

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 12 December 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Lindsay Fletcher, Susan Budd and Mark Colburt
APOLOGIES	Mary-Lynne Taylor and Chandi Saba
DECLARATIONS OF INTEREST	None

Public meeting held at Hills Shire Council on 12 December 2019, opened at 2.35pm and closed at 5.50pm.

MATTER DETERMINED

2019CCIO25 – The Hills Shire - DA1451/2019/JP at 19-37 Marie Street, Castle Hill – redevelop educational facility (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 briefings 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.

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 2012 (LEP), that has demonstrated that:

- a) compliance with clause 4.3 height of buildings is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3 height of buildings of the LEP and the objectives for development in the R2 zone; and
- c) 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

1. The proposal is a permissible use in the R2 Low Density Residential zone and is consistent with relevant zone objectives. The proposal is also consistent with the design principles given in schedule 4 of the Educational Facilities SEPP.
2. The proposal is consistent with the residential character of the locality and the immediate streetscape. The school's existing landscaped setting will be enhanced by further landscaping.

3. Due to its well-considered and high-quality design the proposal will not have any material adverse impacts on neighbouring properties, the locality and the character of the site itself, including its heritage significance.
4. With respect to parking the Panel with that new and designated student parking will be provided on-site thus reviewing current off-site parking demand.
5. The proposal will provide valuable new education facilities in an accessible location and thus be socially beneficial.
6. The Panel has carefully considered the matters raised in submissions and considers they have been addressed in the assessment report, by amendments to the proposal or by conditions to be imposed. No residual issue is considered to be of sufficient magnitude to warrant refusal of the application.
7. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with a new condition relating to Construction Traffic Management Plan to read as follows:

Construction Traffic Management Plan





A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed. The construction management plan must be submitted before Construction Certificate is issued and complied with for the duration of works.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic congestion;
- Insufficient student parking;
- Illegal parking in front of driveways;
- Impact of heritage item;
- Acoustic impacts;
- Safety concerns.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Susan Budd
 Lindsay Fletcher	 Mark Colburt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO25 – The Hills Shire - DA1451/2019/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Classroom Facilities, Construction of a Multi-Storey Classroom Building and Associated Works
3	STREET ADDRESS	19-37 Marie Street, Castle Hill
4	APPLICANT/OWNER	Applicant - Catholic Education Diocese of Parramatta C/- DFP Planning Owner - Trustees Roman Catholic Church Diocese Parramatta
5	TYPE OF REGIONAL DEVELOPMENT	Educational Facility – CIV over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development 2011) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy No. 55 – Remediation of Land The Hills Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 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	<ul style="list-style-type: none"> Council assessment report: December 2019 Clause 4.6 variation submitted Written submissions during public exhibition: 6 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil

		<ul style="list-style-type: none"> ○ In objection – Frank Can Rees ○ Council assessment officer – Cynthia Dugan ○ On behalf of the applicant – Sandra Watts and Mark Desylva
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 28 August 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Mark Grayson and Mark Colburt ○ <u>Council assessment staff</u>: Paul Osborne, Hugh Halliwell and Cynthia Dugan • Site inspection: 12 December 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Susan Budd, Lindsay Fletcher and Mark Colburt ○ <u>Council assessment staff</u>: Hugh Halliwell and Cynthia Dugan • Final briefing to discuss council's recommendation, 12 December 2019, 1.00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Susan Budd, Lindsay Fletcher and Mark Colburt ○ <u>Council assessment staff</u>: Cynthia Dugan, Cameron McKenzie and Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report