

DATE OF DETERMINATION	30 June 2020
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Gabrielle Morrish, Mark Colburt and Chandi Saba
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically between 25 June 2020 and 30 June 2020.

MATTER DETERMINED

2018SWC035 - The Hills Shire - DA1545/2018/JP - 27 Mason Road Box Hill, Subdivision into three lots, construction of roads, a residential flat building containing 58 units and multi dwelling housing (19 and 22 town 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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Hills Local Environmental Plan 2012 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report

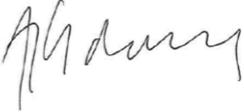
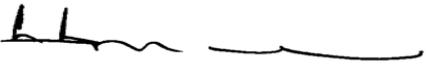
The decision was unanimous.

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 notes that they were no written submissions made during public exhibition.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Chandi Saba	 Mark Colburt
 Gabrielle Morrish	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC035 - The Hills Shire - DA1545/2018/JP
2	PROPOSED DEVELOPMENT	Subdivision into three lots, construction of roads, a residential flat building containing 58 units and multi dwelling housing (19 and 22 town houses) (
3	STREET ADDRESS	27 Mason Road Box Hill
4	APPLICANT/OWNER	G M Architects Pty Ltd and P and M Galea
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings. • State Environmental Planning Policy No 55 — Remediation of Land. • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009. ○ Draft environmental planning instruments: <ul style="list-style-type: none"> ▪ Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan ○ Development control plans: <ul style="list-style-type: none"> ○ Box Hill Development Control Plan 2018 ○ Planning agreements: Nil ○ Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ○ Coastal zone management plan: [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: June 2020 ● A written submission Clause 4.6 ● Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> ● Papers were circulated electronically between 25 June 2020 and 30 June 2020.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report