

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	1 December 2023
<b>DATE OF PANEL DECISION</b>	1 December 2023
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Brian Kirk, Megan Munari, Cynthia Dugan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 23 November 2023.

#### MATTER DETERMINED

PPSSCC-420 – The Hills – 1118/2023/JP – Fontana Drive and Red Gables Road, Gables. PPSSCC-420 – The Hills – 1118/2023/JP – Fontana Drive and Red Gables Road, Gables. Concept Development Application for The Gables Town Centre and Stage 1 Works including construction and use of the mixed use development made of a supermarket, function centre, speciality shops and commercial tenancies and Subdivision of the Site into Four Lots.

#### PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

#### 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 approve the application for the reasons outlined in the council assessment report, replicated as follows:

The proposed development includes variations to the DCP relating to the number of parking spaces and landscaping within the carpark. The variations are considered to be satisfactory given the location and characteristics of the site.

The application was notified for a period of 14 days. No submissions were received. The DA remains consistent with Box Hill Masterplan 1397/2015/JP (as modified), as it provides for the development of the land for retail and commercial purposes.

The proposal is defined as 'Integrated Development' under the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* as the proposal requires approval from the Rural Fire Service under Section 100B of the *Rural Fires Act 1997* and the NSW Department of Planning and Environment – Water under the provisions of the *Water Management Act 2000*. A Bushfire Safety Authority and General Terms of Approval has been provided.

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, LEP 2019, and The Hills Development Control Plan 2012 and is considered satisfactory.

## **CONDITIONS**

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

### ***Condition 2 be amended:***

#### **2. Concept Application and Stage 1**

Development consent is granted to concept development application No.1118/2023/JP that sets out a concept proposal pursuant to section 4.22 of the Environmental Planning and Assessment Act 1979 together with a detailed proposal comprising Stage 1 of the application.

The concept proposal is as follows:

- The overall concept for the Centre showing the general location of buildings and uses on proposed Lot 61 (Pad Site 1) for retail and food and drink premises, Lot 62 (Pad Site 2) for a medical centre and child care centre and Lot 63 for supermarket, function centre, commercial and speciality shops, together with location of basements and shared car parking arrangements.

The works in Stage 1 comprise:

- excavation and construction of a basement and at-grade car park for 511 vehicles for Lots 62 and 63 and
- site access locations on proposed Lots 62 and 63
- construction and use of the mix-used development made up of a supermarket, function centre, speciality shops and commercial tenancies on Lot 63
- extension and augmentation of physical infrastructure and utilities (as required)
- landscaping works within car park and public domain areas on Lots 62 and 63
- indicative signage to support the proposed Centre.

### **Condition 51A be added:**

#### **51A. Crime Prevention Through Environmental Design (CPTED) Report Recommendations**

Prior to the issue of any Construction Certificate, the recommendations of the Crime Prevention Through Environmental Design (CPTED) Report prepared by GLN Planning, Project No. 11613 dated 16 December 2022 shall be incorporated into the approved construction certificate plans to the satisfaction of the Certifying Authority.

### ***Condition 89 be amended:***

#### **89. Final Plan and Section 88B Instrument**

Prior to the issue of any Occupation Certificate, the final plan and Section 88B Instrument must provide for the following and be registered. Council's standard recitals must be used.

##### **a) Easement – Public Stormwater Drainage**

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

**b) – Private Stormwater Drainage**

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

**c) Easement – Temporary Public Stormwater Drainage/ Outlet**

Temporary drainage easements, minimum 5m wide and 30m long, must be created over all temporary outlets within the property or on adjoining land using the "temporary public stormwater outlet" terms included in the standard recitals.

**d) Easement – Right of Access/carriageway/ Easement for Services**

A right of access/ easement for services must be created over proposed lot 63.

**e) Restriction/ Covenant – Water Sensitive Urban Design**

Lot 63 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

**f) Restriction/ Covenant - parking**

Lot 63 must be burdened with a restriction and a positive covenant that relates to the nominated use of 110 carparking spaces to benefit Santa Sophia Catholic College.

If the Santa Sophia Catholic College ceases to be operated as a school, or no longer requires the carparking, or otherwise terminates the carparking license, then the restriction and positive covenant will be removed from title so as not to unreasonably burden Lot 63.






***Condition 90A be added:***

**90A. Crime Prevention Through Environmental Design (CPTED) Report Recommendations**

Prior to the issue of any Occupation Certificate, the recommendations of the Crime Prevention Through Environmental Design (CPTED) Report prepared by GLN Planning, Project No. 11613 dated 16 December 2022 shall be implemented to the satisfaction of the Certifying Authority.

**CONSIDERATION OF COMMUNITY VIEWS**

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

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-420 – The Hills – 1118/2023/JP
2	PROPOSED DEVELOPMENT	PPSSCC-420 – The Hills – 1118/2023/JP – Fontana Drive and Red Gables Road, Gables. Concept Development Application for The Gables Town Centre and Stage 1 Works including construction and use of the mixed use development made of a supermarket, function centre, speciality shops and commercial tenancies and Subdivision of the Site into Four Lots.
3	STREET ADDRESS	Fontana Drive and Red Gables Road, Gables
4	APPLICANT/OWNER	Applicant: Stockland Development Pty Ltd Owner: AW Bidco 4 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>State Environmental Planning Policy (Industry and Employment) 2021;</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021; and</li> <li>The Hills Local Environmental Plan 2019</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>The Hills DCP 2012</li> </ul> </li> <li>Planning agreements: The Box Hill North Planning Agreement</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 21 November 2023</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 6 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Megan Munari, Cynthia Dugan</li> <li><u>Council assessment staff</u>: Robert Buckham</li> <li><u>Applicant representatives</u>: Zack Wilson, Jake Boydell, Dino Delotavo, Dylan Bull, Morgan Jones, Peter Lawrence, Sandy So</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report