.3 (Building Height Standard) 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 (Building Height Standard) of the THLEP 2019 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*, subject to conditions.

The decision was unanimous.

**REASONS FOR THE DECISION**

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report, noting that:

- The variations to the development standards under Clause 4.3, 4.4 and 9.7 of the LEP are addressed in the report and are considered satisfactory with the applicant’s requests being well-founded and the proposed variations resulting in a development that is consistent with the relevant objectives.
- The proposal meets the flood planning provisions under Clause 5.2.1 of the LEP and appropriate measures can be implemented to ensure there are no detrimental impacts during a 1 in 100 ARI flood event.
- Variations to the Apartment Design Guide and DCP have been assessed on merit and are considered worthy of support as the development provides sufficient amenity for future occupants of the site and is consistent with the desired future character of the Showground Station Precinct.
- The design incorporates substantial landscaping along the frontages and includes landscaping embellishment works for the community along the riparian corridor which are consistent with the Cattai Creek masterplan.

**CONDITIONS**

The development application was approved subject to the conditions within the Council’s Amended Conditions Report dated 12 May 2023, which includes amendment to conditions proposed within the Council Assessment Report. Amended conditions included:


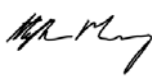
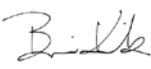


- Condition 60
- Condition 117, 139, 141
- Insertion of new condition in relation to services and fire hydrant enclosure.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered two written submissions made during the public exhibition. The panel notes that issues of concern included:

- Traffic and parking
- Density
- Landscaping.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
Brian Kirk 	Jarrod Murphy 
Robert Buckham 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-150 – The Hills Shire – 488/2021/JP
2	PROPOSED DEVELOPMENT	<p>Demolition of Existing Structures and Construction of Three Mixed Use and Four Residential Flat Buildings of varying heights between 8 - 12 Storeys. The development comprises of 811 Units, Lower Ground Level Neighbourhood Shops and Three Level Basement Car parking (1048 Car Spaces).</p> <p>The application is classified as 'Integrated Development' pursuant to Clause 4.47 of the Environmental Planning and Assessment Act 1979 and Clause 66 of the Environmental Planning and Assessment Regulations 2000. Written notice of the subject application has been given to the Natural Resources Access Regulator (NRAR).</p>
3	STREET ADDRESS	36 Carrington Road, Castle Hill
4	APPLICANT/OWNER	<p>Applicant: The APP Group</p> <p>Owner: Showground Corporation Pty Ltd</p>
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy 65 – Apartment Design of Residential Development</li> <li>○ The Hills Local Environmental Plan 2019</li> </ul> </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 <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 1 December 2022</li> <li>• Council supplementary report/memorandum received: 20 April 2023</li> <li>• Clause 4.6 - The Hills LEP 2019, Clause 4.3 Height of Buildings development standard, R4 High Density zone</li> <li>• Written submissions during public exhibition: 2</li> <li>• Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 18 February 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, Mark Colburt</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Briefing: 17 June 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker,</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> </ul> </li>   <li>• Briefing: 8 December 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Roberta Ryan (Acting Chair), Noni Ruker</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> </ul> </li>   <li>• Briefing: 17 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> </ul> </li>   <li>• Briefing to discuss council’s recommendation: 8 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Roy Ah See, Robert Buckham, Jarrod Murphy</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> </ul> </li>   <li>• Final briefing to discuss council’s recommendation: 4 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, Brian Kirk, Robert Buckham, Jarrod Murphy</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie</li> <li>○ <u>Applicant representatives</u>: Joseph Chiha, Joshua Owen</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council’s supplementary assessment report