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Contact: Scott McInnes

Ref: DA0530/17

21 November 2018

St Lucy's School
c/- DFP Planning
Caroline Fowler
21 Caroline Street
WAHROONGA NSW 2076

Dear Sir/Madam

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION BY THE KU-RING-GAI LOCAL PLANNING PANEL

Issued under the Environmental Planning and Assessment Act 1979

Application No.: DA0530/17
Proposed Development: Change of use from a dwelling house to an educational establishment and associated works (St Lucy's School) - heritage conservation area
Property: 10 Billyard Avenue WAHROONGA NSW 2076

Pursuant to Section 4.18 (previously s81) 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: 19/11/2018

The reasons for refusal are:

1. Inconsistencies between drawings A001 Rev. 6 and A002 Rev. 3 by Stanton Dahl Architects in regard to :
 - a) The extent of the demolition and reconstruction of the driveway
 - b) The extent of demolition and the retention of the brick pedestrian pathway to the street alignment
 - c) Failure to demonstrate suitable access from the car parks in the driveway to enable disabled wheelchair exit from cars and through the security gate to the chair lift into the house to the relevant standard

Translated Extract

Need help?

This document contains important information. If you do not understand it, please call the Translating and Interpreting Service on 131 450. Ask them to phone 9424 0000 on your behalf to contact Ku-ring-gai Council. Business hours: Monday to Friday, 8.30am-5pm.

Simplified Chinese

需要帮助吗？

本文件包含重要信息。如果您不理解本文件，请致电翻译口译服务 131 450。让其代表您致电 9424 0000 联系Ku-ring-gai 议会。营业时间：周一至周五，上午8.30—下午5:00。

Traditional Chinese

需要幫助嗎？

本檔包含重要資訊。如果您不理解本檔，請致電翻譯口譯服務131 450。讓其代表您致電9424 0000聯繫Ku-ring-gai議會。營業時間：週一至週五，上午8.30—下午5:00。

Japanese

お困りですか？

この文書には、重要な情報が含まれています。ご不明な点があれば、「翻訳・通訳サービス」(電話131 450)までお電話いただき、あなたに代わって、クーリングイ (Ku-ring-gai) 議会に連絡するよう、ご依頼ください。営業時間：月曜日～金曜日 (8.30am-5pm)。

Korean

도움이 필요하십니까?

이 문서에는 중요한 정보가 담겨 있습니다. 여러분이 이해할 수 없다면, TIS (번역 및 통역 서비스)의 131 450 번으로 전화하십시오. 9424 0000 번으로 여러분을 대신하여 전화해서 쿠링가이 카운슬을 연락해 달라고 요청하십시오. 영업 시간: 월요일-금요일, 오전 8시30분-오후 5시.



- d) Failure to demonstrate wheelchair access from the street past parked cars in the driveway through the security gate to the house in compliance with the relevant standard.
2. Given the proposal to demolish the fence between No 10 and the existing grounds of St Lucy's School, absence of disabled access from the school to the house.
 3. Acknowledgment by the applicant's acoustic expert that the acoustic fence as proposed between No's 10 and 12 Billyard Avenue will not protect the occupants of the dwelling above the garage at No 12 Billyard Avenue nor the occupants of the upper levels of the house itself at No 12 from unacceptable noise impacts.
 4. The expansion of the educational use to the boundary of No12 Billyard Avenue, which is a heritage item under the Ku-ring-gai Planning Scheme, extends any unknown impacts directly adjoining the heritage item in the heritage conservation area.
 5. The absence of a master plan for the future development of the school, given that the stated intention of the application is to use the rear of No 10 as school yard, thereby substantially moving the permissible school use closer to and directly adjoining private residential housing.
 6. The Panel being advised by the applicant that the Council is in receipt of another DA to substantially intensify the use of the school from about 108 students to 240 students and increasing staff numbers from 80 to 104.
- The consequences of such substantial increases of intensity of use indicates that any approval for this application should be in the context of a master plan not in isolation whereby the extension of the educational land use occurs without further constraint to control the impacts.
7. The Panel is aware of "SEPP Educational and Child Care Facilities 2017" which would enable the applicant scope to utilise the rear of the subject property for the purpose of unknown and undisclosed uses.


Right of appeal

If you are dissatisfied with this decision, Section 8.7 (previously s97) 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 Scott McInnes on phone 9424 0000.
- (b) Section 8.2 (previously s82A) 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 S8.2 Review (previously S82A 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 S8.2 (previously 82A) of the Act in respect of Designated or Integrated Development.


Signature on behalf of consent authority
Team Leader
Development Assessment

cc: Dominican Education Australia Ltd (owners)
Attention : Ms S Fabian & Mr P Davis
90 The Boulevarde
STRATHFIELD NSW 2135