

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 17 March 2022, 10.00am and closing time
LOCATION	MS Teams Teleconference

BRIEFING MATTER(S)

PPSSCC-311 – The Hills - 866/2022/JP - 2-22 Larol Crescent and 44-48 Carramar Road, Castle Hill -

Demolition of Existing Structures and Construction of Four Residential Flat Buildings and Terrace Dwellings comprising a total of 118 units and basement car parking

PANEL MEMBERS

IN ATTENDANCE	Abigail Goldberg – Chair, David Ryan, Roberta Ryan
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Cynthia Dugan
APPLICANT	Gannon Cuneo
PLANNING PANEL SECRETARIAT	George Dojas, Sharon Edwards

KEY ISSUES DISCUSSED

- The development is on a site subject to a Council initiated Planning Proposal
- An additional 20% incentive FSR is permitted under Clause 7.11A of the LEP to the incentive FSR under Clause 7.11 if the relevant subclause provisions under Clause 7.11A(3)(g)(i) are met. These requirements are:
“buildings on the land will not exceed three storeys along the Larool Crescent and Carramar Road frontages, and pedestrian links will be provided through the land to facilitate access between Barrawarn Place and Larool Crescent Reserve”.
- The proposal includes buildings up to 5 storeys behind 3 storey buildings fronting Larool Crescent and Carramar Road.
- The Applicant has provided a legal opinion that Clause 7.11A(3)(g)(i) is satisfied notwithstanding the presence of the 5 storey elements. This opinion is challenged by Council as not being consistent with the intent of the clause.
- Council raised concerns with the interface of the development with the street, including retaining walls, as not being consistent with site specific DCP in relation to landscaping. Council considers there is a need to soften the streetscape presentation.

Planning Panels Secretariat

- Council also identified DCP variations relating to the elevation of the street frontage, front fencing and building length controls
- Council also identified ADG variations, but these may be acceptable if considered in the context of the overall development inclusive of the proposed town houses
- Council planners are still waiting to receive responses to internal engineering and traffic referrals
- Five public submissions have been received to date
- The applicant indicated that the issues raised by Council in relation to landscaping would involve major changes to the design of the development
- The Panel has no concluded position on the disputed issue of the compliance of the proposed development with Clause 7.11A(3)(g)(i). However, if the applicant proceeds with the currently proposed building heights, the Panel considers that it would be prudent for the applicant to submit a ‘without prejudice’ Clause 4.6 variation request. Without offering any opinion at this stage on the merits of the proposed building form and FSR, if such a request is properly formulated, this would alleviate any procedural concerns if the Panel is ultimately minded to grant consent to the application.
- In relation to the DCP variations identified by Council, the Panel would require considerable justification to be provided before it would be willing to support any such variations.

TENTATIVE DETERMINATION DATE SCHEDULED FOR 19 MAY 2022