

DATE OF DETERMINATION	Thursday, 15 December 2016
PANEL MEMBERS	Ed Blakely (Chair), Mary-Lynne Taylor, Paul Mitchell, Dave Walker and Michael Edgar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council on Thursday, 15 December 2016, opened at 3:30 and closed at 4:10 pm.

MATTER DETERMINED

2016SYW011 – The Hills - 945/2016/JP AT 29-31 Terry Road, Box Hill (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was Unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

The Panel noted that the application is for Integrated Development as approval under the Water Management Act 2000 it also required and that GTAs have been received from DPI – Water.






The proposed development will:

1. Enable realisation of the planned Box Hill Town Centre which will provide well designed new buildings containing a suitable mix of residential, retail and commercial facilities.
2. Provide valuable local employment opportunities thereby reducing the need for commuting to external destinations.
3. Generally comply with applicable development controls and standards with exception of building height. The Panel believes that the building height breach is minimal and the Panel believes that compliance with the standard is unnecessary as no adverse impacts would result and that the associated environmental planning benefits make it justifiable. The Panel has reviewed the written Clause 4.6 variation request and considers it to be satisfactory.
4. Will result in the isolation of parts of neighbouring land at No. 8 and 10 Mason Road. While ideally this land would be aggregated with the subject site, the Panel considers that supporting documentation has been provided which satisfies the planning principle established in *Grech v Auburn Council* [2004] showing that reasonable attempts have been made to purchase the affected land. Accordingly the Panel concludes that orderly development will occur.
5. Not cause material adverse impacts to the natural or built environment.
6. The Panel noted that a Draft LEP of relevance to the application has been exhibited and subsequently supported by the Council. However, given the uncertainty about the DLEP's final form, the Panel decided to not give it determinative weight.
7. For the reasons given above (1-6), the application is considered to be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

- Condition 53 (b) to be amended so that the reference to the “narrower 4m wide verge” in the third dot point be changed to the “wider 6m wide verge”.

PANEL MEMBERS	
 Ed Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell	 Dave Walker
 Michael Edgar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW011 – The Hills - 945/2016/JP
2	PROPOSED DEVELOPMENT	A mixed use development comprising a retail podium with 668 apartments above and two levels of basement parking
3	STREET ADDRESS	29-31 Terry Road, Box Hill
4	APPLICANT/OWNER	Toplace Pty Ltd / Box Hill Projects Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">State Environmental Planning Policy (Sydney Region Growth Centres) 2006State Environmental Planning Policy (State and Regional Development) 2011State Environmental Planning Policy No 55. – Remediation of LandState Environmental Planning Policy No. 65 – Design Quality of Residential Apartment DevelopmentBox Hill Development Control Plan 2014The Hills Development Control Plan 2012 Part C Section 1 – ParkingThe Hills Development Control Plan 2012 Part C Section 3 – LandscapingEnvironmental Planning and Assessment Regulation 2000

		<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Council assessment report dated 15 December 2016 • Written submissions during public exhibition: three • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Helen Deegan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting on 18 February 2016 • Site visit and briefing meeting on 15 December 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report