

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	10 November 2023
DATE OF PANEL DECISION	10 November 2023
DATE OF PANEL MEETING	9 November 2023
PANEL MEMBERS	Steve Murray (Acting Chair), Natasha Harras, Colin (Joe) Woodward, Robert Buckham, Megan Munari
APOLOGIES	None
DECLARATIONS OF INTEREST	Abigail Goldberg & David Ryan both have declared a conflict of interest as they are currently working with Schools Infrastructure on projects.

Papers circulated electronically on 1 November 2023.

MATTER DETERMINED

PPSSCC-419 – The Hills – 1065/2023/JP – 4G Astoria Park Road, Baulkham Hills - Demolition of Existing Structures and Construction of a Three Storey Building for Matthew Pearce Public 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 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 Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- 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 Low Density Residential zone; and
- 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, which are replicated below:

"This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning

controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary Clause 4.3(2) development standard of The Hills LEP 2019 can be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable and unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest."

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

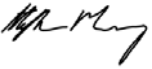




It was noted that an error is present in the numbering of the conditions but with no material impact. Council are directed to rectify when issuing their Notice of Determination.

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:

- Building height
- Privacy and overlooking
- View loss
- Noise
- Property value
- Relocate buildings
- Lack of school facilities
- Overshadowing

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

PANEL MEMBERS	
Steve Murray (Acting Chair) 	Natasha Harras 
Colin (Joe) Woodward 	Robert Buckham 
Megan Munari 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-419 – The Hills – 1065/2023/JP
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures and Construction of a Three Storey Building for Matthew Pearce Public School.
3	STREET ADDRESS	4G Astoria Park Road, Baulkham Hills
4	APPLICANT/OWNER	Applicant: Architectus Australia Owner: Minister for Education
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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 (Biodiversity and Conversation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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 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: 31 October 2023 Clause 4.6 – Building Height Written submissions during public exhibition: 5 Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 6 April 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Steve Murray, Robert Buckham, Megan Munari <u>Council assessment staff</u>: Cynthia Dugan <u>Applicant representatives</u>: Boris Santana, Terri Slater, Aryan Qayumi, Pete Krause, Amit Rampal, Sudeep Bile, Matthew Spooner Final briefing to discuss council's recommendation: 9 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Steve Murray (Acting Chair), Natasha Harras, Colin (Joe) Woodward, Robert Buckham, Megan Munari <u>Council assessment staff</u>: Cynthia Dugan, Paul Osborne, Sophia Brown <u>Applicant representative</u>: Aryan Qayumi

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report (subject to the correction of minor numbering error as outlined above)