

<b>DATE OF DETERMINATION</b>	Thursday 8 March 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), John Roseth, Sue Francis, Steve Kennedy, Paul Stein
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 28 February 2018 and 8 March 2018.

#### **MATTER DETERMINED**

2017SNH077 – Northern Beaches – MOD2017/0071 at 210 Headland Road Dee Why (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The proposal responds to the need for more places in schools in the Northern Beaches (and Sydney generally).
- The proposal does not involve additional construction.
- With the traffic and parking improvements offered by the applicant and embodied in the conditions of consent and advisory note, the increase in students will not have material impact on the surrounding area.

The Panel notes that Conditions B of the Supplementary Report states:

*“Prior to any further proposal to increase student enrolments up to 1092 students, the St Lukes Grammar School is to make provision for future works to extend the pick-up / drop off bays along the school frontages of Tango Avenue northwards, and Headland Road, westward.*

*The following approval requirements will apply:*

- Submission of an application for approval from Council under the Environmental Planning & Assessment Act 1979, including detailed engineering, drainage, landscaping and survey plans.*
- Any proposed kerb and footpath works will require separate approval under Section 138 of the Roads Act 1993.*
- Any proposed changes to Council’s traffic / parking signage will require approval from Council’s Traffic Committee.*
- Changes proposed are to be detailed within an updated Traffic Management Plan.”*





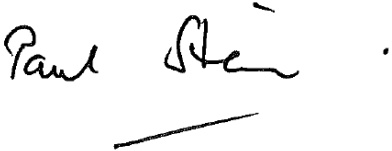
The Panel determined that Condition B of the Supplementary Report appeared to prejudice what might be required should there be any future expansion. This should be addressed if and when such an application is submitted and accordingly the condition was amended (see below Conditions).

John Roseth further noted that while agreeing to the consent conditions on which Council and the Applicant have agreed, he would have agreed to the increased number of students that the Applicant had originally asked for. This is because this school provides more parking than the vast majority of schools in New South Wales. He notes it is therefore unreasonable to reduce the student numbers which the Applicant has originally applied for on the grounds of traffic and parking.

### CONDITIONS

The development application was approved subject to the conditions in the Council Supplementary Council Assessment Report with the following amendment:

- Condition B – amended to read:  
*No approval is granted for any changes to Council's road signage or the extension of the pick-up / set-down areas in Headland Road or Tango Avenue.*

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Steve Kennedy
 Paul Stein	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SNH077 – Northern Beaches – MOD2017/0071
2	PROPOSED DEVELOPMENT	Section 96(2) Modification of Consent to DA2011/0446 to increase the student enrolment of St Lukes Grammar School from 884 to 1092 students.
3	STREET ADDRESS	2-4 Tango Avenue and 210 Headland Road, Dee Why
4	APPLICANT OWNER	Midson Group Pty Ltd St Lukes Anglican School Limited Anglican Schools Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No.65 – Remediation of Land</li> <li>Warringah Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Warringah Development Control Plan 2011</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 23 January 2018</li> <li>Council supplementary report: 28 February 2018</li> <li>Written submissions during public exhibition: 9</li> <li>Verbal submissions at the public meeting 31 January 2018: <ul style="list-style-type: none"> <li>On behalf of the applicant – On behalf of the applicant – Maureen Peatman, Jann Robinson, Robert Varga</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing meeting to discuss council's recommendation, Wednesday 31 January 2018 at 1.00pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), John Roseth, Sue Francis, Steve Kennedy, Paul Stein</li> <li><u>Council assessment staff</u>: : Alex Keller, Peter Robinson, Rezvan Saket</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report