

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Bankstown Council Chamber on Wednesday 15 June 2016 at 4.00 pm

Panel Members: Paul Mitchell (Acting Chair), Bruce McDonald, Stuart McDonald

Apologies: Mary-Lynne Taylor Declarations of Interest: nil

Determination and Statement of Reasons

2015SYW064 – City of Canterbury-Bankstown – DA174/2015 [40 Hector Street Chester Hill] as described in Schedule 1.

Date of determination: 15 June 2016

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will add to the supply of school facilities available within the West Central Sub Region and the Canterbury - Bankstown local government area on a site currently used as a school and which has ability to accommodate additional capacity.
2. The panel has considered the Applicants request to vary the development standard contained in Bankstown LEP (Cl.4.3) relating to building height and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will result in better use of existing buildings and buildings located to optimise separation distances from adjoining residential premises and the development remains consistent with the underlying intent of the standard and the objectives of the zone.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Plan (Infrastructure) 2007 and SEPP 55 – Remediation of Land
4. The proposal adequately satisfies the provisions and objectives of Bankstown LEP 2015 and Bankstown DCP 2015
5. Subject to the conditions imposed the proposed development will have no unacceptable impacts on the built or natural environments including the amenity of nearby residential premises, the performance of the local road network or the heritage significance of the adjoining above ground water pipelines.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is on the public interest.

Conditions:

Condition 14(b)

Condition 14 (b) has been amended to add the words “, *students, staff and other users of the site*”, such that it now reads:

- 14) Prior to the issue of any Construction Certificate for this development, the applicant must obtain approval from Council for a Site, Pedestrian and Traffic Management Plan. This Plan must address the measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and other requirements as specified below.

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A PRIVATE CERTIFIER CANNOT APPROVE YOUR SITE, PEDESTRIAN & TRAFFIC MANAGEMENT PLAN

This plan shall include details of the following:

- a) Proposed ingress and egress points for vehicles to and from the construction site;
- b) Proposed protection of pedestrians, students, staff and other users of the site adjacent to the construction site;
- c) Proposed hoardings, scaffolding and/or fencing to secure the construction site;
- d) Proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) Proposed measures to be implemented for the protection of all public roads and footway areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) Proposed method of loading and unloading excavation machines, building material, construction materials and waste containers during the construction period;
- g) Proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc. are required to be displayed and shall be in accordance with Council's and the NSW Roads and Maritime Services requirements and AS1742.3.
- h) Proposed method of support of any excavation, adjacent to adjoining buildings or the public road. The proposed method of support is to be certified by a Civil Engineer with National Professional Engineering Registration (NPER) in the construction of civil works.
- i) Proposed measures to be implemented in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the public road.
- j) Proposed measures for protection of the environment including procedures to control environmental impacts of work e.g. sediment control, proper removal, disposal or recycling of waste materials, protection of vegetation and control/prevention of pollution i.e. water, air noise, land pollution.

The approved Site, Pedestrian and Traffic Management Plan is to be implemented prior to the commencement of any works on the construction site. The applicant will be required to pay for inspections by Council Officers in accordance with Council's adopted fees and charges.

In addition a RMS Approval / Road Occupancy Licence will be required for works on Regional or State Roads or within 100m of a traffic facility including roundabouts and traffic signals. Refer to Council's Development Engineering Standards for a list of Regional and State Roads.

Condition 44

The Condition 44 that was attached to the report to the Panel meeting was requested to be moved to a later point in the consent. That is dealt with in Item (c) of this email. In its place, at new Condition No. 44, is a condition that the Panel requested regarding construction noise. New Condition No. 44 now reads:

- 44) Except where provided for by Condition No. 35 of this development consent, construction activities shall comply with the Interim Construction Noise Guideline issued by the Department of Environment and Climate Change New South Wales.

Condition 64

Condition No. 64 has been amended as in italics by taking the wording from the former Condition No. 44 and placing it into Condition 64. Condition 64 now reads:

- 64) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and

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Regulations. *The proposed use of the pool filter equipment must not give rise to offensive noise as defined in the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2000. All noise emitting equipment must be housed in an insulated enclosure or appropriately positioned so as to cause no nuisance to neighbours.*

The operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance). Evidence of compliance with this condition shall be submitted from a suitably qualified and experienced acoustic consultant prior to the issue of an Occupation Certificate.

Condition 80

Condition No. 80 has been modified to read:

80) The Hours of operation are restricted to:-

Primary & Secondary Schools - Core hours 8am to 6pm Monday to Friday. Ancillary activities (including tutoring, School sports, presentation services, School social activities, and the like) are permitted on Saturday and Sunday between the hours of 8am to 6pm.

Sports Hall – 8am to 10pm Monday to Sunday; and

Childcare - 7am to 6pm Monday to Friday.

Panel members:



Paul Mitchell (Acting Chair)



Bruce McDonald



Stuart McDonald

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2015SYW064 – City of Canterbury-Bankstown – DA174/2015
2	Proposed development: Demolition and removal of various buildings at Salamah College; alterations and additions to existing buildings; construction of a sports centre and childcare centre; and an increase in staffing and student numbers to 1550
3	Street address: 40 Hector Street Chester Hill
4	Applicant: Hamec Australia Pty Ltd Owner: Salamah College Limited
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Threatened Species Conservation Act 1995; ○ State Environmental Planning Policy (State and Regional Development) 2011; ○ State Environmental Planning Policy No. 55 – Remediation of Land; ○ State Environmental Planning Policy (Infrastructure) 2007; ○ Bankstown Local Development Plan 2015; • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bankstown Development Control Plan 2015; ○ Bankstown Development Engineering Standards • Planning agreements: Nil • Regulations: 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> and EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 31 May 2016 Written submissions during public exhibition: 19 Verbal submissions at the panel meeting: Support- nil; Against- Graeme Bell; On behalf of the applicant – Hayden Calvey, Sam Dennawi
8	Meetings and site inspections by the panel: Site Inspection & Briefing Meeting: 15 June 2016
9	Council recommendation: Approval
10	Draft conditions: as per Assessment Report