

DATE OF DETERMINATION	Thursday, 16 May 2019
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Sue Francis and Ed McDougall
APOLOGIES	Michael Nagi
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites Sydney on 16 May 2019, opened at 11:30 am and closed at 1:00 pm.

MATTER DETERMINED

2018SCL037– Bayside – DA-2018/1073 at 31 Banks Avenue Daceyville – alterations to St Michael’s Catholic Primary School (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.

The Panel 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

- The Panel notes that the applicant has submitted a written submission under cl 4.6 of the Botany Bay LEP 2013 to vary the height of the proposed school building. The Panel is satisfied that the height variation is consistent with the objectives of the zone and of the development standard, that there are no material adverse impacts arising from the variation, that strict compliance with the height standard is unnecessary and that there are sufficient environmental planning reasons to vary the standard.
- The proposal satisfies the requirements of SEPP (Educational Establishments and Child Care Facilities) 2017.
- The proposal is consistent with the heritage context of the heritage items on the site as well as with the Daceyville Garden Suburb Heritage Conservation Area.
- The proposal provides much needed additional capacity for infants schooling in the area.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.



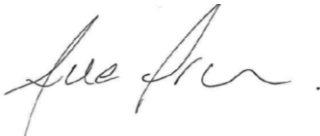

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Overshadowing
- Height non-compliance, bulk and scale
- Intensification of the site within an aircraft noise contour
- Loss of character and its location within a heritage conservation area
- Natural ventilation and airflow
- Requirement for a car parking area
- Traffic and safety relating to and around the car parking area
- Loss of open playground area

- Limitations of students on the site
- Tree removal
- Impact on the Botany Aquifer

Of the above concerns, the major ones were overshadowing and consistency with the heritage character of the area. The Panel accepts the view in the assessment report that the proposed new building will not cause unreasonable overshadowing and notes that the council's heritage expert is satisfied with the relationship of the new building to the heritage buildings on the site and the character of the conservation area.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Sue Francis	 Ed McDougall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL037– Bayside – DA-2018/1073
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing St Michael’s Catholic Primary School and construction of a three (3) storey educational facility fronting Haig Avenue to accommodate an additional 202 students including car parking fronting Banks Avenue
3	STREET ADDRESS	31 Banks Avenue Daceyville
4	APPLICANT/OWNER	Sydney Catholic Schools, Archdiocese Sydney C/- JDH Architects/Trustees of the Roman Catholic Church Archdiocese of Sydney
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 & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Botany Bay Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Botany Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Part 6 – Procedures relating to Development Applications • 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: 1 May 2019 • Clause 4.6 variation request: 12 November 2018 • Written submissions during public exhibition: six (6) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer – Angela Lazaridis ○ On behalf of the applicant – Sandra Robinson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 26 July 2018 • Final briefing to discuss council’s recommendation, 16 May 2019, 10:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis and Ed McDougall ○ <u>Council assessment staff</u>: Angela Lazaridis, Pascal Van der Walle and Andrew Ison
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report