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| DATE OF DETERMINATION | 2 September 2022 |
| DATE OF PANEL DECISION | 1 September 2022 |
| DATE OF PANEL MEETING | 1 September 2022 |
| PANEL MEMBERS | Abigail Goldberg (Chair), David Ryan, Robert Buckham, Megan Munari |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 23 August 2022.

MATTER DETERMINED

PPSSCC-347 – The Hills – 1237/2022/JP - 19-37 Marie Street, Castle Hill - Demolition of Existing Buildings and Structures, Construction of a Two Storey Building (Block D) and Covered Outdoor Learning Area and Associated Works for a High School.

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:

- a) compliance with cl. 4.3 (Building Height) 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 cl. 4.3 (Building Height) 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

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.

The panel considered that the proposal has demonstrated that the proposed works will not result in any adverse heritage impacts or impact the established heritage curtilage. The variation to the DCP with respect to building setbacks has been assessed on merit and addressed in the report. The variation is considered supportable.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following addition of Condition 63A:

63A. Entertainment Venue – Compliance with Prescribed Conditions

The Entertainment Venue shall comply with the Prescribed Conditions in Clause 98D (Maximum Capacity Signage) and Schedule 3A of the Environmental Planning and Assessment Regulation 2000 below:

1. Nitrate film

An entertainment venue must not screen a nitrate film.

2. Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3. Proscenium safety curtains

If a proscenium safety curtain is installed at an entertainment venue:

- a) there must be no obstruction to the opening or closing of the safety curtain, and
- b) the safety curtain must be operable at all times.

4. Projection suites

- 2) When a film is being screened at an entertainment venue, at least one person trained in the operation of the projectors being used and in the use of the firefighting equipment provided in the room where the projectors are installed (the "projection room") must be in attendance at the entertainment venue.
- 3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- 4) No member of the public is to be present in the projection suite during the screening of a film.

11. Emergency evacuation plans

- 1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
- 2) An **emergency evacuation plan** is a plan that specifies the following:
 - a) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
 - b) the number of any fire safety officers that are to be present during performances,
 - c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
- 3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during the public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS

Abigail Goldberg (Chair)



David Ryan



Megan Munari



Robert Buckham



| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-347 – The Hills – 1237/2022/JP |
| 2 | PROPOSED DEVELOPMENT | Demolition of Existing Buildings and Structures, Construction of a Two Storey Building (Block D) and Covered Outdoor Learning Area and Associated Works for a High School. |
| 3 | STREET ADDRESS | 19-37 Marie Street, Castle Hill |
| 4 | APPLICANT/OWNER | Catholic Education Diocese of Parramatta |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities 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 (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ The Hills Local Environmental Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ The Hills Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 <ul style="list-style-type: none"> • 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: 22 August 2022 • A variation to Clause 4.3 Height of Buildings is proposed • Written submissions during public exhibition: ZERO (0) |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Kick Off Briefing: 5 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan ○ <u>Council assessment staff</u>: Madison Morris, Paul Osborne, Cameron McKenzie • Final briefing to discuss council's recommendation: 1 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Megan Munari, Robert Buckham ○ <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Paul Curran (Fire Safety Coordinator) |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |