

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	20 September 2024
DATE OF PANEL DECISION	19 September 2024
DATE OF PANEL BRIEFING	19 September 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo and Susan Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 September 2024.

MATTER DETERMINED

PPSSEC-312 – Bayside – DA-2024/53 – 33 Banks Avenue, Daceyville – Alterations and additions to an educational establishment (Hartford College) including alterations to Buildings A, B and C, construction of a two storey building, new parking area and vehicle crossover location, outdoor play area and associated site works (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 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 Bayside Local Environmental Plan 2021 (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 the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and

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 height of buildings and approve the application for the reasons outlined in the Amended Council Assessment Report, being:

- The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential Zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is generally consistent with the objectives of the Bayside Development Control Plan 2022.




- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents. The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.

CONDITIONS

The Development Application was approved subject to the conditions in the Amended Council Assessment Report uploaded to the portal on 17 September 2024.

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Carl Scully (Chair)	 Susan Francis
 Alice Spizzo	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-312 – Bayside - DA-2024/53
2	PROPOSED DEVELOPMENT	Alterations and additions to an educational establishment (Hartford College) including alterations to Buildings A, B and C, construction of a two storey building, new parking area and vehicle crossover location, outdoor play area and associated site works
3	STREET ADDRESS	33 Banks Avenue, Daceyville
4	APPLICANT/OWNER	Hartford College St Michael's Church
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 (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Bayside Local Environmental Plan 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bayside Development Control Plan 2022 • Planning agreements: Nil • Relevant 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: dated 3 September 2024 • Amended Council Assessment Report: uploaded to the portal on 17 September 2024 • Clause 4.6 variation requests: Cl. 4.3 (Height of buildings) • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 11 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Joe Awada, and Michael Nagi ○ <u>Council assessment staff</u>: Marta Gonzalez-Valdes, Nitin Thomas, Atef Syed ○ <u>Department staff</u>: Carolyn Hunt • Site inspection: 19 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Susan Francis

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Ayse Kiziltekin, Luis Melim, Marta Gonzalez-Valdes • Applicant Briefing: 19 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis ○ <u>Applicant representatives</u>: Gabrielle Pelletier, Helena Short ○ <u>Council assessment staff</u>: Ayse Kiziltekin, Luis Melim, Marta Gonzalez-Valdes ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss Council's recommendation: 19 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis ○ <u>Council assessment staff</u>: Ayse Kiziltekin, Luis Melim, Marta Gonzalez-Valdes ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Amended Council Assessment Report (uploaded on 17/09/2024)