



planning consultants

9 May 2019
Our Ref: 9903A.11ER_S4.55 exemption_draft

Georges River Council
Georges River Civic Centre
Corner MacMahon and Dora Streets,
Hurstville NSW 2220

Attention: Larissa Ozog
lozog@georgesriver.nsw.gov.au

Dear Larissa,

**RE: DA2017/0657
47-69 Woids Avenue, Allawah
Alterations and additions to existing school**

DFP Planning is assisting St George Christian School in relation to a development application (DA) for alterations and additions to the existing school.

By email dated 7 May 2019, Council requested additional information in relation to how the proposed development satisfies clause 35(6)(b) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) which states the following:

- (6) *Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:*
 - (a) *..., and*
 - (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

In relation to clause 35(6)(b), we note that the clause does not require the consent authority to be 'satisfied' as to whether the school facilities will be shared with the community; only that this is a matter to be taken into consideration. Nevertheless, this letter explains how the proposed development addresses the provisions of clause 35(6)(b) and is therefore consistent with Objective (h) of the Education SEPP.

The following advice in response to clause 35(6)(b) is also relevant to Council's consideration of a request for exemption from payment of a contribution under section 7.12 of the Environmental Planning and Assessment Act 1979.

It is requested that this letter be accepted by Council as both a response to Council's request for further information in relation to how the proposed development satisfies the requirements of clause 35(6)(b) of the Education SEPP and a request for exemption from payment of a contribution levied under Georges River Council Section 94A Contributions Plan 2017.

The remainder of this letter provides information to assist Council in regard to these matters.

Community Use of School Premises

The school is acutely aware of its role as a member of the Allawah/Hurstville community.

The school premises and facilities are currently used on a regular basis by Allawah Community Church for the following activities:

- Sunday worship; and
- Youth group (up to two nights per week).

These activities are conducted in accordance with DA93/2010.

From time to time the school is approached by community groups seeking to use the hall on an ad hoc basis. These requests are generally able to be agreed to where the activities do not conflict with the school's use of the hall or the regular 'tenant' (Allawah Community Church).

In the past the school has received enquiries from other community groups seeking to use the facilities on a more regular basis. Currently, due to lack of room, the school has not been able to provide a separated space in which these groups can be readily accommodated on a regular basis (without impacting on the way in which the school functions).

However, it is envisaged that the proposed refurbishment of the original Chapel and the construction of the (under cover) full size basketball court, the school could be in a position to make these available for other community groups, subject to the users making appropriate application.

Therefore, it is the school's intention to allow the community to use its facilities, where those uses can be undertaken in a manner that:

- does not pose of risk to the school's assets or members of the school community;
- does not impact on the amenity of nearby or adjoining residents; and
- does not impact on the manner in which the school functions.

In this regard, in addition to addressing the provisions of clause 35(6)(b), the proposed development is also considered to be consistent with objective (h) of the Education SEPP which requires *proponents of new developments or modified premises and consent authorities (be encouraged) to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*

Georges River Council Section 94A Contributions Plan 2017

Section 4.7.2 of the Section 94A Contributions Plan identifies other developments which are exempt from the levy.

Specifically, section 4.7.2 states the following (**bold** text is our emphasis):

Other exemptions from a levy under this Plan may be considered by the Council for the following development, or components of development:

...
(g) Other community or **educational facilities**

Therefore, Council is able to consider a request for exemption.

In considering an application for an exemption, Section 4.7.2 also states that the Council will take into account:

- (i) *The extent to which the proposed development comprises or includes the provision, extension or augmentation of public facilities that provide a public benefit, and/or*
- (ii) *Whether the applicant is affected by any adverse financial circumstances which will impact on its ability to fund the payment of any levy which is imposed in accordance with this Plan*

In relation to St George Christian School and the proposed development:

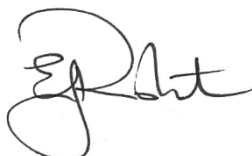
- As noted above, the school currently makes its facilities available to other community members. It is envisaged that, upon completion of the works the subject of this DA, the way in which the school functions will be rationalized, which will provide more opportunities for other community groups to be accommodated.
- The school operates as a not-for-profit entity. Any excess monies not required for the day to day functions of the school or for contingencies such as maintenance, are used to improve the school facilities and the amenity of the school students, staff and the school community in general.

On this basis, it is considered that SGCS satisfies both criteria for the grant of an exemption from payment of the levy under the S94A Contributions Plan.

It is requested that Council consider the request as part of its assessment of the DA.

DFP trusts that the information provided in this letter will assist Council in its assessment of DA2017/0657. However, should you have any queries please do not hesitate to contact Ellen Robertshaw on 9980 6933.

Yours faithfully,
DFP PLANNING PTY LTD



ELLEN ROBERTSHAW
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Reviewed: _____