

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	2 September 2022
DATE OF PANEL DECISION	1 September 2022
DATE OF PANEL MEETING	1 September 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Cynthia Dugan, Megan Munari
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 August 2022.

MATTER DETERMINED

PPSSCC-199 - The Hills Shire - 1057/2021/JP – 10-32 Terry Road, Box Hill - Redevelopment of existing community facility including the demolition of day program building, additions to Ross House, restoration of Box Hill House and Nelson Hall and construction of a Disability Support Centre.

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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of Appendix 11, The Hills Growth Centre Precincts Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) that has demonstrated that:

- a) compliance with cl. 4.3 (Height of buildings) 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 SEPP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of buildings) of the SEPP and the objectives for development in the RE2 Private Recreation and R2 Low Density Residential zones; and
- c) the concurrence of the Secretary has been assumed.

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 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 Panel considered that the proposed development will not have any significant adverse impact on the amenity of the surrounding area and will facilitate the conservation and ongoing maintenance of Box Hill House, Nelson Hall and Ross House.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered one written submission made during public exhibition. The panel notes that the submission was in support of the development.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Megan Munari	 Cynthia Dugan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-199 - The Hills Shire - 1057/2021/JP
2	PROPOSED DEVELOPMENT	Redevelopment of existing community facility including the demolition of day program building, additions to Ross House, restoration of Box Hill House and Nelson Hall and construction of a Disability Support Centre.
3	STREET ADDRESS	10-32 Terry Road, Box Hill
4	APPLICANT/OWNER	DFP Planning/ McCall Gardens Community Foundation Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - o State Environmental Planning Policy (Precincts – Central River City) 2021 - o State Environmental Planning Policy (Planning Systems) 2021 - o State Environmental Planning Policy (Resilience and Hazards) 2021 - o State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Draft environmental planning instruments: Nil • Development control plans: - o Box Hill Development Control Plan 2018 - o The Hills Development Control Plan 2012 • 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: 23 August 2022 • Application for Clause 4.6 variation to the Height of Buildings development standard • Written submissions during public exhibition: One (1) • Total number of unique submissions received by way of objection: Zero (0)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 21 April 2021 - o <u>Panel members</u>: David Ryan (Acting Chair), Gabrielle Morrish, Mark Colburt, Brian Kirk - o <u>Council assessment staff</u>: Robert Buckham, Paul Osborne • Final briefing to discuss council's recommendation: 1 September 2022 - o <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Megan Munari, Cynthia Dugan - o <u>Council assessment staff</u>: Robert Buckham, Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report