

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	3 August 2022
DATE OF PANEL DECISION	3 August 2022
DATE OF PANEL MEETING	28 July 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Chris Wilson, Joseph Cordaro
APOLOGIES	Anthony Bazouni
DECLARATIONS OF INTEREST	None

Meeting held by teleconference on 28 July 2022, opened at 12.15pm and closed at 1.15pm.
Papers circulated electronically on 22 July 2022.

MATTER DETERMINED

PPSSEC-164 - City of Canada Bay Council - DA2021/0301 - 410 Concord Road Rhodes 2138 – Demolition of an existing multi storey car park and construction of a 5-storey commercial office building comprising the Hewlett Packard Enterprise Headquarters, along with basement parking, Improvements to the existing hardstand car parking area, site landscaping, and public domain works to Blaxland Avenue (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 of the Canada Bay Local Environmental Plan 2013 (LEP), the Panel determined that the request failed to demonstrate that:

- compliance with cl. 4.3 (Building Height) under the LEP was unreasonable in the circumstances; and
- there were sufficient environmental planning grounds to justify contravening the development standard.

the Panel determined that:

- the applicant's written request does not adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is not in the public interest because it is inconsistent with the objectives of cl. 4.3 (Building Height) of the LEP and the objectives for development in the B7 zone; and
- the concurrence of the Secretary has been assumed.

The Panel considers the Applicant's reasons for the height exceedance based on environmental planning grounds have not been demonstrated. The proposal raises the building more than 3 metres from natural ground level, which would result in unacceptable impacts on the public by eliminating direct at grade access to an established desire line used by both pedestrians and cyclists. This would not only effect public access to the train station, but also access to the broader regional pedestrian and cycle network.

The Panel is also concerned about the bulk and scale of the development concentrated on this corner of the site which is also inconsistent with the objectives of both the relevant standard and the objectives of the B7 zone.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the Council Officer's Assessment Report, with the exception of the car parking quantum and the removal of the words "public transport" from reason 3(c). In this regard, the Panel recognises the proximity of the site to a nearby railway station.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public and notes that the Council Assessment Report adequately took those submissions into account.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Chris Wilson	 Joseph Cordaro

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-164 - Canada Bay Council - DA2021/0301
2	PROPOSED DEVELOPMENT	Demolition of an existing multi storey car park and construction of a 5-storey commercial office building comprising the Hewlett Packard Enterprise Headquarters, along with basement parking, Improvements to the existing hardstand car parking area, site landscaping, and public domain works to Blaxland Avenue.
3	STREET ADDRESS	410 Concord Road, Rhodes - Hewlett Packard Site
4	APPLICANT/OWNER	Saul Moran/ Hewlett Packard Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canada Bay Development Control Plan 2013 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: 13 July 2022 Clause 4.6 variation requests: Cl 4.3 – Height of Buildings Written submissions during public exhibition: 6 Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Joseph Cordaro, Anthony Bazouni <u>Council assessment staff</u>: Leonie Derwent, Shannon Anderson Final briefing to discuss council's recommendation: 28 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Joseph Cordaro <u>Council assessment staff</u>: Leonie Derwent, Shannon Anderson <u>Applicant representatives</u>: Murray Donaldson, Donovan Sia, Saul Moran, Mike Ferry, Paul Addison
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report