

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	18 June 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Noni Ruker, Mark Colburt and Chandi Saba
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by public teleconference on 18 June 2020, opened at 12.30pm and closed at 1.24pm.

#### MATTER DETERMINED

PPSSCC-50 – The Hills Shire – 689/2020/JP, 23-31 Ashford Avenue and 15-23 Partridge Avenue Castle Hill, Demolition of existing structures and construction of a residential flat building development containing 272 units and associated landscaping, civil and subdivision works (as described in Schedule 1).

#### 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 and the matters observed at site inspections 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 2012 (LEP), that has demonstrated that:

- compliance with cl. 4.3 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. 4.3 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 proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 55, The Hills LEP 2012 and The Hills Development Control Plan, and is considered satisfactory.
- The applicant's Clause 4.6 written request has demonstrated the required matters in relation to the contravention of the height standard and the development is in the public interest as it is consistent with the objectives of the standard and R4 high density zone objectives.

- Adequate provision has been made for flood planning, that meets the requirements and objectives of Clause 7.3 Flood Planning of The Hills LEP.
- The proposal exhibits design excellence, is consistent with the desired future character of the Showground Station Precinct, provides for a high quality architectural and landscape design incorporating appropriate amenity for future occupants and adjoining properties in the context of the desired future character and will benefit the community with the provision of a pedestrian cross-through link.
- Variations to building separation and apartment layout guidelines of the Apartment Design Guide and DCP controls relating to the structure plan, building lengths and residential uses on ground level are acceptable.

## CONDITIONS

The development application was approved subject to conditions listed in Council assessment report, as amended in accordance with Council's supplementary memo dated 17 June 2020 and two additional conditions relating to pre and post construction dilapidation reporting in response to community views addressed to the Panel.

### Recommended changes to draft conditions:

1. Condition No. 1 be updated to reflect the following references:

### REFERENCED PLANS AND DOCUMENTS

DA-110-006	Basement 02	<del>M</del> O	<del>18/11/2019</del> 20/03/2020
DA-110-007	Basement 01	<del>P</del> Q	<del>27/02/2020</del> 20/03/2020
DA-110- <del>100</del> 110	Roof Level 2	K	22/05/2020

2. Condition 41(d) be updated to reflect the correct reference to the stormwater drawings as below:

Plan	Rev	Date
<del>001</del> 000	C	19/05/2020

3. The addition of Condition 52a Tree Removal on Public Land condition:

### 52a. Tree Removal on Public Land

Approval is granted for the removal of nine (9) existing trees which are located on the adjoining nature strip, numbered 23, 25, 103, 105, 108, 109, 119, 120 & 121 in the in Arboricultural Impact Assessment Report prepared by Rain Tree Consulting dated 14/11/19 which will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

4. The addition of the following words marked in red to Condition 49:

#### **49. Reconstruction of Existing Inter-Allotment Drainage Line**

Prior the release of ANY construction certificate for building works **excluding above ground demolition and site piling**, reconstruction of the existing inter-allotment drainage line must be completed. This must include the following:

1. Approval from Council of the new design for the inter-allotment drainage under the Provisions of the Local Government Act 1993 Section 68, and construction of the new inter-allotment drainage line and removal of the existing drainage line.
2. Once the stormwater drainage work is completed a works as executed plan must be prepared in accordance with Councils Design Guidelines Subdivisions/Developments and submitted to Councils Principal Coordinator – Subdivision and Release Areas for written approval. The works as executed plans must be prepared by a civil engineer or registered surveyor on a copy of the original approved plans.
3. A Letter from a registered surveyor must be provided with the works as executed plan certifying that all piped and drainage structures are located within the proposed easement to drain water.
4. The registration of a 3m Wide easement to drain water over 23 Partridge Ave Castle Hill and 23 Ashford Ave Castle or equivalent area if lots a consolidated prior registration of the easement.
5. The addition of Condition 74a:

#### **74a. Property Condition Report – Private Assets**

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on 21 Ashford Avenue and 25 Partridge Avenue, Castle Hill within the likely zone of influence from any excavation, dewatering or construction induced vibration.

6. The addition of Condition 108a:

#### **108a. Property Condition Report – Private Assets**


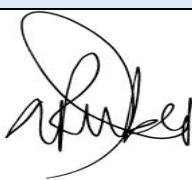
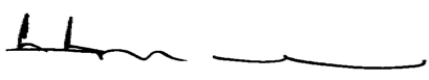
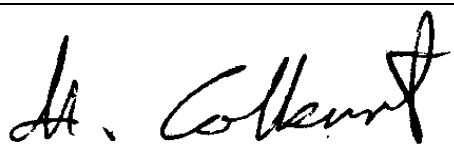

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### **CONSIDERATION OF COMMUNITY VIEWS**

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

- Overshadowing concerns;
- Privacy and amenity concerns;
- Sound Planning Principles and Design Excellence concerns;
- Stormwater Drainage concerns;
- Property damage associated with construction.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that only one new issue requiring assessment was raised during the public meeting, in relation to potential property damage during construction. The Panel notes that appropriate conditions have been imposed addressing the issues raised in the council assessment report and supplementary memos.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Chandi Saba	 Mark Colburt
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-50 – The Hills Shire – 689/2020/JP
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential flat building development containing 272 units and associated landscaping, civil and subdivision works
3	STREET ADDRESS	23-31 Ashford Avenue and 15-23 Partridge Avenue Castle Hill
4	APPLICANT/OWNER	Combined Projects (Partridge Ave) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments:               <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004</li> <li>The Hills Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans:               <ul style="list-style-type: none"> <li>The Hills Development Control Plan 2012</li> </ul> </li> <li>Apartment Design Guide</li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000. Clause 92(1)(b)</li> <li>Coastal zone management plan: [Nil]</li> <li>The likely impacts of the development, including environmental impacts</li> </ul>

		<p>on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: June 2020</li> <li>• Council's supplementary memo dated 17 June 2020</li> <li>• Council's additional condition dated 18 June 2020</li> <li>• Applicant's Clause 4.6 written request</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Joseph Gorman</li> <li>○ Council assessment officer – Cynthia Dugan, Benjamin Hawkins and Cameron McKenzie</li> <li>○ On behalf of the applicant – Aaron Sutherland and Joe Bacha. Nick Turner, Mike Horne and Greg Colbran were also in attendance.</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>• Final briefing to discuss council's recommendation, 18 June 2020, 12.00pm (teleconference) Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Noni Ruker, Mark Colburt and Chandi Saba</li> <li>○ <u>Council assessment staff</u>: Cynthia Dugan, Benjamin Hawkins and Cameron McKenzie</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval subject to conditions
10	<b>DRAFT CONDITIONS</b>	Submitted with council assessment report and supplementary memos.