

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday 24 July 2019
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth, Sam Ngai, Cedric Spencer
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney on 24 July 2019, opened at 10.30am and closed at 12.18pm.

MATTER DETERMINED

2018SNH073 – Ku-ring-gai – DA0590/18 at 60-70 Horace Street St Ives for a sporting hall at St Ives High 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 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

The provision of a two-storey indoor sporting complex will expand and improve the educational facilities available to the students of the school, without causing any unreasonable adverse impact on nearby residents.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, subject the following amendments:

- Deferred Commencement Condition 1 is now an operational condition.
- Condition 8 amended to read as follows:

Tree protection fencing

Prior to the commencement of any works, the tree protection zone of the listed trees is to be fenced off at the specified radius from the trunk/s to prevent any activities or storage of material within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work.

<i>Tree/Location</i>	<i>Radius in metres</i>
<i>Existing trees and vegetation within biodiversity zone Southern side of vehicular</i>	<i>From Yarrabung Rd boundary to administration block and south to top sports field.</i>

<i>access road, should any development access be proposed from Yarrabung Road.</i>	
<i>Eucalyptus sp (Eucalypt) Northeast corner of 'C' Block.</i>	<i>Edge of existing paving/retaining wall, 5.0m elsewhere during 'B' Block demolition works.</i>
<i>Eucalyptus maculata (Spotted Gum) x numerous Landscape area west of 'B' Block within a 10.0m setback from 'B' Block.</i>	<i>Edge of existing paving areas during 'B' Block demolition works.</i>
<i>Quercus palustris (Pin Oak) East of 'B' Block, south of external 'netball court'.</i>	<i>Southern edge of external netball court, eastern side of existing access path 5.0m elsewhere, during 'B' Block demolition works.</i>
<i>Ulmus parvifolia (Chinese Elm) Northwest corner of external 'netball court'.</i>	<i>Edge of existing concrete, 5.0m elsewhere during 'B' Block demolition works.</i>

Reason: To protect existing trees.

- o Condition 33 amended to read as follows:

Hours of work

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 1pm Saturday. Construction work on a Saturday between 12 noon and 1pm shall not be audible outside the subject site, No work and no deliveries are to take place on Sundays and public holidays.

Demolition and/or excavation works may occur on Saturdays until 3pm reflecting the limited time scale of this phase of the project.

Demolition/excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, and 8am to 3pm Saturdays with a respite break of 45 minutes between 12 noon and 1.00pm. No demolition/excavation using machinery is to occur on Sundays or public holidays. Where demolition/excavation is to occur on Saturday(s), Council rangers are to be advised 5 business days prior via an email sent to kmc@kmc.nsw.gov.au. The email is to be marked to the attention of the Team Leader – Regulation and the Manager Regulation and Compliance. This email is to clearly advise the date on which the Saturday demolition/excavation works are to occur.

For safety and amenity, no construction vehicle movements are to occur during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Roads and Maritime Services (RMS) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.





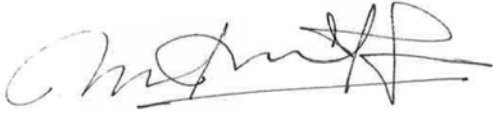
Note: *Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.*

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during the public exhibition. The concern related to the possible use of the new facility by the general public and the consequent impact on traffic and parking in the surrounding streets. The objector reiterated his concern at the public meeting.

The Panel accepts the applicant’s submission that the application is for the use of the new facility by the school community and that there will not be a material impact on street parking or surrounding properties.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Roseth
 Sue Francis	 Sam Ngai
 Cedric Spencer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH073 – Ku-ring-gai – DA0590/18
2	PROPOSED DEVELOPMENT	Demolition of the existing Block B and associated facilities, tree removal, construction of a new two storey indoor sporting complex including classrooms, ancillary facilities, canteen, landscaping and associated works - St Ives High School - Integrated Development (NSW Rural Fire Service under the RFS Act 1997) - Crown development.
3	STREET ADDRESS	60-70 Horace Street, St Ives
4	APPLICANT/OWNER	Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55; State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; State Environmental Planning Policy (Infrastructure) 2007; State Environmental planning Policy 19 Bushland in Urban Areas; Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River; Draft State Environmental Planning Policy (Remediation of Land); Ku-ring-gai Local Environmental Plan 2015 (LEP) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ku-ring-gai Development Control Plan (DCP); Ku-ring-gai S94A Contributions Plan 2015; Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 10 July 2019 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Andrew McPherson Council assessment officer – Grant Walsh On behalf of the applicant – Oliver
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 6 March 2019 Briefing: 6 March 2019 Final briefing to discuss council's recommendation, 24 July 2019 at 9.30am. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Sam Ngai, Cedric Spencer• <u>Council assessment staff</u>: Shaun Garland, Adam Richardson, Geoff Bird, Jonathan Goodwill, Brian O’Connell, Grant Walsh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report