



DATE OF DETERMINATION	17 June 2022
DATE OF PANEL DECISION	17 June 2022
DATE OF PANEL MEETING	16 June 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Roberta Ryan, Brian Kirk, Cynthia Dugan, Megan Munari
APOLOGIES	None
DECLARATIONS OF INTEREST	Subsequent to the Kick-off Briefing, David Ryan identified that his company is providing planning advice to the applicant in relation to other sites. As such has removed himself from matters related to this application with the support of the Chair.

Papers circulated electronically on 3 June 2022.

MATTER DETERMINED

PPSSCC-319 - DA 694/2017/JP/B – The Hills Shire - 7-9 Terry Road, Box Hill (Lot 1139B&C DP10157)

Modification of an approved Development Application that was originally approved by the regional panel as General Development with a CIV of over \$30 million. The modification contravenes a development standard by more than 10%.

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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant made under Clause 4.6 (3) of the State Environmental Planning Policy (Precincts – Central River City) 2021, the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under Clause 4.6 (3) of the SEPP (Precincts – Central River City); and
- b) the development is in the public interest as it is considered to be consistent with the objectives of Clause 4.3 Height of Building development standard of the SEPP (Precincts – Central River City) 2021 and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

The Panel notes that the Clause 4.6 (3) request was not strictly required in terms of planning legislation as the application is for the Modification of an approved Development Application, however as the request was submitted by the applicant and assessed by Council, a determination including the supplemented request has been made by the Panel.

Development application

The Panel determined to approve the development application pursuant to section 4.55 (2) 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 (3) variation to building height; and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following additional conditions provided by Council, and updated Condition 1 reflecting the updated plans noted in item 7 of Schedule 1 below.

Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened)

Acoustic Attenuation

A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the internal party walls ensures that all sound between apartments, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

(Reason: To comply with best practice standards for residential acoustic amenity)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during the public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Brian Kirk 
Roberta Ryan 	Megan Munari 
Cynthia Dugan 	

SCHEDULE 1		
1	PANEL REF – DA NO. – LGA	PPSSCC-319 - DA 694/2017/JP/B – The Hills Shire
2	PROPOSED DEVELOPMENT	Modification of an approved Development Application that was originally approved by the regional panel as General Development with a CIV of over \$30. The modification contravenes a development standard by more than 10%.
3	STREET ADDRESS	7-9 Terry Road, Box Hill (Lot 1139B&C DP10157)
4	APPLICANT/OWNER	Vandana Vandana UPG 184 Pty Ltd/Moore United Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Section 4.15 (EP&A Act) • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy - Building Sustainability Index (BASIX) 2004 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Central – River City Precinct) 2021 (formerly SEPP (SGRC) 2006) • Central City District Plan • Apartment Design Guide • Environmental Planning and Assessment Regulation 2021
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 2 June 2022 • The development standard the clause 4.6 application relates to is Clause 4.3 maximum height of buildings • Total number of unique submissions received by way of objection: Zero • Updated elevations and sections that identify levels in metres including to the highest points of the building, provided on 16 June 2022. • Corrected solar access compliance table which now confirms that 73 of the 104 apartments will receive 2 hours or more of solar access in mid-winter, provided on 16 June 2022.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 17 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Ryan (Acting Chair) ○ <u>Council assessment staff</u>: Eamon Murphy, Cameron McKenzie and Paul Osborne • Final briefing to discuss council’s recommendation: 16 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Brian Kirk, Cynthia Dugan, Megan Munari ○ <u>Council assessment staff</u>: Eamon Murphy, Paul Osbourne, Cameron McKenzie ○ <u>Applicant representatives</u>: Kathy Davies, Dat Phat, Brad Delapierre
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report