

DATE OF DETERMINATION	17 November 2023
DATE OF PANEL DECISION	17 November 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Steve Murray, Jarrod Murphy, Brent Woodhams
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan declared a conflict of interest as his company represents the applicant on other matters.

Papers circulated electronically on 15 November 2023.

MATTER DETERMINED

PPSSCC-426 – The Hills Shire – 1207/2023/JP – 6 Alan Street, Box Hill - Residential Flat Building Development Containing 178 Units on Proposed Lot 1 in a Subdivision of 6 Alan Street under DA 132/2023/ZB.

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 The Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- compliance with Clause 4.3 of Appendix 7 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of Clause 4.3 of Appendix 7 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- 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, as replicated below.

The Development Application seeks consent for the construction of a residential flat building development comprising four, six storey residential flat buildings containing 178 units. The development is proposed to be constructed on Proposed Lot 1 of Subdivision Development Consent 132/2023/ZB. Vehicular access is

provided from a proposed road to the north-eastern boundary (Village View) with the basement containing 257 parking spaces.

The application was notified from 10 February 2023 to 3 March 2023, with no submissions received.

A briefing was held with the Panel on 30 March 2023 where key issues were discussed, including the proposed building height variation, waste management, property numbering and landscaping matters. The key issues that need to be considered by the Panel in respect of the development application are:

- The variation to Clause 4.3 Height of Buildings pursuant to Clause 4.6 Exceptions to Development Standards in relation to the proposed residential flat building.
- The variations to the Box Hill Development Control Plan 2018 with respect to front and secondary street frontage setback, rear setback, private open space and building separation.

The proposal is considered to respond appropriately to the topography of the site and will result in an appropriate urban outcome. The proposed variations do not result in any adverse amenity impacts and will not result in a detrimental impact on the streetscape. The development, as proposed, will be compatible with the future Alan Street streetscape.

It is recommended that the applicant's Clause 4.6 written request to vary State Environmental Planning Policy (Precincts – Central River City) 2021 development standard at Clause 4.3 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in better environmental planning outcomes as outlined in this report. The development is consistent with the objectives of the standards and the objectives for development within the zone.

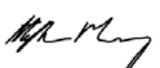
The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Precincts – Central River City) 2021, SEPP 65 – Design Quality of Residential Apartment Development, SEPP BASIX 2004 and The Box Hill Precinct Development Control Plan 2018 and is considered satisfactory.

CONDITIONS

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

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) 	Steve Murray 
Brent Woodhams 	Jarrod Murphy 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-426 – The Hills Shire – 1207/2023/JP
2	PROPOSED DEVELOPMENT	Residential Flat Building Development Containing 178 Units on Proposed Lot 1 in a Subdivision of 6 Alan Street under DA 132/2023/ZB.
3	STREET ADDRESS	6 Alan Street, Box Hill
4	APPLICANT/OWNER	Applicant: UPG (Universal Property Group) Pty Ltd Owner: Nida Ferella c/- Bathla
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021. - State Environmental Planning Policy (Precincts – Central River City) 2021. - State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development. - State Environmental Planning Policy (Biodiversity and Conservation) 2021. - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Draft environmental planning instruments: Nil - Development control plans: - Box Hill Growth Centers Precincts Development Control Plan - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil - 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: 15 November 2023 - Clause 4.6 variation request: Height of Buildings - Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Kick Off Briefing: 30 March 2023 <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan <u>Council assessment staff</u>: Amanda Hawkins, Paul Osborne <u>Applicant representatives</u>: Vandana, Kean Lim, Paola Iglesias, Bhavesh, Roland Martinez
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report