

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	9 December 2022
DATE OF PANEL DECISION	8 December 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Roberta Ryan, Robert Buckham, Brent Woodhams
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan declared a perceived conflict of interest as the company he works for is working on another development project for this applicant.

Papers circulated electronically on 7 December 2022.

MATTER DETERMINED

PPSSCC-374 – The Hills Shire – 1801/2022/JP – 16 Partridge Avenue, Castle Hill - Demolition of Existing Structures and Construction of a Residential Flat Building Development Containing 100 Apartments including 50 Affordable Housing Units and Stratum Subdivision

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 refuse 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 and refuse the application for the reasons outlined in the council assessment report, noted below.

1. The proposal has not demonstrated that adequate regard has been given to the flooding affectation of the site and development consent cannot be granted. Specifically, the provisions under Clause 5.21 Flood Planning of The Hills Local Environmental Plan 2019 and Part C Section 6 Flood Controlled Land of the Hills Development Control Plan 2012.
2. The proposal does not satisfy the provisions under Clause 9.5 Design Excellence of The Hills Local Environmental Plan 2019 and development consent cannot be granted.
3. The proposal does not comply with the unit mix control of Part D Section 19 Showground Station Precinct of The Hills Development Control Plan 2012. Specifically, the proposal does not provide an adequate number of three bedroom units and over supplies one bedroom units.
4. Insufficient information has been submitted to demonstrate adequate regard has been given to the design quality principles and the objectives specified in the Apartment Design Guide as required under Clause 30 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development. Specifically, solar access, natural ventilation, private open space and balconies, and circulation spaces and accessible units.

5. Insufficient information has been submitted to confirm the application satisfies the particulars of State Environmental Planning Policy (Housing) 2021. Specifically, Clause 16 Development to which Division applies, Clause 17 Floor space ratio, Clause 18 Non-discretionary development standards, Clause 19 Design Requirements, and Clause 21 Must be used for affordable housing for at least 15 years.
6. The proposal does not comply with the built form character of Part D Section 19 Showground Station Precinct of The Hills Development Control Plan 2012. Specifically, the upper level front setbacks under the DCP.
7. It cannot be satisfied the proposed development is suited to the site as insufficient information has been submitted.
8. The proposed development is not in the public interest due to insufficient information and incompatibility with DCP controls.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Roberta Ryan 
Robert Buckham 	Brent Woodhams 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-374 – The Hills Shire – 1801/2022/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of a Residential Flat Building Development Containing 100 Apartments including 50 Affordable Housing Units and Stratum Subdivision
3	STREET ADDRESS	16 Partridge Avenue, Castle Hill
4	APPLICANT/OWNER	Applicant: Landmark Group Australia Pty Limited Owner: Maureen Debrincat, John Debrincat, Viktoria Dvorjak, Aljosa Dvorjak, Anu Iyer, Sivaraj Narayanan, Duc Luong
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (BASIX) 2004 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 Memo: 30 November 2022 Written submissions during public exhibition: Nil Total number of unique submissions received by way of objection: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 21 July 2022 <ul style="list-style-type: none"> Panel members: Abigail Goldberg (Chair), Roberta Ryan, Robert Buckham, Brent Woodhams Council assessment staff: Cynthia Dugan, Paul Osborne Applicant representatives: Adam Martinez, Joseph Scuderi, Aaron Sutherland
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable