

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	20 February 2020
PANEL MEMBERS	Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba
APOLOGIES	Gabrielle Morrish, Mark Colburt and Stewart Seale
DECLARATIONS OF INTEREST	Nil

Public meeting held at Rydalmere Operations Centre on 20 February 2020, opened at 1.00pm and closed at 2.00pm.

MATTER DETERMINED

PPSSCC-10 – The Hills Shire – DA945/2016/JP/C – No. 29-31 Terry Road, Box Hill – Section 4.55(2)
Modification to an approved mixed-use 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed modification is satisfactory having regard to Section 4.15 and Section 4.55.
2. The proposed variations to height, FSR and shop-top housing are addressed in the assessment report and are considered satisfactory.
3. The issue raised in the submission has been appropriately addressed in the assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments to correct administrative details.

Amended Conditions

PPSSCC-10 - The Hills Shire – DA945/2016

29-31 Terry Road, Box Hill

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with Development Consent 945/2016/JP, 945/2016/JP/A, and 945/2016/JP/B and this consent (945/2016/JP/C) except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – 945/2016/JP/C

DRAWING NO.	DESCRIPTION	REVISION	DATE
A01	Site Analysis Plan	G	15/03/2019

A02	Basement 2 Plan	R	18/04/2019
A03	Basement 1 Plan	L	15/03/2019
A04	Ground Level Plan	T	27/06/2019
A05	Mezzanine Plan	P	18/04/2019
A06	Level 1 Plan	L	18/04/2019
A07	Level 2 Plan	L	18/04/2019
A08	Level 3 Plan	M	18/04/2019
A09	Level 4 Plan	L	18/04/2019
A10	Level 5 Plan	L	18/04/2019
A11	Level 6 Plan	L	18/04/2019
A12	Level 7 Plan	L	18/04/2019
A13	Roof Plan	J	18/04/2019
A26	Building G Ground, Mezzanine and Typical Plans	H	14/03/2019
A26_1	Building G Level 4 Plan	G	18/04/2019
A27	Building H Plans	H	18/04/2019
A27_1	Building H Plans Level 6 and 7 Plans	C	18/04/2019 14/03/2019
A28	Building J Level 1 and Typical Plans	G	18/04/2019
A30	Elevations 1	H	11/03/2019
A31	Elevations 2	H	11/03/2019
A32	Elevations 3	H	11/03/2019
A33	Elevations 4	G	11/03/2019
A40	Sections A and B	F	14/03/2019
A55	Material Board	D	17/09/2018
50.16(15)	Landscape Package - Sheets 1 - 10	-	-

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

38. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:

Prior to the issue of the Construction Certificate for the Residential component

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: Credit
Open Space - Land	\$5,625.33	\$5,956.24	\$6,640.98	\$6,640.98	\$6,640.98
Open Space - Capital	\$7,066.72	\$7,482.42	\$8,342.61	\$8,342.61	\$8,342.61
Transport Facilities - Land	\$545.27	\$577.35	\$643.72	\$643.72	\$643.72
Transport Facilities - Capital	\$4,665.63	\$4,940.07	\$5,508.00	\$5,508.00	\$5,508.00
Water Management - Land (SPC)	\$2,073.98	\$2,195.97	\$2,448.43	\$2,448.43	\$2,448.43
Water Management - Capital (SPC)	\$5,214.34	\$5,521.07	\$6,155.78	\$6,155.78	\$6,155.78
Administration	\$220.64	\$233.62	\$260.47	\$260.47	\$260.47
Total	\$25,411.91	\$26,906.73	\$30,000.00	\$30,000.00	\$30,000.00

No. of 1 Bedroom Units: 175	No. of 2 Bedroom Units: 437	No. of 3 Bedroom Units: 53	Sum of Units	No. of Credits: 1	Total S7.11
\$ 984,432.75	\$ 2,602,876.88	\$ 351,971.94	\$ 3,939,281.57	\$ 6,640.98	\$ 3,932,640.59
\$ 1,236,676.00	\$ 3,269,817.54	\$ 442,158.33	\$ 4,948,651.87	\$ 8,342.61	\$ 4,940,309.26
\$ 95,422.25	\$ 252,301.95	\$ 34,117.16	\$ 381,841.36	\$ 643.72	\$ 381,197.64
\$ 816,485.25	\$ 2,158,810.59	\$ 291,924.00	\$ 3,267,219.84	\$ 5,508.00	\$ 3,261,711.84
\$ 362,946.50	\$ 959,638.89	\$ 129,766.79	\$ 1,452,352.18	\$ 2,448.43	\$ 1,449,903.75
\$ 912,509.50	\$ 2,412,707.59	\$ 326,256.34	\$ 3,651,473.43	\$ 6,155.78	\$ 3,645,317.65
\$ 38,612.00	\$ 102,091.94	\$ 13,804.91	\$ 154,508.85	\$ 260.47	\$ 154,248.38
\$ 4,447,084.25	\$ 11,758,245.38	\$ 1,589,999.47	\$ 17,795,329.10	\$ 30,000.00	\$ 17,765,329.11

Prior to the issue of the Construction Certificate for the Non-residential component

Development Category	Rate per M² of Floor Area: 27,047 m²	Total S7.11
Transport Facilities - Land	\$ 16.47	\$ 445,464.09
Transport Facilities - Capital	\$ 48.60	\$ 1,314,484.20
Administration	\$ 0.82	\$ 22,178.54
Water Management - Land (KCP)	\$ 15.70	\$ 424,637.90
Water Management - Capital (KCP)	\$ 14.95	\$ 404,352.65
Total	\$ 96.54	\$ 2,611,117.38

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No.15

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

53. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Bypass Road	Road Type:

	DCP Typical Sub-arterial Road (amended) 4.5m/ 16m/ 3.5m (24m) Pavement Design: Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)
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The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council.
- The wider 4.5m verge must be located on the northern side of the bypass road correlating with the shared path required at this location.
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway.
- The footpath verge on the northern side of the bypass road facing the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision A2 dated 02/07/2019. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

b) Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Terry Road (1)	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Terry Road (2)	Road Type: DCP Sub-arterial Road (between KCP and Mason Road) 4.5m/ 7m/ 1.2m/ 7m/ 6m (25.7m). Pavement Design:

	Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)
Mason Road	Road Type: DCP Town Centre Main Street 4m/ 15m/ 6m (25m) Pavement Design: Industrial/ Commercial (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council.
- The 4.5m verge must be located on the western/ opposite side of Terry Road correlating with the shared path required at this location.
- The wider 6m wide verge must be located on the northern side of Mason Road fronting the site.
- Terry Road (1) relates to the section of this road north of the intersection between the bypass road/ Terry extending to the northern site boundary. The portion of Terry Road south of this intersection is a different road type/ formation and only partial width reconstruction is required (see below).
- Terry Road (2) relates to the section of this road south of the intersection between the bypass road/ Terry extending to the southern site boundary. The portion of Terry Road north of this intersection is a different road type/ formation and full width reconstruction is required (see above).
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway. The footpath verge on both sides of Terry Road (1) where this road crosses the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision A2 dated 02/07/2019. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- The construction of Terry Road (1) must account for the culvert/ creek crossing required here (CR-F), see below.
- The construction of Terry Road (1) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further north (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019.
- The works proposed/ required on 33 Terry Road relating to the existing driveway for that property must be arranged in consultation with the affected neighbour. Consent/ agreement from that owner for these works on their land must be submitted with the Construction Certificate/ detailed design.

