

BRIEFING DETAILS

BRIEFING/DATE/TIME	24 March 2022 4.00pm to 5.00pm
LOCATION	Teleconference

BRIEFING MATTER

PPSSCC-294 - 1895/2018/JP/A, The Hills Shire, 23-23A and 25 Mason Road, Box Hill, Section 8.2 Review of Determination of DA 1895/2018/JP- Demolition of Existing Structures, construction of temporary roads and new roads, and Construction of a Residential Flat Building comprising of 51 Units and Multi Dwelling Housing containing 40 Townhouses with Basement Carparking.

PPSSCC-295 - 1894/2018/JP/A, The Hills Shire, 25 Mason Road, Box Hill, Section 8.2 Review of Determination of DA 1894/2018/JP – Demolition of existing structures, subdivision of land into three lots, construction of local and temporary roads, construction of a residential flat building comprising 46 units and two multi dwelling housing developments totalling 40 townhouses, with basement parking.

PANEL MEMBERS

IN ATTENDANCE	Graham Brown (Chair), Roberta Ryan, Brian Kirk
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

OTHER ATTENDEES

COUNCIL STAFF	Robert Buckham Kate Clinton
APPLICANT	Austin Tuon, Amandio Castanheira
OTHER	Sharon Edwards – Planning Panel Secretariat

KEY ISSUES DISCUSSED:

- This project is part of the planning acceleration program called the Faster Regionally Significant Development Assessment Program.
- Amended plans were submitted on the 7 March 2022. Some amendments were made to address the matters in dispute.
- Appeals have been lodged for both matters in the Land and Environment Court with the S34 Conference held on 21 March 2022. The s34 Conference was terminated as no agreement could be reached between the parties.
- A Directions Hearing is set down for Monday 28 March 2022 for hearing dates.
- As the site is a greenfield site and essentially landlocked, the dispute between the applicant and the council is how access can be provided to the sites and how services can be legally brought into the site to allow the developments to proceed. The key issue impeding agreement is the form of owner's consent to allow temporary access and provision of services to the sites. This relates to

vehicular access, servicing provision (Sydney Water and Endeavour), stormwater disposal although some design matters still remain.

- The council proposed an option to allow the applications to proceed through owners consents that included plans for the temporary provision of servicing for the two lots that identified specific areas required for the services and access. This approach was not acceptable to the applicant and plans identifying the areas for the servicing and access had not been prepared.
- The Panel canvassed options on what is required to ensure access by way of legal requirements, conditions of consent, letter etc. however no agreement could be reached between the parties.

PANEL DETERMINATION

- While this project is part of the Faster Regionally Significant Development Assessment Program it is complicated by the lodgement of appeals for both applications. Currently there are two parallel processes working toward the same goal; the determination of the applications.
- At the previous meeting with the Panel, the applicant was actively encouraged to make serious endeavours to reach agreement at the S34 Conference given that the question of the temporary access was seen at this time as the main issue in contention. It was also felt by the Panel that there was a solution to the impasse given that it was an event that was likely to occur regularly in greenfield sites with multiple ownerships. Determination of both applications was a plausible outcome at the S34 Conference given the main issue.
- Following hearing from the applicant and council, the Panel is of the view that the applicant has not taken previous opportunities to resolve the issue of owner's consent.
- While it is open for the Panel to continue to meet with the applicant and council it was agreed that it would unacceptably increase the level of resources for the applicant and the council as long as the appeal process remains on foot. The Panel was also mindful that there are opportunities available through the appeal process for an agreed settlement anytime prior to the hearing.

DETERMINATION DATE:

The Panel unanimously agrees that no further benefit will be achieved through the continuation of the applications under Faster Regionally Significant Development Assessment Program.