

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	2 March 2022
<b>DATE OF PANEL DECISION</b>	24 February 2022
<b>PANEL MEMBERS</b>	David Ryan – Acting Chair, Roberta Ryan and Nicole Gurran
<b>APOLOGIES</b>	Abigail Goldberg
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by teleconference on 24 February 2022, opened at 12.00pm and closed at 12.18pm.

#### MATTER DETERMINED

PPSSCC-301 - DA 1611/2020/JP/A – The Hills Shire, 6-12&12A and 16-20 Garthowen Crescent, Castle Hill, Section 4.55(2) Modification to Approved Demolition of Existing Structures and Construction of 13-18 Storey Residential Flat Buildings (as described in Schedule 1).

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

#### 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 20 written submissions made during the public exhibition. The Panel notes that issues of concern in the written submissions included:

- Reiterated previous concerns raised in the original application regarding overdevelopment, building height, visual impact, loss of trees, loss of sunlight, shadow impact, access management, traffic and density.
- Submitted Statement of Environmental Effects misinterprets the provisions of clause 7.11(3)(f) for land in Area B as prescribed in LEP 2019.
- Object to the proposed conversion of 40 visitor spaces to resident spaces and should be maintained as required.
- Proposal is a marketing ploy by the developer in an attempt at making the unsold units more attractive to purchasers.
- Existing apartment buildings in the area have ample visitor car parking which is regularly used by extended family members of residents, guests and visitors.
- The applicant completely misunderstands the parking control prescribed in the LEP for the site.
- To approve the reallocation of visitor spaces would set as a precedent to all other proposed similar developments in the Shire in general.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report, noting in particular that the concerns primarily related to the originally approved

development and/or the conversion of visitor spaces, neither of which were directly relevant to the amended application now before the Panel.

PANEL MEMBERS	
 David Ryan (Acting Chair)	 Roberta Ryan
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-301 - DA 1611/2020/JP/A – The Hills Shire
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to Approved Demolition of Existing Structures and Construction of 13-18 Storey Residential Flat Buildings.
3	STREET ADDRESS	6-12&12A and 16-20 Garthowen Crescent, Castle Hill
4	APPLICANT/OWNER	D Yeung
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55 (2) Modification
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) 2011</li> <li>State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy Infrastructure 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy Building Sustainability Index: BASIX 2004</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>DCP 2012 Part D Section 20 – Castle Hill North Precinct</li> <li>DCP 2012 Part C Section 3 – Landscaping</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000</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 Environmental Planning and Assessment Act 1979 or regulations</li> <li>The public interest, including principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report – 24 February 2022</li> <li>Architectural plans</li> <li>Applicant's withdrawal of the proposed conversion of visitor parking spaces</li> <li>Copies of residents' submissions</li> <li>Written submissions during public exhibition: 20</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Members of the community – Gen Mangan, Brian Smith</li> <li>On behalf of the applicant – Hamid Saeidi, Alan Caladine, Danny Yeun</li> </ul> </li> </ul>

8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Briefing – 16 December 2021</li> <li>• Final briefing to discuss council’s recommendation: 23 February 2022               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: David Ryan – Acting Chair, Roberta Ryan and Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Paul Osborne and Claro Patag</li> </ul> </li> <li>• Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually.</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report