- Temporary retaining walls within the road reserve are to be avoided wherever possible/ replaced with steeper (stabilised) batters. It must be demonstrated that a reasonable attempt has been made to obtain written consent from the owner/s of the affected properties opposite/ fronting the works at the detailed design/ Construction Certificate stage for battering into their land to provide for the future/ permanent finished levels along this boundary up-front (save the need for temporary works).
- The filling/ regrading within the site adjacent to the eastern edge of Terry Road (1) between chainages 95 and 140 must be added to the cross-sections for this road, showing how the road edge correlates with the creek/ basin (and temporary basin/ swale) here.
- The construction of Mason Road and Terry Road (2) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further south and east respectively (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019
- The works proposed/ required on 34, 36 and 38 Terry Road relating to the existing driveways for those properties must be arranged in consultation with the affected neighbours. Consent/ agreement from those owners for these works on their land must be submitted with the Construction Certificate/ detailed design.
- Where partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the construction of 6m of road pavement (for Terry Road (1)), 7m of road pavement (for Terry Road (2)) and 11m of road pavement (for Mason Road), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019. This new road pavement must transition into the existing road pavement opposite where possible.
- Any requirements relating to partial width road construction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- The temporary intersection/ bend connecting the new part of Mason Road at the eastern site boundary with the existing section of this road as it extends further east must be provided generally in accordance with the concept plan prepared by ACE Revision A2 dated 02/07/2019.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

c) Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at the eastern end of the bypass road.

d) Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

e) Creek Crossing/ Culvert – Terry Road

The alignment, width and formation of the creek crossing/ culvert for Terry Road between basins BH02A/ RGB02A and BH02B/ RGB02B must be provided for generally in accordance with the limited detail included with the concept plan prepared by ACE Revision A2 dated 02/07/2019.

The following additional/ specific requirements apply:

- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Design to be substantially in accordance with the principles set out in the publications Australian Standard Bridge Design Part 1: Scope and General Principles (AS 5100.1-2004 (Incorporating Amendment No.1)), and Austroads Guide to Bridge Technology Part 4: Design Procurement and Concept Design.
- Minimum freeboard to the underside of the bridge structure is to be in accordance with the requirements of the abovementioned publications, having regard to carriageway cross-falls.
- Bridge clear opening to be a minimum of 50% of the overall width of the riparian corridor, measured from toe of abutments, and allowing for bridge pier widths.
- Piers are to be designed to be streamlined in the direction of flow. Other than in unavoidable circumstances, no piers are to be constructed so as to obstruct the primary waterway area (between low banks).
- Bridges are to be low energy style structures, minimising afflux at the design flood (100 year ARI post-development case).
- Allowance for blockage is to be in accordance with the requirements of the publication Australian Rainfall and Runoff Revision Project 11: Blockage of Hydraulic Structures - Blockage Guidelines (February 2015).
- Consideration may be made for the construction of relief culverts through each abutment to account for the allowance of blockage in the bridge design.
- Hydraulic modelling is to be undertaken to determine the two dimensional flow behaviour for channel forming flows (consider the 1:2 and 1:5 year storm events) and the design flood (1:100 year storm event) to enable the design of any bed, bank and abutment scour protection works.

f) Intersection Design – Terry Road Traffic Signals

The construction/ reconstruction of the bypass road, Terry Road and Mason Road must design for/ include the planned traffic signals at bypass road/ Terry Road (BHT18) and Mason Road/ Terry Road (BHT11). The basic intersection geometry/ required land-take for both were provided by Council on 13/05/2016 (2036 option).

Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

The warrants for traffic signals here are not met yet. Until this is the case, the detailed design must provide for an appropriate level of priority control informed by a traffic consultant. This signage/ line-marking will need to be approved by the Local Traffic Committee because it relates to existing public roads.

The conduits for the eventual/ planned traffic signals must be installed up-front to save the need for re-work later.

g) Concrete Footpath

A 3.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (1) in accordance with the DCP and the above documents.

A 6m concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (2) of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A ~~4m~~ **6m wide** concrete footpath, including access ramps at all intersections, must be provided on the northern side of Mason Road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

h) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the northern side of the bypass road in accordance with the DCP and the above documents.

i) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

All five proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

j) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

k) Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

l) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019.

m) Stormwater Drainage – Temporary Works

Tail out drains over adjoining properties are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets.

