

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	21 August 2024
DATE OF PANEL DECISION	21 August 2024
DATE OF PANEL BRIEFING	15 August 2024
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 August 2024.

#### MATTER DETERMINED

PPSSCC-435 – The Hills Shire– 1431/2023/JP – 6-14 Castle Street, Castle Hill - Alterations and Additions to Castle Towers, Including an Office Tower and Hotel Tower.

#### 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 Hills Shire Local Environmental Plan 2019 (LEP), that has demonstrated that:

- compliance with cl. 4.3 height of buildings 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 height of buildings of the LEP and the objectives for development in the MU1 Mixed Use zone; and
- the concurrence of the Secretary has been assumed/provided.

#### 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 on the basis of council's advice that compliance with the development standard would be unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in this instance. In this regard the panel noted that the centre is of strategic importance to The Hills council area and that council has an adopted strategic plan for Castle Hill which would support greater heights for the Castle Towers development.

The panel determined to approve the application overall for the reasons outlined in the council assessment report. The panel noted with regard to parking that since the application was lodged Council has adopted Part C Section – Parking of The Hills DCP 2012, and that the parking provision is compliant in terms of this.

#### CONDITIONS



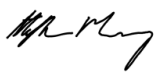


The development application was approved subject to the conditions in the council assessment report.

#### 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:

- Height and loss of views and privacy
- Increase of traffic and noise
- Parking impacts
- Air conditioning and exhaust noise levels
- Construction impacts and length of time for construction
- Overall acoustic impacts
- No fire and safety certificate or occupation certificate
- Property value 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 
Jarrold Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-435 – The Hills Shire– 1431/2023/JP
2	PROPOSED DEVELOPMENT	Alterations and Additions to Castle Towers, Including an Office Tower and Hotel Tower
3	STREET ADDRESS	6-14 Castle Street, Castle Hill
4	APPLICANT/OWNER	Applicant: QIC Limited/Ethos Urban 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 (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>The Hills Shire Local Environmental Plan 2019</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>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</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: 31 July 2024</li> <li>Clause 4.6 variation request: Height of Buildings</li> <li>Written submissions during public exhibitions: 8</li> <li>Total number of unique submissions received by way of objection: 8</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 1 June 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Jarrod Murphy</li> <li><u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne, Cameron McKenzie</li> <li><u>Applicant representatives</u>: Michael Oliver, Sam Walker, Kirsty Vogel, Matthew James</li> </ul> <p>Panel members undertook site visits either independently or as part of Council business.</p> </li> <li>Final briefing to discuss council's recommendation: 15 August 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Jarrod Murphy</li> <li><u>Council assessment staff</u>: Kristine McKenzie, Paul Osborne, Cameron McKenzie</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Applicant representatives:</u> Michael Oliver, Sam Walker, Aram Lello, Matthew James, John Walsh, Jason Fraser, Natalie Bernuetz, Ross Tiernan, Tim De Young</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report