

<b>DATE OF DETERMINATION</b>	19 October 2017
<b>PANEL MEMBERS</b>	Prof. Edward Blakely, Mary-Lynne Taylor, Paul Mitchell OAM
<b>APOLOGIES</b>	Michael Edgar, Stewart Searle
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at The Hills Shire Council, 3 Columbia Court, Baulkham Hills on 19 October 2017, opened at 10:30 am and closed at 10:40 am

#### **MATTER DETERMINED**

2017SWC089 – The Hills – DA72/2018/JP at 28 Annangrove Rd, 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 determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.




#### **REASONS FOR THE DECISION**

The Panel determines the application by granting approval for the following reasons:

1. The proposal will improve the standard of education facilities available in the Hills LGA and thus, is socially beneficial.
2. The proposal complies with most applicable development standards and guidelines, and any breaches are inconsequential, including the breach of the building height standards.
3. The proposal will have no material adverse impacts on the natural or built environment.
4. The Applicant has submitted a request to vary the maximum building height standard by 3.06m. The Panel considers that adherence to the standard is unnecessary in this instance because no adverse impacts will arise and a more functional building will result, thus providing sufficient planning benefit to justify the variation. The variation is in the public interest because it will enable development that is consistent with the RU6 zone objectives, and the written request for variation is considered satisfactory.

#### **CONDITIONS**

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

<b>PANEL MEMBERS</b>	
 Prof. Edward Blakely (Chair)	 Mary-Lynne Taylor
 Paul Mitchell OAM	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWC089 – The Hills – DA72/2018/JP
2	PROPOSED DEVELOPMENT	Alterations and additions to Marian College
3	STREET ADDRESS	28 Annangrove Rd, Kenthurst
4	APPLICANT/OWNER	Catholic Education Diocese of Parramatta C/- DFP Planning
5	TYPE OF REGIONAL DEVELOPMENT	Educational Establishment exceeding \$5 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 (Infrastructure) 2007</li> <li>State Environmental Planning Policy NO. 55 – Remediation of Land</li> <li>State Environmental Planning Policy – Educational Establishments and Child Care Facilities 2017</li> <li>State Regional Environmental Plan 20 – Hawkesbury Nepean River</li> <li>Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Development Control Plan Part B Section 1 – Rural</li> <li>Development Control Plan Part C Section 1 - Parking</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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 dated: 19 October 2017</li> <li>Written submissions during public exhibition: One submission</li> <li>Verbal submissions at the public meeting: Stephen Earp (Applicant)</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing meeting to discuss council's recommendation, 19 October 2017, 10:00 am Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Dr. Edward Blakely, Mary-Lynne Taylor, Paul Mitchell</li> <li><u>Council assessment staff</u>: Paul Osborne, Kristine McKenzie</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report