

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	22 July 2020
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Mark Bennett
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Brian McDonald declared a conflict of interest having provided heritage advice to council on this application.

Public meeting held by Public Teleconference on 22 July 2020, opened at 1.15pm and closed at 1.40pm.

#### MATTER DETERMINED

PPSSNH-54 – Hunters Hill – DA2019/1129 at Lots 1 & 2 of DP 527024 Mark Street Hunters Hill for the redevelopment of St Joseph's Memorial Pool (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 site is known as St Joseph's College Mary Street, Hunters Hill and comprises an area of 7.4 hectares. The existing school site includes a number of school buildings, a 55 yard or Empire Pool standard swimming pool, playing fields and landscaped areas. The entire site is heritage listed but the four storey main school building, chapel and sandstone boundary walls have the most significance.

In November 2019, St Josephs College submitted plans and documentation for a development proposal to replace the existing swimming pool, construct a new two storey multi-purpose building and landscape works. Following a preliminary assessment by Council, the applicant lodged amended plans and additional supporting information in April 2020.

The amended plans included a reduction in the size of the new swimming pool and an increase in the street setback of the multi-purpose building from 4m to 7m. The increased setback enabled the retention of two large trees, which currently have significant streetscape value.

The proposal will not increase student or staff numbers at the school but there will be extended use of the facility, as the pool will be heated.

The proposal is permissible under the zoning and it generally complies with ISEPP. It complies with the relevant planning objectives contained in Hunters Hill Local Environment Plan 2012 and Hunters Hill Consolidated Development Control Plan 2013.

The proposal will not have any significant adverse effects on the amenity of adjoining properties and it will not have an unreasonable impact on the heritage significance of the site or nearby heritage items.

Notwithstanding the above, information is still required from the applicant in relation to the Indicative Usage Profile of the facility and updated engineering drawings to reflect the amended design of the pool and multi-purpose building. These deficiencies have been addressed in amended conditions.

## CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments:

- Deferred Commencement Condition 1 to be deleted and replaced with new Operational Condition 43(3) to read as follows:

*The engineering plans listed in the table below shall be revised to be consistent with the approved design of the pool and multi-purpose building; and be submitted to Council prior to the issue of a construction certificate.*

<b>Drawing Name- Number</b>	<b>Drawn by</b>	<b>Plan Dated</b>	<b>Council Dated</b>
Site Layout - Dwg No. P002 - Rev C	FMG Engineering	June 2019	
Pool Structural Layout - Dwg No. P003 - Rev C	FMG Engineering	June 2019	
Water Polo Pool Layout - Dwg No. P004 – Rev C	FMG Engineering	June 2019	
25m Lap Pool Layout - Dwg No. P005 - Rev C	FMG Engineering	June 2019	
50m Lap Pool Layout -Dwg No. P006 – Rev C	FMG Engineering	June 2019	
Tile Jointing Layout – Dwg No. P007 – Rev C	FMG Engineering	June 2019	
Suction Layout Schematic -Dwg No. P008 -Rev C	FMG Engineering	June 2019	
Filtered Water Return Layout Schematic - Dwg No. P009 – Rev C	FMG Engineering	June 2019	
Tile Jointing Layout – Dwg No. P015 Rev C	FMG Engineering	June 2019	
Cover Sheet General Notes & Drawing List Dwg No.C01 Rev A	FMG Engineering	Sept 2019	
Civil Concept Layout Drawing No C02 Rev B	FMG Engineering		

**Reason:** To ensure the engineering plans are consistent with the amended architectural plans.

- Deferred Commencement Condition 2 to be deleted and replaced with new Operational Condition 62 to read as follows:

*A revised 'Indicative Usage Profile' providing details of the occasions for community use of the proposed pool and multi-purpose building shall be submitted to Council prior to the issue of an Occupation Certificate.*

*The Indicative Usage Profile is to be reviewed by the school/college at least every three years and any amendments are to be submitted to Council for Council's records.*



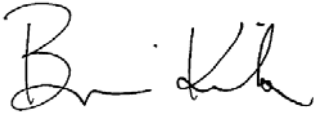

**Reason:** Clause 35(6) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 requires that before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

- the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*
- whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

These amendments ensure the applicant submits engineering plans to reflect the amended design of the pool and multi-purpose building setback and also regularly updates the facility usage profile and provides that information to Council.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions from one objector, who raised concerns covering traffic and parking, visual bulk streetscape impact, privacy and solar impact. The Panel considered the concerns raised by the community member have been appropriately addressed in the assessment report and the applicant's amended plans.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Mark Bennett

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-54 – Hunters Hill – DA2019/1129
2	PROPOSED DEVELOPMENT	Memorial Pool Redevelopment – demolition of existing swimming pool and ancillary buildings, construction of new swimming pool, multi-purpose building and landscaping.
3	STREET ADDRESS	Lots 1 & 2 DP 527024 Mark Street Hunters Hill
4	APPLICANT/OWNER	St Joseph's College, Hunters Hill
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Hunters Hill Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Hunters Hill Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 10 July 2020</li> <li>Written submissions during public exhibition: 1</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – John McFadden (consultant planner for council)</li> <li>On behalf of the applicant – Richard Quinn, Sandra Robinson</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Electronic Briefing: 3 July 2020 <ul style="list-style-type: none"> <li><u>Distributed to Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Mark Bennett</li> </ul> </li> <li>Final briefing to discuss council's recommendation, 22 July 2020 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Mark Bennett</li> <li><u>Council assessment staff</u>: John McFadden (consultant planner for council), Steve Kourepis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report