

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 21 June 2018
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Peter Brennan, Julie Savet Ward, Stewart Seale and Michael Edgar
APOLOGIES	Paul Mitchell
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council Chambers on 21 June 2018, opened at 12:15 pm and closed at 1:05 pm.

MATTER DETERMINED

2017SWC085 – The Hills – 20/2018/JP AT 20-22 Annangrove Road, Kenthurst (AS DESCRIBED IN SCHEDULE 1)

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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 4:1 in favour, against the decision was Mary-Lynne Taylor.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The majority of the Panel accepts the applicant's written request pursuant to Clause 4.6 of The Hills Shire Council Local Environmental Plan 2012 (THLEP) to contravene the building height development standard under Clause 4.3 of THLEP for the reasons stated by the applicant and finds the Clause 4.6 report to be well founded.

The majority of the Panel also considers that the adherence to the height standard is unnecessary in this instance and notes that no adverse impact will arise from the additional height and a more functional church building with an architectural roof feature of the genre will result.

In the circumstances, compliance with the development standard is unreasonable and unnecessary, there are sufficient environmental planning grounds to justify contravening the development standard and the departure from the development standard will result in a better planning outcome.

2. The Panel was concerned that the proposal which included amalgamation of the school lot and proposed church lot, did not meet The Hills Development Control Plan 2012 (DCP) site coverage requirement in a rural area. Maintaining the rural character is an objective to be met in this zoning and the Panel requires compliance or closer compliance to the DCP controls. Given the particular history and nature of this application, in addition to the applicant's preparedness to reduce the site coverage by the removal of an unnecessary existing building on the church lot, the majority of the Panel is prepared to approve the application subject to a condition that the existing building be

demolished within 12 months of the granting of the first construction certificate for the church and will also require a condition of revegetation of the site in accordance with Council's DCP with appropriate endemic species for this rural area, without compromising its management as an Inner Protection Area as outlined within Section 4.1.3 of "Planning For Bushfire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones".

3. The Panel noted the submission from the adjoining residential neighbour objecting to the non-complying height of the church and the Panel has required a condition that there be a provision of a three metre landscape buffer on the eastern boundary of the church lot to comply with the DCP landscape requirement.
4. The majority of the Panel finds the application suitable for the site and that approval, subject to the amended conditions, is in the public interest.

Mary-Lynne Taylor disagreed with the majority decision for the following reasons:

1. The Chair would not agree to approve the application because she did not accept that the Clause 4.6 variation request was well-founded as it did not identify the environmental planning grounds for variation within the written request.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- The addition of Condition 47A to read as follows:

Landscape screen planting is to be provided along the full length of the eastern boundary of Lot 1 DP 709237 to comply with the terms of The Hills Development Control Plan 2012 Part B Section 1 – Rural for a three metre width. The landscape screen planting is to comprise trees and shrubs (which reach a minimum height of three metres).

- The addition of a condition requiring the applicant to demolish the existing building within twelve months of the issue of the first construction certificate.
- The addition of a condition requiring the applicant to prepare a revised Landscape Plan prior to issue of the construction certificate. The amended Landscape Plan shall include the details of the buffer zone on the eastern boundary and the revegetation of Lot 1 DP 709237 to comply with The Hills DCP 2012 Part B Section 1 – Rural.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Peter Brennan
 Julie Savet Ward	 Michael Edgar
 Stewart Seale	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC085 – The Hills – 20/2018/JP
2	PROPOSED DEVELOPMENT	Place of public worship
3	STREET ADDRESS	LOT 1 DP 709237, 20-22 ANNANGROVE ROAD, KENTHURST
4	APPLICANT	Parish of St Madeleine Sophie Barat c/- DFP Planning Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Section 4.15 of the Environmental Planning & Assessment Act 1979 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No 55 – Remediation of Land - Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River - The Hills Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - The Hills Development Control Plan 2012 – Part B Section 1 – Rural - The Hills Development Control Plan 2012 – Part C Section 1 - Parking - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 21 June 2018 - Written submissions during public exhibition: one (1) - Verbal submissions at the public meeting: - On behalf of the applicant – Stuart Bennett and Stephen Earp
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection on 21 June 2018 - Final briefing meeting to discuss council's recommendation, 21 June 2018, 11:30 am. Attendees: <u>Panel members</u>: Mary-Lynne Taylor (Chair), Peter Brennan, Julie Savet Ward, Michael Edgar and Stewart Seale <u>Council assessment staff</u>: Kristine McKenzie, Paul Osbourne and Cameron McKenzie
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report