

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

|                                 |                                                    |
|---------------------------------|----------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 20 February 2026                                   |
| <b>DATE OF PANEL DECISION</b>   | 19 February 2026                                   |
| <b>PANEL MEMBERS</b>            | Abigail Goldberg (Chair), David Ryan, Steve Murray |
| <b>APOLOGIES</b>                | None                                               |
| <b>DECLARATIONS OF INTEREST</b> | None                                               |

Papers circulated electronically on 18 February 2026.

#### MATTER DETERMINED

PPSSCC-681 – The Hills – 945/2016/JP/G – 29 Terry Road, Box Hill - Section 4.55(2) Modification to an Approved Mixed Use Development.

#### PANEL CONSIDERATION AND DECISION

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

#### Development application

The panel determined to approve the development application pursuant to section 4.55 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.

The Development Application is for a Section 4.55(2) modification to an approved mixed use development at No. 29-31 Terry Road (corner of Mason Road), Box Hill. The modification application proposes to increase the number of residential units to 665 apartments (5 additional units), increase in gross floor area to 23,867m<sup>2</sup> (increase of 1,754m<sup>2</sup>), and increase from 1366 to 1389 car parking spaces.

The subject site is zoned B2 Local Centre and SP2 Infrastructure pursuant to Appendix 10 of State Environmental Planning Policy (Precincts – Central River City) 2021. Development for the purpose of shop top housing is permitted within the B2 Local Centre zone and is prohibited in the SP2 Infrastructure zone. The applicant seeks to utilise Clause 5.3 Development near zone boundaries to address permissibility of the use as per previous approvals.

The proposed development includes variations to Appendix 10 of State Environmental Planning Policy (Precincts – Central River City) 2021, specifically in respect to Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio. The variations have been assessed and are supported on merit, noting that variations to these development standards were approved under previous approvals.

The modification application has a maximum building height of 34.86m, which is a 10.86m (45.3%) variation to the development standard and an 8.35m (34.0%) variation when considering future finished ground levels, with the proposal having an increase in height of 1.45m (6.0%) compared to the approved development. Six of the nine buildings exceed the 24m building height development standard, which is an increase from five buildings on the original approval. The increase in height is to add roof access stairwells

for seven of the nine buildings, and the increased variation would not impose any new overshadowing or privacy impacts.

The modification application has a floor space ratio of 2:77:1, which is a 38.5% variation to the development standard and a 3% increase to the approved variation of 2.71:1. At the time of approval for the original application, the development site was permitted to have a floor space ratio of 1:1 for non-residential development plus 2:1 for the shop top housing component of a building containing shop top housing. The proposal has a non-residential floor space ratio of 0.77:1 and a residential floor space ratio of 2:1. Enforcing compliance with the current floor space ratio development standard would be unreasonable and not be considered substantially the same development, and the proposed floor space ratio is consistent with the built form outcome of the original approval.

The proposed development also includes variations to the Apartment Design Guide and a variation to the Box Hill Growth Centre Precincts Development Control Plan. The variations to the Apartment Design Guide are for deep soil zone, building separation, solar access, natural ventilation, and apartment size, and the variation to the Development Control Plan is for communal open space. The variations have been assessed and are supported on merit, noting that these variations were also approved under previous approvals. The application was advertised and notified to adjoining and opposite property owners, and no submissions were received.

The council's recommendation in their report recommends the application for approval subject to conditions.

#### **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)  | David Ryan  |
| Steve Murray              |                                                                                                 |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1          | PANEL REF – LGA – DA NO.          | PPSSCC-681 – The Hills – 945/2016/JP/G                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2          | PROPOSED DEVELOPMENT              | Section 4.55(2) Modification to an Approved Mixed Use Development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3          | STREET ADDRESS                    | 29 Terry Road, Box Hill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4          | APPLICANT/OWNER                   | Applicant: LJB Planning<br>Owner: Polyhendric Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | Section 4.55(2) Modification Application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 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 (Precincts – Central River City) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</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 Development Control Plan 2019</li> <li>○ Box Hill Growth Centre Precincts DCP</li> <li>○ THDCP Part C Section 1 – Parking</li> <li>○ THDCP Part C Section 2 – Landscaping</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</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: 18 February 2026</li> <li>• Written submissions during public exhibition: 0</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 9          | COUNCIL RECOMMENDATION            | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10         | DRAFT CONDITIONS                  | Attached to the council assessment report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |