

DATE OF DETERMINATION	15 January 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Paul Mitchell and Lindsay Fletcher
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 22 December 2017 and 15 January 2018.

MATTER DETERMINED

2016SYW178 – The Hills Shire – DA337/2017 at 17 Nelson 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 decision was Unanimous.




REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. This application is for a mixed use development with child care centre within the Nelson Rd Village local centre and meets the objectives of the zoning and the Box Hill DCP for development within this area. There is a substantial retail/commercial area as well as residences placed in a local centre immediately available.
2. The application relies on a clause 4.6 variation to the height standard by 1.6 m and this is found to be a well written request for a variation that meets the objectives of the zoning and the height control and provides a better planning resolution for the site.
3. Whilst part of the proposed supermarket is placed on the other side of the zone boundary – which is zoned R4 High Density – this is allowable under cl 5.3 of the SEPP Sydney Region Growth Centres 2006 and it is appropriate here as it enables more logical development of the site which is compatible with the planning objectives for the land.
4. The application has dealt with the requirement to consider redevelopment of adjoining sites and has provided appropriate documentation in accordance the Planning Principle of the Court to support the current design.
5. Amendments have been made to the design to ensure that the proposal will not conflict with proposed future SEPP amendments presently under discussion.
6. The development is suitable for the site and therefore to be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Paul Mitchell
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW178 – The Hills Shire – DA337/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed use development, including shop top housing and child care centre.
3	STREET ADDRESS	17 Nelson Road, Box Hill
4	APPLICANT/OWNER	Think Planners/ Nelson Road Village Investment Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Relevant environmental planning instruments: Section 79C(1)(a)(i) State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy Educational Establishments and Child Care Facilities 2017 Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 79C(1)(a)(ii) <ul style="list-style-type: none"> Draft Amendments State Environmental Planning Policy (Sydney Regional Growth Centres) 2006: North West draft exhibition package Shop-top Housing (11/2016/PLP) Floor Space Amendments (6/2017/PLP) Relevant development control plan: Section 79C(1)(a)(iii) <ul style="list-style-type: none"> Box Hill Development Control Plan 2014 The Hills Development Control Plan 2012 Part B Section 6 – Business The Hills Development Control Plan 2012 Part C Section 1 – Parking The Hills Development Control Plan 2012 Part C Section 3 – Landscaping Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil

		<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: 22 December 2017 • Written submissions during public exhibition: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting 15 December 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report