

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	11 September 2023
DATE OF PANEL DECISION	6 September 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 September 2023

MATTER DETERMINED

PPSSCC-311 – The Hills Shire - 866/2022/JP - 2-22 Larool 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 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.

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 (LEP), that has demonstrated that:

- compliance with cl. 7.11A 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. 7.11A of the LEP 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 Clause 7.11A; and approve the application for the reasons outlined in the council assessment report, replicated as follows:

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a detailed assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy

(Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary Clause 7.11A development standard of The Hills LEP 2019 can be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable and unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

Approval is recommended subject to conditions

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 written submissions made during public exhibition period.

The panel notes that issues of concern included:

- Traffic congestion
- Insufficient street parking
- Setbacks
- Height
- Decrease in land values
- Privacy and noise impacts

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Robert Buckham 
Jarrold Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-311 – The Hills Shire - 866/2022/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of Four Residential Flat Buildings and Terrace Dwellings comprising a total of 118 units and basement car parking
3	STREET ADDRESS	2-22 Larool Crescent and 44-48 Carramar Road, Castle Hill
4	APPLICANT/OWNER	Applicant: CASTLE LAROO DM PTY LTD Owner: Nathan Kong, Gong Ping Xiao, Toni Farlow, Andrew Farlow, Rachel Ann Schirripa, Nicholas Siafakas, Diane Flanders, Simon Fland, Theresa Potter, Roy Potter, John Cao, ZiHao Liu, Fanzuan Jiang, Wen Ye, Helen Griffith, Elke Banicevi, Jason Banicevi, Wei Liu, Erica Elkass, Ziad Elkass, Kevin Da Yu Cao
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 Council supplementary report received: 29 August 2023 Clause 4.6 - The Hills Local Environmental Plan 2019 (LEP), Clause 7.11A Development on certain land within the Castle Hill North Precinct, R4 High Density Residential Zone Written submissions during public exhibition: 5 Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Assessment Briefing: 17 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan <u>Council assessment staff</u>: Cynthia Dugan 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 <ul style="list-style-type: none"> • Final briefing to discuss council's deferral: 4 May 2023 <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 council's assessment report