

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 11 September 2019
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Sue Francis, John Roseth, Cedric Spencer, Sam Ngai
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre, 100 Walker Street North Sydney on 11 September 2019, opened at 12.30pm and closed at 12.55pm.

**MATTER DETERMINED**

2018SNH074 – Ku-ring-gai- DA0508/18 at 87 Memorial Avenue St Ives for new amenities at St Ives North Public 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.

**Development application**

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 proposal responds to a need for additional and improved school facilities in an existing school in an area where the demand for places is growing.

The external impacts of the new buildings on surrounding residences is acceptable.

While there is some tree removal, this is compensated by new landscaping.

The proposal provides nine new parking spaces, which is more than needed by the additional teaching staff.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments, agreed to by the applicant and Council:

- Condition 7 to be amended to delete “..along the eastern kerb alignment of memorial Avenue in place of the existing ‘No Parking’ are opposite Oxford Place....”
- Condition 17 to be deleted and the following condition put in its place, to read as follows:

*The proposed new main pedestrian gate and associated fencing shall be relocated so that it remains in the same location as the existing entry. Details of this amendment to be provided to and approved by the Principal Certifier or Crown equivalent prior to the issue of the Construction Certificate or Crown equivalent.*

- Condition 25 to be amended to include to words '*relevant and applicable*' after the words 'Plans and specifications complying with the....' in the first line of the condition.
- Condition 31 to be 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 1:00pm Saturday. Construction work on a Saturday between 12 noon and 1:00pm 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 3:00pm 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](mailto:kmc@kmc.nsw.gov.au)<<mailto: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.*

*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.*

- Condition 57 to be amended so that the final paragraph of that condition reads as follows:  
*A green travel plan is to be developed in consultation with Council and in accordance with the principles identified by Transport for NSW and RMS and must be submitted to the satisfaction of the Principal Certifier or Crown equivalent, prior to the issue of an Occupation Certificate or Crown equivalent.*
- Condition 67 is to be worded with the same amendment as condition 25 by including the words 'relevant and applicable' after "in accordance with'.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered two written submissions made during the public exhibition, which raised the following issues: traffic, parking, tree removal, building bulk, overshadowing and overlooking.

As concerns traffic and parking, the council engineer is satisfied that the impact is acceptable. Moreover, new parking is provided. The height of the new building has been reduced from that originally exhibited. As regards overshadowing, the neighbouring properties will receive adequate sunlight between 9am and 3pm at mid-winter. The setback of the new building, its planning and the placement of windows will ensure that there will be no unreasonable overlooking of neighbouring properties.

There were no public submissions during the public meeting.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and the proposed and amended conditions.

PANEL MEMBERS



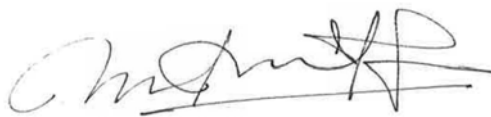
Peter Debnam (Chair)



Sue Francis



John Roseth



Cedric Spencer



Sam Ngai

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH074 – Ku-ring-gai – DA0508/18
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a new administration and classroom building (including canteen), a new amenities building, tree removal and associated works - St Ives North Public School - Integrated Development (NSW Rural Fire Service under the RFS Act 1997).
3	STREET ADDRESS	87 Memorial Avenue 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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Rural Fires Act 1997</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</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 No. 19 – Bushland in Urban Areas</li> <li>○ Sydney</li> <li>○ Draft State Environmental Planning Policy (Remediation of Land)</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 2015</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: 29 August 2019</li> <li>• Written submissions during public exhibition: 2</li> <li>• Applicant memo: 4 September 2019</li> <li>• Council memo: 11 September 2019</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Sean Garland, Helen Trappel</li> <li>○ On behalf of the applicant – Oliver Klein</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing and Site inspection: 3 April 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Cedric Spencer, Sam Ngai</li> <li>○ <u>Council assessment staff</u>: Joshua Daniel, Shaun Garland</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 11 September 2019 at 12.10pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Sue Francis, John Roseth, Cedric Spencer, Sam Ngai</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff</u>: Joshua Daniel, Shaun Garland, Jonathan Goodwill, Ross Guerrero, Geoff Bird, Helen Trappel</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report