

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Tuesday 11 June 2019
PANEL MEMBERS	Bruce McDonald (Chair), Nicole Gurrán, Julie Savet Ward, Con Hindi, Leesha Payor
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	Nick Katris declared a conflict of interest and did not participate in the panel for the determination of this matter. Nick Katris' firm lodged a residential DA for a site located opposite the school site.

Public meeting held at Georges River Council, Hurstville Civic Centre, 24 Macmahon Street, corner Dora Street, Hurstville on 11 June 2019, opened at 12.40pm and closed at 2.50pm.

MATTER DETERMINED

2018SSH011 – Georges River – DA2017/0657 – 47-69 Woids Avenue, Allawah – Alterations and Additions to St George Christian 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 proposed development will improve and update the available facilities of the existing school while not increasing staff and students from their current numbers. The proposal also preserves and enhances the historical significance of the existing onsite heritage listed chapel.
- The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP 64- Advertising and Signage and SREPP Plan No 2- Georges River Catchment.
- With regard to SEPP (Educational Establishments and Child Care Facilities) the Panel considers the resulting development enables the use of school facilities (including recreational facilities) to be shared with the community. The Panel also notes that while the building technically exceeds the 4 storey maximum complying development standard of the SEPP this element of the development is located to the centre of the site and the proposed height is well below the maximum 22m height provision.
- The Panel has considered the Applicant's request to vary the development standards contained in Cl. 4.3 relating to building height and Cl.4.4 relating to floor space ratio of Kogarah LEP 2012 and considers that compliance with the standards are unreasonable and unnecessary in the circumstances of this case. The proposed variations apply only to a small element of the total development site and the variations facilitate a cohesive design approach for the site. Further the variations will not generate unacceptable impacts on nearby premises, remain consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that prevailing and planned in the locality

- The proposal adequately satisfies the applicable objectives and provisions of Kogarah LEP 2012 and Kogarah DCP No. 2. In that regard the Panel notes that while Educational Establishments are not a permitted use within the R2 Low Density Residential zoned element of the site that use is permitted by the provisions of the prevailing SEPP (Educational Facilities and Child Care Facilities)2017
- The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings or the operation of the local road system. In that regard the Panel's approval of this application has been given subject to a deferred commencement condition requiring approval of a comprehensive traffic management plan
- In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments and additions.

Add Conditions;

1. **Tree Retention** – The recommendations of the Arboricultural Impact Assessment prepared by Ian Hills and dated November 2017 shall be implemented in the Construction Certificate Plans.
2. **Arborist** – That a qualified Arborist will be engaged to oversee the construction works within the TPZ of trees 10 – 12 (as required by the Arboricultural Impact Assessment). These trees are to be retained and protected in accordance with section 4 of the Australian Standard AS4970-2009.

Amend the following conditions;

Condition No.14 to be amended to read;

Plan of Management – Before and After School services – A detailed Plan of Management shall be Before and After School Services – A detailed Plan of Management shall be prepared and submitted to Council to the satisfaction of the Manager of Development of Building prior to the issuing of the Stage 3 Construction Certificate and the following issues shall be addressed in the POM;

- (i) The number of children at the service shall be restricted to a maximum of 60.
- (ii) The hours of operation shall be restricted to 7am to 6pm daily.
- (iii) Staff parking, Number of staff and where parents pick up and drop off children that will be attending this service.
- (iv) General operational requirements.
- (v) A plan showing the external play area that will be dedicated and allocated to this use, it should be located sensitively to reduce the potential for impacts to adjoining residential properties.

Condition No.15 to be amended to read;

Design – The following changes are to be made to the plans prior to the issuing of the Construction Certificate;

- (i) The balustrade along the third level of the new building along the roof top terrace facing Woids Avenue shall be set in from the edge of the building at a minimum of 2m. This aims to reduce the visibility of the balustrade and to reduce the size of the roof top terrace area.
- (ii) The areas within Level 3 shall be restricted only for staff uses and administrative activities, they are not to be learning areas and students are not permitted to utilise the roof top and associated spaces unless required by a member of staff.
- (iii) The doors along the northern side of the new building at the ground floor level shall remain closed when classes are in session.
- (iv) The area of open space to the north of the new building adjoining No.45 Woids Avenue shall not be utilised for passive or active recreational spaces.
- (v) Proposed materials, colours and finishes of all new works shall be designed to be non-reflective.
- (vi) Planter boxes with a minimum width of 1.5m shall be installed along the south-western side of the building along the terrace to Level 3 to reduce the potential for overlooking and softening this upper level area.

- (vii) The area on Level 3 noted as A/C units along the western and south western side of the building adjoining the staff rooms shall be non-trafficable and only accessible when they require servicing.
- (viii) The balustrade around the ground floor terrace adjoining the “artist in residence” shall have a maximum height of 1.2m and designed of open style, transparent materials.
- (ix) The proposed bi-fold doors proposed to the “artist in residence” shall be closed when art classes are in session to reduce potential noise impacts.
- (x) The fire isolated stair egressing the basement carpark to the frontage of Woids Avenue is to be mirror reversed to enable the vegetation proposed to be planted along the north western boundary of the site to extend through to the frontage of Woids Avenue. The mirror reversing of the fire stair is to ensure compliance with the pump room and fire stair criterion of the Building Code of Australia and the relevant Australian Standards

Condition No.96 to be amended to read;






Student and staff numbers - This consent does not approve of any increase in student numbers (currently 660 students) and staff numbers (currently 95 staff members). If numbers are to increase a separate application will need to be lodged with Council.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Noise from the rooftop terrace assembly area
- Scale of the development in a low-density residential context
- Staff parking

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed where necessary.

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Nicole Gurran
 Julie Savet Ward	 Con Hindi
 Leesha Payor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH011 – Georges River – DA2017/0657
2	PROPOSED DEVELOPMENT	Alterations and additions to the existing school by constructing a new Part 3, Part 4 storey homebase building along the northern and western section of the site including basement car parking. Redevelopment of the existing senior school building and refurbishment of the existing buildings within the school to upgrade and improve facilities and learning spaces. Conversion of the old church building (Local Heritage Item) from administrative offices to a Chapel and reconfiguration of existing spaces and areas, associated landscaping, signage and site works (St George Christian School).
3	STREET ADDRESS	47-69 Woids Avenue, Allawah
4	APPLICANT/OWNER	St George Christian School
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No.64 (Advertising and Signage) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Regional Environmental Plan No 2 – Georges River Catchment State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Draft Environment State Environmental Planning Policy Kogarah Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Kogarah Development Control Plan 2013 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: 28 May 2019 Amended Clause 4.6 Statement – Height Amended Clause 4.6 Statement – Floor Space Area Written submissions during public exhibition: 70 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Benjamin Luke Pfahlert, on behalf of 'Parent Connect' group

		<ul style="list-style-type: none"> ○ In objection – Neale Murden ○ Council assessment officer – Larissa Ozog ○ On behalf of the applicant – James Honor- Principal, St George Christian School; Andrew Tripet – Studio Principal – Life & Culture, NBRS Architecture; David Kettle – Director, DFP Planning
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 7 May 2019 <ul style="list-style-type: none"> ○ Julie Savet Ward visited the site on 6 June 2019 • Briefing: 8 May 2019 • Final briefing to discuss council’s recommendation, 11 June 2019, 12.05pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Chair), Nicole Gurran, Julie Savet Ward, Con Hindi, Leesha Payor ○ <u>Council assessment staff</u>: Larissa Ozog, Nicole Askew
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and amended conditions provided by council to the panel at the public meeting