

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	31 March 2021
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan and Mark Colburt
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Gabrielle Morrish declared an interest, advising that she had done work in the same precinct as this DA. Chandi Saba declared an interest s she was in a Council meeting when this Planning Proposal was discussed.

Papers circulated electronically on 16 March 2021.

MATTER DETERMINED

PPSSCC-77 – The Hills Shire - DA 1037/2020/JP - 125-127 Showground Road, 4-10 Carrington Road, 15A-23 Sexton Avenue, Castle Hill, Demolition of existing structures and construction of four residential flat buildings containing 292 units, 362 car spaces, neighbourhood shop, pocket park and the provision of a pedestrian cross through link (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 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.

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council Assessment Report.

The decision was **unanimous**.

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 six written submissions made during the public exhibition.

The Panel notes that issues of concern in the written submissions included:

- Bulk and scale
- Height non-compliance
- Amenity impacts to adjoining properties
- Setbacks
- Apartment Design Guideline non-compliances (cross ventilation and solar access)
- Poor urban design and planning outcome
- Non-compliance with DCP storeys control

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-77 – The Hills Shire - DA 1037/2020/JP
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of four residential flat buildings containing 292 units, 362 car spaces, neighbourhood shop, pocket park and the provision of a pedestrian cross through link
3	STREET ADDRESS	125-127 Showground Road, 4-10 Carrington Road, 15A-23 Sexton Avenue, Castle Hill
4	APPLICANT/OWNER	Ecospective Fifth Land Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land • The Hills Local Environmental Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: • The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000

		- 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 Environmental Planning and Assessment Act 1979 or regulations - The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report – March 2021 - Plans - Statement of Environmental Effects - Clause 4.6 application - Concurrence from Sydney Metro - Concurrence from Transport for NSW - Written submissions during public exhibition: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	- Briefing – 19 March 2020 - Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. - Papers were circulated electronically on 16 March 2021.
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report