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

n) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of NRAR and Council.

o) Water Sensitive Urban Design Elements – Permanent/ On-site

Water sensitive urban design elements within the development site/ lot, consisting of three rainwater reuse tanks (with volumes of 121.26 cubic metres, 77.7 cubic metres and 60.8 cubic metres) and three filtration tanks containing a total of 15 SW 360 690mm high filtration cartridges (or an approved/ industry tested and accepted equivalent proprietary product), are to be located generally in accordance with the concept stormwater plan prepared by ACE Revision E dated 02/11/2016.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids

- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

p) Stormwater Drainage – Temporary Management (Box Hill)

The temporary stormwater management measures described below are to be provided in accordance with the concept plan prepared by ACE Revision A2 dated 02/07/2019. The temporary stormwater management measures referred to above include:

- Two temporary detention basins (east and west) with a minimum storage volume of 280.6 cubic metres and 536.3 cubic metres respectively. These basins have a staged discharge via a low flow pipe and two weirs/ spillways for each.
- A grassed/ vegetated swale (the final finish and treatment will depend on how DPI – Water want to see this area treated temporarily via the Controlled Activity Approval process) along the northern edge of both basins to act as an outlet for the basins and to convey runoff from the upstream catchment around the temporary stormwater management measures towards the planned culvert under Terry Road (see above).
- A temporary piped inlet to each basin from the bypass road (two).
- A piped outlet to the grassed/ vegetated swale from the trapped low point in the bypass road near Terry Road.
- A piped outlet to the downstream side of the planned culvert under Terry Road (see above) from the street drainage network in Terry Road.

The detailed design must include/ account for the eventual/ permanent street drainage in both roads and the discharge of this runoff to the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B), so that the kerb and gutter etc; being installed now does not need to be removed to provide for the permanent street drainage when adjoining properties are developed and the temporary basins referred to above removed. Where additional lines need to be added to the plan, the permanent/ future lines need to be capped so that water does not pond in them in the meantime.

The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions for a range of storm events. The scope and cost of removing these temporary stormwater management measures and all associated re-work to pits and pipes must be determined at the detailed design stage to ensure this occurs when the permanent basin/ rain gardens planned here (BH02A/ RGB02A and BH02B/ RGB02B) are constructed and runoff from the subject site is/ can be connected to the same. These temporary basins are not part of the permanent basin/ rain gardens planned here and so cannot be included in any planned works in kind/ material public benefit agreement or voluntary planning agreement.

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

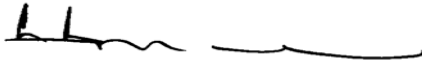
As these measures are primarily located within the stormwater management land intended to be acquired by Council under a separate process, the detailed design will need to be finalised in consultation with Council's Infrastructure Group via Council's Construction Engineer.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered a written submission made during the public exhibition. No submitters registered to address the panel. The Panel notes that issues of concern included:

- Building height controls
- Increase in overall development site.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Garry Fielding
 David Ryan	 Chandi Saba

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-10 – The Hills Shire – DA945/2016/JP/C
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification to an approved mixed-use development
3	STREET ADDRESS	No. 29-31 Terry Road, Box Hill
4	APPLICANT/OWNER	Toplace Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification to an application with a CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No. 55- Remediation of Land - State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 - Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997 - Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan) - Draft environmental planning instruments: Nil - Development control plans: - Central City District Plan - Bix Hill Development Control Plan 2017 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> - Coastal zone management plan: [Nil] - 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	- Council assessment report: 20 January 2020 - Written submissions during public exhibition: 2

		• Verbal submissions at the public meeting: ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Robert Buckham ○ On behalf of the applicant – Nick Krikis
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing – 19 September 2019 ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Lindsay Fletcher, Mary-Lynne Taylor and Mark Colburt ○ <u>Council assessment staff</u>: Paul Osborne and Robert Buckham • Site inspection: 20 February 2020 ○ <u>Panel members</u>: Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba ○ <u>Council assessment staff</u>: Paul Osborne and Robert Buckham • Final briefing to discuss council's recommendation, 20 February 2020, 12.30pm. Attendees: ○ <u>Panel members</u>: Abigail Goldberg (Chair), Garry Fielding, David Ryan and Chandi Saba ○ <u>Council assessment staff</u>: Paul Osborne and Robert Buckham
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report