

## SYDNEY NORTH PLANNING PANEL

<b>Panel Reference</b>	PPSSNH-122
<b>DA Number</b>	DA/509/2020
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Demolition of two educational buildings and construction of an “innovation hub” educational building within an existing educational establishment
<b>Street Address</b>	423-521 Old Northern Road, Castle Hill
<b>Applicant</b>	Andrew Hobbs – Urbis
<b>Owner</b>	Trustees of the De La Salle Brothers Australia
<b>Date of DA Lodgement</b>	30 June 2020
<b>Number of Submissions</b>	58
<b>Recommendation</b>	Approval
<b>Regional Development Criteria) (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Private Infrastructure and Community Facilities over \$5 million
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River</li> <li>• Biodiversity Conservation Act 2016</li> <li>• Hornsby Local Environment Plan 2013</li> <li>• Hornsby Development Control Plan 2013</li> <li>• Section 7.12 Development Contributions Plan</li> </ul>
<b>List all documents submitted with this report for the panel’s consideration</b>	<ul style="list-style-type: none"> <li>• No additional documents are provided for the panel’s consideration</li> </ul>
<b>Report prepared by</b>	Ben Jones – Senior Town Planner, Hornsby Shire Council
<b>Report date</b>	15 March 2021

## **SUPPLEMENTARY REPORT AND RECOMMENDATION**

Council and the applicant have reviewed the recommended conditions of development consent contained within Schedule 1 of the Planning Report, prepared by Council and submitted to the Panel for consideration on 5 March 2021.

Agreement has been reached on all conditions, with the exception of Condition 2 and Condition 57 which remain in contention.

For Clarity, Condition 2 and Condition 57 read as follows:

### **2. Amendment of Plans**

- a) *To maintain acoustic privacy, the approved plans are to be amended as follows:*
- The entirety of the north facing ground floor “Verandah” as shaded in red on the approved “General Arrangement Plan - Ground” is to be converted into non-trafficable space, and access is to be restricted to maintenance personnel only.*
- b) *These amended plans must be submitted with the application for the Construction Certificate.*

### **57. On Site Car Parking Areas**

*To ensure that adequate car parking area is provided on site for the use of staff, students and teachers, all on site car parking spaces are to be made available for the parking of staff, student and teacher vehicles at all times. The restriction of use of any parking area or parking spaces is not permitted.*

Council provided a draft conditions list to the applicant on 19 February 2021 and on 23 February 2021 Council and the applicant met to discuss the draft conditions. Following the meeting on 23 February, the applicant provided the following recommended amendments to the wording of condition Nos. 2 and 57 for Council to review on 26 February 2021. The recommended amendments are as follows:

#### **Condition 2**

- *Request that condition 2 be deleted.*
- *Request that a supplementary condition be placed on the consent under ‘Operational Conditions’, which reads:*

#### **Use of Innovation Hub Veranda**

*To ensure that the use of the Innovation Hub veranda does not result in additional acoustic impacts to nearby sensitive receivers, ongoing acoustic monitoring is to be undertaken by the applicant at no cost to Council. This monitoring must involve the following:*

- a) *Continuous noise logging at one location on the northern boundary of the College opposite the proposed veranda for a period of 3 months (specified period) once the Innovation Hub is operational.*
- b) *A report summarising noise levels measured by the noise logger will be presented to Council every 2 weeks thereafter for the specified period.*
- c) *The report is to include:*

- i) *Summary of noise emissions against those predicted within the Norman Disney Young Acoustic Report dated 3/12/2020 approved by this consent.*
- ii) *Identification of any exceedances of noise emissions.*
- iii) *Weather conditions during logging period.*
- iv) *Commentary on the use of the veranda during the logging period.*

**Note**

- *Noise levels are to be measured as A-weighted equivalent continuous sound levels LAeq over 15 minute time periods*
- *Once the specified period has completed, if Council received complaints suggesting unreasonable noise is resulting from the use of the veranda, noise logging shall be undertaken for an additional period of 1 month. Reporting is to comply with the above noted reporting requirements to the satisfaction of Councils Development Compliance Team.*

**Condition 57**

- *Request that condition 57 be amended to read as follows:*

**57. On Site Car Parking Areas**

*To ensure that adequate car parking area is provided on site for the use of staff, students and teachers, all on site car parking spaces are to be made available for the parking of staff, student and teacher vehicles at all times. The restriction of use of any parking area or parking spaces is not permitted, other than for Car Park A, whereby bollards can raise:*

- a) *no earlier than 2:45pm, and*
- b) *lower no later than 3:30pm*

*to restrict vehicle movements in and out of the car park for a maximum period of 45 minutes to ensure safety of students accessing the bus stop.*

*The reason for this condition is to ensure the car park will still serve its intended purpose of enabling on site car parking, while limiting vehicle / children interactions during the busiest period of the day.*

Council reviewed the proposed condition amendments put forward by the applicant, and does not support the proposed changes as discussed below:

**CONDITION 2 – AMENDMENT OF PLANS**

A limited monitoring period is not considered to be satisfactory to ensure that the amenity of adjoining properties would be adequately maintained in the long term as there is no guarantee that the verandah would be utilised in a manner consistent with the long term vision during the assessment period. Council also notes that the recommended condition fails to identify what would occur if noise levels were unsatisfactory during the monitoring period and does not adequately address how noise levels would be controlled in the long term.

Having regard to the impracticalities of imposing enforceable restrictions on speech levels, the number of persons conversing simultaneously and/ or the position of those persons on the veranda relative to the northern boundary, a plan of management condition of consent is not considered to be a viable solution to control noise generated from use of the proposed veranda and consequently, Council maintains its position that the verandah should be converted into non-trafficable space.

#### **CONDITION 57 – ON SITE CAR PARKING AREAS**

Council does not consider that the use of bollards would be an appropriate solution to permit children to access the bus stop via the car park area.

Council considers that children should be encouraged to access the bus stop by other routes to avoid the potential for vehicular conflict within Carpark A. Further, it is noted that the placement of bollards at the entrance to Carpark A would not prevent vehicles from manoeuvring internally within the car park during the specified period. At the time of writing, Council has not viewed any supporting material from a qualified traffic engineer or consultant that would support the proposed amendments and consequently, Council does not support the proposed changes.

#### **CONCLUSION**

The applicant's proposed modifications to Conditions 2 and 57 are not supported by Council. Consequently no changes are recommended to the recommended Conditions listed at Schedule 1 of the Planning Assessment Report, prepared by Council, dated 5 March 2021.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

#### **RECOMMENDATION**

THAT the Sydney North Planning Panel approve Development Application No. DA/509/2020 for demolition of two education buildings and construction of an 'innovation hub' educational building within existing educational establishment at Oakhill College, Lot 1370 DP 1063007, No. 423-521 Old Northern Road, Castle Hill subject to the conditions of consent detailed in Schedule 1 of the assessment report dated 5 March 2021.