

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 13 February 2023 |
| DATE OF PANEL DECISION | 10 February 2023 |
| PANEL MEMBERS | Abigail Goldberg (Chair), Steve Murray, Megan Munari, Janelle Atkins |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | David Ryan on the basis that his employer is engaged on other matters by the applicant/owner. |

Papers circulated electronically on 16 December 2022.

MATTER DETERMINED

PPSSCC-355 – The Hills Shire – 1625/2022/JP – 34 Terry Road, Box Hill - Residential Flat Building
Development containing a total of 637 units.

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 development standards

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy (Precincts—Central River City) 2021, that has argued that:

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

the Panel is **not** satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the State Environmental Planning Policy (Precincts—Central River City) 2021; and
- the development is in the public interest because it is not consistent with the objectives of cl. 4.3 (height of buildings) of the State Environmental Planning Policy (Precincts—Central River City) 2021 and the objectives for development in the R4 zone.

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy (Precincts—Central River City) 2021, that has argued that:

- compliance with cl. 4.4 (floor space ratio) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is **not** satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the State Environmental Planning Policy (Precincts—Central River City) 2021 and
- the development is in the public interest because it is not consistent with the objectives of cl. 4.4 (floor space ratio) of the State Environmental Planning Policy (Precincts—Central River City) 2021 and the objectives for development in the R4 zone.

Development application

The Panel determined to refuse 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 refuse the application for the reasons broadly outlined in the Council Report, in particular:

- Variations are sought for both height and floor space ratio which would cumulatively erode the development standards for the location as well as resulting in a development that is over-sized in terms of bulk, scale and massing
- Omission of a key connecting route ('Shand Street') as set out in the Box Hill Growth Centre Precinct Development Control Plan (DCP) 2018 – Indicative Layout Plan (ILP). It is noted that Transport for NSW has objected to this omission, which will compromise permeability, traffic movement and access to parking within the proposed development. Omission of the connecting route also compromises separation between buildings, reduces the potential for on-street landscaping and constrains urban amenity.
- Objectives of the R1 General Residential zone are not satisfactorily addressed, including in relation to:
 - Land uses that provide facilities or services to meet the day-to-day needs of residents, particularly as the purpose of this zone is to create a mixed-use transition between the town centre on the eastern side of Terry Road and R4 zoned land to the west
- Non-compliance with DCP objectives for landscaping and amenity compromise urban quality for this important transitional site.

CONDITIONS


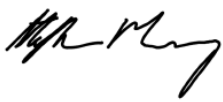


Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered a written submission made during the public exhibition. The Panel notes that issues of concern included:

- Parking
- Deletion of the DCP road
- Solar access
- Bulk and scale.

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

| PANEL MEMBERS | |
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|  Abigail Goldberg (Chair) |  Steve Murray |
|  Megan Munari |  Janelle Atkins |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-355 – The Hills Shire – 1625/2022/JP |
| 2 | PROPOSED DEVELOPMENT | Residential Flat Building Development Containing a Total of 637 Units. |
| 3 | STREET ADDRESS | 34 Terry Road, Box Hill |
| 4 | APPLICANT/OWNER | UPG 122 PTY LTD/JOSEPH AND SILVANA PULVIRENTI, ALDO REPETI & SONS PTY LTD, MARIA DI BARTOLO, EGIDIO & LYDIA CARUSO, C&O CARUSO HOLDINGS PTY LTD, JOHN AND LOUIE YOUNIS |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$30 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy BASIX; ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Precincts—Central River City) 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Box Hill Growth Centre Precinct Development Control Plan 2018; and- The Apartment Design Guide • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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 | <ul style="list-style-type: none"> • Council Report: 16 December 2022 • Clause 4.6 variation requests: <ul style="list-style-type: none"> ○ Height of Buildings variation ○ Floor Space Ratio variation • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Kick-off Briefing: 30 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Megan Munari and Janelle Atkins ○ <u>Council assessment staff</u>: Eamon Murphy and Cameron McKenzie ○ <u>Secretariat</u>: Sharon Edwards and Cameron Brooks • Briefing meeting: 9 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Stephen Murray, Megan Munari and Janelle Atkins ○ <u>Council assessment staff</u>: Robert Buckham and Paul Osborne ○ <u>Secretariat</u>: Sung Pak and Jordan Clarkson |

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| 9 | COUNCIL RECOMMENDATION | Refusal |
| 10 | DRAFT CONDITIONS | Not applicable |