

DATE OF DETERMINATION	15 December 2023
DATE OF PANEL DECISION	14 December 2023
DATE OF PANEL BRIEFING	7 December 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Brian Kirk, Jarrod Murphy, Brent Woodhams
APOLOGIES	Steve Murray
DECLARATIONS OF INTEREST	David Ryan declared a conflict of interest as his company does work for the applicant on other projects.

Papers circulated electronically on 27 November 2023.

MATTER DETERMINED

PPSSCC-399 – The Hills – 717/2023/JP – 1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill - Residential Flat Building Development Containing 364 Units.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters 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 3:1 in favour, against the decision was Brent Woodhams.

REASONS FOR THE DECISION

The majority of the panel determined to refuse the application for the following reasons:

- The application does not satisfy the provisions under Clause 9.5 Design Excellence of the Hills LEP 2019.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)

- The application does not satisfy the provisions under Clause 5.21 Flood Planning of the Hills LEP 2019.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)

- The proposal does not comply with the development controls of Part D Section 19 Showground Station Precinct Development Control Plan 2012.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979)

- Insufficient information has been provided to properly assess Tree Management concerns raised by Council staff.

(Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979)

- The application does not satisfy the parking modules, circulation roadways and ramps provisions under AS/ NZS 2890.1, AS 2890.2 and AS/ NZS 2890.6.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979)

- The proposal is not in the public interest due to its departure from the requirements of design excellence standards under The Hills LEP 2019.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979)

Brent Woodhams disagreed with the majority decision for the following reasons:

- The development does comply with the design criteria of the Apartment Design Guide under Clause 28 and 30 of SEPP 65 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)

- Council assessment staff are highly skilled and would potentially be capable of continuing to work with the applicant over time to resolve current non-compliances and outstanding matters.
- Council assessment staff have not had sufficient time to adequately assess the additional information submitted by the applicant.

CONDITIONS





- Not Applicable

CONSIDERATION OF COMMUNITY VIEWS

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

- Isolation of Lot
- Overshadowing

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Brian Kirk 
Jarrold Murphy 	Brent Woodhams 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-399 – The Hills – 717/2023/JP
2	PROPOSED DEVELOPMENT	Residential Flat Building Development Containing 364 Units.
3	STREET ADDRESS	1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill
4	APPLICANT/OWNER	Applicant: UPG 345 Pty Ltd Owner: Hughes 888 Pty Ltd, Jason and Naadeen Gatt, Ronald Scott, Gordon and Maureen Powell, Spintaro Pty Ltd, Daniel and Robyn Quinn, Augustine and Anthea Oon, Michael Butcher, Margaret Ramsden, David and Jennifer Simpson, Bernadette Kay, Kingsley and Yin Ho, Trevor and Jill Cody, Gordon and Natasha Nugent, Ronald and Susan Buxton, Angela Emanuel, Joseph and Patricia Vella, Antonio and Lisa Cicco, J & W XIE Holdings Pty Ltd and Zdenka Matic.
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 No. 65 – Design Quality of Residential Apartment Development 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 (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: 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 2021</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: 23 November 2023 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 2 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Steve Murray, Brent Woodhams, Jarrod Murphy <u>Council assessment staff</u>: Sanda Watts, Paul Osborne <u>Applicant representatives</u>: Toshit Monga, Dat Phan, Vandana, Bhavesh Taunk, Amit Julka and Nicholas Putrasia Final briefing to discuss council's recommendation: 7 December 2023

		<ul style="list-style-type: none">○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Brent Woodhams, Jarrod Murphy○ <u>Council assessment staff</u>: Sanda Watts, Paul Osborne○ <u>Applicant representatives</u>: Isaac Camilleri, Angelica Wu
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	Not Applicable