

<b>DATE OF DETERMINATION</b>	3 May 2024
<b>DATE OF PANEL DECISION</b>	2 May 2024
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Cynthia Dugan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 30 April 2024.

#### **MATTER DETERMINED**

**PPSSCC-411 – The Hills Shire – 980/2023/JP – 24 Showground Road, Castle Hill** - Indoor Recreation Facility with a gross floor area of 6115m<sup>2</sup> which includes a skate bowl, trampolines and cheer space, climbing gym, indoor bike ramp, gym, merchandise outlet and two food and beverage tenancies (licenced). Basement parking is provided with 104 parking spaces.

#### **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.

#### **Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the The Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the B4 Mixed Use zone; and
- c) 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 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, replicated in part as follows:

*This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported. The proposal includes a Clause 4.6 variation request to height. The Clause 4.6*

*request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify the contravention of the development standard in this instance.*

#### **CONDITIONS**



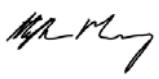


The development application was approved subject to the conditions in the council assessment report.

#### **CONSIDERATION OF COMMUNITY VIEWS**

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

- Construction impacts
- Acoustic Impacts
- Traffic and Parking Impacts

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

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Steve Murray 	Robert Buckham 
Cynthia Dugan 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-411 – The Hills Shire – 980/2023/JP
2	PROPOSED DEVELOPMENT	Indoor Recreation Facility with a gross floor area of 6115m2 which includes a skate bowl, trampolines and cheer space, climbing gym, indoor bike ramp, gym, merchandise outlet and two food and beverage tenancies (licenced). Basement parking is provided with 104 parking spaces.
3	STREET ADDRESS	24 Showground Road, Castle Hill
4	APPLICANT/OWNER	Applicant/Owner: QIC Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul> </li> <li>The Hills Local Environmental Plan 2019</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>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 29 April 2024</li> <li>Clause 4.6 variation request: Height of Building</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 30 March 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), Steve Murray, David Ryan</li> <li><u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne</li> <li><u>Applicant representatives</u>: George Manno, Matthew James</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report