

<b>DATE OF DETERMINATION</b>	16 April 2020
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Ken McBryde, Mark Colburt and Chandi Saba
<b>APOLOGIES</b>	Gabrielle Morrish
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by public teleconference on 16 April 2020, opened at 12.00pm and closed at 1:05pm.

#### **MATTER DETERMINED**

2017SWC049 – The Hills Shire – DA1331/2017/JPZ, Lot 1 DP 1235252, 10-32 Terry Road, Box Hill, Staged concept masterplan to establish a revised heritage curtilage and Indicative Layout Plan to inform the eventual development of the site for residential flat buildings, mixed use/shop top housing, multi dwelling housing, subdivision and dwelling houses (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **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 generally agreed with the recommendations and balance of considerations in Council's report, noting that:

- The application achieves approval of the heritage curtilage as well as the road layout and superlot configuration for a relatively complex, currently undeveloped hill-top site that includes a heritage item;
- The proposal connects effectively with the surrounding proposed road configuration;
- The ability to make connections to surrounding physical infrastructure has been demonstrated;
- The majority of the Panel considers that there is adequate flexibility possible in staging going forward without this being further conditioned as requested by the Proponent, noting that a staging plan has not been submitted by the Proponent, and there is potential for the site to be sold in superlot parcels, which may affect staging going forward;
- An overall density/residential dwelling yield has not been conditioned as requested by the Proponent, noting that Council will assess DA's for each superlot or for a number of superlots, as submitted, on a merit basis. The majority of the Panel supports the Council's position that the developer for each superlot will be required to address in detail housing typologies and urban design configuration in order to demonstrate compliance with the applicable EPI and residential design guidelines, to achieve DA approval;

- The proposed development does not create any unreasonable environmental impacts to existing or future potential uses in the locality; and
- The proposal is in the public interest.



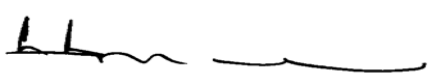


Whilst agreeing with the Panel's decision to consent to certain key aspects of the development application, Panellist Mr David Ryan considers that consent could have also reasonably been granted to maximum dwelling yields over at least those parts of the development site that comply with current and draft density provisions, particularly within the R1, R2 and R3 zoned parts of the site. Achievement of the specified maximum yields would need to have been subject to future staged DAs demonstrating compliance/consistency with applicable EPI and DCP controls and appropriate urban design outcomes. In such circumstances, the consent would also need to have been subject to conditions for staging and work management plans relating to sequencing of road and other infrastructure, civil works, remediation and the like, being submitted with the first stage DA.

### CONDITIONS

The development application was approved subject to conditions listed in Council assessment.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes there were no written submissions made during the public exhibition.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Ken McBryde
 Chandi Saba	 Mark Colburt
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC049 – The Hills Shire – DA1331/2017/JPZ
2	PROPOSED DEVELOPMENT	Staged concept masterplan to establish a revised heritage curtilage and Indicative Layout Plan to inform the eventual development of the site for residential flat buildings, mixed use/shop top housing, multi dwelling housing, subdivision and dwelling houses
3	STREET ADDRESS	Lot 1 DP 1235252, 10-32 Terry Road, Box Hill
4	APPLICANT/OWNER	McCall Gardens Community Ltd C/-DFP Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30 million

6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Section 2.12, 4.15, 4.22 and 4.46 of the Environmental Planning and Assessment Act 1979</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan</li> <li>○ North West Priority Growth Area Land Use and Infrastructure Implementation Plan</li> <li>○ State Environmental Planning Policy No. 55- Remediation of Land</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No.2 – 1997)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Box Hill Growth Centre Precincts Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: April 2020</li> <li>• Written submissions during public exhibition: 0</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Gannon Cuneo, Benjamin Hawkins, Paul Osborne and Cameron McKenzie</li> <li>○ On behalf of the applicant – Warwick Gosling</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.</li> <li>• Final briefing to discuss council's recommendation, 16 April 2020, 11.30am (teleconference) Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Ken McBryde,</li> </ul> </li> </ul>

		Mark Colburt and Chandi Saba <ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Gannon Cuneo, Benjamin Hawkins, Paul Osborne and Cameron McKenzie</li></ul>
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Submitted with council assessment report