

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 27 July 2021
PANEL MEMBERS	Justin Doyle (Chair), Sue Francis, Louise Camenzuli and Rachel Harrison
APOLOGIES	Robert Khan
DECLARATIONS OF INTEREST	Nicole Gurran: I became aware that I have a potentially perceived conflict of interest; having a known the objector who spoke on behalf of the Dept of Education, on a social basis for many years, and as a family friend.

Papers circulated electronically on 13 July 2021.

MATTER DETERMINED

PPSSWC-101 – Wollondilly – DA/2020/522/1 at 11 GREENBRIDGE DRIVE WILTON 2571– Out of school hours care educational establishment (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

The Panel has considered the applicant's written request made under cl 4.6 (3) of the Wollondilly Local Environmental Plan(LEP) 2011 to permit a departure from the development standard recorded by Clause 4.3 Height of Buildings of that instrument in the determination of the DA.

The Panel is satisfied that it is in the public interest to grant the request, and that the request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP. There are sufficient environmental planning grounds identified in the written request to justify contravening the development standard such that compliance is unreasonable or unnecessary in the circumstances.

In particular, the development, as proposed, will be consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the applicable Zone B4 Mixed Use zone. The non-conforming Leaning Building (Block J) at the proposed height of 9.83 metres will still be complementary to its surroundings and the developing character of the area including similar existing development on the site and other two storey proposals in the vicinity.

The area of non-compliance relates to the non-trafficable roof space, and will not result in overlooking, overshadowing or privacy issues to surrounding residential uses. The Panel accepts the advice in the assessment report that the design is responsive to the topography of the site and provides greater opportunity for collaborative learning within the building and improved outdoor learning spaces.

The concurrence of the Secretary is assumed (see Planning Circular PS 20-002 issued 5 May 2020).

Assessment of the development application

The proposal will allow for the replacement of 'demountables' with permanent buildings for improved accommodation of the primary classrooms.

The design of the new buildings are sufficiently well conceived, and the referral authorities have provided positive responses. The general terms of approval are sufficiently incorporated into the recommended conditions of approval which are adopted.

There is a deficiency of parking such as to depart from Control 10 of Volume 5, 2.10 'parking and manoeuvring' from Council's DCP. The assessment officer reports that the DCP control would require 87 parking spaces (including the after-hours day care use). The proposal will only provide 47 parking spaces within the site, resulting in a shortfall of 40 parking spaces.

To address that shortfall, the Applicant has commissioned a traffic and parking study informed by modelling and survey data. That report includes recommendations as to parking modifications along Kenniff Street to extend the existing Kiss & Ride Zones to the north, and provision of five additional Kiss & Ride spaces to support the growth of the School. The conclusions of that report if those recommendations are adopted are relevantly:

- *Overall, the survey data indicates that there is ample spare capacity in both the AM and PM peak periods.*
- *Based on the rationalised on-site parking provision of 47 car parking spaces (based on the existing mode share and parking characteristics of staff) as well as the low occupancy rates of the on-street spaces, ptc. supports the proposal and does not anticipate that the surrounding neighbourhood will be negatively impacted by the expansion from a parking perspective.*

The Council assessment report discloses that Council's development engineers have reviewed the proposed signage changes to the on street public parking in the locality and determined that they will not significantly impact the surrounding properties

Notably, concept construction traffic management plan has been prepared to be finalised in the detailed construction traffic management plan required by the recommended conditions.

The site has been assessed to have a low risk of contamination and SEPP 55 has been addressed in the Council assessment.

The Panel otherwise accepts the advice of the Council assessment report and has 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

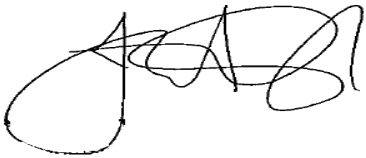



Upon the assessment above, the Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

The DA was advertised for 28 days between 14 September 2020 to 13 October 2020. 1 submission was received inquiring as to the location of the proposed water tanks. The assessment report notes that they will be suitably located, and the panel considers that this concern has been adequately addressed.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Sue Francis
 Louise Camenzuli	 Rachel Harrison

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-101 – Wollondilly – DA/2020/522/1
2	PROPOSED DEVELOPMENT	Construction of a new learning building and Out of House School Care (OOSH) facility, alternations and additions to an existing building and associated landscaped works for Wilton Public School
3	STREET ADDRESS	11 Greenbridge Drive Wilton Lot 18 DP 270536
4	APPLICANT/OWNER	Applicant: NSW Department of Education c/- Urbis Owner: NSW Department of Education
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"> ○ Environmental Planning and Assessment Act 1979 ○ Environmental Planning and Assessment Regulation 2000 ○ Coal Mine Compensation Act 2017 ○ Biodiversity Conservation Act 2017 ○ Rural Fires Act 1997 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of land ○ State Environmental Planning Policy – Education Establishments 2017 ○ Sydney Regional Environmental Planning Policy No 20 – Hawkesbury – Nepean River ○ Wollondilly Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollondilly Development Control Plan (SCP) 2016 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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

		<ul style="list-style-type: none"> 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"> Additional documents received draft conditions: 19 July 2021 Council assessment report: 13 July 2021 Clause 4.6 Variation – Height of Buildings Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Monday, 7 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Sue Francis and Rachel Harrison <u>Council assessment staff</u>: Michael Buckley, Max Strassmeir, Corrie Swanepoel and Toni Averay Final briefing to discuss council's recommendation: Monday, 19 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli and Rachel Harrison <u>Council assessment staff</u>: Max Strassmeir and Michael Buckley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report