

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	11 June 2025
DATE OF PANEL DECISION	10 June 2025
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 June 2025.

MATTER DETERMINED

PPSSCC-553 – The Hills Shire – 1418/2024/JP - 20-34 Ashford Avenue and 97 43Z Middleton Avenue Castle Hill - Demolition of Existing Structures and Construction of Three Residential Flat Buildings containing 166 Units and associated works.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented 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), the Panel is satisfied that the applicant 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.

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 which have been summarised below:

The Applicant's Clause 4.6 written request to vary Clause 4.3 Height of Building development standard under The Hills Local Environmental Plan 2019 can be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

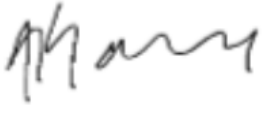
The Development Application has been assessed against the relevant heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and considered satisfactory.

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	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-553 – The Hills Shire – 1418/2024/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of Three Residential Flat Buildings containing 166 Units and associated works.
3	STREET ADDRESS	20-34 Ashford Avenue and 97 43Z Middleton Avenue Castle Hill
4	APPLICANT/OWNER	Applicant: Urbis/Ashford Metro Pty Ltd Owner: Gary Palmer, Frances Telfer, Roger Newman, Wendy Newman, Michael Livisianos, Dimitra Livisianos, Lubo Zivianovic, Oilivia Zivianovic, Mark Sherwood, Marie Sherwood, Denise Carroll, Nestor Figol, Odaria Figol, Joan Hay
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 (Housing) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - 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 <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	- Council assessment report: 4 June 2025 - Clause 4.6 variation request: Height of Buildings - Written submissions during public exhibition: 0
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report