

DATE OF DETERMINATION	7 December 2022
DATE OF PANEL DECISION	6 December 2022
DATE OF PANEL MEETING	6 December 2022
PANEL MEMBERS	Helen Lochhead (Chair), Heather Warton, Susan Budd
APOLOGIES	Bilal El-Hiyak, Charlie Ishac
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 30 November 2022.

MATTER DETERMINED

PPSSSH-113 - Canterbury- Bankstown - DA-362/2022 - 55 Macdonald Street, Lakemba - Demolition of existing structures and construction of a two storey classroom building and use as an educational establishment, with student and staff amenities, pathway connection to the adjacent school property, increase in student numbers, associated signage and landscape works.

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 refuse 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 refuse the application for the following reasons:

1. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, has not adequately addressed s3.36(6) of State Environmental Planning Policy (Transport and Infrastructure) 2021 as it is not consistent with the SEPP's design quality principles with respect to the following:
 - Principle 4 (Health and Safety)
 - Principle 5 (Amenity).
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives of the Canterbury Development Control Plan 2012, including:
 - Part B1.1, Objective 1: To provide adequate car, bicycle and service vehicle facilities for the building users and visitors, depending on building type and proximity to public transport.
 - Part B1.1, Objective 3: To minimise overflow parking and other traffic impacts in residential streets and neighbourhoods.
 - Part F8.1, Objective 1: To reduce unreasonable amenity impacts on surrounding residents caused by non-residential uses.
3. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury Development Control Plan (2012), including:
 - Part B1.3.1 (C1) – General Parking Rates
 - Part F8.2 (C2) – Non-Residential Development in Residential Zones: General Controls

4. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory as the amount of traffic likely to be generated by the proposed development will impact on the movement of traffic in the local road system.
5. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development.
6. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is unsatisfactory and is likely to adversely impact on the amenity of adjoining residential development.
7. Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

The Panel noted the development application does not reflect the approved school student population of approximately 500 students (DA approvals in 2009 and 2014) . It is noted in the traffic report that the the current school population is over 900 students. The proposal is for an additional 200 students. The applicant needs to seek approval for the existing operating conditions before further applications can be considered noting that traffic, parking and congestion are already problematic in the vicinity.




Additional material provided to the Council after the finalisation of the Council's assessment report indicates that the applicant is capable of addressing the other recommended reasons for refusal in the assessment report, but the traffic and parking impacts have not been adequately addressed.

The Panel noted the current shortfall in on-site parking on the existing school premises, the increase in student population in the current application, and the failure to provide additional on-site parking to meet the projected needs of the additional students and staff. The Panel considers that the impacts from the additional traffic movements and on-street parking in the vicinity of the school are unlikely to be addressed satisfactorily through a Traffic Plan of Management.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the one written submission made during public exhibition. The panel notes that issues of concern included traffic impacts and need for additional schools.

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.

PANEL MEMBERS	
Helen Lochhead (Chair) 	Heather Warton 
Susan Budd 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-113 - Canterbury- Bankstown - DA-362/2022
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a two storey classroom building and use as an educational establishment, with student and staff amenities, pathway connection to the adjacent school property, increase in student numbers, associated signage and landscape works.
3	STREET ADDRESS	55 Macdonald Street, Lakemba
4	APPLICANT/OWNER	Applicant: Crawford Architects Pty Ltd Owner: Rissalah College Limited
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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy No. 64 Advertising and Signage State Environmental Planning Policy (Biodiversity and Conservation) 2021 Canterbury Local Environmental Plan 2012 Draft environmental planning instruments: Draft Consolidated Canterbury Bankstown LEP Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 30 November 2022 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"> Kick Off Briefing: 21 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton <u>Council assessment staff</u>: George Gouvatsos, Christine Sison, Bob Steedman <u>Applicant representatives</u>: Tony Gray, Kristy Hodgkinson, Yeliz Yilmaz, Ayeshah Klink Assessment Briefing: 6 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: George Gouvatsos, Christine Sison, Bob Steedman, Ian Woodward ○ <u>Planning Panel Secretariat</u>: Sharon Edwards and Carolyn Hunt • Final briefing to discuss council's recommendation: 6 December <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Susan Budd ○ <u>Council assessment staff</u>: Christine Sison, Bob Steedman and Ian Woodward ○ <u>Applicant representatives</u>: Tony Gray, Kristy Hodgkinson, Yeliz Yilmaz, Ayeshah Klink ○ <u>Planning Panel Secretariat</u>: Leanne Harris
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable