

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	6 August 2021
PANEL MEMBERS	Abigail Goldberg (Chair), Noni Ruker, Ken McBryde, Chandi Saba and Mark Colburt
APOLOGIES	David Ryan
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 30 July 2021.

MATTER DETERMINED

PPSSCC-17 - 58/2020/JP – The Hills Shire, 2A-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill, Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6 and the material listed at items 7 and 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 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 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

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. The decision was **unanimous**.

In reaching its decision, the Panel highlights the following:

- The proposal is in the Showground precinct, which has been rezoned for high and medium density development.
- The application has been referred to Council's Design Review Panel (DRP) and is considered to have achieved design excellence.
- The application includes a Clause 4.3 request to vary building height, which is supported by Council.
- An incentivised Floor Space Ration (FSR) for residential development is permitted by Clause 9.7 of the LEP 2012.






- Several variations are proposed that relate to the Apartment Design Guide (ADG) and The Hills Development Control Plan 2012 (DCP), but these are considered to be acceptable for the site and in relation to the desired future character of the precinct.
- The Panel supports Council's Condition of Consent that since the extent of solar access in communal open space on Ground Level is less than recommended by the ADG, equitable access to all communal open space areas will be provided.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were received during the public exhibition period.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Mark Colburt	 Ken McBryde
 Chandi Saba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-17 - 58/2020/JP – The Hills Shire
2	PROPOSED DEVELOPMENT	Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping
3	STREET ADDRESS	2A-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill
4	APPLICANT/OWNER	KWG Group Holdings
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
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 Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land

		<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"> • The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000 • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report – July 2021 • Plans related to the DA • Statement of Environmental Effects • Clause 4.6 application • Written submissions made during the public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • 1st Briefing – 21 November 2019 • 2nd Briefing – 20 August 2020 • Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers were circulated electronically on 30 July 2021.
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report