

DATE OF DETERMINATION	20 May 2021
PANEL MEMBERS	Jan Murrell (Chair), Roberta Ryan, Susan Budd, Murray Matson, Christie Hamilton
APOLOGIES	Carl Scully
DECLARATIONS OF INTEREST	None

Papers circulated on 6 May 2021.

MATTER DETERMINED

PPSSEC-55 – Randwick – DA/259/2020 - 268-280 Fitzgerald Avenue, Maroubra (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 Panel determined to approve the application for the reasons outlined in the Council Officer’s assessment report and the recommended conditions with changes to reflect correct references to the flooding level and to clarify that the site has been assessed as suitable for the proposed use and that no further site investigation is required. The Panel notes a discrepancy in the flood planning level within the report at the location of the admin building and the flood plain level should be RL9.43AHD.

- The Panel is satisfied the proposed development will provide improved facilities for the school and community while at the same time maintaining the number of students at 440 and 30 teachers.
- The Panel considers the application worthy of approval and it will not result in any unreasonable impacts.
- The proposal also includes an enhanced landscaped environment for both the school users and community.

CONDITIONS

The development application was approved subject to the conditions in the Council Officer’s assessment report with the following amendments.

Amend Condition 1 to read as follows:

Approved Plans & Supporting Documentation

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council’s approved stamp, except where amended by Council in red and/or by other conditions of this consent:

Plan	Drawn by	Dated
DA – 002 Rev A	JDH Architects	18 May 2020
DA – 003 Rev B	JDH Architects	24 November 2020
DA – 101 Rev A	JDH Architects	18 May 2020
DA – 102 Rev A	JDH Architects	18 May 2020
DA – 103 Rev A	JDH Architects	18 May 2020
DA – 104 Rev A	JDH Architects	18 May 2020
DA – 111 Rev B	JDH Architects	24 November 2020
DA – 112 Rev B	JDH Architects	24 November 2020
DA – 113 Rev B	JDH Architects	24 November 2020
DA – 114 Rev B	JDH Architects	24 November 2020
DA – 115 Rev A	JDH Architects	18 May 2020
DA – 501 Rev B	JDH Architects	24 November 2020
DA – 502 Rev B	JDH Architects	24 November 2020
DA – 503 Rev B	JDH Architects	24 November 2020
DA – 504 Rev B	JDH Architects	24 November 2020
DA – 505 Rev A	JDH Architects	18 May 2020
DA – 506 Rev A	JDH Architects	18 May 2020
DA – 507 Rev A	JDH Architects	18 May 2020
DA – 511 Rev A	JDH Architects	18 May 2020
DA – 512 Rev A	JDH Architects	18 May 2020
DA – 101A	Cohort Engineering	15 May 2020
DA – 102A	Cohort Engineering	15 May 2020
DA – 103A	Cohort Engineering	15 May 2020
L.DA.101-402, issue A	Context Landscape Architects	8 May 2020

Document	Prepared By	Date
Traffic Report	Bitzos Consulting	25 May 2020
Waste Management Plan	JDH Architects	3 June 2020
Access Report	AE and D	15 May 2020
Acoustic Report	Day Design	1 June 2020
Arborist Report	David Prieto	19 May 2020
BCA Assessment	Blackett Macguire & Goldsmith	May 2020

Contamination Report	Alliance Geotechnical	29 October 2019
Geotechnical Report	Alliance Geotechnical	6 May 2020
Revised Flood Risk Report	Cohort Engineering	15 February 2021

Reason: To refer to the correct plans and documentation

Amend Condition 4 to read as follows:

Compliance Fee

4. A development compliance and enforcement fee of \$5,000 shall be paid to Council in accordance with Council's adopted Fees & Charges Pricing Policy, prior to the issue of a Construction Certificate for development.

Insert Condition 4A to read as follows:

Section 7.12 Development Contributions

- 4A. In accordance with Council's Development Contributions Plan effective from 21 April 2015, based on the development cost of \$9,870,000 the following applicable monetary levy must be paid to Council: \$98,700.00

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Add Condition 8A to read as follows:

Unexpected finds protocol

8A. An unexpected finds protocol is to be prepared and documented by a suitably qualified contaminated land environmental consultant and shall be submitted to Council and the Certifier. Any new information which is identified during site works, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to a suitably qualified contaminated land (environmental) consultant and the Council immediately in writing. Following any unexpected finds, all details are to be submitted to Council for approval prior to further works being carried out.

Add Condition 78A as follows:

Stormwater Drainage

1. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the floodwall is maintained and that no works which could affect the design function of the flood wall are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

Notes:

- a) The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b) A Work as executed plan showing finished levels of the flood wall shall be submitted prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
- c) Evidence of registration of the Positive Covenant and Restriction (by receipt and/or title search) on the title of the subject property must be provided to the satisfaction of the Principal Certifier.

Amend Condition 9(o) to read as follows:

Similarly, the Project Arborist must provide confirmation that the slab of the VRF Condenser Plan will be provided above existing ground levels.

Amend Condition 86 to read as follows:

Number of Students and Staff

The number of students in total allowed to attend the school is to be a maximum of 440

The number of staff in total allowed at the school is to be a maximum of 30.






Any increase in or changes to be made to these numbers is to be the subject of a fresh application to Council for assessment and approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition. The Panel notes that issues of concern included:

- Traffic and parking
- Bulk and scale
- Amenity concerns in relation to overshadowing, privacy, visual amenity

The Panel considers that the concerns raised in the submission have been adequately addressed in the assessment report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Roberta Ryan
 Susan Budd	 Murray Matson
 Christie Hamilton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-55 – Randwick – DA/259/2020
2	PROPOSED DEVELOPMENT	Demolition of existing school buildings, internal playground area and the construction of a new administration block, pedestrian entry, new amenities, playground area and landscaping
3	STREET ADDRESS	268 – 280 Fitzgerald Avenue, Maroubra
4	APPLICANT/OWNER	Applicant: Sydney Catholic School c/- DFP Planning Owner: Trustees of the Roman Catholic Church
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"> ○ State Environmental Planning Policy Educational Establishment and Childcare facilities 2017 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Randwick Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Randwick Comprehensive Development Control Plan 2012 • 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: 6 May 2021 • Memorandum, dated 19 May 2021 • Memorandum, dated 20 May 2021 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 12 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Murray Matson, Christie Hamilton ○ <u>Council assessment staff</u>: Angela Manahan, Frank Ko • Site inspection: Panel members visited the site independently, prior to 20 May 2021 • Final briefing to discuss council's recommendation: 20 May 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell (Chair), Roberta Ryan, Susan Budd, Murray Matson, Christie Hamilton ○ <u>Council assessment staff</u>: David Meredith, Jason Rider, Frank Ko, Mitchell Drake, Sohail Faridy ○ <u>Applicant representatives</u>: Lise Morgan, Nathaniel Ola-Roberts, Steven Haratsis, Natasha Bartley

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report