



<b>DATE OF DETERMINATION</b>	Wednesday 12 December 2018
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), John Roseth, Sam Ngai, Cedric Spencer
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict of interest as her firm wrote the BCA report for the application.

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney on 12 December 2018, opened at 10.40am and closed at 2.45pm.

#### **MATTER DETERMINED**

2018SNH036 – Ku-ring-gai – DA0583/17 at 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

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**




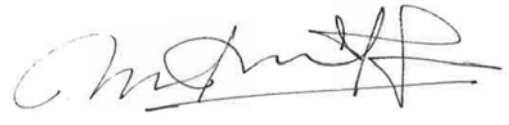
While the proposal to expand and modernise the school has some impact on the surrounding residential area, the Panel accepts the conclusion of the assessment report that this impact is acceptable. The Panel places major weight on the public interest of providing educational opportunities to disabled children on this site, which has been used for this purpose since 1959.

The Panel notes the objectors' concern, which relates principally to traffic and noise. The Panel notes that the councils' engineer agrees with the applicant's traffic report, which concludes that the increase in traffic volume resulting from the expansion of student numbers has relatively minor impact on the local road network.

As regards the concern with noise impact, the Panel notes that the conditions of consent require an acoustic wall and that the expert opinion concludes that the noise impact will comply with the noise guidelines of the EPA.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report and as amended by council memo dated 7 December 2018.

PANEL MEMBERS	
 Peter Debanm (Chair)	 John Roseth
 Sam Ngai	 Cedric Spencer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH036 – Ku-ring-gai – DA0583/17
2	PROPOSED DEVELOPMENT	Alterations and additions to an existing educational establishment including increase in student and staff numbers and an exemption from the S.7.12 Fixed development consent levy (formerly S.94A).
3	STREET ADDRESS	21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga,
4	APPLICANT/OWNER	The Trustees- Sister of Saint Dominic C/- DFP Planning
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
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 No.55 – Remediation of Land</li> <li>State Environmental Planning Policy No.64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River (Deemed SEPP)</li> <li>Ku-ring-gai Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Ku-ring-gai Development Control Plan</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: 28 November 2018</li> <li>Council memo (revised conditions): 7 December 2018</li> <li>Written submissions during public exhibition: 9</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In objection – Paul Fitzgerald, Cameron Small, Victor Pigott</li> <li>On behalf of the applicant – Clifford Ireland, David Raphael</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>Site inspection and briefing: 25 September 2018</li> <li>Final briefing to discuss council's recommendation, Wednesday 12 December 2018 at 9.45am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), John Roseth, Cedric Spencer, Sam Ngai</li> <li><u>Council assessment staff</u>: Corrie Swanepoel, Joseph Piccoli, Adam Richardson, Kerry Hunter, Robyn Askew, Kate Higgins, Scott McInnes, Kerry Frair, Trudi Coutts, Tempe Beaven, Ross Guerrera, Michael Zanordo, Michael Miocic</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report