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Contact: Grant Walsh

Ref: DA0587/11

9 May 2012

Knox Grammar School, Wahroonga
c/- Andrew Graham
EPM Projects Pty Ltd
PO Box 124
ST LEONARDS NSW 2065

Dear Sir

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION BY THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Issued under the Environmental Planning and Assessment Act 1979

Application No.: DA0587/11
Proposed Development: Proposed new Senior Centre for Knox Grammar School including new classrooms and learning facilities in a part 4/part 5 storey building
Property: 11, 15 & 17 Woodville Avenue and 1495 & 1499 Pacific Highway WAHROONGA NSW 2076

Pursuant to Section 81 of the Act, notice is given that the above Development Application has been determined by refusal of consent for the reasons specified in this Notice.

Date of determination: 26/04/2012

The reasons for refusal are:

- 1. Unsatisfactory impact on the Bluegum High Forest (BGHF) Critically Endangered Ecological Community (CEEC)**

Particulars:

- a) The proposal will result in a loss 823m² Blue Gum High Forest resulting in local extinction of BGHF within the site.**
- b) The proposal will result in further fragmentation of Blue Gum High Forest which contributes to a decrease in ecological processes which contributes to the survival of BGHF community.**

- c) The proposal would result in exacerbation of key threatening process which further threaten the survival of BGHF community.
- d) The proposed mitigation measures of supplementary planting of Blue Gum High Forest can not be considered as part of the assessment process (DECC 2007/363).
- e) The impact assessment (7-part test) has not adequately considered the extent of impacts of the proposal on the local occurrence of Blue Gum High Forest.
- f) The impacts of proposal upon Blue Gum High Forest in accordance with the factors of the assessment as set out under section 5a part 2 factors c (i) (ii), d (ii) (iii) & g of the Environmental Planning & Assessment Act 1979 have not been adequately assessed.
- g) The proposal is contrary to part 1, section 3, objectives a, b, d & f of the Threatened Species Conservation Act 1995 (TSC Act 1995).
- h) No species impact statement has been prepared for the development. A species impact assessment is considered to be necessary due to the significant impacts of the proposal upon Blue Gum High Forest community, in accordance Part 4 Division 2, Section 78A part (8b) of the Environmental Planning & Assessment Act 1979.
- i) Insufficient information has been provided in relation to proposed Blue Gum High Forest impact offsets.
- j) The submitted application has not given any consideration to the biodiversity provisions contained within Draft LEP 218.

2. Unsatisfactory impacts on Existing Sydney Blue Gum trees

Particulars:

- a) The removal of Tree's 1 & 3 – 2 x *Eucalyptus saligna* (Sydney Blue Gum) is not supported as acceptable justification has not been provided to allow their removal.
- b) The removal of Tree 4 – *Eucalyptus saligna* (Sydney Blue Gum) is not supported as it has not been adequately demonstrated that the tree cannot be retained with the construction of the new retaining wall adjacent to the tree. Furthermore, should it be ascertained that the tree can be retained, amendments would be required to the Seniors Centre to retain the tree.

- c) The impacts on Tree 9 – *Eucalyptus saligna* (Sydney Blue Gum) are significant to the point where its retention is not possible.
- d) The removal of 3 x *Eucalyptus saligna* (Sydney Blue Gum) and significant impact on or potential removal of 1 x *Eucalyptus saligna* (Sydney Blue Gum) deemed to be healthy and have high landscape and ecological significance, is not in accordance with clauses 1.2 & 2.5.1 of School Facilities Standards – Landscape Standard – Version 22/03/02.

3. Unsatisfactory impacts on adjoining heritage items and the Draft Heritage Conservation Area

Particulars:

- a) The application has not given any consideration to the Draft Heritage Conservation Area contained within Draft LEP 218.
- b) The scale of the proposed development is not consistent with the existing character of Borambil Avenue which would detrimentally affect the adjoining heritage item at 2 Borambil Street and the heritage significance of the Draft HCA.
- c) The proposal is not consistent with the requirements of Clause 61E of the KPSO due to the adverse impacts on adjoining heritage items.

4. Unsatisfactory visual impacts on Borambil Street as a result of insufficient front setback, excessive height and associated scale

Particular:

- a) The proposal is considered to be too high and too close to Borambil Street and this would result in adverse impacts on the character of the residential area.

5. The application has not demonstrated compliance with the Schools facilities standards as required by SEPP (Infrastructure) 2007

Particular:

- a) Clause 32 of SEPP (Infrastructure) 2007 requires consideration to be given to the standards contained within the Schools Facilities Standards to which the applicant has not addressed as part of the application.

6. The proposal fails to meet requirements contained within the Ku-ring-gai Schools Development Control Code

Particulars:

- a) The proposal results in the reduction of playground area by approximately 1,600m² and it is yet to be demonstrated that the required space is available for the playground area based on existing student numbers as required under part 4 a) of the schools development code.
- b) The proposal would result in a building which has an unsatisfactory visual amenity from nearby residential properties which contradicts the requirements of part 4 d) of the Ku-ring-gai Schools Development Control Code.

7. Inadequate investigation pursuant of SEPP 55 (Remediation of Land)

Particular:

- a) Contaminants have previously been identified within the subject site which warrants a preliminary investigation to be carried out in accordance with SEPP 55. No preliminary investigation has been carried out as part of this application.

8. Inconsistency with existing character of Borambil Street

Particular:

- a) The bulk and scale of the proposed development and the inadequate front setback would be inconsistent with the character of Borambil Street and the surrounding residential area.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date on which you receive this Notice.

Advisings

- (a) Council is always prepared to discuss decisions, and in this regard do not hesitate to contact Grant Walsh on phone **9424 0000**.
- (b) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request a review of the determination. The request must be made in writing on the S.82A Review application form (refer to Council's website or customer service centre) within six (6) months

after receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated or Integrated Development.



Signature on behalf of consent authority
Team Leader
Development Assessment

cc: The Uniting Church In Australia Prop Trust (owner)
c/- Craig Tinker, Uniting Church Australia
Level 8, 222 Pitt Street
SYDNEY NSW 2000

