

## DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	20 June 2019
<b>PANEL MEMBERS</b>	Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Peter Brennan, Chandi Saba and Mark Colburt
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at The Hills Shire Council on 20 June 2019, opened at 2.05pm and closed at 3.04pm.

### MATTER DETERMINED

Panel Ref – 2017SWC148 – LGA – The Hills Shire – DA984/2018 at Lot 89, 90A and 90 DP11104 and Lot 92 DP10157, Nos. 39, 41 and 43 Hynds 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

1. The proposed development is consistent with the objectives of the R3 Medium Density Residential zone in which it is located and satisfies all applicable development standards.
2. The proposal satisfies most of Council's DCP guidelines with two exceptions. The first exception is insufficient adaptable housing but when considered across all three stages of the development enough adaptable housing will be provided. The second exception is cut and fill where some faces exceed the maximum specified height. Nevertheless, the impacts will be mitigated by the concealed the locations and terracing or landscaping. The resulting impacts are considered to be acceptable.
3. The proposal is a suitable use of the site and will have no material adverse environmental or social impacts.
4. The proposal will add to the stock of housing available in the locality and thus contribute to improved supply and affordability.
5. For the reasons given above, approval of the application is in the public interest.

### CONDITIONS




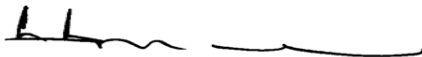

The development application was approved subject to the council assessment report.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition. The following issues were raised:

- Questions strength of retaining wall.
- Concerns about effects of cut and fill on trees.
- No rear boundary dimensions.

The Panel considers that the concerns raised by the single objector have been adequately addressed by design features of the retaining walls, particularly terracing and landscaping, or conditions imposed on the approval. In regard to the absence of rear boundary dimensions, the concern is ill-founded.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Peter Brennan
 Mary-Lynne Taylor	 Chandi Saba
 Mark Colburt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SWC148 – LGA – The Hills Shire – DA984/2018
2	PROPOSED DEVELOPMENT	Demolition of existing structures, subdivision of land, construction and strata subdivision of a multi dwelling housing development comprising 110 town houses, temporary drainage basin, public road and private road.
3	STREET ADDRESS	Lot 89, 90A and 90 DP11104 and Lot 92 DP10157, Nos. 39, 41 and 43 Hynds Road, Box Hill
4	APPLICANT/OWNER	Eden Investment Group Pty Ltd C/-Craig and Rhodes Pty Ltd Fortune Land Holdings Pty Ltd

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 (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 - 1997</li> <li>○ State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009</li> <li>○ Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Box Hill Development Control Plan 2017</li> <li>○ Central City District Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the Environmental Planning and Assessment <b>Act</b> Regulation 2000.</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: 20 June 2019</li> <li>• Written submissions during public exhibition: 1</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 – Kate Clinton and Paul Osborne</li> <li>○ On behalf of the applicant – Andrew Halmarick, Ben Pomroy and Chris Moulang</li> </ul> </li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>• Site inspection: 20 June 2019</li> <li>• Final briefing to discuss council's recommendation, 20 June 2019, 12.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell OAM (Acting Chair), Mary-Lynne Taylor, Peter Brennan, Chandi Saba and Mark Colburt</li> <li>○ <u>Council assessment staff</u>: Kate Clinton and Paul Osborne</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with Council assessment report