

**MINUTES OF THE LOCAL PLANNING PANEL – 22 JUNE 2022  
THE HILLS SHIRE COUNCIL**

**PRESENT:**

Julie Walsh	Chair
Peter Brennan	Expert
Scott Barwick	Expert
Ken Willimott	Community Representative

**COUNCIL STAFF:**

The Panel were briefed by Council staff on 22 June 2022.

Paul Osborne	Manager Development Assessment
Claro Patag	Senior Town Planner
Myone Webber	Senior Landscape Officer

**DECLARATIONS OF INTEREST:**

Nil Disclosed.

**ITEM 1: DA 756/2022/HA – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A BOARDING HOUSE CONTAINING 29 ROOMS PURSUANT TO SEPP AFFORDABLE RENTAL HOUSING 2009 - LOT 8 DP 200734, 17 SHERWIN AVENUE CASTLE HILL**

**SPEAKERS (via MS Teams Conferencing)**

1. Ricardo Lamas – Resident Objector
2. Shekhar Monda – Resident Objector
3. Joseph Elias – Resident Objector
4. Lyn Beddow – Resident Objector
5. Angus Ka Wai Lo – Resident Objector
6. Sonia Kim – Resident Objector
7. George Elias – Resident Objector
8. Peter Wordsworth – Resident Objector
9. Lei Xu – Resident Objector
10. Don Wilson – Resident Objector
11. Jim Litsas – Applicant
12. Tim Cooper - Senior Town Planner CHAPMAN PLANNING
13. Alan Cadogan - Urban Planner URBANAC
14. Kon Vourtzoumis - Architect VOARC
15. Timothy Creer - Landscape Architect PRECINCT LANDSCAPES

**COUNCIL OFFICER'S RECOMMENDATION**

The application is recommended for refusal.

**PANEL'S DECISION**

The panel resolved to REFUSE the application.

The Development Application be refused on the following grounds:

1. The development does not satisfy the provisions under Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 as it is an overdevelopment which is not compatible with the existing and likely future character of the local area which is represented by significant front, side and rear setbacks with generous deep soil landscaping opportunities.  
(Section 4.15(1)(a)(i),(b) and (c) of the Environmental Planning and Assessment Act, 1979).
2. The proposal is an overdevelopment and does not satisfy the requirements under Clause 29(1)(c)(i) of State Environmental Planning Policy (Affordable Rental Housing) 2009 as it exceeds the maximum allowed floor space ratio.  
(Section 4.15(a)(i) of the Environmental Planning and Assessment Act, 1979).
3. The development does not satisfy Aim 1.2 (2)(a) of The Hills Local Environmental Plan 2019, as it does not contribute towards the orderly and sustainable development of the area. The proposal does not represent the efficient use of land and may limit the development potential of adjoining allotments as residential flat buildings as anticipated in the zone.  
(Section 4.15(a)(i) of the Environmental Planning and Assessment Act, 1979).
4. The development does not comply with the site requirements in DCP 2012 Part B Section 5 – Residential Flat Building in terms of frontage width and site area and is inconsistent with the intent of this DCP as it may impede the development potential of the adjoining and surrounding allotments as Residential Flat Buildings as anticipated in the zone.  
(Section 4.15(a)(iii) of the Environmental Planning and Assessment Act, 1979).
5. The development does not comply with the setback requirements of DCP 2012 Part B Section 5 – Residential Flat Building and will result in unreasonable impacts on the adjoining properties. It is not considered to be compatible with adjoining development and existing and future character of the locality and may result in unreasonable amenity impacts on adjoining properties.  
(Section 4.15(a)(iii) of the Environmental Planning and Assessment Act, 1979).
6. The development does not comply with the building separation requirements of DCP 2012 Part B Section 5 – Residential Flat Building and will result in unreasonable impacts on both existing and future developments of the adjoining properties. The proposed side setbacks would compel the future developer of the adjoining site to the south-east to design developments that achieve compliance with the building separation requirements in the DCP.  
(Section 4.15(a)(iii) of the Environmental Planning and Assessment Act, 1979).
7. The proposal is not considered to be suitable for the subject site given that it conflicts with the future character envisaged for the locality and will impact upon the development potential of surrounding allotments.  
(Section 4.15(c) of the Environmental Planning and Assessment Act 1979).
8. The proposal does not comply with the landscaping requirements of DCP 2012 Part B Section 5 – Residential Flat Building as it does not fully consider the impacts of the proposed basement car park on neighbouring trees and provides insufficient landscape area, landscape strips, deep soil which results in an inconsistent streetscape outcome with the surrounding area.

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

9. Insufficient information in relation to the basement car park design (including driveway / ramp width and circulation, line of sight, swept path analysis and the safety of the entry and exit configuration) has been provided by the applicant to allow for a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.

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

10. The development is not in the public interest as it does not contribute towards the orderly and economic development of the area and warranted by the issues raised in the submissions.

(Section 4.15(a)(i), (d) and (e) of the Environmental Planning and Assessment Act, 1979).

## **REASONS**

The Panel generally agrees with the Council Officer's report.

## **HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION**

The development application was notified to 253 properties for 14 days. 194 submissions were received. The submissions were summarised and dealt with in the Council Officer's report and have been taken into account along with the oral submissions in the refusal of the application.

## **VOTING**

Unanimous

**END MINUTES**