

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	29 April 2022
DATE OF PANEL DECISION	28 April 2022
DATE OF PANEL MEETING	28 April 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	PPSSCC-310, David Ryan (Acting Chair), Gabrielle Morrish, Susan Budd and Mark Colburt declared a conflict as they determined the original application.

Public meeting held by teleconference on 28 April 2022, opened at 2.00pm and closed at 2.14pm.

MATTER DETERMINED

PPSSCC-310 – 1093/2020/JP/A - The Hills - 9, 9A, 9B, 13 Red Gables Road Gables, Division 8.2 Review of Determination of DA 1093/2020/JP for a Residential Flat Building Development containing 110 Units and Subdivision of One Lot into Two Torrens Title Lots.

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 listed at item 8 in Schedule 1.

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

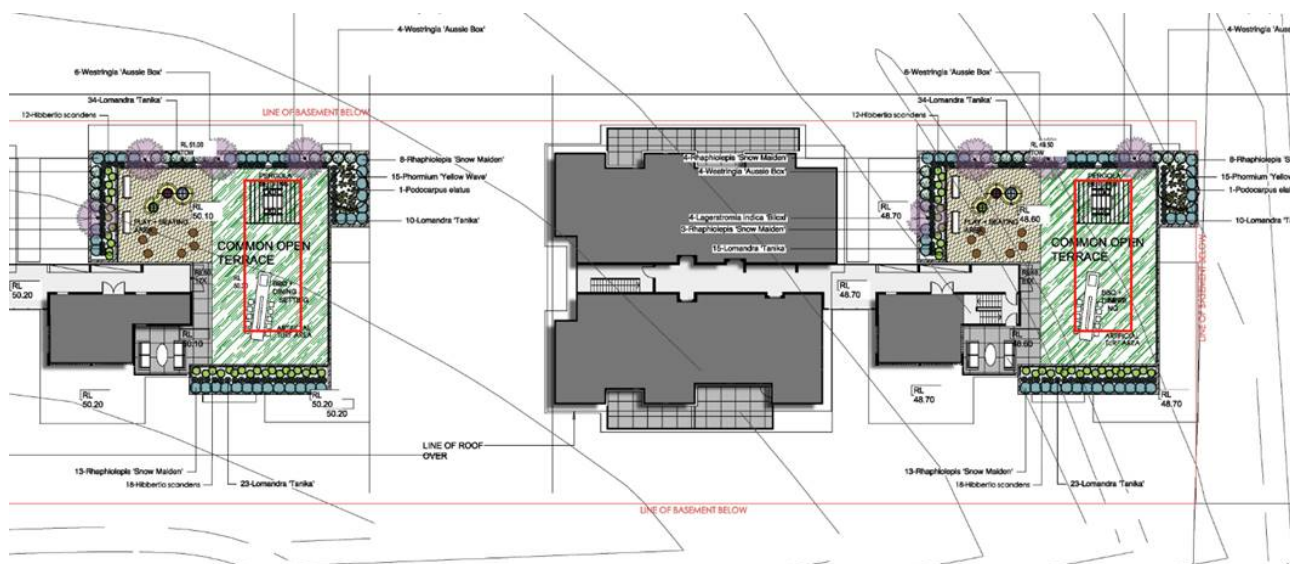
The Panel determined to **approve** the application for the reasons outlined in the Council Assessment Report, subject to the addition and amendment of the conditions detailed below.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additions and amendments.

1A. Shade Structures – Rooftop Terrace

The pergola/shade structures on the rooftop terraces are to be increased to 50% (75m²) of the portion of the terrace finished in artificial turf, generally in accordance with the area marked in red on the plan below. The pergola is not to be increased in height and be offset from parapet walls (minimum 1 metre).



76A. Residential Apartment Noise Attenuation - compliance

A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Occupation Certificate.

In addition, the Panel accepted a change to Condition 38 in regards to the calculation of the contributions amount as Council's Forward Planning staff advised that the contributions amount recommended in the assessment report under Condition 38 was incorrectly calculated.

38. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:

	<i>Purpose: Subdivision</i>	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>
Open Space - Land	\$ 13,024.24	\$ 6,512.12	\$ 6,895.19	\$ 9,576.65
Open Space - Capital	\$ 5,152.88	\$ 2,576.44	\$ 2,728.00	\$ 3,788.89
Transport Facilities - Land	\$ 5,558.73	\$ 2,779.36	\$ 2,942.85	\$ 4,087.30
Transport Facilities - Capital	\$ 27,974.76	\$ 13,987.38	\$ 14,810.17	\$ 20,569.67
Water Management - Land	\$ 9,573.50	\$ 4,786.74	\$ 5,068.32	\$ 7,039.34
Water Management - Capital	\$ 10,479.63	\$ 5,239.81	\$ 5,548.04	\$ 7,705.61
Community Facilities - Land	\$ 40.36	\$ 20.18	\$ 21.36	\$ 29.67
Total	\$ 71,804.10	\$ 35,902.04	\$ 38,013.92	\$ 52,797.12

<i>No. of 1 Bedroom Units: 11</i>	<i>No of 2 Bedroom Units: 88</i>	<i>No of 3 Bedroom Units: 11</i>	<i>Sum of units</i>	<i>No of Credits: 1</i>	<i>Total \$7.11</i>
\$ 71,633.32	\$ 606,776.34	\$ 105,343.11	\$ 783,752.77	\$ 13,024.24	\$ 770,728.53
\$ 28,340.85	\$ 240,063.84	\$ 41,677.77	\$ 310,082.46	\$ 5,152.88	\$ 304,929.57
\$ 30,572.97	\$ 258,971.07	\$ 44,960.26	\$ 334,504.30	\$ 5,558.73	\$ 328,945.57
\$ 153,861.23	\$ 1,303,294.84	\$ 226,266.39	\$ 1,683,422.46	\$ 27,974.76	\$ 1,655,447.70
\$ 52,654.17	\$ 446,012.01	\$ 77,432.71	\$ 576,098.89	\$ 9,573.50	\$ 566,525.40
\$ 57,637.91	\$ 488,227.19	\$ 84,761.69	\$ 630,626.78	\$ 10,479.63	\$ 620,147.15
\$ 222.02	\$ 1,879.74	\$ 326.37	\$ 2,428.13	\$ 40.36	\$ 2,387.77
\$ 394,922.46	\$ 3,345,225.03	\$ 580,768.30	\$ 4,320,915.79	\$ 71,804.10	\$ 4,249,111.70

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.




This condition has been imposed in accordance with Contributions Plan No 16. Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

CONSIDERATION OF COMMUNITY VIEWS

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

- Traffic, safety and amenity impacts
- Inadequate infrastructure
- Opposition to high density apartment building development
- Vehicular access to site

The Panel considered that concerns raised by the community have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Brian Kirk
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-310 – 1093/2020/JP/A - The Hills
2	PROPOSED DEVELOPMENT	Division 8.2 Review of Determination of DA 1093/2020/JP for a Residential Flat Building Development containing 110 Units and Subdivision of One Lot into Two Torrens Title Lots
3	STREET ADDRESS	9, 9A, 9B, 13 Red Gables Road Gables
4	APPLICANT/OWNER	Malcolm Smith Pty Limited/Luca Brazi Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • The Hills Local Environmental Plan 2019 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 • Central City District Plan • Apartment Design Guide • The Hills Development Control Plan 2012 • Environmental Planning and Assessment Regulation 2021
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 28 April 2022 • Council memo received: 26 April 2022 • Written submissions during public exhibition: 62 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ NIL public submissions ○ On behalf of the applicant – Malcolm Smith ○ Council assessment officer – Robert Buckham ○ Total number of unique submissions received by way of objection: 62
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 21 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair) ○ <u>Council assessment staff</u>: Robert Buckham ○ <u>Applicant</u>: Malcolm Smith, John Capello, Julieanne Capello • Assessment Briefing: 24 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan ○ <u>Council assessment staff</u>: Robert Buckham, Cameron McKenzie, Paul Osborne ○ <u>Applicant</u>: Malcolm Smith, John Capello, William Capello, Emanuele Cappello • Final briefing to discuss Council's recommendation: 28 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan ○ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as updated