

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	9 December 2024
DATE OF PANEL DECISION	13 December 2024
DATE OF PANEL BRIEFING	5 December 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Francis, Toni Zeltzer and Lucinda Regan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 27 November 2024.

MATTER DETERMINED

PPSSEC-323 – Woollahra – DA200/2024/1 – 19 and 37 Darling Point Road, Darling Point – Change of use and alterations and additions of the existing residential flat building for campus student accommodation (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 Woollahra Local Environmental Plan 2014 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.4 (floor space ratio) is unreasonable or unnecessary in the circumstances because the proposal is consistent with the objectives, with the additional floor space being sympathetically designed to minimise visual impacts, is not readily discernible from adjoining residential properties, is integrated into the wide school campus and does not result in any adverse solar access, privacy or view impacts, improving the landscape character of the site. The Panel notes that the existing building already exceeds the floor space ratio development standard; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard as compliance with solar access to neighbouring properties has been achieved, minimal visual impact is proposed, responds to the site constraints and landscaping, provides specific space and functions within the building, allows for a vertical lift and access system and is consistent with the desired character of the area.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions attached to the Council Supplementary Report.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to floor space ratio and approve the application for the reasons outlined in the Council Assessment Report and Supplementary Report.

- The Panel considers the development application to be satisfactory with all relevant planning policies including the objectives of Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015
- The development application satisfies many of the relevant Darling Point precinct objectives.
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality
- All likely impacts to adjoining properties including any submissions made have been addressed in the report or are considered to be satisfactory.
- The site is suitable for the proposed development.

CONDITIONS

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





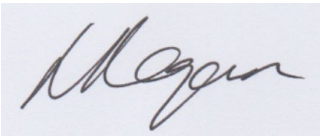
- Amend Condition A3 to removed duplication of plan reference A-06-013, Rev S1, Architectural Plans, prepared by Tribe Studio Architects, dated 15/11/2023 and replace with A-06-020, Rev S1, Architectural Plans, prepared by Tribe Studio Architects, dated 15/11/2023

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 issue of concern included:

- Traffic congestion

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Susan Francis	 Toni Zeltzer
 Lucinda Regan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-323 – Woollahra – DA200/2024/1
2	PROPOSED DEVELOPMENT	Change of use and alterations and additions of the existing residential flat building for campus student accommodation
3	STREET ADDRESS	19 and 37 Darling Point Road, Darling Point
4	APPLICANT OWNER	Brigitte Bradley – Urbis 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 (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 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 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: uploaded to the portal on 27 November 2024 Clause 4.6 variation requests: cl. 4.4 (floor space ratio) of the Woollahra LEP 2014 Council supplementary report: uploaded to the portal on 4 December 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 3 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair) and Alice Spizzo <u>Council assessment staff</u>: Larissa Holbert <u>Department staff</u>: Tim Mahoney and Lisa Ellis Site inspection: 5 December 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Toni Zeltzer and Lucinda Regan <u>Council assessment staff</u>: Larissa Holbert Applicant Briefing: 5 December 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, State Member, Mary-Lou Jarvis, and Matthew Robertson

		<ul style="list-style-type: none"> • <u>Applicant representatives</u>: Brigitte Bradley, Sam McGivern, Peter Strudwick, Hannah Tribe, Allysia Heness-Pugh <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Larissa Holbert ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss Council's recommendation: 5 December 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Toni Zeltzer and Lucinda Regan ○ <u>Council assessment staff</u>: Larissa Holbert ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplement Assessment Report – uploaded to the portal on 04/12/2024