

DATE OF DETERMINATION	22 December 2020
PANEL MEMBERS	Helen Lochhead (Chair), Heather Warton, Stephen Gow, Nadia Saleh,
APOLOGIES	Bilal El-Hayek
DECLARATIONS OF INTEREST	Stuart McDonald - Schools Infrastructure NSW are a client of ours so I will have to declare a conflict.

Public meeting held by teleconference on 17 December 2020, opened at 12.30pm and closed at 1.12pm

MATTER DETERMINED

PPS-2019SSH008– CANTERBURY-BANKSTOWN – DA-41/2019 at 10-20 High Street, Canterbury – Re-development of Canterbury South Public School including construction of a three-storey building with a capacity of 690 students (30 classrooms), one-way “kiss and drop” link road between Napier Street and France Street, expansion of the France Street car park and associated landscape works (Amended Proposal) (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Canterbury Local Environmental Plan 2012 (CLEP 2012), that has demonstrated that:

- compliance with cl. Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio of the CLEP 2012 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards

the panel is satisfied that:

- the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of Clause 4.3 Height of Buildings of the CLEP 2012 and Clause 4.4 of the Floor Space Ratio of the LEP and the relevant objective for development in the R3 Medium Density Residential zone; and
- the concurrence of the Secretary has been assumed.

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 panel determined to uphold the Clause 4.6 variation to building height and Clause 4.4 of the Floor Space Ratio of the LEP; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the Council's conditions circulated to the Panel on 17 December 2020 which had received concurrence from the Crown applicant.

As an advisory note, to Condition 129 it was added that: it is understood that the gates to school link road between Napier and France Streets will be closed out of school hours.



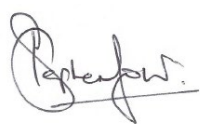

The development application was approved subject to the conditions in the Council assessment report with the following amendment to Condition 44 which is to be deleted. It is considered that the Circular D6 intent is not to levy contributions on Public school infrastructure for broader community improvements. The development will also make significant contributions to off siteworks specifically pedestrian infrastructure, bus stops, footpaths, intersection upgrades and cycling improvements plus kerb and gutter upgrades to improve stormwater management. The link road that provides new drop-off facilities will also provide enhanced safety for pedestrians walking and cycling to the School site.

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:

- Height of school;
- Solar access/overshadowing;
- Lack of car parking;
- Traffic safety and road network capacity;
- Pedestrian safety;
- Link Road not wide enough;
- Link road speed limits;
- Loss of reserve land;
- Anti-social behaviour and noise;
- Loss of trees;
- Disabled access and accessibility;
- Waste generation and use of materials; and
- Why Canterbury South Public School was chosen for significant re-development
- The location of gates and fence line

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the issues raised during the public meeting were satisfactorily addressed in the application. The panel notes that in addressing these issues appropriate design amendments have been undertaken by the applicant and appropriate conditions have been imposed to resolve any outstanding issues.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Heather Warton
 Stephen Gow	 Nadia Saleh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019SSH008– CANTERBURY-BANKSTOWN – DA-41/2019
2	PROPOSED DEVELOPMENT	Re-development of Canterbury South Public School including construction of a three-storey building with a capacity of 690 students, one-way kiss and drop link road between Napier Street and France Street, expansion of the France Street car park and associated landscape works (Amended Proposal).
3	STREET ADDRESS	10 – 20 High Street, Canterbury
4	APPLICANT/OWNER	School Infrastructure NSW C/- DFP Planning, Owner: Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy 64 Advertising and Signage State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy 19 – Bushland in Urban Areas State Environmental Planning Policy (Coastal Management) 2018 Canterbury Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 Canterbury Development Contributions Plan 2013 (Contributions 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: 24 November 2020 Canterbury Local Environmental Plan 2012 (CLEP 2012); The Clause 4.6 relates to Clause 4.3 Height of Buildings of the CLEP 2012 and Clause 4.4 of the Floor Space Ratio; and The subject site is in a part R3 Medium Density Residential, part R4 High Density Residential Zone and part RE1 Public Recreation Zone List any council memo or supplementary report received: 24 November 2020 Written submissions during public exhibition: 7 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Nicole Fairley On behalf of the applicant – Simon Collins, Marcella Salzmann

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 18 June 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran ○ <u>Council assessment staff</u>: Mine Kocak • Public meeting held at which application was deferred: 8 July 2020 <ul style="list-style-type: none"> ○ Helen Lochhead (Chair), Heather Warton, Sue Francis, Nadia Saleh, Bilal Hayek • Final briefing to discuss council's recommendation: 17 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Stephen Gow, Nadia Saleh ○ <u>Council assessment staff</u>: Haroula Michael, George Gouvatsos ○ <u>On behalf of the Applicant</u>: Simon Collins, Marcella Salzmann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Council's conditions circulated to the Panel which had received concurrence from the Crown applicant.