

<b>DATE OF DETERMINATION</b>	24 October 2019
<b>PANEL MEMBERS</b>	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Chandi Saba
<b>APOLOGIES</b>	Stuart McDonald and Mark Colburt
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at The Hills Shire Council on 24 October 2019, opened at 3:35pm and closed at 5 pm.

#### **MATTER DETERMINED**

2017SWC149 – The Hills Shire – DA1038/2018 at 13 Mason Road, Box Hill – apartment building development (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**

1. The proposal is a permissible use in the R4 High Density Residential zone and is consistent with relevant zone objectives. It is also consistent with the District Plan objectives for housing supply and diversity
2. The proposal complies with all applicable development standards and most guidelines. As such it is well designed and a suitable use of the site.
3. The proposal is compatible with the environmental characteristics of the site and will have no material adverse impacts on neighbours or the general locality, including on local infrastructure.
4. The proposal will add to the stock and diversity of housing available in the locality, thereby contributing to the improved housing choice and affordability.
5. The panel has carefully considered the issues raised in objectors' submissions. The issues have largely been resolved through amendments to the plans and/or conditions imposed. None of the residual issues warrant refusal of the application. In particular, the panel is satisfied that the revised road layout will not compromise either effective traffic flows nor orderly development of the area generally.
6. For the reasons given above, approval is in the public interest.

#### **CONDITIONS**

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




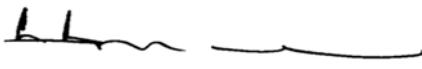
#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Road layout, additional traffic and traffic congestion

- Structural integrity of basement car parking
- Development intensity
- Overshadowing
- Drainage

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues the plans have been amended and conditions have been imposed.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Mary-Lynne Taylor
 Peter Brennan	 Chandi Saba

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC149 – The Hills Shire – DA1038/2018
2	PROPOSED DEVELOPMENT	Residential Flat Building development – demolition of existing structures, tree removal, partial dam dewatering, subdivision of land, creation of two roads (Virgo Street and Tucana Street), dedication of road widening to Mason Road and the construction of 3 x 7 storey residential flat buildings in two stages, containing a total of 97 units over 2 levels of basement car parking.
3	STREET ADDRESS	Lot 66A DP 11104, 13 Mason Rd, Box Hil
4	APPLICANT/OWNER	E and D Sancbergs
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>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2009</li> <li>○ Sydney Regional Environmental Plan No 20 (Hawkesbury-Nepean River) No. 2 - 1997 (Deemed SEPP)</li> <li>○ Central City District Plan</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Box Hill Development Control Plan 2017</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 24 October 2019</li> <li>• Written submissions during public exhibition: six (6)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>◦ In objection – Les Cook and Lorraine Cook</li> <li>◦ Council assessment officer – Andrew King, Paul Osborne</li> <li>◦ On behalf of the applicant – Daniel McNamara and Morgan Stanbury</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 18 October 2018 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Paul Mitchell (Chair), Mary-Lynne Taylor, Stuart McDonald, Chandi Saba and Mark Colburt</li> <li>◦ <u>Council assessment staff</u>: Kate Clinton, Robert Buckham and Paul Osborne</li> </ul> </li> <li>• Site inspection: 24 October 2019 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Chandi Saba</li> <li>◦ <u>Council assessment staff</u>: Kate Clinton, Robert Buckham and Paul Osborne</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 24 October 2019, 3:05pm. Attendees: <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Peter Brennan and Chandi Saba</li> <li>◦ <u>Council assessment staff</u>: Kate Clinton, Robert Buckham and Paul Osborne</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report