

DATE OF DETERMINATION	6 October 2023
DATE OF PANEL DECISION	4 October 2023
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Chris Quilkey, Moninder Singh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 September 2023.

MATTER DETERMINED

PPSSCC-405 – Blacktown – SPP-22-00008 - 39 Beames Avenue Rooty Hill - Demolition of existing structures, tree removal, construction of a 3-storey primary school educational establishment over a car parking level with associated excavation and earthworks, stormwater and landscaping works over 3 construction stages.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters 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 Blacktown Local Environmental Plan 2015 (LEP), that has demonstrated that:

- a) compliance with cl. 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 cl. 4.3 (height of buildings) of the LEP and the objectives for development in the R2 Low Density Residential 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, replicated as follows:

The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development 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 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
- Safety impacts
- Insufficient road upgrades
- School not being in character with the surrounding area

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
David Ryan 	Chris Quilkey 
Moninder Singh 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-405 – Blacktown – SPP-22-00008
2	PROPOSED DEVELOPMENT	Demolition of existing structures, tree removal, construction of a 3-storey primary school educational establishment over a car parking level with associated excavation and earthworks, stormwater and landscaping works over 3 construction stages.
3	STREET ADDRESS	39 Beames Avenue Rooty Hill
4	APPLICANT/OWNER	Applicant: Bellfield Group Limited Owner: Illuminate NSW LTD
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"> Environmental Planning and Assessment Act 1979. State Environmental Planning Policy (Biodiversity and Conservation) 2021. State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021 Blacktown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown Development Control Plan 2015 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: 24 May 2023 Council supplementary report: 20 September 2023 Clause 4.6 variation request Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 23 February 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair) <u>Council assessment staff</u>: Jared Spies, Judith Portelli <u>Applicant representatives</u>: Ali Hammoud, Ali Zeineddine, Charles Glanville, Ali El Hussein, Ramy Selim, Hany Takla Final briefing to discuss council's recommendation: 27 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Chris Quilkey, Moninder Singh <u>Council assessment staff</u>: Jared Spies, Judith Portelli, Sami Ahangari, Lorrissa La Robina

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Ali Hammoud, Ali Zeineddine, Charles Glanville, Ali El Hussein, Ramy Selim, Hany Takla
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council's Supplementary Assessment Report