

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	4 July 2022
DATE OF PANEL DECISION	4 July 2022
DATE OF PANEL MEETING	30 June 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Mary-Lou Jarvis, Toni Zeltzer
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	Jan Murrell advised her daughter went to Ascham 25 years ago. Toni Zeltzer advised she was a teacher at Ascham from 1976-1980.

Meeting held by teleconference on 30 June 2022, opened at 11:30am and closed at 1:15pm.

Papers circulated electronically on 17 June 2022. An updated report was circulated on the 29 June 2022 correcting the panel reference to 'Sydney Eastern City Planning Panel'.

MATTER DETERMINED

PPSSEC-155 - Woollahra - DA433/21 188, 208, 210 New South Head Rd, Edgecliff and 37, 45 Darling Point Rd, Darling Point

Demolition of the existing uniform shop (located at No.208 New South Head Road) and Annexe buildings and the partial demolition of an existing school building; construction of new two storey building containing a school hall, bathrooms, offices and classrooms; alterations and additions to the Fiona building and external works including reconfiguration of pick-up/drop-off zone (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 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 Woollahra Local Environmental Plan 2014 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (Height of Buildings 188 and 208 New South Head Road) and cl. 4.4 (Floorspace Ratio 208 New South Head Road) 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 Clause 4.3 (Height of Buildings 188 and 208 New South Head Road) and cl. 4.4 (Floorspace Ratio 208 New South Head Road) of the LEP and the objectives for development in the B4 Mixed Use Zones; 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 Floor Space Ratio; and approve the application for the reasons outlined in the Council Assessment Report.

The Panel considers the development will provide improved facilities for the junior school, landscaping and a more appropriate street frontage to New South Head Road.

CONDITIONS





The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- The Panel has deleted Condition C.1(e) that required the removal of the rooftop plant room because it is satisfied the design will not significantly impact on the heritage items and on balance the extent of area required for it to be placed on the ground would be difficult to achieve on this constrained site. Furthermore, the landscaping will provide filtering of the views to the development.
- Prior to the issue of a construction certificate the submitted Landscape Plan 21009_DA1 to 21009_DA13 Rev. 05, prepared by Aspect Studios, dated 29/06/2021, must be amended and approved by Council to include the following changes:
 - A stainless steel wire frame to be attached to the proposed white columns to the walkway, on the western elevation of the new school hall building to facilitate climbing plants to establish, such as Boston Ivy or like;
 - The planter to the north of the proposed entry court (to the new school hall building), that fronts New South Head Road must be increased in width (to the north) by 1m. This planter must be planted with a suitable tree species which provides a large canopy. This tree is to have a minimum of 15m in height and 6m in width at maturity. The species chosen reflects the evergreen aspects and scale of the existing mature trees on the site.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that 1 written submission was made during public exhibition. The Panel notes that the conditions of consent for construction is imposed to minimise the construction impacts on the adjoining businesses and properties.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Mary-Lou Jarvis	 Toni Zeltzer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-155 - Woollahra - DA433/21 188
2	PROPOSED DEVELOPMENT	Demolition of the existing uniform shop (located at No.208 New South Head Road) and Annexe buildings and the partial demolition of an existing school building; construction of new two storey building containing a school hall, bathrooms, offices and classrooms; alterations and additions to the Fiona building and external works including reconfiguration of pick-up/drop-off zone.
3	STREET ADDRESS	188 New South Head Road, Edgecliff
4	APPLICANT/OWNER	Ascham School 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"> ○ State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017. ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021. ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ Woollahra Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Woollahra Development Control Plan 2015. • Planning agreements: Nil • 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 • 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: 30 June 2022 • Clause 4.6 variation requests: <ul style="list-style-type: none"> ○ cl. 4.3 (Height of Buildings 188 and 208 New South Head Road) ○ cl. 4.4 (Floorspace Ratio 208 New South Head Road) • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 10 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Sue Francis, Mary-

		<p>Lou Jarvis, Toni Zeltzer.</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Larissa Holbert, George Fotis <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 30 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Mary-Lou Jarvis, Toni Zeltzer. ○ <u>Council assessment staff</u>: Larissa Holbert, George Fotis ○ <u>Applicant representatives</u>: Angela Kent, Peter Strudwick, Brigitte Bradley, Phillip Rossington, Nick Souksamrane and Chloe Naughton
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report