

DATE OF DETERMINATION	9 December 2022
DATE OF PANEL DECISION	9 December 2022
DATE OF PANEL MEETING	8 December 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Roy Ah See, Robert Buckham, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 December 2022.

MATTER DETERMINED

PPSSCC-233 – The Hills Shire - 1406/2021/JP – 21 to 29-31 Hughes Ave and 38 to 40 and 42A to 50A

Middleton Ave Castle Hill - Demolition of Existing Structures and Construction of 4 -8 storeys comprising of 261 units and basement parking.

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 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:

- compliance with cl. 4.3 (Building Height Standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- 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
- 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*.

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.

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 considered three written submissions made during the public exhibition. The panel notes that issues of concern included:

- Privacy
- Overshadowing
- Traffic and parking
- Height and the number of storeys
- Streetscape
- Acoustics
- Ventilation
- Site isolation
- Excessive building lengths
- Devaluation of adjoining properties
- Dilapidation risk to adjoining properties.

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Roy Ah See 	Robert Buckham 
Jarrod Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-233 – The Hills Shire - 1406/2021/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of 4 -8 storeys comprising of 261 units and basement parking.
3	STREET ADDRESS	21 to 29-31 Hughes Ave and 38 to 40 and 42A to 50A Middleton Ave Castle Hill
4	APPLICANT/OWNER	Applicant: Sutherland Planning Owner: Peter O'Regan, Tarik Cambaz, Neroli Gosper, Helen Tan, Teresa Viskovich, C Samarasinghe, Patrick Yau, Josie Sasso, Bronwyn Doumbos, Yan Yan, Kristy Wang, Anthony Pisto, Peter Dowd, Susan Triglone, Christopher White, Adam Hopkins, Bo Wang, David Solomons, Anthony Andia, Bernard Brown, Morne Rathbone
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$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) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy 65 – Apartment Design of Residential Development The Hills Local Environmental Plan 2019 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 <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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 <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: 1 December 2022 Clause 4.6 - The Hills Local Environmental Plan 2019 (LEP), Clause 4.3 (Building Height Standard) Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker <u>Council assessment staff</u>: William Attard, Paul Osborne, Cameron McKenzie Final briefing to discuss council's recommendation: 8 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roy Ah See, Robert Buckham, Jarrod Murphy <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Cameron McKenzie

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report