

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	28 August 2024
DATE OF PANEL DECISION	28 August 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Brent Woodhams
APOLOGIES	Jarrold Murphy
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 August 2024.

MATTER DETERMINED

PPSSCC-536 – The Hills Shire – DA 58/2020/JP/D at 2-12 Sexton Avenue Castle Hill & 24-34 Fishburn Crescent Castle Hill – Section 4.55(2) Modification to an Approved Residential Flat Building Development

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 listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report as replicated below:

It is considered that there are sufficient environmental planning grounds to justify further contravening the height development standard to 17.9%, as the variation will not significantly change visual privacy or visual amenity impacts compared to the approved built form and meets the objectives of the height standard and zone objectives.

The application does not seek further exceedances to variations to the design criteria of the Apartment Design Guide approved under the original application. A design verification statement has been submitted with the application. The application satisfies the provisions under SEPP 65 and the objectives under Apartment Design Guide.

The proposal has been assessed against the relevant controls under The Hills DCP. The application does not propose further variations to the controls, however results in further exceedances to the site coverage and landscaping control under the Showground Station Precinct DCP as a result of the pool addition in the communal open space are. Notwithstanding, the pool area will not be significantly visible from the street and there are no significant changes proposed to the high-quality landscaping within the front setbacks his will still meet the objectives of the controls as this area will not be significantly visible from the street and there are no significant changes proposed to the high-quality landscaping within the front setbacks. In this regard, the landscape character of the precinct will be maintained.

The application was notified to adjoining and surrounding properties, and no submissions were received.



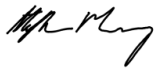
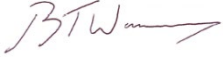
The proposed modifications result in an outcome that is substantially the same development as originally approved. The modification application is therefore satisfactory when evaluated against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Brent Woodhams 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-536 – The Hills Shire – DA 58/2020/JP/D
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an Approved Residential Flat Building Development
3	STREET ADDRESS	2-12 Sexton Avenue Castle Hill, 24-34 Fishburn Crescent Castle Hill
4	APPLICANT/OWNER	Applicant: KARIMBLA PROPERTIES (NO.68) PTY LTD Owner: KWG Townshend No. 1 Holdings Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 (Resilience and Hazards) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. 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: 16 August 2024 Written submissions during public exhibition: 0
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report